Re Cheng Su Yin Judy
[2002] SGHC 253

Case Number : AAS No 213 of 2002, SIC No 4129 of 2002

Decision Date : 29 October 2002

Tribunal/Court : High Court

Coram : Choo Han Teck JC

Counsel Name(s) : Cheong Yuen Hee (Y H Cheong) instructed counsel, and Subbiah Pillai (Pillai & Pillai) for the applicant; Lee Yean Yean for Attorney-General's Chambers; Chu Sooi Yoon and Ho Meng Third for the Law Society of Singapore

Parties : Re Cheng Su Yin Judy

Legal Profession – Application for part-call – Whether application may be made by person who is not applicant's pupil-master – Whether pupil's right of audience granted pursuant to a part-call application continues after pupillage ends – s 32 Legal Profession Act (Cap 161, 2001 Rev Ed)

Judgment

GROUNDS OF DECISION

1. This was the petition of Judy Cheng Su Yin who was a pupil of Mr Kang Kim Yang in the firm of Joseph Tan Jude Benny. She completed her pupillage on 26 July 2002 and had since left the firm. She filed her petition for admission to the Bar as an advocate and solicitor on 1 October 2002. By a summons-in-chambers filed on 7 October 2002 Mr Subbiah Pillai of Pillai & Pillai applied for an order permitting Miss Cheng limited audience before the courts, that is, before a judge or registrar in chambers, a district court judge or registrar in chambers, and a district judge or magistrate to mention a case or to apply for bail. Such applications are not uncommonly made and are usually referred to as "applications for 'part-call'". This present application is unusual because the applicant is not the pupil-master of Miss Cheng Mr. Pillai made this application before me so that Miss Cheng may appear in court on behalf of his firm. In his submission, Mr. Pillai stated that Miss Cheng did not petition for admission to the Bar after her pupillage because she "wanted to gain more experience". She thus worked as a paralegal until Mr. Pillai employed her.

2. The Attorney-General, the Law Society of Singapore and the Board of Legal Education opposed the application for 'part-call'. The reason, they say, is that Miss Cheng could only make this application under s 32(3) of the Legal Profession Act, Ch 161 which provides as follows:

> "A Judge may, if he thinks fit, on the application of a solicitor who is a master under Part II allow his pupil who has completed not less than 4 months of his pupillage to appear on behalf of the master or the firm in which the master is a partner or consultant, or the law corporation in which the master is a director or consultant or an employee, before –
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> (a) a Judge or Registrar in Chambers;
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> (b) a District Judge or the Registrar of a District Court in Chambers; and
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> (c) a District Judge or Magistrate to mention a case or to

apply for bail."

3. It is not disputed that Mr Pillai who appeared on behalf of Miss Cheng is not (and was not) the applicant's pupil-master. Miss Cheng completed her pupillage with Mr Kang of Joseph Tan Jude Benny from 15 January 2002 to 26 July 2002.

4. It seems clear to me that s 32(3) creates a very narrow exception to the rule under s 32(1) that no one may practise as an advocate and solicitor unless he has been admitted to the Bar as such. The words of s 32(3) are precise and there is no room for me to broaden the exception. Section 32 only permits the pupil-master to apply for his pupil to appear in the limited extent granted under subsection (3). Mr Pillai, not being the pupil-master of Miss Cheng is not entitled to make this application on her behalf.

5. I agree with the submission of Miss Chu, for the Law Society of Singapore, that the purpose of s 32(3) is to give a pupil (who had completed four months of pupillage) the opportunity of appearing in court, in limited instances and under supervision of her pupil-master, as part of the process of preparing that pupil for her eventual admission to the Bar. The right of audience under s 32(3) is therefore a right conferred at the discretion of the court as part of the pupil's training under the pupillage of her pupil-master. When the pupillage ends, the right under s 32(3) also ends.

6. Mr. Pillai argued that the objections of the other parties were technical in nature. He argued that the pupillage period of six months is only a minimum period. He submitted, in an indirect way, that Miss Cheng is, in effect, still a pupil receiving instructions from him. With respect, this argument is not tenable. No one may act as a pupil-master unless the requisite approval to do so has been obtained and, under s 13 of the Act, the prescribed period of pupillage is six months. In Miss Cheng's case, s 13(6) and s 14 do not apply. There is no approval or any application by Mr. Pillai for him to act as Miss Cheng's pupil-master. I am afraid that I shall have to disagree with Mr. Pillai's argument that the objections are merely technical. The Legal Profession Act clearly does not permit a person who had been given a right of limited audience under s 32(3) to carry on appearing indefinitely in court, even in those limited circumstances, if she is not called to the Bar after her period of pupillage had ended. These rules which Mr. Pillai says are technical in nature are designed as part of the statutory control over the right of audience in court, and the rules must be strictly followed except where the court is given a discretion to abridge or extend time as the case may be, or in any other matter permitted by the rules or statutory provision.

7. Arising from what I have said above, it appears that a pupil who had been granted a limited right of audience in a part-call may not continue to exercise that right once her pupillage ends. This would be so even if she, unlike Miss Cheng in the present case before me, remains with her pupil-master's firm, waiting for her formal admission to the Bar.

8. This application is therefore dismissed. I shall hear the question of costs at a later date if parties are unable to agree costs.

Sgd:

Choo Han Teck

Judicial Commissioner