**IN THE GENERAL DIVISION OF**
**THE HIGH COURT OF THE REPUBLIC OF SINGAPORE**

**[2023] SGHC 129**

Admission of Advocates and Solicitors 530 of 2022

In the matter of Section 12 of the Legal Profession Act 1966

And

In the matter of Rule 25 of the Legal Profession (Admission) Rules 2011

And

In the matter of Suria Shaik Aziz

Suria Shaik Aziz

… *Applicant*

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# GROUNDS OF DECISION

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[Legal Profession — Admission]

# *Re* Suria Shaik Aziz

**[2023] SGHC 129**

General Division of the High Court — Admission of Advocates and Solicitors No 530 of 2022
Sundaresh Menon CJ
11 April 2023

5 May 2023

**Sundaresh Menon CJ:**

## Introduction

1 HC/AAS 530/2022 ("AAS 530") was an application by Mr Suria Shaik Aziz (the "Applicant") for admission as an Advocate and Solicitor of the Supreme Court. By the time the matter came before me, there were no objections to the application. However, I was not satisfied that the Applicant sufficiently appreciated the ethical implications of his misconduct some years earlier whilst still a law student, which had been disclosed in his affidavit in support of the admission application. I took the view that the Applicant would benefit from taking more time to sharpen his awareness of the ethical implications that inhere in the decisions and choices that he will have to make as an Advocate and Solicitor in Singapore. When I informed the parties of my view, the Applicant sought leave to withdraw his application, which I granted subject to his undertaking not to bring a fresh application for admission to the roll of Advocates and Solicitors in Singapore or to the bar in any other

jurisdiction for a period of four months from the date of the hearing. I gave brief reasons for my decision and now provide the detailed grounds of my decision.

**Brief facts**

2 The Applicant graduated from the University of Tasmania (the "University"). In 2016, during his last semester at the University, he took the International Trade Law module (the "Module") under Professor Anja Hilkemeijer ("Professor Hilkemeijer"), for which he had to submit a research paper that accounted for 60% of his grade for the Module (the "Research Paper").

3 I was given to understand that the University used an internet-based service known as "Turnitin" to screen for possible instances of plagiarism in the work that was submitted by its students.

4 On 13 September 2016, the Applicant submitted a research outline (the "Research Outline") for the Research Paper. This appears to have been a preparatory submission that was required by Professor Hilkemeijer to ensure that the eventual paper would be viable and on the right track. The Research Outline was therefore not meant to be graded, and perhaps because of this, the document submitted by the Applicant was extremely brief, its predominant content being a table. It was nevertheless screened by Turnitin which revealed that the table was lifted from an internet source ("www.ids.ac.uk") without any attribution of the source. This prompted Professor Hilkemeijer to make the following observations to the Applicant:

> *[M]assive copying – entire table is lifted from elsewhere without quotation marks and acknowledgment.*
>
> *Please read the warnings in the unit outline of the seriousness of breaches of the rules of academic integrity.* This is not a piece of

> assessment but if it had been *there would be very serious repercussions.*
>
> …
>
> [emphasis added]

5 On 28 October 2016, the Applicant submitted the Research Paper, after he had been granted some time extensions by Professor Hilkemeijer on account of some medical issues that he had to deal with at the time. The Turnitin report for his Research Paper revealed a similarity index of 42%. Although the full version of the Research Paper was not before me, the excerpts from the Turnitin report showed that substantial portions of the Research Paper had been lifted from the internet without proper attribution of the sources. In the course of the hearing, the Applicant informed me that he had checked this himself prior to submitting the Research Paper and was aware of the very high similarity index reported by Turnitin.

6 On 31 October 2016, Professor Margaret Otlowski ("Professor Otlowski"), the Head of School of the University's Faculty of Law at the material time, informed the Applicant that there was an allegation of academic misconduct against him and asked to meet him to discuss the matter.

7 On 3 November 2016, the Applicant met Professor Otlowski and explained that he had been rushing to meet the deadline for the Research Paper and that he did not have sufficient time to complete his referencing when he uploaded his incomplete research paper. He also told her that he had no "malicious intention to pass off anyone else's work as [his] own and that [he] merely had an incomplete paper that was not appropriately referenced".

8 On 4 November 2016, the Applicant received a letter from Professor Otlowski regarding the academic misconduct determination (the "Letter"). The material parts of the Letter are reproduced below:

> … I find therefore, that the allegation of academic misconduct has been substantiated. I base my finding on the following:
>
> i) The allegation of academic misconduct is your failure to acknowledge sources for your International Trade Law Research Paper (LAW663) and that by this action you intended to gain for yourself an academic advantage to which you are not entitled.
>
> ii) You were provided with a copy of the Turnitin report for your International Trade Law Research Paper and in the course of our meeting I identified areas of your paper where *whole paragraphs had been adopted, in some cases with minor rewording, from website sources with no acknowledgment, and in other cases, only indirect acknowledgment – not referring to the precise source and not indicating extensively quoted material with quotation marks as required.*
>
> iii) *Although you asserted that you did not intentionally wish to represent the work of others as your own, given the repeated warnings about plagiarism, including from the unit coordinator in response to earlier drafts, and your extensive reliance on attributed material (42% matching overall and which is concentrated in particular pages of your assignment)*, I have come to the conclusion that your actions amount to academic misconduct.
>
> …
>
> [emphasis in original omitted; emphasis added in italics]

9 As a result of his academic misconduct, the Applicant received a letter of formal reprimand from the University. He was instructed to submit a revised version of his research paper (the "Resubmitted Paper"). This was done on 9 November 2016. The Resubmitted Paper complied with referencing requirements, but the mark received was insufficient for an overall pass in the Module. The Applicant was therefore given an additional opportunity to complete a supplementary assessment in the form of a further essay, which was completed satisfactorily.

10 The University's records revealed no other finding of academic or general misconduct against the Applicant. The Applicant has since completed his Part A and Part B examinations satisfactorily, without any complaints of dishonesty or misconduct.

**Events leading up to AAS 530**

11 On 13 June 2022, the Applicant filed an Originating Application to be admitted as an advocate and solicitor in Singapore. On 20 June 2022, by way of HC/SUM 2270/2022 ("SUM 2270"), the Applicant applied to be part called under s 32(3) of the Legal Profession Act 1966 ("LPA") ("Part Call Application"). He did not disclose the plagiarism incident in his affidavit for his Part Call Application ("Part Call Affidavit"). Since there were no objections from the Attorney-General (acting by his Chambers and referred to herein for convenience as the "AGC"), the Law Society of Singapore (the "Law Society"), and the Singapore Institute of Legal Education (the "SILE") (collectively, the "Stakeholders"), Choo Han Teck J granted the Applicant an order in terms for the Part Call Application on 12 July 2022.

12 On 19 September 2022, the Applicant filed his affidavit for admission ("Admission Affidavit") in which he disclosed the plagiarism incident. He characterized the incident as a "[f]ormal reprimand by [the] University of Tasmania in November 2016 for failure to acknowledge sources for [his] International Trade Law Research Paper".

13 On 26 September 2022, the AGC requested the Applicant to file a supplementary affidavit to provide more information and documents on the plagiarism incident ("Supplementary Affidavit"). The Applicant filed the Supplementary Affidavit on 29 September 2022. He explained that he had had to deal with some health issues in 2016 as a result of which he had insufficient

time to complete the work of referencing and sourcing the materials that he had referred to in the Research Paper. He attached as exhibits to the Supplementary Affidavit (a) medical certificates evidencing his absence from school for various relatively brief periods in 2016; (b) the Letter from Professor Otlowski; (c) the Turnitin report for the Research Paper which included excerpts of the Research Paper; and (d) the Revised Research Paper.

14 On 30 September 2022, the AGC emailed the Applicant and asked him to elaborate on, among other things, the nature of the "repeated warnings about plagiarism" mentioned by Professor Otlowski in the Letter, and why he had not mentioned these "repeated warnings" in his Supplementary Affidavit.

15 On 2 October 2022, the Applicant replied and explained that the "repeated warnings" likely referred to Professor Hilkemeijer's feedback in relation to his Research Paper Outline. He explained that he had not mentioned this in his Admission Affidavit or Supplementary Affidavit because the Research Outline was not graded. He also said that he could not remember the incident clearly because it had occurred in 2016.

16 On 4 October 2022, the AGC applied to adjourn the Applicant's admission application in AAS 530 for one month to further look into the matter, and to contact the University for clarifications. The court allowed the AGC's application and refixed AAS 530 for hearing on 9 November 2022 instead of 12 October 2022.

17 From 11 October 2022 to 17 October 2022, the AGC liaised with Mr Gino Dal Pont, the Interim Dean of the University's Faculty of Law, to obtain information as to the details of the Applicant's misconduct, the key aspects of which have been summarized above at [2] to [10].

18 On 26 October 2022, the AGC filed its Notice of Objection and requested the Applicant to apply to adjourn his application for at least four months from 9 November 2022. The Applicant agreed to this and accordingly applied to adjourn his admission hearing on 31 October 2022. This was granted on 1 November 2022, and a case management conference ("CMC") was fixed for hearing on 28 February 2023.

19 On 28 February 2023, at the CMC, the AGC indicated that it was no longer objecting to the admission application and would withdraw its Notice of Objection upon the Applicant filing a further affidavit confirming that no new fact had arisen since his previous affidavit that might affect his suitability for admission. The Applicant duly filed the further affidavit ("Second Supplementary Affidavit") on 14 March 2023. Leave was then granted for the AGC to withdraw the Notice of Objection on 21 March 2023, and this was done on 31 March 2023. The other stakeholders also indicated that they had no objections to the Applicant's application.

**General principles**

20 As I held in *Re Wong Wai Loong Sean and other matters* [2022] SGHC 237 ("*Re Wong Wai Loong Sean*") and *Re Tay Jie Qi and another matter* [2023] SGHC 59 ("*Re Tay Jie Qi*"), the central inquiry in admission applications, where there is no question as to the applicant's competence or qualifications, is whether the applicant in question is suitable for admission in terms of her character. Where there have been one or more incidents of misconduct suggesting the need to drill further into this issue, the court will have to examine (*Re Wong Wai Loong Sean* at [3]; *Re Tay Jie Qi* at [3]):

(a) the circumstances of the applicant's misconduct;

(b) her conduct during the initial investigations;

(c) the nature and extent of subsequent disclosures made in her application for admission;

(d) any evidence of remorse; and

(e) any evidence of efforts planned or already initiated towards rehabilitation.

21 These may be seen as signposts that can inform the court of the nature and severity of the applicant's character issues, whether there is a need for a deferment of her admission and if so, the amount of time she will likely need to resolve those character issues.

22 Although the maintenance of a clean record after the applicant's wrongdoing can be a weighty factor that the court may take into account in determining whether the applicant has shown genuine remorse (*Re Tay Jie Qi* at [15]), it does not detract from the central inquiry, which is whether the applicant has sufficiently reflected on her wrongdoing and gained sufficient insight into how and why she had gone wrong so as to provide adequate assurance that the issue has been recognised and is not likely to recur. True reflection and insight goes beyond merely realising that one's actions are wrong or against the rules; it extends to understanding *why* one's actions are wrong, the *rationale* behind the rules and the *effect and consequences* of not adhering to those rules. Such understanding is a necessary prerequisite to true rehabilitation and transformation. Therefore, even where an applicant has maintained a clean record after the misconduct in question, it remains necessary for the court and the Stakeholders to carefully assess the applicant's appreciation and insight into her wrongdoing by the time of the application for admission.

23 This follows from a more basic point which I have made on previous occasions, which is that the purpose of a deferment in admission applications is *rehabilitative*, not *punitive* (*Re Wong Wai Loong Sean* at [27]). Where the deferment is seen, even subconsciously, through a punitive lens, there can arise a tendency to fall into the misguided notion that once a given period of deferment has run its course, the applicant should be free to pursue the admission application. That is not correct. Deferment in admission applications is *not* a matter of routine — the need for deferment, its appropriate duration, and where it has expired, its efficacy, must all be carefully assessed in every case. The question for the court and the Stakeholders to consider is *not* whether the applicant has been sufficiently punished for her misconduct, but rather, whether the applicant has sufficiently reformed her character issues and demonstrated her suitability to shoulder the weighty responsibilities that come with being an Advocate and Solicitor in Singapore.

**Whether the Applicant is a fit and proper person to be admitted**

24 In the present case, I was of the view that the Applicant was not a fit and proper person to be admitted at this time, considering (a) the nature and seriousness of the Applicant's misconduct; (b) his conduct in the initial investigations; and (c) the extent of and the circumstances surrounding the disclosures of the misconduct. As I will elaborate below, the central issue in my view, was that the Applicant demonstrated a continuing lack of appreciation of the ethical implications of his misconduct. For this reason, I considered that he would benefit from taking some more time for further reflection and rehabilitation.

***Nature of misconduct***

25 In my judgment, the first inquiry in this case was to determine the precise nature of the Applicant's misconduct. I mean this, not in terms of the label to be applied to the misconduct, but rather of ascertaining its real essence. Specifically, the question before me was whether the Applicant intended to or appreciated that he would pass the plagiarised materials off as his own in his Research Paper, or whether his mistake was limited to an innocent omission to cite the appropriate sources for these materials. The former would suggest dishonesty, while the latter might suggest a lack of attention to detail, or even neglect or sloppiness. Which of these it was, is a matter of inference for me to determine in light of all the materials that were before me. The determination of the exact nature of the Applicant's misconduct would also impact my assessment of the adequacy of his disclosures and the extent of his remorse.

26 As I have noted above, during the hearing of AAS 530 on 11 April 2023, the Applicant indicated that he was aware of the high similarity index that was reflected in the Turnitin report at the time he submitted the Research Paper. He also accepted that the *effect* of his act in submitting the Research Paper without proper referencing was that he passed off the work of others as his own. However, he contended that (a) he did not appreciate that this was the effect of his act at the time he submitted the Research Paper; and (b) he was completely focused on submitting the paper within the extended timeline, even though, given the high similarity index, he did not expect that the paper would get a passing mark.

27 I was unable to accept the Applicant's contentions. Taking the second point first, if the Applicant indeed was not expecting to get a passing mark for his Research Paper, it made no sense to me that he would have gone ahead and

submitted it. This would have been an exercise in futility. To be fixated on meeting a deadline by submitting a paper that one knows is inadequate makes no sense. More importantly, given the warnings he had already received about plagiarism being wholly unacceptable and being visited with dire consequences, if indeed he was fully aware that there was a potential problem given the high similarity index, then it goes even beyond an exercise in futility to submit the paper, for he would be running the risk of consequences that were far worse than failing a module. In my judgment, the Applicant submitted the paper hoping, if not, expecting that it would yield a passing mark, and he did so either without having first screened it using Turnitin, or alternatively, hoping that for some reason, the University would not screen it or take issue with the high similarity index. No other explanation was put forward that could account for what he did.

28 In so far as the Applicant relied on the applicable time constraints for his failure to properly attribute the sources in his Research Paper, I was not convinced by this explanation either. First, it did not appear to me to be a particularly time-consuming task to note down the citations for the very materials he had copied from the internet. Second and more importantly, the Applicant's focus on the lack of proper footnoting and citations seemed to me to miss the true impropriety of his conduct. It seemed to me that the main issue lay in the fact that a significant portion of his Research Paper was lifted in its entirety from the internet. As Professor Otlowski stated in the Letter, "*whole paragraphs had been adopted, in some cases with minor rewording, from website sources with no acknowledgment*, and in other cases, only indirect acknowledgment" [emphasis added] (see [8] above). These copied passages were thus not presented in his Research Paper as quotes, but as analytical content. And the fact that there was "minor rewording" in some instances makes this even more troubling. In these circumstances, I was unable to accept his

explanation that he merely submitted an "incomplete paper" and that he did so because he was anxious not to miss the deadline.

29 Turning to the Applicant's first point, namely that he did not appreciate the effect of his act at the time he submitted the Research Paper, I also had difficulties with this contention. The Applicant had been specifically warned about the serious consequences of plagiarism a few weeks earlier by Professor Hilkemeijer when he submitted the Research Outline. To recapitulate, Professor Hilkemeijer had expressly warned the Applicant that there was "massive copying" in his Research Outline and reminded the Applicant to "read the warnings in the unit outline of the seriousness of breaches of the rules of academic integrity" (see above at [4]). In these circumstances, it cannot be denied that the Applicant (a) knew he had copied a significant amount of materials from the internet in his Research Paper; (b) knew he did not provide proper citations for these materials; and (c) understood the express warnings from Professor Hilkemeijer about the consequences of plagiarism for the Research Outline. In these circumstances, I was unable to see how the Applicant could fail to appreciate the effect of his act (namely, that he was passing the work of others as his own), and the gravity of this misconduct when he went ahead and submitted the Research Paper.

30 Given my finding that the Applicant knew he was passing the work of other as his own when he submitted the Research Paper, the two relevant possibilities that I must evaluate was whether:

(a) the Applicant submitted the Research Paper intending to deceive the University that the plagiarised materials were in fact his own work; or

(b) the Applicant submitted the Research Paper with extremely poor insight into the ethical implications of putting forward a paper that included significant portions that were not his work without reflecting this.

31 Counsel for Law Society, Mr Andrew Chua, suggested that I should see the Applicant's conduct as reflecting a lack of academic diligence rather than of academic integrity. I disagreed. The starting position in a case like this must be that a student who submits work that is to be graded does so on the basis it is that student's own work. It would be meaningless to speak of that work being graded otherwise. Of course, reference to the literature, including the work, ideas, and thoughts of others, is critical because it is an essential part of the learning process that the student understands the relevant work of others and responds to it. However, the work of others must always be sourced. Once a student is aware that he is submitting a paper that includes a significant proportion that is the work of others, some of it reproduced verbatim which has not been sourced at all, there is simply no room for viewing this in terms of a lack of diligence. It is either a lack of integrity or a failure to apprehend the ethical implications of one's actions, these being implications that any reasonable lawyer, whether qualified or aspiring, ought to see.

32 Counsel for the SILE, Ms Wong Li-Yen Dew ("Ms Wong"), likewise suggested that she thought there was no concern over integrity because (a) the Applicant had already been warned about the consequences of plagiarism; and (b) he was aware at the time he submitted the paper that if the University reviewed the essay using Turnitin, this would quickly flag the concern of plagiarism. Aside from the fact that this rested on the acceptance of the Applicant's assertion that he knew of the high similarity index that Turnitin would report when he submitted the paper, Ms Wong's position struck me as

curious because it seemed to proceed on the basis that because the Applicant knew there was a high chance of being caught, it was unlikely that the Applicant set out to do what he was later accused of doing and found by the University to have done. The University, with the benefit of all the material it uncovered, had concluded that the Applicant intended to pass off the work of others as his own. Yet, Ms Wong's position, without access to all the materials, seemed to be that this should not be accepted because the Applicant knew he could and would be exposed, and therefore he could not have done it. Further, her position ignored the fact that the Applicant unquestionably had copied the work of others and presented it in his paper and had not put forward any plausible explanation for why he did this. It was also problematic because this seems not to have considered the question of the adequacy of his ethical insight at all.

33 Returning to the two possibilities I have set out at [30] above, I was prepared to give the Applicant the benefit of the doubt and hold it was the latter because there was not enough material before me to find that he submitted the Research Paper intending to deceive the University. But even so, on this basis, there could be no doubt at all that the Applicant then lacked insight into the ethical implications of his misconduct. It also appeared to me that the Applicant's lack of insight persisted even until the time of his admission application. Specifically, the Applicant, in his Supplementary Affidavit, characterised his misconduct as follows:

> I have since had much time to reflect upon on my actions and its ramifications. *In hindsight I should have exercised due diligence in the completion of my course work by meticulously adhering to the rules set out by the university.*
>
> [emphasis added]

34 This suggested to me that the Applicant's conclusion, after all these years, was that he simply needed to follow the rules more carefully next time.

With respect, this missed the true learning point, which is to see beyond the rules, understand their rationale, and appreciate the gravity of passing the work of others off as his own. As I will go on to elaborate below, the Applicant's characterisation of his misconduct appeared to be an attempt to downplay his culpability, or at the very least, it demonstrated his utter lack of insight into the ethical implications of his misconduct. This in turn affected my assessment of his degree of remorse, his willingness to confront his mistake and his forthrightness in his disclosures.

***Conduct during initial investigations***

35 I turn to the Applicant's conduct during the initial investigations by the University. In the Applicant's Supplementary Affidavit, he stated that when he was confronted by Professor Otlowski regarding the allegation of academic misconduct, he explained to her that "[he] had been rushing the paper, and as the deadline grew closer, [he] did not have sufficient time to complete [his] referencing and had therefore uploaded an incomplete essay". He further stated that "[he] had no malicious intention to pass off anyone else's work as [his] own and that [he] merely had an incomplete paper that was not appropriately referenced" (see above at [7]). His explanation was rejected by Professor Otlowski given his extensive reliance on unsourced materials, and the repeated warnings he had previously received about the consequences of plagiarism (see above at [8]). Before me, he essentially repeated what he had said to Professor Otlowski and did nothing to explain why I should conclude that Professor Otlowski was wrong to conclude as she did.

36 In my view, the Applicant's conduct during the initial investigations was far from satisfactory. The Applicant's repeated characterization of his misconduct as the submission of an incomplete paper due to a lack of time

suggested to me that either (a) he was seeking to find excuses to downplay his culpability; or (b) he had not gained any insight about the ethical implications of his misconduct. This stood in stark contrast with that of the applicant in *Re Tay Jie Qi*. In that case, when Ms Tay Jie Qi was informed by the Singapore Management University ("SMU") that she may have violated SMU's Code of Integrity, she immediately admitted that she had taken some paragraphs from a research paper submitted by another student who had taken the module in a previous year. She also apologized and stated that she would accept any punishment for her misconduct (at [6]).

37 The Applicant's conduct during the initial investigation by the University drew some parallels with that of the applicant in *Re Tay Quan Li Leon* [2022] SGHC 133, where Mr Tay Quan Li Leon sought to downplay his culpability during the initial investigations by stating that the similarities in his script with another student's script were because they studied together and prepared notes together (at [2] and [7]). Even if the Applicant may not have gone as far as to lie to the University during the initial investigations, his unwillingness to confront his mistake openly suggested a lack of remorse, or at the very least, a lack of insight.

***The nature and extent of his disclosure in his admission application***

38 Before I turn to consider the nature and extent of the Applicant's disclosure in his admission application, I pause to note that the first affidavit filed by the Applicant in AAS 530 was his affidavit in support of SUM 2270, which was the Part Call Affidavit, and in which, he made no mention of the incident of plagiarism. Since there were no objections from the Stakeholders, the Applicant's Part Call Application was granted on 12 July 2022.

39 After reviewing the existing practice for part call applications, it appears to me that there is no explicit requirement for applicants to disclose any prior misconduct in their affidavits filed in support of a part call application ("part call affidavits"). Section 32(3) of the LPA, the applicable provision governing part call applications, sets out the requirement that a specified duration of practice training must have been completed (this being not less than three months), but says nothing about the other requirements for admission, such as that of "good character" as set out in s 13(*b*) of the LPA (see *Re Teo Jun Kiat, Evan (alias Zhang Junjie)* [2015] SGHC 274 at [12]). Furthermore, while the Second Schedule of the Legal Profession (Admission) Rules 2011 provides the template for admission affidavits which expressly requires the applicant to disclose any facts that may affect one's suitability to practice, there appears to be no such template for part call affidavits that requires the same. Even the Frequently-Asked-Questions page of the Law Society's website dealing with part call applications, says nothing about the applicant having to disclose any prior misconduct that may affect her suitability for practice.

40 In my judgment, the existing *practice*, in so far as it is based on the explicit requirements of s 32(3) of the LPA, is unsatisfactory because it fails to consider what, in my judgment, must self-evidently be the *implicit requirement* of every such application, namely that the applicant is a fit and proper person. An applicant who seeks to be part called should be subjected to the same scrutiny in relation to her character as an applicant who seeks to be admitted to the bar. This is so because a part call application, if granted, accords the applicant a limited right of audience to appear on behalf of his law practice before a judge or registrar (s 32(3) of the LPA). This essentially places the applicant in a position to represent her client's interest before a court and to assist in the administration of justice. Therefore, it is paramount that the court and the Stakeholders, as gatekeepers of the legal profession, be availed of all

relevant information of the applicant's character when determining whether to consent to the part call application.

41 However, given that this is only being clarified in this judgment, I disregard the fact that there was no disclosure of the plagiarism incident in the Applicant's Part Call Affidavit. Those who wish to be part called in the future should disclose any prior misconduct that may affect their suitability to practice at the first opportunity in their part call affidavits. A failure to do so may be a relevant consideration the court may later consider in determining the transparency of their disclosures when assessing their suitability to be admitted.

42 Turning to the nature and extent of the Applicant's disclosures in his Admission Affidavit and Supplementary Affidavit, I was also of the view that the Applicant had not been completely forthright in his disclosures. Although the Applicant disclosed his act of plagiarism for the Research Paper in his Admission Affidavit, he made no mention of the Research Outline incident and the warning he received from Professor Hilkemeijer.

43 The Applicant's explanations for his non-disclosure of the Research Outline incident were that (a) the incident happened in 2016 and he could not remember it clearly; (b) the Research Outline was ungraded; and (c) he had disclosed Professor Otlowski's Letter, which would have mentioned the previous warnings of plagiarism he had received.

44 These explanations were unsatisfactory in themselves. First, I did not accept that the Applicant did not recall the issue with the Research Outline. When he was questioned on what was set out in Professor Otlowski's Letter, he referred to the Research Outline. This was therefore not something that he was not conscious of. Second, regardless of whether the Research Outline was to be

graded, what is material is that Professor Hilkemeijer had admonished him for "mass-copying" and Professor Otlowski had characterized this as part of the "repeated warnings about plagiarism". Such information concerning the lead-up to his act of plagiarism in his Research Paper would have been relevant for the court and the Stakeholders to assess the overall severity of his misconduct. Once he made the disclosure concerning the Research Paper, it was incumbent on him to disclose the full context and the relevant surrounding circumstances, and on any reasonable basis, this would include the matters pertaining to the Research Outline.

45 Furthermore, even in his Supplementary Affidavit, the Applicant spent a significant portion explaining his health issues and the time constraints that resulted in him not having "sufficient time to sufficiently complete [his] referencing". He maintained this position at the hearing before me on 11 April 2023. However, as I have stated at [36] above, it appeared to me that the Applicant was seeking to downplay his culpability. To put it bluntly, if he had time to copy and use the work of others in his paper, I could not see how he could say he lacked the time to make it clear that he had done just that, by sourcing that work appropriately.

46 For all these reasons, I was of the view that the Applicant was not suitable to be admitted at this time.

**Conclusion**

47 I noted that the Applicant's admission hearing was initially fixed on 12 October 2022 and had already been adjourned for about six months to 11 April 2023. Nevertheless, given my finding that the Applicant still lacked the necessary insight into the ethical implications of his actions even at the

hearing of AAS 530, I was of the view that the Applicant would benefit from taking some more time to reflect on the points canvassed above.

48 I therefore granted leave to the Applicant to withdraw his application subject to his undertaking not to bring a fresh application to the bar in Singapore or elsewhere for a period of four months from today and to comply with any prevailing statutory or other requirements that the Stakeholders or the court may reasonably require in order to satisfy themselves that he is a fit and proper person to be admitted. At the time of the fresh application, the Applicant is also to provide any information pertaining to his efforts to enhance his understanding of the ethical implications of his actions in addition to any other requirements that may be applicable.

Sundaresh Menon
Chief Justice

Uthayasurian s/o Sidambaram and Divanan s/o Narkunan (Phoenix Law Corporation) for the applicant in AAS 530;
Lee Hui Min and Clement Lim Chau Jie (Attorney-General's Chambers) for the Attorney-General;
Andrew Chua (Drew & Napier LLC) and Darryl Chew (Chia Wong Partnership LLC) for the Law Society of Singapore;
Wong Li-Yen Dew (Dew Chambers) for the Singapore Institute of Legal Education.