

Wee Soon Kim Anthony v The Law Society of Singapore (Davinder Singh and another,
proposed interveners, Third Party) (No 5)
[2003] SGHC 32

Case Number : CA 600018/2001; BOC 306/2002
Decision Date : 21 February 2003
Tribunal/Court : High Court
Coram : Woo Bih Li J
Counsel Name(s) : Goh Aik Leng Mark (Goh Aik Leng & Partners) for the Appellant; Hri Kumar (Drew & Napier LLC) for the Interveners
Parties : Wee Soon Kim Anthony — The Law Society of Singapore — Davinder Singh and another, proposed interveners

Civil Procedure – Costs – Taxation – Application to review taxation of costs – Whether sum awarded fair and reasonable

1 This was a matter in which the Applicant Mr Wee Soon Kim Anthony had made a complaint to the Law Society of Singapore against two solicitors ('the Solicitors'). The complaint related to the preparation of affidavits for their clients which the Applicant alleged contained false statements.

2 An Inquiry Committee was constituted to investigate one of the complaints. Thereafter the Inquiry Committee recommended that the complaint be dismissed and the Council of the Law Society determined that a formal investigation by a Disciplinary Committee was not necessary.

3 Mr Wee then applied by way of Originating Summons No 37 of 2000 ('the OS') for an order under s 96(1) of the Legal Profession Act directing the Law Society to apply to the Chief Justice for the appointment of a Disciplinary Committee.

4 The Solicitors then applied ('the Application') to intervene in the OS, inter alia, on the grounds that they had an interest in the proceedings. An Assistant Registrar granted their application. Mr Wee's appeal to a Judge was dismissed. He then appealed successfully to the Court of Appeal. The Court of Appeal also ordered the Solicitors to bear the costs of the appeal as well as the proceedings below in relation to the Application.

5 Mr Wee then filed a Bill of Costs in respect of the order for costs made by the Court of Appeal. Under item 29 of his Bill of Costs, Mr Wee claimed \$25,000 as a disbursement for work done in the Application and the appeals therefrom. This item was allegedly for work done by a firm of solicitors K.S.Chia Gurdeep & Param ('K.S. Chia'). However, at all times, Mr Wee represented himself in the Application and the appeals.

6 An Assistant Registrar taxed off \$15,000 and allowed a sum of \$10,000 for item 29. The Solicitors were dissatisfied and sought a review by a Judge. The review came before me and after hearing arguments, I reduced the sum claimed by Mr Wee under item 29 to \$1,000 and ordered that he pay costs of the review which I fixed at \$300.

7 Mr Wee has appealed to the Court of Appeal against my decision.

My reasons

8 Item 29 was described in vague terms. It merely stated:

'M/s K.S. Chia, Gurdeep & Param's charges for work done in relation to this O.S and Civil Appeal 60018: \$25,000.'

9 There was no mention in item 29 of the nature of the work done, for example, was it for research into the law or photocopying of authorities or bundles of documents. The details of such work were also not given. There was also no mention of the dates when the work was done or the amount of time spent.

10 Secondly, the description of the work done included work done for the OS but the costs order in favour of Mr Wee was not in respect of the substantive OS but of the Application and the appeals.

11 At the hearing before the Assistant Registrar, Mr Wee did not produce any invoice from K.S. Chia to justify his claim for \$25,000. Instead he produced a letter dated 28 October 2002 from them to his current solicitors which stated:

'Messrs Goh Aik Leng & Partners

15 McCallum Street

#13-01 Natwest Centre

Singapore 069045

Dear Sirs

Civil Appeal No 600018 of 2001

1. We refer to your facsimile earlier today.

2. Please be informed that costs was paid to us for conducting meetings, rendering of legal advice, conducting researches, perusal and examination of documents, necessary correspondences, telephone calls, assisting in the preparation and filing of court documents and all incidental work necessary with relation to the above matter.'

12 In my view, this letter, while giving some information, was still vague. It did not elaborate on the dates of the meetings, the issues on which legal advice was sought, the cases which were considered during the research, the documents which were perused and examined, the correspondence received and sent and the court documents which were prepared and filed. The amount of time spent was also not given.

13 Furthermore, in the course of arguments before me, Mr Goh Aik Leng, Counsel for Mr Wee, informed me that there was no invoice from K.S. Chia because there was a prior agreement between Mr Wee and them that they would only charge what was taxed. Apparently this was not disclosed to the Assistant Registrar who was taxing the Bill. This revelation suggested that Mr Wee had also not yet paid K.S. Chia and hence there was also no receipt from them. Yet their letter stated that 'costs was paid to us ...'.

14 Mr Goh also submitted that the \$10,000 allowed by the Assistant Registrar was less than half the \$25,000 claimed. The \$10,000 was also within the range of amounts i.e \$10,000 to \$18,000 submitted by Mr Hri Kumar, appearing for the Solicitors, for work of the same nature.

15 However, Mr Goh had taken Mr Kumar's submission out of context. The range given by Mr Kumar was on the basis that a firm of solicitors had done all the getting-up for the Application and the appeals and appeared to present arguments. In the case before me, it was Mr Wee who had done the getting-up work and appeared for himself. He is a senior member of the bar although apparently not in practice at the material times. There was no mention by him when he appeared at each hearing for the Application and the appeals that he had obtained the services of a firm of solicitors to assist him. Furthermore, he had already claimed in his Bill for the work he had done.

16 As for Mr Goh's submission that the \$10,000 allowed was already less than half the \$25,000 claimed, I was of the view that this was not a valid argument. It is for the party claiming an amount to justify it with adequate information and, where necessary, documentary evidence. A party should

not claim a very high figure in the hope that he will be allowed a certain percentage of it. The sooner such an approach is abandoned, the better.

17 Bearing in mind the vague information on the work allegedly done by K.S. Chia, I decided to allow \$1,000 only for item 29. Besides, Mr Wee will not be out-of-pocket since K.S. Chia will only charge him whatever is allowed.

18 There is one other point which has come to my attention after my decision. Mr Wee did not even obtain an order that the Solicitors pay the costs and disbursements of K.S. Chia. He should have done so, otherwise, it is arguable whether he is even entitled in principle to claim the same as his disbursements in the first place.

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