IN THE COURT OF THREE JUDGES OF THE REPUBLIC OF SINGAPORE

[2022] SGHC 112

Originating Summons No 4 of 2020

Between

Law Society of Singapore

… *Applicant*

And

Seow Theng Beng Samuel

… *Respondent*

JUDGMENT

[Legal Profession — Disciplinary proceedings]

I

Law Society of Singapore
v
Seow Theng Beng Samuel

[2022] SGHC 112

Court of Three Judges — Originating Summons No 4 of 2020
Sundaresh Menon CJ, Andrew Phang Boon Leong JCA and Steven Chong JCA
28 February 2022

18 May 2022 Judgment reserved.

Sundaresh Menon CJ (delivering the judgment of the court):

Introduction

1 C3J/OS 4/2020 ("OS 4") is an application by the Law Society of Singapore (the "Law Society") for the respondent to be sanctioned under s 83(1) of the Legal Profession Act (Cap 161, 2009 Rev Ed) ("LPA"), in relation to eight instances of misconduct against his employees. The respondent was charged in relation to these instances of misconduct before a disciplinary tribunal, which found that there was cause of sufficient gravity for disciplinary action.

2 Having heard the parties and having considered their submissions, we are satisfied that there is due cause for the respondent to be sanctioned, and that the appropriate sanction is for him to be struck off the roll of advocates and solicitors. In this judgment, we elaborate more generally on the considerations

that warrant an order striking off a legal practitioner, and why the respondent has engaged those considerations.

Background

3 The respondent is a solicitor of 20 years' standing. At the material time, he was the Managing Director of Samuel Seow Law Corporation ("SSLC"). He also owned and managed a talent management company known as Beam Artistes Pte Ltd ("Beam Artistes"), which shared the same office premises as SSLC.

4 The eight instances of misconduct which form the basis of the Law Society's application occurred in a one-month period running from 16 March 2018 to 17 April 2018. They may be summarised as follows:

(a) On 16 March 2018, at about 7pm, the respondent threw files and boxes on the floor in the general direction of one Ms Kang Pei Shan Rachel ("Ms Kang"), an employee of Beam Artistes, and screamed at Ms Kang (the subject of the "First Charge").

(b) On 26 March 2018, sometime in the afternoon, the respondent threw a metal stapler on the floor in the general direction of Ms Kang (the subject of the "Second Charge").

(c) On 28 March 2018, at about 3pm, the respondent threw a metal stapler on the floor in the general direction of Ms Kang (the subject of the "Third Charge").

(d) On 28 March 2018, at about 9pm, the respondent shouted at Ms Kang, and advanced towards Ms Kang in an aggressive and/or

threatening manner such that Ms Kang stumbled and fell to the floor (the subject of the "Fourth Charge").

(e) On 3 April 2018, at about 8pm, the respondent repeatedly threw his wallet in the general direction of Ms Kang, and threatened to take a knife to kill Ms Kang (the subject of the "Fifth Charge").

(f) On 17 April 2018, at about 5.47pm, the respondent jabbed Ms Kang's forehead with his finger and pushed the files that Ms Kang was holding against her chest (the subject of the "Sixth Charge").

(g) On 17 April 2018, at about 5.54pm, the respondent voluntarily caused hurt to one Ms Kong Shin Ying Brenda ("Ms Kong"), his niece and an associate of SSLC at the material time, by grabbing her arms, pushing her against a table, repeatedly slapping her, jabbing his finger at Ms Kong's forehead and pushing Ms Kong with his shoulder such that she lost balance and fell backwards, and aggressively berated and screamed at Ms Kong (the subject of the "Seventh Charge").

(h) On 17 April 2018, at about 5.58pm, the respondent pushed one Ms Tan Tzuu Yen Serene ("Ms Tan"), a secretary and conveyancing executive employed by SSLC, with such force that she fell to the floor, and aggressively berated and screamed at Ms Tan (the subject of the "Eighth Charge").

5 In respect of each instance of misconduct, the Law Society brought:

(a) A principal charge under s 83(2)(*b*)(i) of the LPA (relating to breaches of any usage or rule of conduct made by the Professional Conduct Council under s 71 of the LPA; the rule of conduct said to be breached was r 8(3)(*b*) of the Legal Profession (Professional Conduct)

Rules 2015 (2010 Rev Ed), namely that a legal practitioner must not act towards any person in a way which is fraudulent, deceitful or otherwise contrary to the legal practitioner's position as a member of an honourable profession); and

(b) An alternative charge under s 83(2)(*h*) of the LPA (relating to misconduct unbefitting an advocate and solicitor as an officer of the Supreme Court or as a member of an honourable profession).

6 A disciplinary tribunal heard the matter from 14 to 16 August 2019 and on 26 September 2019 and 19 November 2019. On the first day of the hearing, the respondent pleaded guilty to the Sixth to Eighth Charges, as well as the part of the Fifth Charge relating to his threat to take a knife to kill Ms Kang, while contesting the remaining charges. Subsequently, on 19 November 2019, the respondent pleaded guilty to the remaining charges.

7 On 10 March 2020, the disciplinary tribunal issued its report, in which it found that there was cause of sufficient gravity for disciplinary action under s 93(1)(*c*) of the LPA.

8 The Law Society then filed OS 4 for an order pursuant to s 94(1) read with s 98(1) of the LPA that the respondent be sanctioned under s 83(1) of the LPA.

9 On 27 July 2020, the respondent pleaded guilty to criminal charges arising out of the events reflected in the Fifth to Eighth Charges. This led to a Newton hearing regarding the evidence he led in relation to his psychiatric state at the material time. In C3J/SUM 2/2021, the respondent sought an order that the hearing of OS 4 be held in abeyance, pending the completion of the Newton hearing. In *Seow Theng Beng Samuel v Law Society of Singapore* [2021] SGHC

258, we dismissed the respondent's application, holding that he had failed to establish any real risk of serious prejudice to the conduct of OS 4 or the Newton hearing to warrant OS 4 being held in abeyance.

10 We heard the parties on 28 February 2022. The respondent was represented by Mr Eugene Thuraisingam at the hearing, although he appointed new solicitors shortly thereafter (see [20]–[21] below).

Issues in this application

11 There are two issues in OS 4:

(a) Whether there is due cause for disciplinary action under ss 83(2)(*b*)(i) and 83(2)(*h*) of the LPA; and

(b) If so, the appropriate sanction to be imposed against the respondent under s 83(1) of the LPA.

12 The Law Society submits that there is due cause for disciplinary action, and seeks to have the respondent struck off the roll, or in the alternative to have the respondent suspended from practice for a minimum of four years. The respondent, on the other hand, suggests that there is no due cause, though he submits that if due cause is found, an appropriate sanction would be a penalty of $40,000 and censure.

Whether there is due cause for disciplinary action

Applicable standards

13 At the time of the misconduct, ss 83(2)(*b*)(i) and 83(2)(*h*) of the LPA provided that:

> **Power to strike off roll, etc.**
>
> **83.**— …(2) … such due cause may be shown by proof that an advocate and solicitor —
>
> …
>
> (*b*) has been guilty of fraudulent or grossly improper conduct in the discharge of his professional duty or guilty of such a breach of any of the following as amounts to improper conduct or practice as an advocate and solicitor:
>
> (i) any usage or rule of conduct made by the Professional Conduct Council under section 71 or by the Council under the provisions of this Act;
>
> …
>
> (*h*) has been guilty of such misconduct unbefitting an advocate and solicitor as an officer of the Supreme Court or as a member of an honourable profession;
>
> …

14 In *Law Society of Singapore v Wong Sin Yee* [2018] 5 SLR 1261 ("*Wong Sin Yee*") at [23]–[24], we made the following observations as to what would amount to "due cause" under ss 83(2)(*b*) and 83(2)(*h*):

> 23 Section 83(2)(*b*) of the LPA focuses on whether the conduct of the lawyer is 'dishonourable to [him] as a man or dishonourable in his profession' (*Re Han Ngiap Juan* [1993] 1 SLR(R) 135 at [25]). In this case, the primary charge is for 'grossly improper conduct' in relation to his profession, while the second alternative charge is for 'improper conduct' due to the serious breach of professional rules, specifically r 61(a) of the PCR. Conduct may be grossly improper notwithstanding that there is no dishonesty, fraud or deceit (*Re Han Ngiap Juan* at [27]).
>
> 24 Section 83(2)(*h*) of the LPA is broader than s 83(2)(*b*). It is a 'catch-all provision' operating when a solicitor's conduct does not fall within any of the other subsections of s 83(2) but is nonetheless considered unacceptable (*Law Society of Singapore v Ng Chee Sing* [2000] 1 SLR(R) 466 ('*Ng Chee Sing*') at [40]). The standard of 'unbefitting conduct' is less strict, and a solicitor only needs to be shown to have been guilty of *such conduct as would render him unfit to remain as a member of an honourable profession*. As a practical guide, it may be asked *whether*

> *reasonable people, on hearing what the solicitor had done, would have said without hesitation that as a solicitor he should not have done it* (*Ng Chee Sing* at [41], citing *Wong Kok Chin v Singapore Society of Accountants* [1989] 2 SLR(R) 633 at [17]). *It is sufficient if his conduct brings him discredit as a lawyer or brings discredit to the legal profession as a whole.*
>
> [emphasis added]

The factors indicating due cause for disciplinary action

15 The Law Society submits that the respondent's conduct is in and of itself sufficiently serious as to provide due cause for disciplinary action. It further argues that the seriousness of the respondent's conduct is exacerbated by (a) his position of authority over Ms Kang, Ms Kong and Ms Tan; (b) the fact that the eight instances of misconduct appear to be part of a broader pattern of intemperate and boorish conduct; and (c) the respondent's lack of genuine remorse.

16 We agree that the foregoing factors suffice to establish that there is due cause for disciplinary action. As was noted in *Law Society of Singapore v Ravi s/o Madasamy* [2015] 3 SLR 1187, "[i]t is well established that the use of abusive language and unruly behaviour may constitute misconduct unbefitting an advocate and solicitor" (at [30]). The video footage of the 17 April 2018 incidents to which we were directed was more than sufficient to indicate that both abusive language and extremely unruly behaviour were involved.

17 The aggravating factors pointed out by the Law Society also weigh in favour of sanctioning the respondent. His position of authority would have necessitated a greater degree of decorum and professionalism, which he plainly failed to meet. Notwithstanding that Ms Kang and Ms Kong filed statements before the disciplinary tribunal stating that they had accepted the respondent's apologies and chosen to forgive him, the respondent's misconduct should

rightly be considered as worse for having been perpetrated on his employees. It is also noteworthy that one of his victims, Ms Tan, did not file any such statement.

18 Further, it is plain, as the Law Society points out, that the *eight* instances of misconduct could not on any basis be regarded as isolated and aberrant incidents, but were instead part of a pattern of intemperate and boorish behaviour. Other employees of the respondent testified at the disciplinary tribunal hearing as to the respondent's general disposition. One employee testified that the respondent "was a temperamental man who was prone to bouts of extreme emotion". Moreover, aside from the overall tenor of the respondent's interactions with Ms Kang, various witnesses testified that shouting and screaming were fairly regular occurrences.

19 Finally, we agree with the Law Society that limited weight should be given to the respondent's claims of remorse. As the disciplinary tribunal noted (at [48]–[52] of its report), the respondent initially downplayed his misconduct and misstated the position both to the Law Society's Inquiry Committee and to the media. It was only after April 2019, when video footage of the 17 April 2018 incidents became public, that he changed his stance. In other words, the contemporaneous evidence did not indicate *any* remorse on the respondent's part. While there have been more recent expressions of remorse – in that the respondent has apologised to Ms Kang and Ms Kong, and has sought counselling for stress and anger management – it is difficult to accept these recent indicators as genuine in the wake of the respondent's earlier attempts to misrepresent or mischaracterise his actions.

20 We digress to note in this connection that shortly after the hearing before us, the respondent appointed new solicitors who requested permission to make

further submissions to the court. The central contention was that the Law Society had not specifically stated prior to the hearing that it was seeking an order for striking off. The respondent sought leave to elaborate on his supposed remorse and on the supposed exaggeration of the nature, gravity and motive of his conduct by one of his victims.

21 We did not grant the respondent's request. Whether the Law Society specifically stated its intention to seek an order for striking off is beside the point. It is the court that determines sanctions, and if the respondent came to the hearing not having even contemplated the possibility of being struck off, that is a matter for him and his solicitors to reflect on. More to the point, nothing has been said to suggest that striking off should not even be considered in this case.

22 It also appeared to us that the request and its focus on attempting to suggest that one of the victims may have overstated the complaint further manifests the respondent's lack of sincere remorse.

The mitigating factors raised by the respondent

23 We turn to the mitigating factors raised by the respondent, on the basis of which he argues that due cause has not been made out for disciplinary action. Apart from his supposed remorse (which we have already addressed), he submits that (a) there has been minimal harm to the victims; (b) there is little harm to the integrity of the profession; and (c) at the time of the misconduct, he was suffering from Adjustment Disorder, which contributed to his actions.

24 The first two arguments are plainly untenable. While it is true that none of the victims sustained serious injury, it is not necessary for that to be the case for due cause to be made out. Indeed, it is not a factor in the respondent's favour to say that the consequences were not worse. It is also no defence to argue, as

he does, that "there is no evidence before this Honourable Court of a systemic problem of intemperate lawyers in our profession". Even if the respondent were, in fact, the only intemperate lawyer in Singapore, it is plain that his actions reflect very poorly upon the profession, and would be likely to undermine public confidence in the profession.

25 As for his argument founded on Adjustment Disorder, a similar submission was made to the disciplinary tribunal, based on two medical reports of Dr Tan Chue Tin ("Dr Tan"). The two reports, dated 21 August 2019 and 13 September 2019 respectively, opined that the respondent suffered from Adjustment Disorder at the time of the 17 April 2018 incidents, and that the disorder contributed to his conduct. However, as the disciplinary tribunal noted (at [47] of the report), Dr Tan only saw the respondent for the first time in May 2019 more than a year after the incidents; no explanation was offered as to how Dr Tan was able to conclude that the respondent was suffering from Adjustment Disorder *at the material time*. Dr Tan also failed to explain what Adjustment Disorder was and how it might have contributed to the respondent's conduct. The disciplinary tribunal therefore found the two medical reports to be of little assistance.

26 The respondent now seeks to rely on the same two medical reports, as well as four others: two further reports by Dr Tan dated 18 March 2020 and 26 June 2020 respectively, and two reports of Dr Kenneth Koh ("Dr Koh") dated 23 January 2020 and 19 February 2020 respectively.

27 We agree with the disciplinary tribunal that the two earlier medical reports do not assist the respondent. Neither do the additional reports.

28 Dr Tan's 18 March 2020 report does explain the diagnostic criteria for Adjustment Disorders, namely:

> A. The development of emotional or behavioural symptoms in response to an identifiable stressor(s) occurring within 3 months of the onset of the stressor(s).
>
> B. These symptoms or behaviours are clinically significant, as evidenced by **one <u>or</u> both** of the following:
>
> 1. Marked distress that is **out of proportion** to the severity or intensity of the stressor taking into account the external context and the cultural factors that might influence symptom severity and presentation.
>
> 2. Significant impairment in social, occupational, or other important areas of functioning.
>
> [emphasis in original]

Dr Tan then proceeds to conclude that the respondent "clearly satisfied Criteria A and B1", citing, respectively, various stressors the respondent faced at the time of the misconduct, and the misconduct itself.

29 However, Dr Tan's further reports still do not explain how he was able to conclude that the respondent was suffering from Adjustment Disorder in April 2018, based on observations made more than a year later. The further reports also do not offer any justification for Dr Tan's bare assertion in his 13 September 2019 report that the alleged Adjustment Disorder contributed to the respondent's misconduct. In any event, Dr Tan's opinion that the respondent was suffering from Adjustment Disorder at the material time is contradicted by Dr Koh, who opined in his 19 February 2020 report that on balance, the respondent was not so afflicted, even if he might have felt some stress at the time. Dr Koh was of the view that the respondent developed Adjustment Disorder only *after* the misconduct *and* the subsequent involvement of the police and the video of the 17 April 2018 incidents being made public.

30 In the circumstances, there is little evidence that the respondent suffered from Adjustment Disorder at the time of his misconduct, much less that the disorder contributed to his actions. There is therefore no basis for the respondent to invoke, as he does, this court's observation in *Law Society of Singapore v Ravi s/o Madasamy* [2016] 5 SLR 1141 ("*Ravi*") (at [39]) that it is within the "court's power and indeed its duty to have regard to the [psychiatric] condition in question if, and to the extent that, it diminishes the personal culpability of the solicitor". In any event, we note that personal mitigating circumstances that diminish the culpability of the solicitor carry less weight in disciplinary proceedings than they would in criminal proceedings (*Ravi* at [40]–[41]).

Conclusion on due cause

31 We are satisfied, having regard to all the circumstances, that there is due cause for disciplinary action against the respondent under s 83(2)(*h*) of the LPA. The arguments he has raised to mitigate the seriousness of his misconduct are not borne out. In line with the guidance laid down in *Wong Sin Yee* at [23]–[24] (see [14] above), it is plain that a reasonable person would, without hesitation, say that as a solicitor he should not have done what he has done. His misconduct brings him discredit as a lawyer and brings discredit to the legal profession as a whole.

32 Having been satisfied under s 83(2)(*h*), it is not necessary for us to consider whether there is separately due cause for disciplinary action under s 83(2)(*b*) of the LPA.

What the appropriate sanction should be

33 The second issue in these proceedings is what the appropriate sanction should be.

34 Section 83(1) of the LPA sets out the sanctions available to the court:

> **83.**—(1) All advocates and solicitors shall be subject to the control of the Supreme Court and shall be liable on due cause shown —
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> (*a*) to be struck off the roll;
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> (*b*) to be suspended from practice for a period not exceeding 5 years;
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> (*c*) to pay a penalty of not more than $100,000;
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> (*d*) to be censured; or
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> (*e*) to suffer the punishment referred to in paragraph (*c*) in addition to the punishment referred to in paragraph (*b*) or (*d*).

35 In *Ravi*, the court noted that the following sentencing considerations are relevant in the context of disciplinary proceedings (at [31]):

(a) The protection of members of the public who are dependent on solicitors in the administration of justice;

(b) The upholding of public confidence in the integrity of the legal profession;

(c) Deterrence against similar defaults by the same solicitor and other solicitors in the future; and

(d) The punishment of the solicitor who is guilty of misconduct.

Striking off in cases of misconduct not involving dishonesty

36 The Law Society submits that the appropriate sanction in the present case would be to strike the respondent off the roll of advocates and solicitors. We note that guidance has been provided as to the circumstances in which striking off would be an appropriate penalty in respect of misconduct involving dishonesty (*Law Society of Singapore v Udeh Kumar s/o Sethuraju and another*

matter [2017] 4 SLR 1369 ("*Udeh Kumar*") at [105]–[109]; *Law Society of Singapore v Chia Choon Yang* [2018] 5 SLR 1068 ("*Chia Choon Yang*") at [39]–[41]; *Loh Der Ming Andrew v Koh Tien Hua* [2022] SGHC 84 ("*Andrew Loh*") at [69]–[73] and [110]) and for conflicts of interest (*Law Society of Singapore v Ezekiel Peter Latimer* [2019] 4 SLR 1427 ("*Ezekiel Peter Latimer*") at [58]–[60], [67] and [69]–[74]). However, this court has yet to consider in similar detail the appropriateness of striking off a solicitor for cases of misconduct falling *outside* these categories. Most recently, this court observed in *Law Society of Singapore v Ismail bin Atan* [2017] 5 SLR 746 ("*Ismail bin Atan*") (at [21]) that "even in cases that do not involve dishonesty, where a solicitor conducts himself in a way that falls below the required standards of integrity, probity and trustworthiness, and *brings grave dishonour to the profession*, he will be liable to be struck off" [emphasis in original in italics].

37 We take this opportunity to consider in greater detail the principle expressed in *Ismail bin Atan* at [21], and the two distinct elements therein, namely "fall[ing] below the required standards of integrity, probity and trustworthiness" and "bring[ing] grave dishonour to the profession" [emphasis in original omitted].

38 Turning to the first element of "fall[ing] below the required standards of integrity, probity and trustworthiness", the core concern of that inquiry is one of character: does the solicitor in question have a defect of character that renders him unfit to remain an advocate and solicitor, with all the duties and responsibilities that this entails? This is in line with prior formulations of this element, such as in *Law Society of Singapore v Ravindra Samuel* [1999] 1 SLR(R) 266 ("*Ravindra Samuel*") at [15], where the court noted that a solicitor who falls below the required standards of integrity, probity and trustworthiness would be struck off the roll of solicitors if "his lapse is such as to indicate that

he lacks the qualities of character and trustworthiness which are the necessary attributes of a person entrusted with the responsibilities of a legal practitioner" (which we referred to in *Ismail bin Atan* at [21]). This concern as to whether the solicitor has a character defect rendering him unfit to remain an advocate and solicitor is also in line with the cases on dishonesty (*Chia Choon Yang* at [39]; *Andrew Loh* at [75], [84] and [106]; *Law Society of Singapore v Thirumurthy Ayernaar Pambayan* [2022] SGHC 79 ("*Thirumurthy*") at [4(c)]) and conflicts of interest (*Ezekiel Peter Latimer* at [74]).

39 The second element of "bring[ing] grave dishonour to the profession" [emphasis in original omitted] speaks to a somewhat different concern. To be a member of the legal profession is to be accredited as worthy of confidence from other solicitors, from the courts, and from the public (see *Ravindra Samuel* at [12]–[13]). The nature of this accreditation means that each legal practitioner is a *representative* of the legal profession. To allow a legal practitioner who has brought grave dishonour to the profession to remain on the roll perpetuates that dishonour and undermines the value of that accreditation which is afforded to all other legal practitioners. In such circumstances, the errant legal practitioner cannot be suffered to remain on the roll, and to continue bearing the implicit imprimatur of the profession and the courts.

40 It follows that the elements of the principle stated in *Ismail bin Atan* provide *distinct* justifications for the striking off of a legal practitioner. In other words, if the misconduct in question suggests *either* that the practitioner cannot be trusted with the responsibilities of his profession, *or* that given the gravity of the misconduct, he should no longer bear the approval of the profession and of the courts, the practitioner should be struck off. To that extent, the use of the conjunctive "and" to join the two elements in *Ismail bin Atan* at [21] should not

be understood to mean that *both* requirements must be made out before the presumptive penalty of striking off applies.

41 The approach to considering whether a striking off order is warranted in cases of misconduct not involving dishonesty or conflicts of interest should therefore be as follows:

(a) The first question the court should consider is whether the misconduct in question attests to any character defects rendering the solicitor unfit to be a member of the legal profession (this is similar to the first step of the sentencing framework for dishonesty; see *Chia Choon Yang* at [20]).

(i) The list of character defects may include a fundamental lack of respect for the law (such as a lawyer who racks up multiple convictions even for relatively more minor offences), volatility or lack of self-control detracting from the ability to discharge one's professional functions (such as in *Law Society of Singapore v Wong Sin Yee* [2003] 3 SLR(R) 209 at [19]), and other predatory instincts (such as in *Ismail bin Atan* at [18]). This is not a closed list, and may be expanded upon, bearing in mind in particular the duties that a solicitor owes to the court, to his clients, to other practitioners and to the general public.

(ii) The assessment of whether misconduct demonstrates a character defect rendering a solicitor unfit to be a member of the legal profession depends on the particulars of the misconduct, and the court should consider, taking into account all the circumstances of the misconduct, whether the misconduct stemmed from a lapse of judgment rather than a character defect

(*Chia Choon Yang* at [31]; *Andrew Loh* at [75], [84] and [106]; *Thirumurthy* at [4(c)]).

(b) The second separate question the court should consider is whether the solicitor, through his misconduct, has caused grave dishonour to the standing of the legal profession (*Ismail bin Atan* at [21]). One example would be where the lawyer is convicted of molesting a victim. In our judgment, the outcome would be unaffected even if the offence were compounded, as happened in *Ismail bin Atan* (at [11]).

(c) If the answer to either of these two questions is "yes", striking off will be the presumptive penalty. While we do not foreclose the possibility that this presumption may be rebutted, we foresee that this would only occur in exceptional cases. Indeed, where mitigating factors are raised to rebut the presumptive penalty of striking off, the solicitor would essentially be arguing that despite being *unfit* to remain an advocate and solicitor and/or having brought *grave dishonour* to the legal profession, he should nonetheless be allowed to remain on the rolls. In any event, we reiterate that personal mitigating circumstances that diminish the culpability of the solicitor carry less weight in disciplinary proceedings than they would in criminal proceedings (*Ravi* at [40]–[41]).

(d) If the answer to both these questions is "no", the court should proceed to examine the facts of the case closely to determine whether there are circumstances that nonetheless render a striking off order appropriate (*Chia Choon Yang* at [38]). The court should compare the case with precedents to determine the appropriate sentence, taking into account any aggravating and mitigating factors (as was done in *Law*

Society of Singapore v Dhanwant Singh [2020] 4 SLR 736 at [137]–[138]).

42 The approach set out above does not displace the sentencing principles set out in *Ravi* at [31]; rather, those principles should inform the application of the approach set out above at each stage.

The appropriate sanction in the present case

43 We turn to apply this approach to the present matter.

44 In respect of the first question, we are satisfied that the respondent's conduct evinced such volatility and lack of self-control that it detracts from his ability to discharge his professional functions. His behaviour was egregious, involving both protracted instances of physical and verbal abuse (as was the case on 17 April 2018) and extreme threats (in particular, his threat on 3 April 2018 to take a knife to kill Ms Kang). It is not difficult to imagine that this behaviour could have been turned upon a client, for instance. Further, as noted at [18] above, this quick succession of eight instances of misconduct in just over a month was not simply a lapse of judgment, but instead reflected a sustained pattern of offensive conduct on the part of the respondent. We are therefore satisfied that the respondent's conduct demonstrates a character defect rendering the solicitor unfit to be a member of the legal profession.

45 In respect of the second question, we are equally satisfied that the respondent's conduct has caused grave dishonour to the standing of the legal profession. For completeness, we state that we would have come to this view even if the video of the 17 April 2018 incidents had not been published. Hence, even if the respondent's behaviour had been known only to the members of his

office who were direct witnesses, it would remain a disgrace for a member of the legal profession to have acted as he did.

46 In the circumstances, the presumptive penalty is striking off. The mitigating factors raised by the respondent (see [21]–[27] above) do not, in our judgment, overcome this presumption.

47 The respondent has also relied on the cases of *Law Society of Singapore v Jasmine Gowrimani d/o Daniel* [2010] 3 SLR 390 ("*Jasmine Gowrimani*"), *The Law Society of Singapore v Looi Wan Hui* [2014] SGDT 3 ("*Looi Wan Hui*") and *The Law Society of Singapore v Leonard Anthony Netto* [2005] SGDSC 14 ("*Leonard Anthony Netto*") to argue that he should be punished with only a fine of $40,000 and censure. However, we do not see any relevance in these cases. The decision in *Jasmine Gowrimani* was concerned not with the imposition of a sanction on an errant solicitor, but with how a disciplinary tribunal should decide whether to refer a matter to the Court of Three Judges. Meanwhile, the misconduct in *Looi Wan Hui* and *Leonard Anthony Netto* was entirely dissimilar to that which is before us in this matter. *Looi Wan Hui* involved a solicitor casting aspersions on the ability of an opposing litigant and her brother to honour a cheque within earshot of the brother; *Leonard Anthony Netto* involved a solicitor convicted of consumption of cannabis. There is little guidance that can be drawn from these cases, and even less which would militate against the presumptive penalty of striking off.

Conclusion

48 For these reasons, we find that there is due cause for disciplinary action and order that the respondent be struck off the roll.

49 The parties are to write to the court with submissions (limited to 8 pages each) on the issue of costs within 14 days of this judgment, if no agreement is reached.

Sundaresh Menon
Chief Justice

Andrew Phang Boon Leong
Justice of the Court of Appeal

Steven Chong
Justice of the Court of Appeal

Dhillon Dinesh Singh, Loong Tse Chuan and Alisa Toh Qian Wen (Dai Qianwen) (Allen & Gledhill LLP) for the applicant;
Pereira Edmond Avethas and Cheung Shu Jia Jessica (Edmond Pereira Law Corporation) for the respondent.