

Our Ref: LS/4(misc)/2007/ST

Your Ref:

FROM THE PRESIDENT

23 May 2007

Mr Kong Soon Wah
Forum Editor
The Straits Times
Singapore Press Holdings
News Centre 1000 Toa Payoh North
Podium Level 2 Singapore 318994

Via fax no
6319 8289

Dear Mr Kong

LAW SOCIETY ACTED FAIRLY AND PROPERLY

I refer to the article appearing in the Straits Times of 23 May 2007 titled 'Law Society under fire for going on a frolic on its own'. It is not the Law Society which has gone on a frolic. It appears that the newsletter editor of the Association of Criminal Lawyers has decided it is his business to comment on the Law Society's conduct of disciplinary proceedings, notwithstanding that the Association's avowed purpose is to promote the interests of the criminal bar. The stance taken in the editorial is wrong. The learned Judicial Commissioner (as he then was) made it clear in awarding costs to the successful applicant for judicial review that he was following the ordinary principles of civil proceedings, and that 'there was no suggestion that the Law Society had not acted in good faith' and that the Society 'fairly concluded that there was a basis' to oppose the application. The fact that the Judicial Commissioner held that the allegation of apparent bias against the Chairman of the Disciplinary Committee was made out, did not lead him to any view that the Law Society had gone on any frolic of its own, and such a view is plainly contradicted by the Judicial Commissioner's own statements that I have quoted.

Indeed, the applicant commenced his application by serving the Society and not the impugned Disciplinary Committee as a party. This is correct - if an accused person in a criminal case challenges a judge on the basis of apparent bias, the application is served on the prosecutor not the judge, and the prosecutor is entitled to oppose it. By his application itself, the applicant sought costs against the Society both for the application and the proceedings before the Disciplinary Committee. The Society could hardly not appear when costs were sought against it, and in the end costs were not ordered against the Society for the proceedings before the Disciplinary Committee.

The newsletter's editor asks whether the Society's own counsel is being paid and if so how much. I am indeed grateful that from the beginning Mr Jimmy Yim, Senior Counsel, offered to take on the role on an entirely pro bono basis, and discharged the task with which he was entrusted by Council, namely to present the facts and arguments fairly and objectively, with great distinction.

Perhaps the next time the newsletter's editor has concerns, he can, as a member of the Society, raise them with Council, whether formally or otherwise.

Yours sincerely



Philip Jeyaretnam, SC
President



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