

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

Your Ref:

FROM THE PRESIDENT

31 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 Email and fax no 6319 8289

Dear Mr Kong

MEMBERS WOULD CLEAR UP MISCONCEPTIONS FIRST

I refer to Subhas Anandan's letter in the forum of 31 May 2007. It appears that he relies on a members' right of comment to defend his criticisms of the Society appearing in the newsletter of the Association of Criminal Lawyers. But the Association is not a member of the Society. If he refers to his own personal right to comment as a member, the right place for such comment is within the Society and not outside it in the pages of another association's publication. In addition, there is a principle of professional conduct that a lawyer first obtains the other's response before making a public attack - this is in order to ensure that misconceptions and false assumptions are corrected first.

Unfortunately, Mr Anandan has again forgotten this principle. The editorial began by demanding that the Society 'not take part in any such applications'. Mr Anandan now seeks to justify this by reference to the Judicial Commissioner's comments on whether the Society was under an obligation to resist or oppose the application. It is an elementary error to infer a lack of entitlement from the absence of a duty. This could have been easily pointed out to him, had he raised his concerns as a member of the Society in the usual way.

Yours sincerely



Philip Jeyaretnam, SC
President



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