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FROM THE PRESIDENT

8 August 2008

Mr Yap Koon Hong
Forum Editor
The Straits Times
News Centre, 1000 Toa Payoh North
Podium Level 2
Singapore 318994

Via Fax and Email

Dear Editor,

PUBLIC FEEDBACK OBTAINED ON CHANGES TO THE LEGAL PROFESSION ACT

The Law Society refers to the letter titled "Invite Public Feedback on changes to the Legal Profession Act" that was published in the Straits Times' forum on 6 August 2008 2008.

Mr Chan in his letter has made observations on the role of the Law Society when a letter of complaint is received and on the proposed amendments to the Legal Profession Act (the Act).

Mr Chan is wrong to state in his letter that the Law Society and its staff are empowered to sieve through a complaint of misconduct to verify if it is a "bona fide and prima facie" complaint.

Every letter of complaint of misconduct must under the Act be referred by the governing Council of the Law Society to the Chairman of the Inquiry Panel who appoints a 2 man Review Committee (RC) consisting of a lawyer and a judicial or legal officer to sieve and decides if a complaint is "frivolous, vexatious, misconceived or lacking in substance" and submits a written report to the Council if it is so found.

The proposed amendment to the Act requiring every complaint to be supported by a statutory declaration is to ensure, as in the case of other professionals in Singapore, a quasi judicial process of review /inquiry of their conduct is not commenced until a complaint is received in writing supported by a statutory declaration. A complainant who has a genuine complaint and states in his written letter of complaint facts and truthful information will not be deterred by this proposed amendment.

The proposed powers given to an Inquiry Committee to order costs against a complainant referred to by Mr Chan in his letter will only arise when a complaint is found after an inquiry to be "frivolous or vexatious" and ordered after hearing the complainant (if he desires to be heard).

Law Society and members of the public were invited by the Ministry of Law in June to give feedback on the proposed amendments. The Law Society gave substantive feedback to Ministry of Law, and the Bill incorporates some of these feedback.

Yours sincerely



Michael Hwang, SC
President



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