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Your Ref:

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Mr Alvin Tay
The Editor, Business Times
News Centre
1000 Toa Payoh North Podium Level 3
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Via Fax and Post



THE LAW SOCIETY
OF SINGAPORE

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Dear Mr Tay

THE STATUTORY ROLE OF THE LAW SOCIETY

I refer to your article of 12 May 2007 titled "ACL Slams Law Society for Opposing Member".

The Law Society appeared before the court in the case of Re Shankar Alan s/o Anant Kulkarni as the solicitor's application had been served on it as a party. This distinguishes it from an earlier case (Re Kalpanath) where the proceedings were brought against the Chairman of the Disciplinary Committee ('DC') personally and not the Law Society.

In disciplinary proceedings, which are adversarial in nature, where the DC has found a solicitor guilty of misconduct, it is incumbent on the Law Society to present its view in any appeal or review of that decision, as it is inappropriate for the DC functioning in a judicial capacity when hearing and investigating such matters to do so.

The Society's appearance before the Court was to assist the Court in its examination of the issues raised by the solicitor just as a prosecutor would in criminal proceedings at an appeal of the decision. The fact that the DC is not appointed by the Law Society does not detract from this role.

Carrying out the statutory regulatory role of the Law Society in disciplinary proceedings requires a delicate balance to be struck between being fair to its member while protecting the public interest. Whilst it is not possible for the Law Society as prosecutor in the proceedings to step in to help a member seeking a review of the decision of the DC, the Law Society does act fairly and temperately in its presentation of all the relevant facts to the Court.

It is regrettable that the Business Times did not see it fit to afford the Law Society an opportunity to respond before it ran the story. The sensationalist title of the article was also mischievous, inaccurate and unwarranted.

Yours sincerely

Malathi Das (Ms)
Vice President

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