

**THE LAW SOCIETY OF SINGAPORE**  
**COUNCIL'S PRACTICE DIRECTION 2 OF 2009**  
**GUIDELINES FOR INQUIRIES TO ETHICS COMMITTEE**

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1. This Practice Direction takes effect on 7 July 2009.
2. Part of the Ethics Committee's function is to be a resource which the Law Society makes available to all members to provide to them advice and guidance on ethical issues.
3. Requests by members to the Law Society for advice or guidance from its Ethics Committee should comply with the following guidelines. The Ethics Committee reserves the right not to consider or to give any guidance on requests which do not follow the guidelines set out below.
  - (a) The request for guidance should be submitted in writing to the Law Society Secretariat. Requests should not be submitted to the Chair of the Ethics Committee or to members of the Committee individually.
  - (b) Members should seek guidance only in respect of ethical matters which are not clearly dealt with by legislation (including subsidiary legislation), practice directions in force or common law or ethical matters in respect of which there is some genuine ambiguity or no other available guidance.
  - (c) The request for guidance should not be hypothetical – it must deal with a real ethical issue which has arisen or which it is reasonably expected will arise in the inquiring member's own professional practice.
  - (d) The request for guidance should be a genuine inquiry and not a disguised complaint against another member. In particular, requests for guidance should not be used to malign, harass or pressurise opposing parties or counsel or to gain tactical advantage.
  - (e) Requests for guidance should not be made in respect of matters which should properly be dealt with either by the Court or between the parties.
  - (f) The request for guidance should set out for the Ethics Committee's consideration:

- (i) A full and accurate account of all material facts, bearing in mind the need to observe any obligation of confidentiality;
  - (ii) A summary of the ethical issues involved;
  - (iii) All relevant authority bearing on the point such as legislation (including subsidiary legislation), practice directions, text books, articles and cases, whether from Singapore or elsewhere; and
  - (iv) the specific question or questions upon which the inquirer is asking the Committee to express its views.
- (g) If the matter touches upon the conduct of another member or if the guidance sought has the potential to affect another member, the inquiring member should inform the other member of the intention to seek guidance from the Law Society and the letter to the Law Society seeking guidance should be copied to the other member.

If the subject-matter of the inquiry has been the subject of correspondence between the inquiring member and the other member, the inquiring member should also provide copies of the correspondence to the Law Society.

- (h) The Committee reserves the right to seek further information or clarification from the inquiring member before issuing any guidance. Further, to the extent that third parties (including other members) may be involved in the subject-matter of the request for guidance, the Committee reserves the right with the inquirer's consent to seek clarification or information from those third parties. If any additional information or clarification is not forthcoming or if the inquirer does not consent to the Committee seeking the further information or clarification from relevant third parties, the Ethics Committee reserves the right not to provide guidance on the inquiry.
- (i) Any guidance given is confidential and is intended only for the benefit of the inquiring member. The Ethics Committee may publish anonymised versions of the inquiry and the guidance where the subject-matter of the request is one of general application or interest.
- (j) The Ethics Committee provides guidance, not rulings. Neither the inquiring member nor any third party who may be affected by the subject-matter of the

inquiry is bound by the guidance given by the Ethics Committee. Only the Courts can provide rulings on the scope and extent of members' professional obligations and bind members or third parties with those rulings. Having said that, the Courts do give some weight to Ethics Committee's guidance representing, as it does, the professional body's view. The weight which will be given will depend to a large extent on the completeness and accuracy with which all relevant material has been placed before the Committee together with the request for guidance.

- (k) While the Law Society's and the Ethics Committee's starting point is that all inquiries are confidential, if the inquiry is in respect of completed conduct (as opposed to future conduct) and discloses potential professional misconduct or criminal wrongdoing, the Ethics Committee may be under a duty to report that misconduct through the relevant channels.
4. The Committee's advice or guidance is well-researched and generally entails substantial consideration and discussion by Committee members. The Committee aims to respond with a formal advice or guidance within three to six weeks from the date that the Committee accepts a request for guidance. Where an expedited response is necessary, the inquirer should make that clear in the inquiry. The Committee will then endeavour to furnish its ultimate advice or guidance as a matter of urgency and follow up with its reasons in a formal advice or guidance thereafter.
  5. The Ethics Committee also welcomes input from members about practical issues or suggestions for reform of the rules of ethics.

Date: 30 June 2009

THE COUNCIL OF THE LAW SOCIETY OF SINGAPORE