# BRIEF GUIDE TO MAKING A COMPLAINT UNDER SECTION 85(1) OF THE LEGAL PROFESSION ACT AGAINST A LAWYER FOR PROFESSIONAL MISCONDUCT

**EFFECTIVE 15 OCTOBER 2008**

**By**

**The Law Society of Singapore**

# MAKING A COMPLAINT AGAINST THE CONDUCT OF A LAWYER

## A COMPLAINT OF MISCONDUCT UNDER SECTION 85(1) OF THE LEGAL PROFESSION ACT (CHAPTER 161) (THE 'ACT')

### 1 WHAT IS "PROFESSIONAL MISCONDUCT"?

The conduct of a lawyer which is below the standard expected of a professional.

This complaint is under Section 85(1) of the Legal Profession Act (Chapter 161) ("the Act") to the Council of the Law Society of Singapore, which is the governing body of the Law Society.

The Council can only refer a complaint to the Chairman of the Inquiry Panel if it is made in accordance to the requirements of the Act. Please refer to "Making a Complaint of Misconduct".

The complaint of misconduct may be made against a lawyer in a Singapore law practice and is not restricted only to the lawyer engaged and/or appointed to act on your behalf.

### 2 EXAMPLES OF PROFESSIONAL MISCONDUCT

Professional misconduct may include dishonesty, fraud, gross overcharging for work done, misleading statements, divulging confidential or privileged information, acting in conflict of interest or acting in breach of the Rules of the Law Society such as the Legal Profession (Professional Conduct) or Publicity Rules or Solicitors' Accounts Rules.

### 3 MAKING A COMPLAINT OF MISCONDUCT

From 15 October 2008, you **must** provide a Statutory Declaration **and** a Complaint Letter to lay complaint of misconduct.

**A. Statutory Declaration** [Prescribed Statutory Declaration Form at page 11]

a) You are required by the Act to support your complaint with a Statutory Declaration in the form at page 4 of this leaflet. Please note that a Statutory Declaration is a legal document that the statements made in your complaint are true. Making a false declaration may give rise to penalties provided under the Oaths and Declaration Act (Chapter 211). Please see FAQs on Statutory Declarations attached to this form

**B. Complaint Letter** [Sample Letter at page 10]

You are required to provide the following in a separate letter:-

b) Caption your letter "Complaint under Section 85(1) of the Legal Profession Act"

c) State your full name, residential address as in your NRIC/Passport and contact number and attach a copy of your NRIC (front and back) or a copy of the bio-data page of your passport. If you are making a complaint on behalf of a Company, LLP or MCST, you must be the authorized representative of the entity and furnish a Letter of Authority stating that you are authorized to make the complaint on behalf of the entity.

d) The name of the lawyer you are making the complaint against and the Singapore law practice where the lawyer is or was last practicing in. Please note that under the Act, a complaint cannot be made against a law practice.

e) Describe clearly the alleged misconduct and when it occurred. Where there is more than one allegation of misconduct, use a bullet point format (point by point) to state each alleged misconduct and when it occurred.

f) Provide copies of the necessary documents that support and/or set out the details of your complaint. Do not send originals.

g) Indicate if the complaint refers to misconduct which occurred more than 6 years from the date of the misconduct or more than 6 years from the earliest date you discovered the fraud or could with reasonable diligence have discovered it. The Council cannot refer a complaint concerning the conduct of a lawyer more 6 years after the date of the misconduct to the Chairman of the Inquiry Panel without the leave of the High Court.

h) Where there is more than one complaint, state each complaint as a heading and provide the particulars as described in (f) to support each alleged complaint.

i) Write the information clearly and sign the complaint. The complaint must be addressed to the "Director, Conduct Department" and sent to the Law Society together with the original Statutory Declaration and the supporting documents either by mail to "The Law Society of Singapore 39 South Bridge Road Singapore 058673" or by fax to 6536 3855.

j) The Society cannot accept verbal complaints or complaints via e-mail or provide advice on the merits or success of a complaint or give legal advice. Upon receiving the documents as stated above, the Society will send an acknowledgement informing you of the date at which the Council will consider your complaint.

k) A complaint may be in a language other than English, however, you are required to bear the cost of translation into English for the complaint letter and any supporting documents. Where you do not have the means to translate the documents into English, the Society will do so and this cost will be a debt owed the Society.

l) For voice recordings, you are required to provide a transcription in English. Where you do not have the means to provide a transcription the recording in English the Society will do so and under the law the cost of the same will be a legal debt you owe the Society.

**SAMPLE LETTER**

15 October 2008

Law Society of Singapore
39 South Bridge Road
Singapore 058673

By Post & Fax (Fax No.: 6536 3855)

Attention: Director, Conduct Department

Dear Sir/Madam,

**COMPLAINT AGAINST MR XYZ OF MESSRS XYZ & CO UNDER SECTION 85(1) OF THE LEGAL PROFESSION ACT**

1. The following are my particulars:
   Name:
   NRIC No:
   Address:
   Contact No:

2. The lawyer I wish to make a complaint against:
   Name:
   Singapore law practice:

3. I am laying a complaint against the lawyer for:
   (a) 1st Complaint
   (b) 2nd Complaint
   (c) 3rd Complaint

4. Particulars of the complaint are as follows:

   **(a) 1st Complaint**
   [Provide particulars specific to this alleged complaint, e.g. – "On 20/01/08, during a meeting with the lawyer he asked me to …"

   [Attach copies of the documents mentioned in your particulars, e.g. Warrant to Act, Order of Court, other documents prepared by lawyer, invoices, receipts, letters, faxes, emails, etc]

   **(b) 2nd Complaint**
   [Provide particulars specific to this alleged complaint + Copies of supporting documents]

   **(c) 3rd Complaint**
   [Provide particulars specific to this alleged complaint + Copies of supporting documents]

5. Thank you.

Yours faithfully,

**Signature(s)**

[All complaints must be signed. Where the complaint is made on behalf of a Company, LLP or MCST, a Letter of Authority must be furnished and the authorized Representative must sign the letter.]