

THE LAW SOCIETY OF SINGAPORE

GUIDANCE NOTE 1.6.1

[Formerly GN 2013, para 12]

GUIDELINES ON REPORTING SUBVERSION OF THE ADMINISTRATION OF JUSTICE

1. This Guidance Note sets out the relevant guidelines for a legal practitioner to report instances of subversion of the administration of justice to the Council.
2. Legal practitioners have obligations as officers of the court to assist in the administration of justice. Legal practitioners should therefore report conduct which is subversive of the administration of justice. Council has set out below general guidelines for any such report. That is the basis and purpose of this Guidance Note.
3. For the purposes of this Guidance Note, 'Scheduled Conduct' means any forgery, fabrication or alteration of court documents of the courts of Singapore or elsewhere. This Guidance Note is intended to cover Scheduled Conduct by a legal practitioner. A legal practitioner may raise with the Council or the Advisory Committee of the Professional Conduct Council as to whether any conduct constitutes Scheduled Conduct for the purposes of this Guidance Note.
4. A legal practitioner ('Reporting Practitioner'), who knows or has reason to believe that another legal practitioner ('Subject Person') has committed any conduct which constitutes Scheduled Conduct is recommended to, as soon as practicable, submit to the Council a report ('Report') with supporting documents (if available) which contains particulars including details of the Reporting Practitioner, the Subject Person, and the alleged conduct.
5. In making a Report, the Reporting Practitioner shall provide such assistance as the Council may find necessary or desirable in considering and acting on the Report.
6. The Reporting Practitioner should, prior to making a Report, write to the Subject Person on a confidential basis to communicate his intention to make a Report and to invite the Subject Person to provide a written response within eight days of receipt in relation to the allegations of the conduct to be raised in such Report, save for circumstances:
 - (a) where a delay in submitting the Report to Council is likely to adversely affect the due and proper administration and dispensation of justice; or
 - (b) where notifying the Subject Person is likely to adversely affect the due and proper administration and dispensation of justice.
7. A Report shall be made *bona fide* and not with the objective of securing any undue advantage to the Reporting Practitioner, his law practice and/or his client(s). The Council may take appropriate action against a Reporting Practitioner who is found by the Council to have submitted a Report without *bona fides* and/or with the objective of securing any undue advantage to the Reporting Practitioner, his law practice and/or his client(s).
8. Where the Report contains information which is privileged, the Reporting Practitioner should seek and encourage his client's consent to the disclosure.
9. Upon receiving the Report, the Council may:
 - (a) take cognizance of the Report under section 59(1)(c) of the Legal Profession Act (Cap 161, 2009 Rev Ed) ('LPA') and take such action as it deems fit in relation thereto;

- (b) exercise its discretion under section 85(2) of the LPA to refer the material information to the Chairman of the Inquiry Panel;
- (c) request that the Reporting Practitioner makes a complaint under the LPA or a report to a relevant authority against any person (whether it is the Subject Person or otherwise); or
- (d) take such action as it deems fit in relation thereto.

10. For the avoidance of doubt, nothing of the above is intended to or shall have the effect of affecting, modifying or supplanting any obligation to report any person and/or conduct to any authority or other party under any written law or regulation.

Date: 31 January 2019

THE COUNCIL OF THE LAW SOCIETY OF SINGAPORE