

DISCIPLINARY TRIBUNAL SECRETARIAT

**1 SUPREME COURT LANE, SINGAPORE 178879
TEL: 6332 4040, 6332 4060, FAX: 6332 4061**

DT/SEC/11/2020

24 February 2021

BY EMAIL

Director, Conduct Department
The Law Society of Singapore
28 Maxwell Road
#01-03 Maxwell Chambers Suite
Singapore 069120

Dear Sir

**PROCEEDINGS OF THE DISCIPLINARY TRIBUNAL
IN THE MATTER OF HUANG LUI
AN ADVOCATE & SOLICITOR**

Pursuant to section 93(4)(a) of the Legal Profession Act (Cap 161, 2009 Rev Ed),
I submit a copy of the Report of the Disciplinary Tribunal in respect of Madam Huang
Lui.

Yours faithfully

A handwritten signature in blue ink, appearing to be 'ES', enclosed in a thin black rectangular border.

EDWIN SAN
SECRETARY
DISCIPLINARY TRIBUNAL

C:DT/11/2020.(18D) - ES/PT/AC

The Law Society of Singapore v Huang Lui

Case Number : **DT 11/2020**

Decision Date : **24 February 2021**

Tribunal / Court : **Disciplinary Tribunal**

Coram : **Cavinder Bull, S.C.; Ian Lim**

Counsel Name(s) : **Leong Kah Wah and Alyssa Leong for the Law Society of Singapore; Chelva R. Rajah SC (Tan Rajah & Cheah LLC) for the Respondent**

Introduction

1 These disciplinary proceedings arise from a complaint made by Mdm Lim Lay Choo, Mdm Lim Lay Pheng and Mr Lim Teck Guan (“**the Complainants**”) against Mdm Huang Lui (“**the Respondent**”). The Respondent is a practicing advocate and solicitor of the Supreme Court of Singapore who was admitted to the roll on 14 February 1968. At the material time, she was practicing at M/s Wee Swee Teow LLP.

2 The charge against the Respondent is that in breach of Rule 17(3)(a) of the Legal Profession (Professional Conduct) Rules 2015 (the “**Rules**”), she failed to inform or sufficiently inform her clients of the basis on which fees for professional services will be charged, and she has thereby committed an act amounting to improper conduct in the discharge of her professional duty as an

advocate and solicitor of the Supreme Court, contrary to Section 83(2)(b) of the Legal Profession Act (the “**LPA**”).¹

3 The Respondent pleads guilty to the charge preferred against her by the Law Society of Singapore (“**the Law Society**”).

4 The Respondent having pleaded guilty, the main issue before this Tribunal is whether there is cause of sufficient gravity for the Respondent to be referred to the Court of Three Judges for disciplinary action under Section 83 of the LPA, or whether the Respondent should be reprimanded and/or ordered to pay a penalty sufficient and appropriate to the misconduct, pursuant to Section 93(1)(b) of the LPA.

The background facts

5 The Complainants are amongst the 9 beneficiaries to the Estate of Mdm Tan Bee Eng, deceased, the mother of the Complainants.

6 The aforementioned Mdm Lim Lay Choo and Mr Lim Teck Seng, another beneficiary to the Estate, were named in the will dated 11 October 2007, and were appointed as Joint Executors of the Estate (“**Joint Executors**”) pursuant to the will.²

7 On 20 April 2016, the 9 beneficiaries attended a meeting with the Respondent at the Respondent’s office to seek advice on the will. During this meeting, the Joint Executors agreed to appoint the Respondent and her firm,

¹ Respondent’s Opening Statement dated 3 February 2021 at page 4

² Affidavit of Evidence-in-Chief of Lim Lay Pheng filed on 30 December 2020 at paragraph 4

M/s Wee Swee Teow LLP as the solicitors in the matter of the probate of Mdm Tan Bee Eng, deceased, with the Respondent taking up principal conduct of the matter.³

8 During this meeting, the Joint Executors signed a Warrant to Act with 2 enclosures: Information on Costs and Information on Disclosure of Documents. Notably, both the Warrant to Act and the Information on Costs did not contain any provision on the hourly rate of the Respondent or any other fee earner applicable for the handling of this matter.⁴

9 A fee deposit of S\$2000.00 was duly paid into the Respondent's firm's client account.⁵

10 From the outset, there were disputes among the 9 beneficiaries over the actual value of the Estate and their share entitlements under the will. These disputes were resolved at a mediation and the beneficiaries entered into a Settlement Agreement dated 25 April 2018. Neither the Respondent nor her firm represented any of the parties at the mediation.⁶

11 On 15 May 2018, the Respondent obtained the Grant of Probate.⁷

12 On 24 May 2018, the Respondent issued tax invoice no. 783/2018 for the sum of S\$162,897.32. This sum comprised her professional fees of

³ Statement of Case at paragraph 3

⁴ Statement of Case at paragraphs 3-5

⁵ Statement of Case at paragraph 3

⁶ Statement of Case at paragraph 6

⁷ Statement of Case at paragraph 6

S\$150,000, as well as disbursements and taxes. The tax invoice contained a general description of the professional services rendered. However, it did not give a breakdown of the work done, time spent, the fee earners involved, and the rates charged.⁸

13 Sometime in July 2018, Mr Lim Teck Seng paid a sum of S\$1,300,000 to the Respondent's office to be distributed to the beneficiaries in accordance with the terms of the Settlement Agreement.⁹

14 On 17 July 2018 at 10.13am, the Respondent sent an email to the Joint Executors seeking confirmation that the sum of S\$974,102.68 was payable to the beneficiaries after deducting her bill, as set out in the issued tax invoice, from the original amount of S\$1,300,000.¹⁰

15 Mdm Lim Lay Pheng replied to the Respondent on the same day at 2.15pm, objecting to this deduction and requesting that the Respondent release the full sum of S\$1,300,000 to the beneficiaries of the Estate. In this same email, Mdm Lim Lay Pheng also assured the Respondent that there would be sufficient money to settle her bill, and that her bill could be settled separately to the distribution of the S\$1,300,000.¹¹

16 However, the Respondent continued to assert that she was entitled to deduct her bill before paying out the distribution to the beneficiaries. Specifically, in her reply email to Mdm Lim Lay Pheng on the same day at

⁸ Statement of Case at paragraphs 7-9

⁹ Affidavit of Evidence-in-Chief of Lim Lay Pheng filed on 30 December 2020 at paragraph 16

¹⁰ Affidavit of Evidence-in-Chief of Lim Lay Pheng filed on 30 December 2020 at paragraph 18

¹¹ Affidavit of Evidence-in-Chief of Lim Lay Pheng filed on 30 December 2020 at paragraph 19

3.18pm, the Respondent stated that under Clause 3 of the Settlement Agreement, her bill had to be paid before the distributions were paid out to the beneficiaries.¹²

17 Following this, still on 17 July 2018 but at 8.32pm, Mdm Lim Lay Pheng emailed the Respondent on behalf of the Complainants, informing her that the tax invoice issued was unclear as to how the professional fees of S\$150,000 had been derived and requesting for a detailed breakdown of the fees. In particular, she requested for: (a) the amount of time spent on each piece of work done (with a description of the work done), (b) the date on which the work was done, and (c) who had done the work together with his/her hourly rate.¹³

18 Having received no reply from the Respondent to the request made on 17 July 2018 for a detailed breakdown of the Respondent's professional fees, Mdm Lim Lay Choo emailed the Respondent twice more, on 20 July 2018 and 29 July 2018, requesting a response to Mdm Lim Lay Pheng's 17 July 2018 email.¹⁴

19 On 30 July 2018, the Respondent replied to Mdm Lim Lay Choo, stating that she was in the course of preparing the breakdown of the bill. However, by January 2019, the Respondent still had not provided the Complainants with such a breakdown.¹⁵

¹² Affidavit of Evidence-in-Chief of Lim Lay Pheng filed on 30 December 2020 at paragraph 20

¹³ Affidavit of Evidence-in-Chief of Lim Lay Pheng filed on 30 December 2020 at paragraph 28

¹⁴ Affidavit of Evidence-in-Chief of Lim Lay Pheng filed on 30 December 2020 at paragraph 29

¹⁵ Affidavit of Evidence-in-Chief of Lim Lay Pheng filed on 30 December 2020 at paragraphs 30-31

20 On 24 January 2019, Mdm Lim Lay Choo forwarded an email (sent to her by Mdm Lim Lay Pheng) to the Respondent, asking the Respondent to have her bill taxed by the court. However, the Respondent did not respond to this email either.¹⁶

21 On 10 February 2019, Mdm Lim Lay Choo sent the Respondent a further email. In this further email, Mdm Lim Lay Choo noted the Respondent's failure to reply to the earlier 24 January email and requested the Respondent to respond within the next 7 days. Mdm Lim Lay Choo also informed the Respondent that if she failed to respond within the next 7 days, steps would be taken as may be necessary to tax the Respondent's bill.¹⁷

22 On 15 February 2019, the Respondent responded to inform Mdm Lim Lay Choo that she was still in the course of finishing the detailed bill and that she would require an additional week before she could present the detailed bill. The Respondent also explained that this delay in presenting the detailed bill was caused by the fact that a large portion of the work done towards finishing the detailed bill had been accidentally deleted, and had to be re-done.¹⁸

23 On 5 April 2019, the Complainants wrote to the Law Society to make a complaint ("**the Complaint**") against the Respondent. At this time, they had still not received a breakdown of the tax invoice or a response from the Respondent in relation to the earlier requests for the bill to be taxed. This was

¹⁶ Affidavit of Evidence-in-Chief of Lim Lay Pheng filed on 30 December 2020 at paragraph 32

¹⁷ Affidavit of Evidence-in-Chief of Lim Lay Pheng filed on 30 December 2020 at paragraph 33

¹⁸ Affidavit of Evidence-in-Chief of Lim Lay Pheng filed on 30 December 2020 at paragraph 34

more than 8 months since the Complainants had first requested the Respondent to provide a breakdown of her bill.¹⁹

24 In the Complaint, the Complainants alleged that, *inter alia*, the Respondent had grossly over-charged them for the probate matter, had failed to provide full particulars or details of the work done despite repeated requests and queries, had refused to respond to repeated requests to tax her bill, and had delayed providing the breakdown of her bill for 9 months.²⁰

25 Following the lodging of the Complaint, on 11 April 2019, the Respondent finally provided a breakdown of the tax invoice. In the details, the Respondent outlined the dates and items of work done. However, the Respondent did not provide the time spent, the fee earners involved and their hourly rates.²¹

Procedural history and amendment of the charge

26 Sometime on or around 1 October 2020, the Law Society's Statement of Claim was served on the Disciplinary Tribunal Secretariat.

27 The Statement of Claim set out two charges against the Respondent. The 1st charge was that the Respondent had breached Rule 17(3)(a) of the Rules for failing to inform or sufficiently inform her clients of the basis on which her professional services had been charged, and had thereby committed an act amounting to **“grossly improper conduct”** in the discharge of her professional

¹⁹ Statement of Case at paragraph 12 and Affidavit of Evidence-in-Chief of Lim Lay Pheng filed on 30 December 2020 at paragraphs 35-36

²⁰ Bundle of Documents of the Law Society of Singapore, Tab 16, at paragraph 2

²¹ Statement of Case at paragraph 13

duty as an advocate and solicitor contrary to Section 83(2)(b) of the LPA (emphasis added). The alternative first charge was that by her breach of Rule 17(3)(a), the Respondent had committed an act of misconduct unbefitting of an advocate and solicitor under Section 83(2)(h) of the LPA.²²

28 This Disciplinary Tribunal was subsequently appointed by the Honourable The Chief Justice on 16 October 2020.

29 On 11 November 2020, the Respondent's Statement of Defence was served on the Tribunal and the Secretariat.

30 On 19 November 2020, the Law Society filed their List of Documents. The Respondent filed her List of Documents the next day on 20 November 2020.

31 On 30 December 2020, pursuant to the timelines set by the Tribunal, the Respondent and the Law Society filed affidavits of evidence-in-chief, and the Law Society filed their bundles of documents and bundles of authorities.

32 On 2 February 2021, the Law Society filed its Opening Statement together with supplementary bundles of authorities and documents. The Respondent filed her Opening Statement the next day on 3 February 2021. Notably, in her Opening Statement, the Respondent invited the Law Society to amend the 1st charge against her by deleting the word "grossly" from the expression "grossly improper conduct" in the 1st charge.²³ The Respondent

²² Statement of Case at paragraph 21

²³ Respondent's Opening Statement at paragraph 1

further stated that if the requested amendment to the 1st charge was made, she would re-assess her position in relation to her denial of the charges.²⁴

33 On 4 February 2021, during the hearing, the Law Society requested for leave from the Tribunal to amend the 1st charge against the Respondent to remove the word “grossly” from the expression “grossly improper conduct”. The Tribunal granted the Law Society leave to make such an amendment. Following this amendment, the Respondent changed her position to plead guilty to the amended 1st charge, with the result that the alternative 1st charge against the Respondent also fell away.

34 The Respondent having pleaded guilty to the amended charge, the only issue for the Tribunal to decide concerned the sanction to be issued against the Respondent, if any. Accordingly, the Tribunal heard submissions from both parties regarding what sanctions would be appropriate in the circumstances.

The parties’ respective positions

35 Counsel for the Law Society directed the Tribunal’s attention to two cases: *The Law Society of Singapore v Anand K Thiagarajan* [2009] SGDT 2 (“*Anand*”) and *The Law Society of Singapore v Chung Kok Soon* [2002] SGDSC 2 (“*Chung Kok Soon*”).

36 In *Anand*, the respondent admitted to his failure to comply with Rule 35(a) of the Legal Profession (Professional Conduct) Rules (Cap 161, R1, 2000 Rev Ed), which stated that “[a]n advocate and solicitor shall inform the client of the basis on which fees for professional services will be charged and the

²⁴ Respondent’s Opening Statement at paragraph 7

manner in which it is expected that those fees and disbursements, if any, shall be paid by the client”. This provision was a precursor to Rule 17(3)(a) of the Rules. The Tribunal in that case ruled that a reprimand pursuant to s.93(1)(b) of the LPA would be appropriate bearing in mind that the respondent had still provided the complainant with a bill for the work. The Tribunal also ordered the respondent to pay the costs incurred by the Law Society in those proceedings.²⁵

37 In *Chung Kok Soon*, the respondent was charged, *inter alia*, with grossly improper conduct in the discharge of his professional duty within the meaning of Section 83(2)(b) of the LPA, for failing to comply with the provisions of Rule 35(a) of the Legal Profession (Professional Conduct) Rules 1998. The Tribunal found that the respondent had breached Rule 35(a) and, in light of this breach, ordered the respondent to be reprimanded for this conduct and to pay the costs of the Law Society.²⁶

38 Counsel for the Respondent submitted that the present case was not one of sufficient gravity to be referred to the Court of Three Judges. Instead, it was submitted that a reprimand and an order to pay the Law Society’s costs would not be inappropriate sanctions for the Respondent’s misconduct.

The Tribunal’s determination

39 The two cases which Counsel for the Law Society brought to the Tribunal’s attention concerned Rule 35(a) of the Legal Profession (Professional Conduct) Rules 1998. That Rule is substantively identical to Rule 17(3)(a) of the Rules which provides that “[a] legal practitioner must inform his or her client

²⁵ *The Law Society of Singapore v Anand K Thiagarajan* [2009] SGGT 2 at [28] and [31]

²⁶ *The Law Society of Singapore v Chung Kok Soon* [2002] SGDSC 2

of the basis on which fees for professional services will be charged, and of the manner in which those fees and disbursements (if any) are to be paid by the client”.

40 In both those cases, a breach of the obligation to inform a client of the basis on which fees for professional services would be charged, attracted a reprimand and an order that the Respondent pay the Law Society’s costs of the Disciplinary Tribunal proceedings. Bearing these precedents in mind, and considering all the facts of this case, the Tribunal finds that pursuant to Section 93(1)(b)(ii) of the LPA, while no cause of sufficient gravity for disciplinary action exists under section 83, the Respondent should be reprimanded.

41 The Tribunal is of the view that the Respondent should be reprimanded and ordered to pay the Law Society’s costs fixed at S\$5,000 plus reasonable disbursements.

Dated 24th day of February 2021



Mr Cavinder Bull, S.C.
President



Mr Ian Lim
Advocate & Solicitor