

THE LAW SOCIETY OF SINGAPORE

PRACTICE DIRECTION 8.1.1

[Formerly PDR 2013, para 51; PDR 1989, chap 1, para 54]

ALLEGATION AGAINST ANOTHER LEGAL PRACTITIONER IN COURT DOCUMENTS

A. Rationale of Rule 29 of the Legal Profession (Professional Conduct) Rules

The purpose of rule 29 of the Legal Profession (Professional Conduct) Rules 2015 (S 706/2015) ('PCR 2015') is to ensure that a legal practitioner (*A*) gives another legal practitioner or his/her legal practice (*B*) an opportunity to provide the court a full and balanced picture of the allegation made against *B* when *B*, not being a party to the proceedings, would not have had an opportunity to respond. A legal practitioner or his/her legal practice who is a party to the proceedings would be given the right to respond to the allegation as a party. After *B* gives his/her reply, *A* may then withdraw or modify his/her allegation.

B. When Rule 29 of the Legal Profession (Professional Conduct) Rules Does Not Apply *["Allegations against Fellow Solicitors", Singapore Law Gazette, January 2000]*

Rule 29 of PCR 2015 does not apply:

- (a) when *B* is a party to the proceedings;
- (b) where a client in a criminal suit makes allegations against *B* who is the victim; or
- (c) when an allegation is made against *B* who is a non-practising legal practitioner.

C. "Made Against another Legal Practitioner"

["Allegations against Fellow Solicitors", Singapore Law Gazette, January 2000]

If an allegation is made against a non-qualified staff of the law practice [note: in particular, an allegation which goes towards the processes, oversight or management of the firm], rule 29 of PCR 2015 may apply unless the allegation is personal to the staff.

D. "Opportunity to Respond to the Allegation"

[Ethics Committee Guidance: 8 March 2000]

Under rule 29 of PCR 2015, it is *A*'s duty to provide *B* with sufficient particulars of the allegation against him/her to enable him/her to fully respond to the allegation. Whether the particulars given are sufficient will depend on the facts of each case, eg, whether it would be necessary to forward all the exhibits in an affidavit containing the allegation in order to comply with rule 29 of PCR 2015.

It would be prudent practice for *A* to forward to *B* the draft document containing the allegation so that *B* is cognisant about the allegation being put before the court.

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