

# THE LAW SOCIETY OF SINGAPORE

## PRACTICE DIRECTION 9.1.2

*[Formerly PDR 2013, para 27; PDR 1989, chap 1, paras 24(a)–24(d)]*

### **LETTERS THREATENING CRIMINAL PROCEEDINGS/OFFENSIVE LETTERS**

A legal practitioner shall not threaten the institution of any criminal proceedings against a person who has failed to admit or satisfy a civil claim made against him/her. It is improper for a legal practitioner's letter to state that his/her clients "may consider lodging a report with the police with the view of the arrest of any person for an offence under the Penal Code". Although a criminal offence may have been disclosed, that in itself is no justification for bringing pressure to bear for the recovery of a civil debt, irrespective of who the defendant is.

It is also improper for a legal practitioner to communicate in writing or otherwise a threat of criminal proceedings in order to achieve a stated objective in any circumstance, for example, to compel a witness to attend at the solicitor's office to give a statement or to sign a written statement despatched to him/her.

However, it is not improper for a legal practitioner to communicate with a party requiring him/her to comply with a particular order, injunction or statutory provision, and state that failure to do so will result in that party being liable to an offence or penalty. It is further permissible for the legal practitioner to identify the offence or penalty under reference.

The Council has received complaints relating to offensive language used by legal practitioners to members of the public and to clients of other legal practitioners.

We reproduce below the relevant text of the Law Society of Ireland's "A Guide to Good Professional Conduct for Solicitors" (3rd Ed, 2013) at page 52:

#### **"6.8 Writing Offensive Letters**

A solicitor, while acting for a client or otherwise, should not use insulting language or indulge in acrimonious correspondence."

The Council is of the view that the use of offensive or insulting language is unbecoming conduct for a legal practitioner.

It is unbecoming conduct for a legal practitioner to write letters containing threats of criminal proceedings to coerce the other party to act in accordance with the legal practitioner's demands or into making a statement in favour of his/her client's case. The use of insulting and threatening language are neither in the interests of the client nor conducive to the maintenance of the good name of the profession.

Date: 31 January 2019

**THE COUNCIL OF THE LAW SOCIETY OF SINGAPORE**