

## THE LAW SOCIETY OF SINGAPORE

### PRACTICE DIRECTION 3.3.9

*[Formerly PDR 1989, miscellaneous section, query 7]*

#### **QUERY: SOLICITORS' ACCOUNTS RULES – SELF REPRESENTATION BY SOLICITOR OR REPRESENTATION BY FIRM WHERE SOLICITOR IS PARTNER**

**Question:** Please let me have your ruling as to whether a solicitor (as defined by subsidiary legislation):

- (a) Can be his/her own client?
- (b) Can be the client of a firm in which he/she is a partner?
- (c) Whose firm is acting for him/her can receive moneys into his/her clients' account in a matter in which his/her firm is acting for him/her as solicitors on record?

**Answer:**

**(a) Whether a solicitor can be his/her own client?**

As the query seems to be concerned with the Legal Profession (Solicitors' Accounts) Rules (Cap 161, R 8, 1999 Rev Ed) ('SAR'), the Council wishes to give its views solely in the context of the SAR and its definitions, in paragraph (c) below.

**(b) Whether a solicitor can be the client of a firm in which he/she is a partner?**

See paragraph (a) above.

**(c) Whether a firm of solicitors can pay into client account money received from (or for) a partner in a matter in which his firm is acting for him as solicitors?**

The question has been rephrased, hopefully to identify the real issue.

The SAR defines 'client's money' so as to exclude solicitor himself/herself, or in the case of a firm, one or more of the partners thereof, 'client' is defined as a person on whose account a solicitor holds or receives 'clients' money'. Therefore if only the solicitor, whether as a sole proprietor or a partner, is entitled to the subject money, then for the purposes of dealing with such money under the SAR:

- (i) it is not client's money;
- (ii) it may not be paid into the client account unless permitted under rules 4 and 5(3) of the SAR (which probably do not apply here); and
- (iii) he/she cannot be his/her own client or a client of a firm in which he/she is partner.

On the other hand if the solicitor is not entitled at all, or is not the only person entitled, to the subject money, then for the purposes of dealing with such money under the SAR:

- (i) it may be client's money within rule 2 of the SAR; and
- (ii) if it is, it must be paid into the client account.

The Council expresses no views as to whether a solicitor may be regarded as his own client for any purpose other than that of the SAR.

Date: 31 January 2019

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