

THE INQUIRY PANEL

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Review Committee 090 of 2021

Ms Jennifer Fong, Chairperson

PRIVATE & CONFIDENTIAL

IN THE MATTER OF SECTION 85(1) OF THE LEGAL PROFESSION ACT

**COMPLAINT BY
MOHAMED MUSTAFA MAHMOUD HELMY (“Complainant”)**

**AGAINST
TIMOTHY ANG WEI KIAT (HONG WEI JIE)
And
ZHU MING-REN WILSON
 (“Respondents”) BOTH OF RAJAH & TANN SINGAPORE LLP**

REPORT OF THE REVIEW COMMITTEE

1. This Review Committee was constituted on 16 December 2021.
2. The Review Committee comprised the following members:
 - (1) Fong Lee Cheng, Jennifer (Chairperson); and
 - (2) Yang Ziliang (Legal Service Officer).
3. The Complainant's complaints against the Respondents may be summarized as follows.
 - a. Between 14 May 2021 to 18 August 2021, the Respondents produced documents as if in the matter of HC/S 413/2021. The Complainant's position is that there are no documents filed in HC/S 413/2021 other than the complainant's writ of summons (“**1st Complaint**”).
 - b. The Respondents entered appearance on behalf of the Defendant in HC/S 413/2021 (“**Defendant**”) on 14 May 2021 but no warrant to act was produced (“**2nd Complaint**”).
 - c. The supporting affidavit for the summons for striking out filed on 7 June 2021 by a Mr Goh Ke Min Kevin was not accompanied by any application for this individual to act on behalf of the Defendant (“**3rd Complaint**”).

- d. The summons to strike out under O 18 Rule 19 was made without pleadings being filed by the Defendant (“**4th Complaint**”).
 - e. The Respondents sent papers to OCBC, the staff of which saw as sufficient to take all the money in his bank account (“**5th Complaint**”).
 - f. During March 2021, the Respondents sent letters threatening him with legal action but no legal action was taken against him (“**6th Complaint**”).
4. Having read the Complaint dated 18 October 2021 (“**Complaint**”) together with its accompanying exhibits and the further letter by the Complainant dated 1 November 2021 to the Law Society, the findings of the Committee are set out in the following paragraphs.
 5. In relation to the 1st Complaint, i.e that between 14 May 2021 to 18 August 2021, the respondents produced documents as if in the matter of HC/S 413/2021 and the Complainant’s position is that there are no documents filed in HC/S 413/2021 other than his writ of summons, the Committee finds as follows:
 - a. First, the Complainant’s position that there are no documents filed in HC/S413 /2021 is factually incorrect. It is evident from the exhibits to the Complaint that there clearly are documents filed in court in that action for the period 14 May 2021 to 18 August 2021: e.g HC/SUM 2650/2021 filed 8 June 2021 (page 258 of the Complaint) as referred in the Order of Court reproduced at page 284 of the Complaint.
 - b. The Complainant’s complaint appears to be that he is objecting to the Respondents sending court documents filed in HC/S 413/2021 to him, which was expressed to be by way of service (see page 228 of the Complaint, page 254 and 255 of the Complaint). There is no indication in the Complaint that any court documents sent to the Complainant by the Respondents were documents which were not actually filed in HC/S 413/2021. The authenticity of the three court orders appearing at page 278, 280 and 281 of the Complaint can easily be verified by scanning the QR codes appearing on such orders. The authentic court orders dated 14 July 2021 in turn refers to submissions filed by the Defendant as well as an affidavit dated 7 June 2021 filed by Goh Ke Min Kevin on behalf of the Defendant. Therefore, the Committee does not doubt that the documents sent to the Complainant were actually filed in HC/S 413/2021. There appears to be no complaint regarding the method of service and in any event, the Complainant was free to have raised any objections to the service of documents before the Court.
 6. Therefore, the Committee finds the 1st Complaint to be misconceived and lacking in substance.

7. The 2nd Complaint was that the Respondents entered appearance on behalf of Defendant on 14 May 2021 but no warrant to act was produced.
8. The Committee finds that the Rules of Court do not require the production of a warrant to act when filing a Memorandum of Appearance. Further, if the Complainant had issues with the Respondents' authority, he could have raised it in HC/S 413 of 2021 or requested a copy of their warrant to act.
9. Therefore, the Committee finds the 2nd Complaint to be misconceived and lacking in substance.
10. The 3rd Complaint is that the supporting affidavit for the summons for striking out filed on 7 June 2021 by a Mr Goh Ke Min Kevin was not accompanied by any application for this individual to act on behalf of the Defendant. However, Mr Goh Ke Min Kevin deposes at paragraph 1 of his said affidavit (page 101 of the Complaint) that he is duly authorised to make the affidavit on the Defendant's behalf. The affidavit is signed by him before a commissioner for oaths. The Rules of Court do not require witnesses to separately have to apply to court for authority to file affidavits on behalf of a party.
11. Further to the extent that the 3rd Complaint relates to objections to the affidavit filed by the deponent, the Complainant could have raised any such objections before the Court hearing the matter.
12. Therefore, the Committee finds the 3rd Complaint to be misconceived and lacking in substance.
13. The 4th Complaint was that the summons to strike out under O 18 Rule 19 of the Rules of Court was made without pleadings by the Defendant.
14. The Committee finds that the reason that a Defence was not filed is already explained in the submissions of the Defendant at page 78 of the Complaint (namely that the Defendant had sought a prayer for the defence to be deferred) and the Court had accepted such reason and granted the said summons. There is no irregularity and even if there were any irregularities, this is a matter for the Court to have decided in HC/SUM 3000/2021 – the Complainant's application for judgment in default of a defence. The Committee observes that the Court had considered the Complainant's affidavit, as well as the parties' submissions, before dismissing this application (page 281 of the Complaint).
15. Therefore, the Committee finds the 4th Complaint to be misconceived and lacking in substance.
16. The 5th Complaint is that the Respondents sent papers to OCBC, the staff of which saw as sufficient to take all the money in his bank account. This appears to be a reference to garnishee orders served on OCBC. OCBC's response to this has already been set out in their response in a claim filed against OCBC by the Complainant in the Small Claims Tribunal at page 261 of the Complaint. OCBC's position was to the effect

that they had received a Garnishee Order to Show Cause dated 27 July 2021 and the Final Garnishee Order dated 13 August 2021 and acted in accordance with such orders. The Committee finds that there is no unbecoming conduct in the Respondents serving court papers on their client's behalf on the garnishee named in the court orders.

17. The Committee also observes that if the Complainant had issues with the service of the garnishee order to show cause on the garnishee or with the fact that the Respondents' client was seeking to garnish his bank account, he could have contested the garnishee orders to show cause and raised any objections regarding service or regarding the garnishee application itself before the Court hearing the garnishee application.
18. Therefore, the Committee finds the 5th Complaint to be misconceived and lacking in substance.
19. The 6th Complaint by the Complainant was that during March 2021, the Respondents sent letters threatening him with legal action but no legal action was taken against him. This appears to be a reference to a letter dated 9 March 2021 (page 174 of the Complaint) demanding that the Complainant provide an undertaking to, amongst other things, retract his allegations, cease and desist from publishing alleged defamatory statements and take reasonable and necessary steps to communicate in writing to all parties to whom he had published the alleged defamatory statements that the publications are without basis. The letter stated that if no undertaking was provided, the Respondents had firm instructions to take such steps as may be necessary to protect their client's interests. Based on the available facts, the Complainant has not shown that there is any improper conduct within Section 83 of the Legal Profession Act by the sending of such letter.
20. Therefore, the Committee finds the 6th Complaint to be misconceived and lacking in substance.
21. For the above reasons, the Committee is unanimously of the view that the Complainant's complaints are misconceived and lacking in substance and directs the Council to dismiss them.

Dated the 12th day of January 2022



FONG LEE CHENG, JENNIFER

Chairman

On behalf of Review Committee 090 of 2022