

# *Balancing scales of justice for trainee lawyers who cheated in Bar exam*

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SINGAPORE - There is unhappiness among some Singaporeans about how [six trainee lawyers seemingly got off lightly with cheating](#) in the professional Bar examination in 2020.

In a further twist, the Attorney-General said on Tuesday (April 19) that [another five were found to have cheated in the same exam](#), and that their applications to be called to the Bar are under review.

The case involving the first six was made public on Monday after the High Court released its decision to postpone their applications to practise law in Singapore - by six months for five of them, and by a year for one.

The move was described in the decision as "not intended as a punishment" but rather "a little more stretching of time for (them) to reflect on the error of their ways".

To avoid having their actions leave a permanent stain on their records in their nascent legal career, the High Court made an unusual decision to protect their identities.

"I am redacting the names of the applicants in the hope that they will not be prejudiced in the long run. I am also directing that this file be sealed. But second chances are for those who seize them," said Justice Choo Han Teck.

These six are thus known as CTA, CTB, CTC, CTD, CTE and CTF in court records, naming conventions that are usually used for family court cases or criminal offences, where the identities of minors and victims have to be protected.

A check of court records and newspaper reports found no precedent to this case.

To understand how these six could have resorted to cheating, the context is important.

Aspiring lawyers have to clear four qualification hurdles.

The first step is obtaining a law degree from one of the three local law schools or a recognised overseas one.

Next, they have to work six months in a local law firm as a practice trainee. From next year, the training period will be extended to one year.

They also have to complete a six-month course and pass exams conducted by the Singapore Institute of Legal Education (Sile) - a statutory body - typically called the Bar exam.

The exam, held once a year, comprises seven compulsory and two elective subjects that cover topics such as criminal, civil and family law practices.

Lawyers have said that the Bar exam is the toughest part of the qualification process.

After passing the Bar exam, the final step is to apply to be admitted to the Singapore Bar, which gives them the licence to practise law here. These applications are heard by the Supreme Court.

The Attorney-General, Law Society or Sile can object to the applications.

In the case of the six trainees, the Attorney-General objected to their being admitted to the Bar on grounds that they were unfit as they had cheated in the Bar exam.

The entire journey takes more than five years. But while the path may be gruelling, countless lawyers have taken it, with some failing along the way and succeeding eventually.

This is why the shortcut that the six sought by cheating in the exams leaves a sour taste.

"Disgrace," said a friend who is a qualified lawyer.

That said, there are arguments why these six should be given a second chance.

One, they have not committed any crime or offence. There is no law against cheating in a law exam. Accordingly, there was nothing that the courts could have done to punish them directly for their actions.

Two, the six have all since passed the required exam, so there is no question of their lack of academic ability.

The public unhappiness comes down to what the trainee lawyers are seen to be lacking: integrity.

Some argue that their dishonest acts - they cheated in many papers, including, ironically, one on ethics - should have disqualified them from a profession where they are stewards to uphold justice.

Just last week, the Court of Three Judges - the highest disciplinary body for the legal profession - suspended an experienced lawyer for three years after finding that he acted dishonestly in managing a client.

He was found to have intentionally concealed information from his client and acted contrary to the client's instructions.

The practising lawyer of 21 years is a partner in a well-known local law firm and co-heads its family and divorce practice group.

He was not struck off the rolls because the disciplinary body found that his misconduct did not indicate a character defect that renders him unfit to remain in the profession, and it did not undermine the administration of justice.

That has been the consistent standard that the Court of Three Judges adopts to decide if a dishonest lawyer should remain in the profession.

But there also lies the rub: The six who cheated are not yet lawyers. Hence, the standards expected of lawyers, and disciplinary measures when they fall short, do not apply to them, yet.

"There are no provisions for disciplinary action where a qualified person misconducts himself before he has been admitted to the Bar," Justice Choo said.

One wonders if trainee teachers or police officers caught cheating in the National Institute of Education or Home Team Academy exams will be allowed to continue in their professions.

There is one more explanation for the public unhappiness.

"It would also be harsh to have one's professional career ended before it has even begun," said Justice Choo.

But not all will find the second-chance rationale fully persuasive because there are others who have had their future stained for arguably lesser infractions.

A case that pricks my conscience is the teenager who played a prank by [lying on Instagram in May last year that he was infected with Covid-19](#).

For his two posts that were online for 15 minutes, the 19-year-old was convicted in court last year and sentenced to nine months' probation and 40 hours of community service.

He was named and photographed for posterity online.

In that case, the teen's mother reportedly pleaded with the judge to consider that her son has a bright future and was very remorseful.

It is unclear from the court decision if the six trainee lawyers were even remorseful, which is a key element of anyone pleading for a second chance. One of them apologised some 16 months after cheating in the exam, just two days before she was to have appeared in court.

There is no doubt that the six fell short of the standards expected of lawyers. Whether they are fit to become lawyers is a matter for the legal profession to eventually decide.

And now that they have caught a rare break from open scrutiny and remain publicly untainted by their dishonest acts, one can only hope that they learn from their mistakes and, should they go on to practise law, remember and serve those to whom the law was less kind.