

The Law Society of Singapore v Singham Dennis Mahendran  
[2001] SGHC 1

**Case Number** : OS 1410/2000  
**Decision Date** : 02 January 2001  
**Tribunal/Court** : High Court  
**Coram** : Chao Hick Tin JA; L P Thean JA; Yong Pung How CJ  
**Counsel Name(s)** : Prem Gurbani and Mabel Mak (Gurbani & Co) for the applicant; Kenneth Tan SC (Kenneth Tan Partnership) for the respondent  
**Parties** : The Law Society of Singapore — Singham Dennis Mahendran

*Legal Profession – Show cause action – Grossly improper conduct in discharge of professional duties – Consensual sexual relations with client during existence of solicitor-client relationship – Whether conduct amounting to grossly improper conduct – Appropriate sanction – s 83(1) & 83(2)(b) Legal Profession Act (Cap 161, 1997 Ed)*

(delivering the grounds of judgment of the court): Dennis Mahendran Singham (the `respondent`), an advocate and solicitor of the Supreme Court of the Republic of Singapore of 25 years` standing, faced the following charges brought against him by the Law Society of Singapore:

*Charge*

*That Dennis Mahendran Singham is guilty of grossly improper conduct in the discharge of his professional duties within the meaning of s 83(2)(b) of the Legal Profession Act (Cap 161, 1997 Ed) in that he did carry on a sexual relationship with a client of Rodyk & Davidson, in which firm he was a Partner, sometime between 20 April 1995 and 18 October 1995 during which period he was the solicitor having the conduct of divorce proceedings instituted in the High Court by the said client.*

*Alternative charge*

*That Dennis Mahendran Singham is guilty of such misconduct unbecoming an advocate and solicitor as an officer of the Supreme Court or as a member of an honourable profession within the meaning of s 83(2)(h) of the Legal Profession Act (Cap 161, 1997 Ed) in that he did carry on a sexual relationship with a client of Rodyk & Davidson, in which firm he was a Partner, sometime between 20 April 1995 and 18 October 1995 during which period he was the solicitor having the conduct of divorce proceedings instituted in the High Court by the said client.*

The Disciplinary Committee of the Law Society (the `Disciplinary Committee`) found the respondent guilty of the charge of grossly improper conduct in the discharge of his professional duties under s 83(2)(b) of the Legal Profession Act (the `Act`). The Law Society thus filed this originating summons for the respondent to show cause why he should not be dealt with under the provisions of s 83 of the Act in such manner as this court shall deem fit.

At the show cause proceedings, we ordered that the respondent be suspended from practice as an advocate and solicitor for a period of three years. We set out our reasons below.

**The facts**

The respondent, while a partner in the firm of Rodyk & Davidson, was first consulted by the client (the `client`), with whom he had the alleged relationship, on 10 April 1995 to represent her in divorce proceedings that she wished to bring against her then husband in the High Court. The client`s divorce petition was filed in the High Court on 20 April 1995. The High Court granted the divorce and a decree nisi was issued on 6 July 1995. The decree nisi was made absolute on 18 October 1995. The essence of the charge against the respondent was that between April 1995 when the client`s divorce petition was filed and October 1995 when the decree nisi was made absolute, the respondent carried on a sexual relationship with her while there was a solicitor-client relationship in existence between them.

The Disciplinary Committee accepted the evidence of the client on how her relationship with the respondent developed. The facts as found by the Disciplinary Committee were as follows.

The client`s first meeting with the respondent on 10 April 1995 was in his office during which she retained him as her solicitor for the purposes of instituting divorce proceedings against her then husband. After the first meeting, the respondent gave the client a lift back to her office and was very attentive to her. He even suggested that the client could use his chauffeur to drive her mother to hospital for dialysis thrice weekly.

Their second meeting took place two days later for the purposes of working on the divorce petition. Again, the respondent was very attentive to the client. He invited her to lunch and also spoke about his own marital problems.

A third meeting was held within a week for the client to approve the draft petition. This time, the respondent invited her to lunch again at a fine Italian restaurant. The respondent commented to the client that her then husband would not take her to such places but the respondent would. During lunch, the respondent professed to the client that he was attracted to her from the first time they met.

After their third meeting, the respondent left for the United Kingdom. While he was there, he called the client but she was out. After his return from the UK, he repeatedly invited her out for drinks and the drinks sessions at the American Club became a daily routine. It was during these meetings at the American Club that the client`s reservations and resistance started crumbling and she permitted herself to believe what the respondent told her about her then husband. The respondent always made suggestions that he was a better man than her then husband. The respondent would also express regret about his own marriage.

The client was also touched by the concern that the respondent showed over her mother`s illness. He was always attentive, concerned, caring and sensitive to the client. He made several attempts to be intimate with her. He also told her that, as she had started divorce proceedings, she should not allow her then husband into her bedroom. He told the client that they would eventually end up together and even started dictating what she should wear and how she should behave.

On or about 12 May 1995, the respondent took the client to Kuala Lumpur where they stayed at the Shangri-La Hotel. There, he confirmed that he would divorce his wife and marry her. During this visit to Kuala Lumpur, although they booked into separate hotel rooms, they had sex on several occasions in her room. They returned to Singapore on 15 May 1995. The next day, she received a bouquet of flowers from the respondent with a message which read ` - A - Thanks! You know the rest. - D - `.

From 25 May to 29 May 1995, the respondent and the client were in Kuala Lumpur again and shared a room at the Shangri-La Hotel. During their stay in Kuala Lumpur, they had sex on several occasions

and the respondent also wrote several messages to the client declaring his love for her.

In late May 1995, the respondent took the client and her mother to dinner at the American Club. The client`s mother was impressed by the manner and sincerity of the respondent, who also professed his intention to marry the client after he had sorted out his own marital problems.

On the respondent`s advice, the client moved out of her matrimonial home with her mother in June or July 1995 and moved into a property at Jalan Puteh Jernah. Before the client and her mother moved into the new residence, she had sex there with the respondent on several occasions at his request while the premises were still vacant. They also frequently had sex in the car park of the Botanical Gardens extension in Cluny Road.

The client`s decree nisi was granted on 6 July 1995. On 29 July 1995, the client and the respondent visited the Pangkor Laut Resort and stayed there in the same room until 1 August 1995. During their stay there, they had sex on several occasions.

Meanwhile, after the client had started her divorce proceedings, her then husband made several attempts to reconcile. By then, the client was convinced by the respondent that there was no way her then husband could treat her as well as the respondent had done.

In September 1995, the respondent was introducing the client to some people as his wife. He also took her to a law conference in Paris as his spouse and then to London. Throughout this time, their sexual relationship continued on a regular basis.

The relationship between the respondent and the client, however, did not last. Soon after the client`s decree nisi was granted and after her mother`s death, the respondent started behaving differently and spending less time with her. She finally discovered that he was having a relationship with a female colleague. She felt deceived and told the respondent of her intention to part and consult lawyers on his breach of promise to marry her. The respondent then offered her \$200,000 as a parting gift which she accepted. This was under a `Deed of Settlement` which stated that the parties had mutually agreed to end their two-year relationship. The Deed was prepared by another solicitor on the client`s instructions and contained a Release and Discharge clause which read as follows:

*Each of the parties hereto forever waives, forgoes, abandons, releases and discharges absolutely the other in his or her personal capacity, from all and any claims, actions, causes of action, rights, suits, proceedings, damages, costs, charges, obligations, liabilities, judgments, orders and demands howsoever, whensoever, or wheresoever arising out of the relationship between the parties which each of them now has or at any time had until the date of this Deed or will in the future have, as the case may be.*

Subsequently, however, the respondent and the client reconciled and their relationship resumed until she was informed that the respondent was seen walking arm-in-arm and behaving intimately with a woman. She then decided to get the respondent out of her life. She left Singapore and ceased to have any further contact with the respondent.

The proceedings before the Disciplinary Committee came about in an unusual manner. The client did not at any time lodge a complaint against the respondent. What happened was that one Selvaratnam a/l S Rasiah (`Rasiah`) lodged a complaint against the respondent in 1999, alleging that the

respondent had engaged in a sexual relationship with his wife while acting for her in divorce proceedings against him. Rasiah contacted the client and informed her that he wished to establish the truth of her relationship with the respondent. Rasiah told the client that the respondent had told the Law Society that he did not have a relationship with her during the time she was the respondent's client. At Rasiah's request, the client agreed to file an affidavit to clarify matters.

The respondent's defence to the charges rested on two main points. First, he claimed that he had worked with Mr Koh Tien Hua, a fellow solicitor in Rodyk & Davidson, on the divorce proceedings for the client. He therefore did not have the exclusive conduct of the client's divorce proceedings at the material times. Secondly, he admitted to having had a sexual relationship with her but claimed that the relationship only began after he had ceased acting for her in her divorce proceedings and after her decree nisi and the consent order on ancillaries were granted on 6 July 1995.

### ***The findings of the Disciplinary Committee***

The Disciplinary Committee considered three issues, namely:

- (i) whether the respondent was the client's solicitor for the purpose of her divorce proceedings;
- (ii) if so, whether the sexual relationship between the client and the respondent took place while he was her solicitor; and
- (iii) if so, whether the respondent's conduct, in engaging in that relationship, amounted to grossly improper conduct within the meaning of s 83(2)(b) of the Act; alternatively, whether the respondent was guilty of conduct unbecoming an advocate and solicitor within the meaning of s 83(2)(h) of the Act.

The Disciplinary Committee answered the first two questions in the affirmative and, with regard to the third question, found that the respondent was guilty of grossly improper conduct within the meaning of s 83(2)(b) of the Act. There was thus no need to proceed to consider the alternative charge against the respondent.

### ***The issue***

The findings of fact of the Disciplinary Committee as well as the finding that the respondent was guilty of grossly improper conduct under s 83(2)(b) of the Act were not challenged by the respondent. Nonetheless, this being the first case in Singapore of an advocate and solicitor facing disciplinary action for sexual misconduct, it would be appropriate for this court to set out the principles to be applied in determining if such behaviour on the part of an advocate and solicitor amounts to grossly improper conduct and, if so, the appropriate sanction to be imposed in such cases.

### ***Whether behaviour amounted to grossly improper conduct under s 83(2)(b) of the Act***

Although there appears to be a dearth of Commonwealth authorities on the question of professional misconduct manifested by a solicitor who engages in sexual relations with a client, there were several of such cases cited by counsel, all but one of which were American. The only Commonwealth authority cited by counsel was the decision of the High Court of Australia in Bar Association of

**Queensland v Lamb; Stevens v Lamb** [1972] Argus LR 285. Further, counsel also referred to a news report on proceedings before the New Zealand Law Practitioners Disciplinary Tribunal involving a practitioner who acted for a client in matrimonial matters and entered into a personal relationship with her.

In **Bar Association of Queensland v Lamb** (supra), the respondent acted for a female client in matrimonial proceedings and, inter alia, had sexual relations with her after the decree absolute but before questions of custody and maintenance had been determined. Subsequently, when the respondent applied for admission to the Queensland Bar, the Full Court of the Supreme Court of Queensland, although admitting the respondent as a barrister, criticised such conduct as `unprofessional`. On appeal to the High Court of Australia, Windeyer J described such conduct as `reprehensible`.

In the proceedings before the New Zealand Practitioners Disciplinary Tribunal which was referred to by counsel, the practitioner, while acting for the complainant in matrimonial matters, entered into a personal relationship over a few weeks, with the client which included instances of intimate behaviour both in the practitioner`s office and at the complainant`s home. Although the relationship was consensual and there were no complaints about the efficiency and the quality of the work undertaken by the practitioner, the Disciplinary Tribunal found that the complainant was vulnerable at that time and the practitioner had abused his position of trust. The Tribunal stated the following passage with which we entirely agree:

*Membership of the legal profession carries onerous responsibilities as to standards of conduct to be observed by the practitioner. The public is entitled to expect that obligations as to conduct resting on solicitors will be upheld. The duties arising from the solicitor/client relationship are fundamental to the practice of law: they are based on trust and integrity.*

Moving on to the American authorities, there also seems to be a consensus that sexual relationships between solicitors and clients are unprofessional and warrant disciplinary action as the potential harm to the client and the solicitor`s conduct of the client`s case is great and obvious.

In **People v Zeilinger** (Unreported) , the attorney had a sexual relationship with a client whom he represented in divorce proceedings. In disciplinary proceedings against the attorney, the Supreme Court of Colorado noted that `although the parties had stipulated that the respondent`s client suffered no actual harm from the respondent`s unprofessional misconduct, the potential for harm was substantial and obvious`. The court went on to state:

*Aside from the consequences on the respondent`s own life and professional practice, engaging in a sexual relationship with a client undergoing a divorce may destroy chances of a reconciliation, and blind the attorney to the proper exercise of independent judgment. There is also a significant danger that when the division of property or the custody of minor children is contested, the attorney may himself become the focus of the dissolution or custody proceedings, be called as a witness, and thereby inflict great harm on the client.*

In the Colorado case of **People v Gibbons** (Unreported) , the respondent attorney engaged in a sexual relationship with a 23-year-old client who was a defendant in a criminal proceeding. Although the Grievance Committee found that the respondent did not force the sexual relationship on the

client, the client was placed in a position in which she was unduly dependent on the respondent and in which she might not have been able to exercise free choice.

In **Re Bowen** (Unreported) , the attorney made improper advances to eight women who had either retained or consulted him regarding their matrimonial or child custody problems. The Supreme Court, Appellate Division of New York, commented on the behaviour of the attorney:

*The record reveals that respondent repeatedly attempted to use the attorney-client relationship and the trust engendered thereby in furtherance of sexual relationships, taking particular advantage of clients whose matrimonial difficulties placed them in a highly vulnerable emotional state. Such conduct warrants sanction not only because it is likely to be emotionally detrimental to the client, but also because it has the potential to severely prejudice the client's legal interests, including the assertion of substantial rights to equitable distribution of marital property, child custody and visitation. It is further obvious that such conduct is likely to compromise the good judgment and legal advocacy of the attorney which should be directed toward achieving an outcome of the case in the client's best interests, unaffected by the attorney's personal interests.*

In our view, supported by the above authorities, personal and sexual relationships between solicitors and their clients are clearly wrong. Solicitors, as members of an honourable profession, have the duty to exhibit the highest standards of professionalism in their relationships with clients. Personal service in a professional relationship must be distinguished from getting involved in the personal lives of the clients. If solicitors become too involved in their clients' personal lives during the existence of the solicitor-client relationship, they may find themselves placed in a position of a conflict of interest and the clients' interests may be seriously prejudiced. Further, it is unbecoming for solicitors to abuse the relationship of trust and take advantage of vulnerable clients for their own purposes.

In this case, the Disciplinary Committee found that the respondent had lavished attention and blandishments on the client at a time when she was emotionally unstable. Moreover, the respondent had placed his personal interests in direct conflict with the possible interests or wishes of the client by courting her throughout her divorce proceedings, indicating his wish to marry her and convincing her that she should not reconcile with her then husband. Her then husband was seeking a reconciliation up to the day before the decree nisi was granted and, if not for the respondent, a reconciliation might have come about. The respondent, by his conduct, had compromised the client's freedom to change her mind about her divorce and return to her then husband. Such conduct, in the eyes of the Disciplinary Committee, was wholly unacceptable for an advocate and solicitor. The Disciplinary Committee concluded on the facts that the respondent's behaviour was grossly improper conduct on the part of an advocate and solicitor and that he was therefore guilty of a disciplinary offence.

In the context of divorce and matrimonial proceedings, female clients who approach solicitors with a view to ending an unhappy marriage are almost invariably in a very distressed state mentally and emotionally. They are in a desperate situation and in an extremely vulnerable state. The respondent's client in this case was no exception. In arriving at its conclusion that the respondent was guilty of grossly improper conduct, the Disciplinary Committee found that the respondent had deliberately set out to seduce the client at a time when she was relatively defenceless.

We have no doubt that, by making his advances at a time when there was a solicitor-client relationship and when the client was extremely depressed and unstable emotionally, the respondent

had clearly taken advantage of her vulnerability. The fact that their relationship was consensual and genuine and might have led to marriage did not provide the respondent with an excuse to engage in such conduct and relationship with the client. Even if there was no possibility of any reconciliation between the client and her then husband, that was beside the point. Such conduct of the respondent was clearly unbecoming of an advocate and solicitor, whose role is to protect and act in the best interests of clients and not to take advantage of and benefit from the weakness and vulnerability of clients.

The test of `grossly improper conduct` in the discharge of a solicitor`s professional duty under s 83(2)(b) of the Act is whether the conduct is dishonourable to him as a man and dishonourable in his profession: **Law Society of Singapore v Ng Chee Sing** [2000] 2 SLR 165 at 174; **Law Society of Singapore v Heng Guan Hong Geoffrey** [2000] 1 SLR 361 at 367; **Re Marshall David; Law Society of Singapore v Marshall David Saul** [1972-1974] SLR 132 [1972] 2 MLJ 221 ; **Re Han Ngiap Juan** [1993] 2 SLR 81 . We had no doubt that the respondent`s conduct was dishonourable to him as a man and as an advocate and solicitor and therefore found him guilty under s 83(2)(b) of the Act of grossly improper conduct in the discharge of his professional duties.

### ***The appropriate penalty***

The rationale for disciplinary sentence was set out by Bingham MR in **Bolton v Law Society** [1994] 2 All ER 486 at 492:

*There is, in some of these orders, a punitive element: a penalty may be visited on a solicitor who has fallen below the standards required of his profession in order to punish him for what he has done and to deter any other solicitor tempted to behave in the same way. Those are traditional objects of punishment. But often the order is not punitive in intention ... In most cases the order of the tribunal will be primarily directed to one or other or both of two other purposes. One is to be sure that the offender does not have the opportunity to repeat the offence. This purpose is achieved for a limited period by an order of suspension; plainly it is hoped that experience of suspension will make the offender meticulous in his future compliance with the required standards. The purpose is achieved for a longer period, and quite possibly indefinitely, by an order of striking off. The second purpose is the most fundamental of all: to maintain the reputation of the solicitors` profession as one in which every member, of whatever standing, may be trusted to the ends of the earth.*

The same view has been expressed by this court in the show cause proceedings in of **Law Society of Singapore v Ravindra Samuel** [1999] 1 SLR 696 , **Law Society of Singapore v Prem Singh** [1999] 4 SLR 157 and **Law Society of Singapore v Amdad Hussein Lawrence** [2000] 4 SLR 88 . In **Law Society of Singapore v Ravindra Samuel** (supra) at pp 699-700, the court stated:

*It is convenient at this point to examine the principles to be applied in deciding what orders should be made. It is not simply a question of punishing the solicitor concerned. A further consideration must be what course should the court take to protect the public and to register its disapproval of the conduct of the solicitor. In the relevant sense, the protection of the public is not confined to the protection of the public against further default by the solicitor in question. It extends also to the protection of the public against similar defaults by other solicitors through the court publicly marking the seriousness of what the instant solicitor has done. The orders made must therefore accord with the*

*seriousness of the default and leave no doubt as to the standards to be observed by other practitioners. In short, the orders made should not only have a punitive, but also a deterrent effect.*

*There are also the interests of the honourable profession to which the solicitor belongs, and those of the courts themselves, to consider. The administration of justice can only proceed on the basis that solicitors can place reliance upon the honesty of the solicitors with whom they deal. The public too must be able to repose confidence in a profession which plays so indispensable a part in the administration of justice. Similarly, the courts of this country must be able to depend on the honesty and integrity of all practitioners appearing before them and to expect that they will maintain the highest standards of personal honesty and integrity in their dealings with the courts.*

*There is therefore a serious responsibility on the court, a duty to itself, to the rest of the profession and to the whole of the community, to be careful not to accredit any person as worthy of public confidence and therefore fit to practice as an advocate and solicitor who cannot satisfactorily establish his right to those credentials. In the end therefore, the question to be determined is whether the solicitor in question is a fit and proper person to be an advocate and solicitor of the court, and the orders to be made are to be directed to ensuring that, to the extent that he is not, his practice is restricted.*

Under s 83(1) of the Act, the respondent may be liable for censure or suspension of up to five years or striking off. With respect to disciplinary sentencing, the courts have consistently adopted the guidance laid down by the English Court of Appeal in **Bolton v Law Society** (supra) at pp 491-492:

*Any solicitor who is shown to have discharged his professional duties with anything less than complete integrity, probity and trustworthiness must expect severe sanctions to be imposed upon him by the Solicitors Disciplinary Tribunal. Lapses from the required high standards may, of course, take different forms and be of varying degrees. The most serious involves proven dishonesty, whether or not leading to criminal proceedings and criminal penalties. In such cases the tribunal has almost invariably, no matter how strong the mitigation advanced for the solicitor, ordered that he be struck off the Roll of Solicitors ... If a solicitor is not shown to have acted dishonestly, but is shown to have fallen below the required standards of integrity, probity and trustworthiness, his lapse is less serious but it remains very serious indeed in a member of a profession whose reputation depends upon trust. A striking-off order will not necessarily follow in such a case, but it may well. The decision whether to strike off or to suspend will often involve a fine and difficult exercise of judgment to be made by the tribunal as an informed and expert body on all the facts of the case. Only in a very unusual and venial case of this kind would the tribunal be likely to regard as appropriate any order less severe than one of suspension.*

It is clear from the above that, in determining what the appropriate penalty should be, the two primary considerations are firstly, the protection of the public, and secondly, the interests and reputation of the legal profession. Of course, the relevant facts and circumstances of each case have to be considered since, as observed by the court in **Bolton v Law Society** (supra), lapses from the required high standards may take different forms and be of varying degrees.

Respondent`s counsel submitted that, on the facts of the case, the respondent`s conduct should



feature in the less serious range in the spectrum of grossly improper conduct. Counsel highlighted, inter alia, the fact that the respondent's relationship with the client was entirely consensual and that the relationship was a serious one in which marriage was even contemplated. Further, the relationship did not compromise the conduct of the client's divorce proceedings and the client had never complained to the Law Society of the respondent's conduct of her divorce proceedings or conduct in respect of their relationship. We have earlier referred to the several authorities from other jurisdictions in which solicitors were disciplined for sexual misconduct. Counsel for the respondent had relied on them to illustrate the appropriate penalty to be imposed on the respondent.

In the only Commonwealth case cited, the Australian case of **Bar Association of Queensland v Lamb** (supra), the respondent applied for admission to the Queensland Bar. The Full Court of the Supreme Court of Queensland, although admitting the respondent as a barrister, criticised his conduct as 'unprofessional'. However, the court made it clear that although reprehensible, such conduct did not necessarily disqualify the respondent from membership of the legal profession. The decision of the court was affirmed by the High Court of Australia on appeal by the Bar Association. In the unreported proceeding before the New Zealand Practitioners Disciplinary Tribunal, the practitioner was censured and fined and ordered to pay compensation to the complainant and to bear the costs of the proceedings.

The rest of the cases cited were American authorities. A review of these cases show that the sanctions which have been imposed by the American Courts vary considerably. In **People v Gibbons** (supra), the Supreme Court of Colorado held that the attorney's brief covert sexual relationship with a client whom he represented as a defendant in criminal proceedings amounted to misconduct punishable by a censure or suspension, at a minimum. In **Re McDow** 354 SE 2d 383, the Supreme Court of South Carolina held that engaging in an adulterous relationship with a client during divorce proceedings, with the result that the client's husband was granted a divorce on the ground of adultery, warranted a public reprimand. The Supreme Court, Appellate Division of New York, in **Re Bowen** (supra) held that an attorney who repeatedly abused the attorney-client relationship to further sexual relationships with various women warranted a suspension for two years. Finally, in **People v Zeilinger** (supra), the Supreme Court of Colorado held that an attorney who engaged in sexual relations with his client whom he represented in divorce proceedings should be punished with a public reprimand.

Although these authorities were cited as a guide, we were of the view the cases were of limited assistance in the present case. First, the facts and circumstances differed from case to case. Secondly, the standards to be applied in such cases would be influenced by factors such as societal values and culture. These authorities were decided in other jurisdictions and the standards to be applied may differ among various jurisdictions. Thus, we were left to evaluate the facts and circumstances of this case on its own, and also the objectives of disciplinary sentencing in order to determine the appropriate penalty for the respondent.

In this case, we had no doubt that both objectives of disciplinary sentencing, namely protecting the public and protecting the interests and reputation of the legal profession, are relevant in deciding upon the appropriate sanction to be imposed upon the respondent. There is a public interest to be served in that female clients who deal with male solicitors in respect of their matrimonial proceedings are in a depressed and emotionally vulnerable state and must be protected from inappropriate advances, sexual or otherwise, which male solicitors may be tempted to make.

It was also clear to us that the interests and reputation of the legal profession are at stake in this case. The respondent's misconduct has tainted his reputation and cast doubt on his character and integrity as an advocate and solicitor. To protect the integrity and standing of the legal profession

and for the public to maintain their trust and confidence in the legal profession, the penalty imposed upon the respondent must be one that will be effective in deterring the respondent or any other solicitor from engaging in such conduct as the respondent had done. The public must have the confidence that members of the legal profession will do their utmost to act in the best interests of their clients at all times and will not prey on vulnerable and unsuspecting victims or compromise standards of professionalism in their work.

We were of the view that although there was no dishonesty involved on the respondent`s part and his misconduct did not warrant a striking-off, such misconduct remained very serious indeed and would require a more severe sanction than a mere censure. After taking into account all the facts of the case and the objectives to be served in disciplining the respondent, we ordered that the respondent be suspended from practice as an advocate and solicitor for a period of three years. In addition, we ordered that the respondent bear the costs of the disciplinary proceedings taken against him by the Law Society.

**Outcome:**

Order accordingly.

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