



**FOR IMMEDIATE RELEASE
7 JANUARY 2019**

**AGC REFERS CASE OF POTENTIAL PROFESSIONAL
MISCONDUCT INVOLVING MS LEE SUET FERN TO
LAW SOCIETY**

The Attorney-General's Chambers (AGC) has referred a case of possible professional misconduct involving Ms Lee Suet Fern ("Ms Lee"), of Morgan Lewis Stamford LLC to the Law Society.

2 The referral relates to possible professional misconduct by Ms Lee. It does not relate to the validity of the Last Will of Mr Lee Kuan Yew ("Last Will").

3 The AGC has a statutory duty to deal with misconduct by lawyers. When the AGC becomes aware of possible professional misconduct, it is required to consider if the matter should be referred to the Law Society under section 85(3) of the Legal Profession Act.

4 In this case, AGC became aware of a possible case of professional misconduct by Ms Lee. Ms Lee appears to have prepared the Last Will of Mr Lee Kuan Yew and arranged for Mr Lee Kuan Yew to execute it, despite the fact that her husband, Mr Lee Hsien Yang, is one of the beneficiaries under the Last Will. Mr Lee Hsien Yang's share increased under the Last Will. AGC also noted that Mr Lee Hsien Yang had said publicly that the Last Will was drafted by Ms Kwa Kim Lee of M/s Lee & Lee. However Ms Kwa Kim Lee has denied that she drafted it.

5 The Legal Profession (Professional Conduct) Rules ("Professional Conduct Rules") requires that lawyers do not place themselves in a position of conflict. Where a person intends to make a significant gift by will to any member of the lawyer's family, the lawyer must not act for the person and must advise

him to obtain independent advice in respect of the gift. This rule applies even if the lawyer is related to the person making the gift.¹

6 Ms Lee's conduct appears *prima facie* to be in breach of Rules 25 and 46 of the Professional Conduct Rules.

7 As the Attorney-General has recused himself from this case, the matter has been overseen by Deputy Attorney-General Lionel Yee. AGC has written to Ms Lee several times, since October 2018, asking her to explain the position, and her role (if any) in the preparation of the Last Will. Ms Lee was also assured that if she had good explanations for her conduct, then the matter will end. However, despite asking for extensions of time to respond, Ms Lee did not answer the questions that AGC had asked.

8 Given her refusal to answer, AGC then referred the matter to the Law Society. The Deputy Attorney-General has also further requested that the matter be referred to a Disciplinary Tribunal.

9 In referring the matter to the Law Society, the AGC does not make any findings on the merits of the case. AGC does not determine guilt or innocence. It is for the Disciplinary Tribunal appointed by the Chief Justice to investigate the matter and determine if there was misconduct, and if so what action should be taken. Ms Lee will be entitled to make her case to the Tribunal.

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¹ As at Dec 2013, these were set out in the following Professional Conduct Rules: Rule 25 – An advocate and solicitor shall advance the client's interest unaffected by her own interest or the interest of any other person. Rule 46 – Where a client intends to make a significant gift by will to any member of the family of an advocate and solicitor, the advocate and solicitor shall not act for the client and shall advise the client to be independently advised in respect of the gift.

The Professional Conduct Rules have since been amended and the relevant rules can now be found in Rule 22 and Rule 25 of the Legal Profession (Professional Conduct) Rules 2015.

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