

Lawyer faces fine for leaking client data to lover

🕒 PUBLISHED OCT 19, 2017, 5:00 AM SGT

WhatsApp messages to woman form subject of 14 charges; Law Society council to set fine

K.C. Vijayan  Senior Law Correspondent (mailto:vijayan@sph.com.sg)

A lawyer who leaked confidential client information to his then lover admitted to professional misconduct before a disciplinary tribunal, which has called for him to be fined.

Mr Ryan Lin, an associate director at Morgan Lewis Stamford LLC at the time, had communicated with the woman via WhatsApp from October 2015 over two months, which formed the subject of 14 charges against him.

The Disciplinary Tribunal (DT), comprising Senior Counsel Roderick Martin and lawyer Tan Gee Tuan, noted in its report issued in August that this appeared to be the first case involving breach of confidentiality to have reached the tribunal.

It recommended that Mr Lin pay a penalty of between \$15,000 and \$20,000 for all the charges. The amount is to be decided by the Law Society's governing council.

According to the DT report, the pair entered into an intimate relationship after they met through Tinder, an online dating mobile application, in October 2015.

The woman complained to the Law Society in February last year about his disclosures after the tryst ended. A few months later, Mr Lin's employer, Morgan Lewis Stamford, followed suit.

Given that the two complaints arose from the same facts, the Law Society pressed charges against Mr Lin, who is in his 30s, based on the woman's complaint.

The DT said Mr Lin was fortunate there was no evidence that any of the clients whose confidential information was passed had suffered loss or damage.

It found that the disclosures were restricted to personal communication, which meant negligible likelihood of damage or loss, and that there was no fraudulent or dishonest conduct by Mr Lin.

"(He) was a foolish young man who has, in the pursuit of a woman, forgotten his duty to keep matters of his professional engagements confidential," said the DT.

Among other breaches, Mr Lin sent to the woman a photograph of a draft circular to shareholders on Nov 13, 2015, in relation to the proposed disposal of companies to an entity. The proposed disposal by a client of the law firm had not then been made public.

Like the other charges, the disclosure of the draft circular amounted to misconduct unbefitting of a lawyer, said the tribunal.

Lawyer Sanjiv Kumar Rajan, in prosecuting for the Law Society, did "not seek the harshest of determinations but measuredly" argued that Mr Lin should be punished with a substantial fine and pay legal costs.

Defending Mr Lin, lawyer Sim Chong pointed out at the hearing in June that the woman was "his closest confidante" when they were in a relationship and the information, being part of ongoing text messages, was not data that either could profit from or meant for such purpose.

He argued that references by Mr Lin to his clients were made in the context of him sharing his day with the woman or to justify to her why he could not see her.

Said the DT: "(It was) something which a solicitor would do without batting an eyelid when informing his wife that he is not able to go back for dinner because of some client or other.."

"Alas, (the woman) was not (Mr Lin's) wife and what could happen has happened when the falling out occurred."

It ordered Mr Lin to pay \$7,000 in costs to the Law Society.

A spokesman for parent firm Morgan Lewis, which is based in the United States, declined comment when contacted via e-mail last week. Mr Lin, who began practising in 2008, is understood to be no longer with the law firm.