

**Mass Call Speech**  
**The President of the Law Society of Singapore**  
**30 August 2018**

1. May it please Your Honour, on behalf of the Law Society, I seek Your Honour's leave to address the cohort of 2018 to the Singapore Bar.
2. First, let me congratulate each and every one of you newly called lawyers! At the end of this mass call ceremony, you will have the high honour of being placed on the roll of advocates and solicitors of the Supreme Court of Singapore.
3. Mark those words. High honour. Because what I will to speak to you about today is closely and inextricably linked. In one word, reputation.
4. Definitionally, in the Cambridge Dictionary<sup>1</sup>, reputation means the opinion that people in general have about someone or something, or how much respect or admiration someone or something receives, based on past behaviour or character. Your past behaviour or character becomes the factual substratum on which that opinion is based.
5. Reputation is not based on surmise or speculation. That would be a flight of fancy. It was Henry Ford who famously quipped "*You can't build a reputation on what you are going to do*". It is based on what you have done. What you write on the clean slate of your law practice journey from this time onwards will define and describe you.
6. For lawyers, your reputation is essentially your name. There are insights from philosophy and literature on what a good name means.
7. Socrates gave us the following: "*Regard your good name as the richest jewel you can possibly be possessed of -- for credit is like fire; when once you have kindled it you may easily preserve it, but if you once extinguish it, you will find it an arduous task to rekindle it again.*"
8. In Shakespeare's Othello, the Bard of Avon wrote :

“Good name in man and woman, dear my lord,  
Is the immediate jewel of their souls:  
Who steals my purse steals trash;  
'tis something, nothing;  
'twas mine, 'tis his, and has been slave to thousands;  
But he that filches from me my good name

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<sup>1</sup> Cambridge English Dictionary at <https://dictionary.cambridge.org>

Robs me of that which not enriches him,  
And makes me poor indeed.”

9. Reputation is not to be confused with goodwill which could be monetized. Make no mistake however. Much of a lawyer’s value is in his or her reputation. It is your personal brand and the ethos you embody. Your value and values proposition. Reputation is also not to be confused with fame which is illusory and temporary. For that writing on the walls of time will eventually pass.
10. Reputation has a more nuanced relationship with character. A lawyer’s character certainly plays a significant part in informing his or her reputation.
11. In Richard Abel’s book “Lawyers in the Dock”<sup>2</sup>, Justice Sandra Day O’Connor penned the following foreword: *“Our legal system is built on the trustworthiness of lawyers. Clients must trust the fidelity of their lawyers. Adversaries must trust the representations of opposing counsel. Courts (and other fora) must trust lawyers to submit truthful evidence, correctly cite the law and make legitimate arguments. The vast majority of lawyers diligently strive to deserve this trust. It takes only a few betrayals however, to seriously damage the reputation of lawyers, both individual and collective.”*
12. It is incontrovertible that the collective reputation of lawyers make up the reputation of the Law Society. This was why last year, in his closing observation in last year’s Mass Call Ceremony, the Honourable the Chief Justice Sundaresh Menon insightfully summed up as follows: *“Your future, as well as that of our legal profession, is in your hands and I have no doubt that you will do us very proud if you embrace all the many opportunities you will have to do the good and right thing.”*
13. Reputation is the asset worth pricing and prizing. The liability, if you have a besmirched name, will be an albatross hanging around your neck.
14. For aspiring lawyers, you may even have a valuable role as a reputational intermediary. This term was coined by Jonathan Macey in his book “The Death of Corporate Reputation”. He describes the role of corporate lawyers in the following terms: *“Although intelligence, thoroughness and attention to detail are important qualities in both [the accounting and legal] professions, the very best lawyers are those who develop new ways of doing deals or developing new strategies and tactics to advance their clients’ interests and to surprise and confound the opposition.”* <sup>3</sup>Macey cites Professor Stephen Bainbridge who describes the legal profession, as reflected in the profession’s strict rules of

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<sup>2</sup> Abel, “Lawyers in the Dock” (Oxford University Press, 2011)

<sup>3</sup> Macey “The Death of Corporate Reputation: How Integrity Has Been Destroyed On Wall Street” (FT Press, 20 March 2013)

confidentiality and professional responsibility towards clients, as being “*advocates, confidants and advisors, not gatekeepers like auditors*”. In that context, the writer observes that “*The practice of law is schizophrenic because there is another, entirely different way of looking at the role that lawyers play in finance – reputational intermediary*”.<sup>4</sup>

15. Warren Buffett said: “*It takes 20 years to build a reputation and five minutes to ruin it. If you think about that, you’ll do things differently.*” He’s right. A carefully cultivated reputation painstakingly and meticulously built over time can be ruined by a moment of idiocy.

16. Interestingly enough, even in-house counsel place a heavy premium on, and are prepared to pay a heavy premium for, a lawyer’s reputation. Apparently, even more so than marketing a practice group or the law firm as a whole. In the latest [Global Counsel Excellence Report](#) (2017 – European Edition), general counsel ranked an individual lawyer’s reputation ahead of selecting a law firm. It’s by an almost ten to one margin over the importance of a law firm’s brand.

17. From the Global Legal Post report on that study:

*“The reputation of the individual is the single most important factor when deciding which law firm to use, according to the latest benchmarking research. Three in four general counsel (74 per cent) say this was the top factor when selecting a law firm compared to 39 per cent who opted for price. ....*

*The research... revealed that both the individual and team reputation scored high above that of the firm’s brand as the most important factor – only seven per cent chose the law firm brand as important whilst 61 per cent valued the reputation of the law firm.”*

18. Trial lawyer turned legal tech entrepreneur Kevin O’Keefe in his blog on 28 October 2017 in “Real Lawyers, Blogs, Media and Technology” made three observations on this study:-

- (a) personal relationships and reputation eclipsed law firm brands and global presence, items firms appear to be emphasizing in their marketing and business development efforts;
- (b) it’s long been said that people pick lawyers, not law firms. This study seems to confirm that in the case of general counsel;
- (c) a lawyer with a strong reputation may not be as susceptible to pressure on price. The study found reputation being more important than price for general counsel – by about a two to one margin.

19. We cannot ignore the fact that in today’s world, the internet — blogging and social media — act as accelerators of reputation and relationship growth.

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<sup>4</sup> kevin.lexblog.com

20. All that may be fine and dandy for the seasoned, senior lawyer. But what about the newly called lawyer. What can he or she do ?
21. As a fresh entrant to the Bar, there is a rebuttable presumption that you have a good reputation. To get to this point of call, you had to procure certificates of good character. But the presumption is rebuttable. If you do anything to undermine your reputation, it will be an arduous task to rehabilitate it.
22. There are practical dimensions to enhancing your reputation and minimizing the potential damage to it. Two application points are practice competencies and ethics. On the former, sharpen and develop your legal craft and skills. Being called is not the end of the journey; it is only the beginning. Actively pursue life long learning – one of the main points I had made during last year's speech at the Mass Call Ceremony.
23. In addition, the Committee of Professional Training chaired by Justice Quentin Loh conducted and completed a root and branch review of the training contract regime earlier this year. A report was submitted to the Honourable the Chief Justice Sundaresh Menon. Valuable recommendations were made on strengthening the professional training framework to enhance competencies that will strengthen future practice reputations of lawyers. While the recommendations may benefit future cohorts of practice trainees in the main, the Law Society hopes a strong professional training culture will take root in, and branch out of, our law firms.
24. On ethics, think back of all the lessons you were taught during your ethics primer in Part B. Especially, the cautionary tales. Reflect also on the lessons you had caught from your supervising solicitor and seniors during your practice training period. The good to imbibe and the bad and ugly to jettison.

#### Reputation with the court

25. In terms of reputation with the court, there are practical areas for young litigators to be vigilant about to avoid being in disrepute with the court. An important area is court etiquette and appropriate conduct in court. In the Report of the Study Committee on Professional Standards and Etiquette in Court under the Professional Affairs Committee chaired by Justice Quentin Loh, the judiciary surfaced egregious examples of court ethics and etiquette meriting concern. The issues traversed in the Study Report were not junior lawyer-centric. The problem defined in the report was that "*the inappropriate conduct of lawyers in court covers the whole spectrum from totally unacceptable conduct deserving sanction to those due to inexperience or a lack of proper instruction or guidance during pupillage.*" Three examples that could threaten to imperil your practice even before you start flying, taken from unfortunate real life examples are :-

- (a) when a Judge asks a lawyer for copies of the cases cited, do not state : “I thought Judges are supposed to be good with computers, so you can print the cases from LawNet yourself.”
- (b) if you are the duty lawyer on a file, do not say to the Registrar “I’m only the duty lawyer, I haven’t read the file.” Or “I was just told to come and take dates. I don’t have the Court file with me; I only brought the correspondence file.”
- (c) do not offer the following excuses for sub-optimal documents: “The court documents were prepared by paralegals or secretaries”, “I thought my secretary knew how to file” or “My partner did not tell me what to do.”

26. There are three practices cited in the Study Report to completely eschew :-

- (a) citing outdated authorities or foreign cases without citing Singapore cases or legislation;
- (b) greeting Judicial Officers with an informal “Hi” and waving and saying “Bye” or “see you” on departure; and
- (c) objecting to matters raised in cross-examination on the basis that those matters did not arise in the AEIC.

I could go on as these are illustrative examples. You would do well to read the Study Report on this point. It serves as a sobering reminder on inappropriate conduct in court.

27. The Study Report accepted by the Honourable the Chief Justice Sundaresh Menon led to the advent of an Inappropriate Conduct in Court (“ICC”) regime. Yet those called to practise law need to be constantly watchful and alert not just because of ICC. To ensure that the credibility gap with the court does not widen with every court hearing. Learn the very best from your mentors and other counsel you work with or observe. There is much you can aspire to be as you watch your best seniors in the Bar at work. And as you do, take to heart Socrates’ words that “*The way to a good reputation is to endeavour to be what you desire to appear.*”

#### Reputation with other lawyers

28. In Mather, McEwen and Maiman’s 2001 work “Divorce Lawyers at Work: Varieties of Professionalism in Practice”<sup>5</sup>, the authors issue an interesting

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<sup>5</sup> Mather, McEwen and Maiman “Divorce Lawyers at Work : Varieties of Professionalism in Practice (Oxford University Press, 2001)

caution in the context of negotiation: “...if you make an extreme offer, all you’re doing is ruining your credibility”. They cite divorce lawyers who explicitly refer to their reputations saying that they do not want to be the one making outrageous offers, taking unreasonable positions or who is going to “smoke” the other side’s lawyers. As repeat players, divorce lawyers in small communities encounter one another over and over and the costs of being unreasonable are great. The counsel given by the authors is applicable to all types of negotiations (including for aspiring corporate lawyers in our midst) not just divorce lawyers. Reputation is a precious commodity even between professionals.

### Reputation with the client

29. In Rubinstein’s classic read “Leadership for Lawyers” (at 71)<sup>6</sup>, the author refers to an American Bar Association’s report of 2001 in his chapter on “The Value of Leadership Development in the Legal Profession”. This states:

*“In short, the poor reputation of lawyers in society is not just a matter of professional pride. It directly impacts the relationship that lawyers have with their clients and can even impact the public’s willingness to use lawyers to solve their problems. It impacts the public’s belief in the way the justice system works.”*

30. The author goes on to opine that lawyers and the legal profession in America as a whole are unable, after 30 years of concerted effort, to turn the reputation of lawyers around at all. In fact, since 1978, the reputation of lawyers has most certainly declined.

31. Thankfully, we do not have such a withering assessment of lawyers and the legal profession in Singapore. However, it is a truism, as Rubinstein observes about American lawyers, that the reputation of lawyers is deeply rooted in the experiences that people and organizations have with lawyers every day.

32. This trust premium with the client will also dynamically develop or diminish with every experience and passing time. The solicitor-client relationship is a relationship of trust and confidence. Aim to be the trusted advisor. The Law Society is still in the process of its branding exercise on promotion off “The Singapore Lawyer” While these are early days, it appears that the goal of being a trusted advisor ranks right up there in terms of how lawyers view themselves. It is both an aspiration and a benchmark. But the Law Society can never whitewash tainted reputations or engage in spin doctoring. Practitioners need to individually build the trust of our clients – building block by building block.

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<sup>6</sup> Rubinstein, “Leadership for Lawyers” (American Bar Association, 2008)

### Reputation with the community

33. One of the best ways to cultivate your reputation with the community is by embarking on pro bono work as a young lawyer. Do public good by providing quality access to justice to society's indigent. We believe that the mission of access to justice is not only for the Law Society. It is also for each and every one of you. You need to personally embrace pro bono in your calling of law. The Law Society Pro Bono Services facilitate valuable pro bono opportunities for you to make a difference even as a young lawyer. As you participate, you will gain an important and profound meaning in your vocation even while you enhance your reputation with society at large.
34. In Adrian Evans' insightful monograph "The Good Lawyer"<sup>7</sup>, the author writes on the connection between good lawyering and good legal communities. He observes that lawyers' reputations matter because there is a fundamental two-way connection between being a good lawyer and being in a good (that is morally sustainable) legal practice. This reality is supported by a small but comprehensive pilot study of 11 new Australian lawyers that emphasizes that first year lawyers learn what is expected of them as professionals, for good or otherwise, from the legal community in which they are first operating.<sup>8</sup>
35. One of the ways in which the senior members of the community have come together to impart junior practice-long mentorship and ongoing tutelage is through the Law Society's Mentorship schemes. We have two schemes on this in our Pastoral Care Programs. First, PracMentor to provide specialized mentorship to junior lawyers needing expert guidance in niche areas of law. We have a take up of one call every month. Secondly, Relational Mentorship. I had announced this in last year's Mass Call Ceremony. I am pleased to report that we launched this last year. As of today, there are 22 relational mentor-mentee pairings. Senior members of the Bar have warmed up to the role of being "fathers" and "mothers" in the profession to provide guidance to others in the profession who need help at points of need. These would be in situations involving ethical conundrums, career counselling or stress management. I encourage each of you to avail yourself of this year long mentorship from the get go of your practice journey. Just call our MACH Hotline at 65300213.
36. Let me leave you with a famous Malay proverb: "*Harimau mati meninggalkan belang, manusia mati meninggalkan name*". Translated, this means a tiger dies leaving its stripes but a human being dies leaving his or her name.
37. In similar vein, Jonathan Smithers, former President of Law Society of UK and Wales, now CEO of Law Council of Australia, wisely observed once in a speech

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<sup>7</sup> Adrian Evans "The Good Lawyer" (Cambridge University Press, 2014)

: *“Being a solicitor is not what I do, it is who I am”*. In the final analysis I believe this is what being a lawyer called to the Singapore Bar means. Perhaps, this is also what being human means. Who we are and not what we do. In one word, reputation.

38. In closing, congratulations once again to each and every one of you on being called to the Singapore Bar. Your parents, family and loved ones have supported you and stood by you to enable this major life achievement.
39. The Law Society wishes you the very best as you grow your reputation from strength to strength from this milestone moment onwards. And in the balance sheet of legal practice year on year, may your good name become your asset of growing value and greatest value.