

LAW GAZETTE



NEVER
TOO
YOUNG
TO...



THE LAW SOCIETY
OF SINGAPORE

The *Law Gazette* is the official publication of the Law Society of Singapore.

This issue of the *Law Gazette* is specially prepared for the newly called lawyers of Mass Call 2018. It is also available at www.lawgazette.com.sg

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PRESIDENT'S MESSAGE

To A Newly Called Lawyer:

You are never too young to stand up and be counted. One third of the legal profession comprise you and your peers.

You are never too young to have a voice. The Law Society Council working through, and together with, its Young Lawyers' Committee (YLC) intentionally hosts an annual forum to reach out to junior lawyers *en masse*. The meeting is conducted under Chatham House rules to preserve the anonymity of individuals giving feedback.

You are never too young to be counselled. Confidential counselling via Law Care exists. It is *gratis* for you. No one, not even Law Society Council or staff, know who is sharing and what is shared. We only write the cheques for those sessions!

You are never too young to seek protection from bullying and harassment. The Law Society has a zero-tolerance for the same. Our MACH hotline at 6530 0213 is the helpline. Alternatively, e-mail us at communications@lawsoc.org.sg

You are never too young to be trained. Typically, you need to earn 16 CPD points (of which at least eight are Public CPD points) for a given calendar year.

You are never too young to be trained within your law firm. The Young Lawyers Task Force Report commissioned by the Law Society in 2016 revealed a desire by young lawyers for a structured training curriculum within their firms; particularly to include competencies (skills training) and also soft-skills training (e.g. marketing and business development).



You are never too young to receive counsel on professional practice. Practice mentors from our PracMentor Scheme are available to guide you on niche topics that you need a handle on.

You are never too young to face a complex ethical conundrum, be at career crossroads or require stress

management tips. Relational mentors impart wisdom and give guidance on these three areas.

You are never too young to take responsibility for the highest standards of ethical conduct. Junior lawyers have unfortunately been referred for disciplinary inquiries due to ethical transgressions.

You are never too young to catch the eye of the Court if you show lapses of proper decorum, standards of conduct or etiquette. Greeting judicial officers with an informal “Hi” and waving and saying “Bye” or “See you” on departure is not on!

You are never too young to do pro bono. Volunteer opportunities abound even during this nascent stage of your career. Talk to our Law Society Pro Bono Services to find out more.

You are never too young to participate in Law Society committee work. We encourage our Committee Chairs year on year to infuse junior lawyers into their committees.

You are never too young to play an invaluable part in thought leadership. Law Society Junior Council Member Sui Yi Siong has played a vital role in drafting law reform papers for Council.

You are never too young to be a rising legal eagle soaring in our courts. The SAL Young Amicus Curiae programme caters precisely to those aspiring advocacy dreams and our young amicus curiae consistently earn rave reviews for their quality legal assistance.

You are never too young to be a shining star. In *Singapore Business Review's* list this year of most influential legal luminaries aged 40 and under, two young lawyers in their 20s were featured and feted. Alcina Lynn Chew, a disputes practitioner, and Ng Yi Wayn, a corporate practitioner.

You are never too young to be the Law Society's ambassador outside our shores. The Law Society sponsors four young lawyers per year to attend international legal conferences.

You are never too young to speak to your peers in an international forum for young lawyers. Law Society

Junior Council Member Christine Low will be our representative in an international working group session titled “Young Lawyers: Future Options and Opportunities” during the International Malaysian Lawyers' Conference in August 2018.

You are never too young to be internationally recognised for your legal abilities. Our YLC Co-Chair Remy Choo Zheng Xi received the IBA's Outstanding Young Lawyer of the Year Award in Washington DC on 19 September 2016.

You are never too young to inspire the next generation of aspiring law students. Between March to June last year, YLC members participated in career fairs at Hwa Chong Institution, Serangoon Junior College and Xinmin Secondary School.

You are never too young to lose passion about your hidden dreams. Keep your passion alive. They will give you hope during the trials and tribulations of practice.

You are never too young.



GREGORY VIJAYENDRAN

President

The Law Society of Singapore

CEO'S MESSAGE

Dear newly minted advocates and solicitors of the Supreme Court of Singapore,

Heartiest congratulations to each of you and welcome to the family! There has been a steady increase in our membership over the last five years, from 4,486 members in 2013 to 5,191 members last year. 1,825 of these members are in the junior category, making up 35.2% of our membership. Female lawyers make up 42.7% of total members. The Law Society recognises the pivotal role young lawyers play in our legal community and is committed to engaging and caring for their welfare.

Pastoral Care

Last year, under the leadership of our President Gregory Vijayendran, we launched MACH (Members Assistance and Care Hotline), where members can call 6530 0213 or e-mail mcir@lawsoc.org.sg to seek assistance under our various pastoral care schemes. For instance, PracMentor is tailored for young lawyers seeking guidance from senior lawyers on practice issues; LawCare provides confidential professional counselling services for members facing personal problems; Defence Assist seeks to aid members facing disciplinary proceedings; SCMediate helps mediate disputes between law practices and the Welfare Fund seeks to relieve the financial hardship of members, former members and their dependants. In October 2017, we launched the Relational Mentorship scheme to provide mentorship to young practitioners seeking advice on matters such as ethical conundrums, career assistance and guidance and stress management. If you would like to seek a mentor, please do not hesitate to contact us.

Workplace Matters

The Law Society is concerned about equality as well

as well-being of its members in the workplace. We published an article on workplace harassment in our monthly e-magazine, *Singapore Law Gazette (SLG)*: <https://lawgazette.com.sg/practice/compass/unwanted-unwelcome-sexual-harassment-workplace/>. Previously I had also written about some ways of managing workplace harassment in the September 2017 issue of the SLG.

We formed a taskforce – Women in Practice (**WIP**) – on 7 March this year to examine issues faced by women lawyers in practice, in a move to address inequities still present in the legal industry. One of the key focus of the WIP taskforce is to organise relevant activities and initiatives to engage women in private practice. The taskforce launched a survey in June to solicit feedback from women lawyers in practice and plans to hold roundtable discussions as well as to incise into the issues. The taskforce also aims to raise awareness of international best practices in the workplace to encourage gender diversity.

Pro Bono

Our pro bono office was established 10 years ago in August 2007 following a comprehensive review of the legal aid regime in Singapore, to manage and coordinate all of the Law Society's pro bono initiatives. Some key initiatives include: (a) law awareness initiatives; (b) legal clinics; (c) Law Society's Criminal Legal Aid Scheme (**CLAS**); and (d) help for non-profit organisations and social enterprises. While the Law Society had previously provided pro bono legal aid through the Pro Bono Services Office (**PBSO**), all of PBSO's activities were transferred to Law Society Pro Bono Services (**LSPBS**) with effect from 1 April 2017. If you would like to volunteer for pro bono work, please write in to volunteer@lawsocprobono.org.

Professional Development

In January 2017, the Mandatory CPD scheme was expanded to cover all lawyers, including those with 15 or more years of practice experience and foreign lawyers registered to practise Singapore law. The scheme was originally implemented in 2012 for lawyers with 0-5 years of practice experience, and expanded in January 2015 to include lawyers with up to 15 years of practice experience. The Law Society has in tandem increased its offering of CPD conferences and seminars. Marquee events like the Litigation Conference, Insolvency Conference and CPD Day usually see more than 300 participants at each event while smaller scale seminars may have just 20 or so participants. The contents of the conferences and seminars range from black letter law to business development and leadership skills. For instance, we held a workshop on 1 August titled "How to be Brand Smart in the Digital Age". You can choose the style and contents of the conference or seminar that you are most comfortable with while upgrading yourself professionally. CPD events are also a great opportunity for networking with other lawyers and even professionals from other industries. Young lawyers get special subsidies for the course fees of some of these events so do keep a look-out for the e-mail publicity.

The Law Society also organises non-CPD events such as legal tech product training, State Courts Luncheons, Council Luncheons and volunteer appreciation events. Volunteering with the Law Society in Council or at the Committee level can also help members gain useful boardroom experience, sharpen their leadership skills as well as legal and practice knowledge and gain a wide network of business contacts.

At the same time, the SLG, Jus News and other Law Society publications such as the Practice Management Guide (which can be found in the Members' Library of our website) provide a wealth of practice and business information designed to help members gain a cutting edge in their career. We also issue or update Practice Directions and Guidance Notes from time to time to assist and guide lawyers in practice matters. If you

would like to contribute an article to the SLG or any Law Society publications, please get in touch with us via publications@lawsoc.org.sg.

Technology

Recognising the need for dedicated Secretariat staff to help law firms ease into the process of technology adoption and to better understand the technology needs of the law firms in addressing practice concerns, a new Legal Productivity and Innovation (**LPI**) department was set up in December 2016. It has launched various schemes to encourage more law firms to embrace technology, such as Tech Start for Law, SmartLaw Assist and SmartLaw certification and recently concluded a technology survey for decision-makers, end-users and IT executors in law firms. If you have any queries on legal tech matters, please e-mail lpi@lawsoc.org.sg.

Lifestyle Benefits

As a member of the Law Society, you are entitled to the following lifestyle benefits that we have specially put together for you: <https://www.lawsociety.org.sg/For-Lawyers/Services-for-Members/Membership-Benefits/Lifestyle-Benefits>.

If you have other ideas on how the Law Society can help support your professional journey, please drop us a note at lawsoc@lawsoc.org.sg. We look forward to a fruitful partnership with you!



DELPHINE LOO TAN

Chief Executive Officer

The Law Society of Singapore

MESSAGE FROM CO-CHAIRS, YOUNG LAWYERS' COMMITTEE



Firstly, congratulations on this milestone of your professional career! Numerically, the young lawyers' community forms a significant demographic in the legal community. There were 1,825 lawyers qualified in the junior category of the profession in 2017. A junior category lawyer is a lawyer of less than five years qualification from the date of their admission. This compares with 1,045 lawyers in the middle category of the profession, defined as those between five to 15 years post-qualification.

However, because young lawyers are at the proverbial bottom of the food chain in the work place, there is also a tendency for young lawyers to feel like they're the least empowered members of the legal community.

This is due, in part, to the mental paradigm shift you'll have to go through when you start at your law firms, be it as a trainee, or an associate now.

Remember reading your first cases in law school, and having to re-wire your mind to grasp the logic of legal reasoning? You'll go through a similar process as a first year Associate, where you'll soon realise that a lot of

what worked for you in an academic setting may be ill-suited to helping you deal with the rigours of practice.

We suggest two ways you can make practice meaningful and fun.

First, engage your idealism.

The law is one of a few professions where you can make a decent living by helping people.

Indeed, even though you may not have been told this in your law firm entrance interview, it's part of the job description.

Part of the Law Society's statutory function is "representing, protecting and assisting members of the legal profession in Singapore" and its mission statement is to "serve its members and the public by sustaining an independent Bar which upholds the rule of law and ensures access to justice".

Often, we hear from our peers and juniors that they took up the study of law so that they could "help people". Put that idealism into practice. As a newly qualified lawyer, find time to serve the community and sharpen your skills by participating in the Law Society's Criminal Legal Aid Scheme (**CLAS**). Even if you're a corporate lawyer and you don't want to handle court work, find an opportunity to sign up with the numerous legal clinics run by community organisations and the Law Society.

Using your legal training to give back to the community will remind you of the broader societal importance of the work that you do. Apart from imbuing your practice with purpose, your engagements with individuals who are genuinely grateful for any legal input you can give them will enrich your spirit.

When you find a true sense of purpose in what you do, the mundane day to day “work” aspect of lawyering will be balanced out.

Second, find opportunities to contribute to and engage with the rest of the legal fraternity.

The word “fraternity” derives from the old French word *fraternite*, describing a body of men associated by a common interest. It also finds its application in the religious orders of the middle ages. The modern conception of the fraternity you now belong to (the legal fraternity) is a community of persons whose function it is to uphold the rule of law.

The Law Society has nearly 30 standing committees devoted to work which directly impacts the legal community. Take your time to go through the entire list, and we’re confident that you will find something that resonates with your personal interests which you might want to volunteer for. Whether it’s a practice specific committee, like the Criminal Law Practice Committee and the Family Law Practice Committee, or whether it’s a demographically defined committee like the Young Lawyers’ Committee (**YLC**), the standing committees are a great way to network with other lawyers outside your law firm and to contribute to the wider legal community.

This leaves us only to briefly explain the work of the YLC. The YLC’s remit is to organise programmes, activities and events for the benefit and welfare of young lawyers, and to assist and guide young lawyers in the practice of law. Part of the YLC’s terms of reference are to establish relations with similar committees from other jurisdictions to exchange ideas on issues concerning young lawyers and the practice of the law.

To these ends, the YLC organises important legal milestone events like Mass Call every year, as well as social milestones like the annual lawyers-doctors (and sometimes, inter-professional) networking event. This year, the YLC organised the first Young Lawyers’ Forum, which brought together counterparts from Kuala Lumpur and Hong Kong to share perspectives on training opportunities and welfare issues concerning young lawyers. With the support of Council, the YLC

selects and sponsors three young lawyers to attend international legal fora every year.

Apart from events, the YLC is a platform through which young lawyers can contribute meaningfully to shaping policies which concern the young lawyers’ community. This year, the YLC is working closely with the Continuing Professional Development Committee to identify and structure more CPD events for young lawyers. This review was undertaken after concerns of young lawyers about the challenges of meeting CPD requirements were surfaced through the Young Lawyers’ Task Force set up by Council.

There is no better time than now to set the right environment and path for yourselves as young lawyers to forge a long lasting and fulfilling career.

We wholeheartedly welcome you to the Bar and look forward to you making the most out of your first years in legal practice.



CHOO ZHENG XI



WONG YI

Co-Chairs, Young Lawyers’ Committee
The Law Society of Singapore

IN TEN YEARS' TIME, I WILL BE ...

Being called to the Bar is an honour and a privilege. Being a part of the noble profession opens up many possibilities for you. Some of you will stay, some of you will go. This article looks at some of the career paths taken, through the (weary) eyes of those who were called before you.

Congratulations and welcome to the rest of your life! Say goodbye to droning lecturers, late night mugging and most importantly, exams!

Now that you have said your goodbyes, let me make the introductions. Say hello to a new set of beasts: crazy bosses, crazy deadlines and perhaps worst of all, crazy clients!

Most of you will begin your lives as pupas at law firms then burst out of your protective cocoon, metamorphosing into glorious butterfly associates, able to bill by the hour and stammer your way through court mentions. After that, some will stay while others may blaze a trail into commerce, leaving the legal world behind.

Truth be told, when I started out, I imagined only the one path. In 10 years I would be a fearsome litigator, partner in a law firm, driving a Merc and beginning every morning checking my investments on my Blackberry. The reality is quite different, but I will let you have your dreams while I commiserate the reality of life at the Bar, at the bar tonight.

Fact is, you stand on the brink of boundless possibilities. Your law degree opens up opportunities you probably haven't even thought of yet. I can't put it better than Bill, can I?

*"All the world's a stage,
And all the men and women merely players;
They have their exits and their entrances,
And one man in his time plays many parts."*¹

Razer's Min-Liang Tan is a graduate from NUS Law. Apparently, he is a billionaire as well. That's quite cool. We also have a number of Parliamentarians who were called to the Bar before crossing over to Parliament House. Other lawyers have taken a different path: some are in jail, and others are on the run. Unfortunately, I have not managed to speak with many of the above interesting characters.

I have though, managed to get some thoughts from friends on how their careers have panned out over the years. Here are some thoughts from those who have gone before you ...

Graduated from NUS Law in 2006. Called to the Bar in 2007:

Now a Director at a small law firm which I set up on 1 February 2018 (Actually, it's not small. It's miniscule. It's just me, a paralegal and a trainee. For now.)

Since graduating: Years 0-1: Pupiled at one of the larger local law firms and signed on as an associate

Years 2-3: Associate at an even bigger local law firm

Years 4-11: Associate – Senior Associate – Partner at a medium-sized local law firm

Year 12: Set up my own law firm

Where I thought I would be: Rich.

Where I am now: Not rich.

If I could change one thing about my career: I would have struck out on my own earlier.

Thoughts on where I am now: It was nice working at a law firm where everything was taken care of. Starting your own law firm is a whole new matter though. It takes guts, passion, your parents' money and a certain element of foolishness. I do not know where I will be a decade from now but I really do hope that this

¹ William Shakespeare, *As You Like It*, Act II, Scene VII.

works out and I won't be back at another law firm, taking orders from somebody I don't quite like taking orders from. For those of you who have entertained the possibility, go for it. You do not want to look back and think of what could have been.

My two cents to the graduating class of 2018: Take a listen to "You Get What You Give" (New Radicals). You guys made it this far and definitely have the ability. The only issue is that of application and hard work. And be nice to each other, and other members of the Bar. Disputes between clients are not disputes between lawyers. Being nice to each other makes everything easier. It pays off in the long run.

Graduated from NUS Law in 2007. Called to the Bar in 2008:

Now a Partner in Allen & Gledhill LLP's Litigation & Dispute Resolution Department

Since graduating: Year 0: Part-time PLC (the then equivalent of "Part B") student and Pupil at Allen & Gledhill. Also a tax-free resident.

Years 1-10: At all material times, a fee earner at Allen & Gledhill. They did say, "*you can check out any time you like, but you can never leave*". Paying taxes yearly.

Where I thought I would be: Big room with a great view.

Where I am now: Tiny room, filled with boxes and boxes of documents. A large beam in the room obscures the view outside.

If I could change one thing about my career: Would go back in time and work on developing a specialist practice. A general commercial practice is fun, but has its challenges.

Thoughts on where I am now: I never quite saw myself as a lawyer in a large law firm. And, I will admit to thinking that my time in a large firm practice would be a stepping stone to something else. Ten years on, I am pleasantly surprised by how wrong my early prejudices were about practice in a large, corporate-focused firm. One doesn't simply get "lost" in the crowd; as long as you make a real effort of it. Sure, there are (many) difficult days, and there are times

one wishes clients appreciate just how challenging a task is and would cut you some slack. I've come to accept that it all comes with the territory – it is, after all, a huge privilege that someone would trust you with their most knotty problems. Everyone is looking for some meaning in what they do. In my own way, I seem to have found that.

My two cents to the graduating class of 2018: A point for each cent. (1) Early on in practice, someone at the firm said to me: "*Don't look for validation from others – it won't be forthcoming.*" Those words ring true to this day – in fact, more so today than before. Be astute to realise when you have done something well, and allow yourself a pat on the back. More importantly, know when something didn't go quite as well as you had hoped – work harder to deserve that pat on the back. (2) Take responsibility for your own development and well-being. Everyone else is busy caring for themselves – you should too. But remember, people will help you if you are of help to them.

Graduated from NUS Law in 2007. Never called to the Bar!

Now an Associate Professor at one of the local law schools, specialising in criminal evidence law and moot court.

Since graduating: Years 0-2: Justices' Law Clerk and Assistant Registrar with the Supreme Court of Singapore; Adjunct tutor with NUS and SMU

Year 3: LLM at Harvard University

Years 4-10: Assistant Professor

Year 11: Associate Professor

Where I thought I would be: PE teacher.

Where I am now: PES C.

If I could change one thing about my career: Wrote and networked more as a student.

Thoughts on where I am now: Academia is not for everyone as being a blank canvass seems daunting, but it is definitely an under-explored, last-resort or only-for-the-dreamy sort of option for many. Which

is unfortunate, because academia has been greatly enriching for me. Having control over my own research agenda means I get to investigate what interests me, and being a teacher and watching students grow under your care and coaching is a wonderful responsibility. There is a lot of constant pressure to publish, but if you enjoy your job, such pressure can be stimulating.

My two cents to the graduating class of 2018: If you want to be great at something, you need to be patient and you must persevere. The way modern practice is set up doesn't quite allow young lawyers to flourish naturally, so resilience is all the more important. If you make hasty decisions, you only set yourself back – and there is a difference between that happening in school and in working life.

Graduated from NUS Law in 2007. Called to the Bar in 2008:

Now the Founder and Principal Trainer of Singapore's first dedicated legal skills training firm, focusing on the training and mentoring of young lawyers.

Since graduating: Years 0-5: Pupil, Associate, then Senior Associate at one of the Big 4, practising commercial litigation. At the same time, Adjunct Tutor at NUS, Mediation Trainer for SMC, Mediation Trainer & Negotiation Tutor for SILE, Advocacy Trainer for Law Society. Published several legal articles. Overall experience: Too much work, not enough sleep.

Years 5-6: Assistant Registrar at the Supreme Court. Continued adjunct teaching. Overall experience: Still busy, but managed to catch a bit more sleep. Extremely meaningful work.

Years 7-9: District Judge at the Family Justice Courts. Co-wrote a chapter in a textbook. Gave up all teaching appointments due to crazy work schedule. Overall experience: No sleep at all, but enjoying making a difference.

Year 10: Left the Courts, and set up the first legal skills training firm in Singapore. Did LLM. Started writing first solo textbook. Overall experience: Working from home and determining my own charge out rates is awesome.

Dedicating my days to nurturing young lawyers, and reigniting passion for the law.

Where I thought I would be: Overworked and unhappy.

Where I am now: Busy, but couldn't be happier.

If I could change one thing about my career: Absolutely nothing. Every detour was an opportunity to reinvent myself, and discover new passions and strengths. And this applies equally to my professional and personal lives.

Thoughts on where I am now: I am exactly where I am supposed to be, at any given moment. So, even if it's not ideal, there is always something to learn from the experience and to be grateful for. And if it is good, enjoy the ride. Also, sleep is good. I wish I had more of it.

My two cents to the graduating class of 2018: This might sound like weird career advice, but please take good care of yourselves and your health. This means taking care of your overall well-being, not just physical but mental health. I had a few health scares along the way because I was just too busy to care for myself, and this is a very serious problem in the legal profession. Too many lawyers give so much to their work that there is nothing left for the family, or for themselves. Too many lawyers give up their passions. Too many lawyers suffer from depression and anxiety. Remember that you can't pour from an empty pitcher, so take care of yourselves, and you can have a long and fulfilling legal career. Also, never be afraid to ask for help. It is ok to not know everything. All the best! I will be rooting for you!

Graduated from NUS Law in 2007. Called to the New York State Bar in 2008:

Now a real estate investor/developer and real estate agent in San Diego, California

Since graduating: Year 0: Pupil at Rajah & Tann, Admiralty and Shipping Practice

Year 1: Moved to the US, lived in Miami briefly; admitted to the New York State Bar and moved to New York

Year 3: Moved again from New York to San Diego when first child was born; became a full-time parent

Year 4: Started real estate investment and development business

Year 9: Shifted focus to being a full-time real estate agent

Where I thought I would be: Partner at a big law firm in Singapore, or senior associate in an international law firm in New York, Hong Kong, or London.

Where I am now: Sunny Southern California! Juggling many full-time jobs: parenting, real estate agent, project manager.

If I could change one thing about my career: I would have gone all in and leveraged up when I first started (and real estate prices were nearly half what they are now) instead of being so conservative. Also, over the course of all the places I've lived, I have met many interesting and successful people with whom I really should have done a better job of getting to know better and keeping in touch with over the years. 20/20 hindsight!

Thoughts about where I am now: Life here is both harder and easier than in Singapore, as you don't have a helper to help take care of your home and kids. Having a career can be very difficult. On the other hand, the cost of living and items like houses and cars are infinitely less expensive.

My life definitely did not take the path I anticipated, but I'm much happier for it. A lot of great opportunities came my way that I didn't even realise the value of until later, like having my kids early on (they're almost self-sufficient now), buying my first property when prices were at historic lows after the market crash, and even inadvertently getting a ton of experience in building and remodelling when our contractor failed all his inspections and disappeared - which led to completing the project ourselves in four months and making a record-priced sale on the block, and in turn doing more properties and remodels. It's not as easy as it looks on TV, but I now can build anything and run any power tool you can think of!

I am also a certified mediator, but Americans are really as litigious as their reputation, and mediation has been slow to take off.

Finally, being a real estate agent isn't that different from being a lawyer; it takes discipline, a lot of research, and being there for your clients to give them the answers they need, except you get to be nice to people instead!

My two cents to the graduating class of 2018: Life might lead you down an entirely different road from what you planned. Just roll with it. Your law degree will always be a useful tool, whether you choose to be in the legal field or any other, as it will teach you how to research what you need to know, to be analytical, and to ask questions rather than just accept what others tell you.

Also, take the effort to make friends and acquaintances, and respect everyone. It doesn't cost you anything or hurt you, and making the effort to be a person of good character and reputation with the willingness to make the first move and make others feel appreciated will pay bountiful dividends in your business, social, and family life down the road.

Well, that is our two cents worth. Actually, at approximately \$600 an hour, that's about \$2,400 worth. To sum up, being a lawyer is a job like no other. But like any other job, you need to put in the graft to succeed. You are privileged to be where you are, but you need to hustle to make it work out in the long run. It's a marathon, not a sprint so pace yourself. Be good to those around you and to your good self.

We hope this read was enlightening! Now go out there and strut your stuff!



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WILL YOU BE A MASTER OR TECHNICIAN?

There are many different categories of lawyers but all of them are one of two types – they are either a master or a technician. These types are determined by their mental approach to work, not by their particular discipline or qualifications or years of experience. It might be useful to be aware of these types early in one’s career rather than stumbling on the distinction years later. Being aware of these types should help develop a thought process to apply to every situation, familiar or novel.

At least two attributes differentiate masters from technicians – master applies principles rather than rules, and is issue-driven rather than process-driven. Technicians may be technically competent but apply rules without discerning the underlying principles, and simply follow a process instead of understanding the purpose of the process and being able to use it or rise above it when appropriate.

Technicians are limited to familiar situations – those for which they have been trained or have encountered before, or to which the rules and the process clearly apply. Masters are able to draw on fundamental principles to deal with novel situations not catered to by the rules or the process.

Admiral Lord Nelson was a true master, and his approach to naval battles can be applied to the law. The orthodox naval tactic at the time was for each opposing fleet to sail in a single line past the other, firing broadsides as they went, and then circle round and repeat until one was defeated, exhausted or departed. This tactic had an advantage in controlling the fleet but was primitive in that it relied on one side simply bludgeoning the other into submission, and was rarely decisive between fleets of similar sizes. The line of battle looked like this:



Nelson built on the tactic used by Admiral Rodney in 1782 of cutting the enemies’ ship by sailing across the line in this way:



The effect of cutting the line was to expose the vulnerable stern of the opposing ships and to break their line so they were in disarray. They could then be encircled and defeated individually.

My purpose here is not to glorify war but to illustrate Nelson’s mastery in putting issues over process and in applying principles rather than rules. The process and the rule were to engage only in line of battle tactics and try to endure longer than the opponent. It would almost certainly have resulted in yet another stalemate, the English not having won a victory by this method in the century before 1782. Instead of following that established process (for which he would not have been criticised), Nelson was driven by the issue of splitting the enemies’ line and separating ships from one another. He applied the principle of divide and conquer rather than the rule of the battle line.

Issue Driven or Process Driven

Legal practice is replete with processes, both on the

transactions side and in disputes. It is easy to become subsumed by the processes and to lose sight of the real issues at stake and the required outcome. It is also relatively easy for most to become proficient in the processes, more or less. When we become competent in the processes, we have become a technician. We become a master when we are able to use the processes properly to concentrate on the issues which will achieve the necessary outcome. We control the process rather than the process controlling us.

Litigation and arbitration are prime areas for the process to overtake the issues and the outcome. They both have very established procedures which must be followed, and there can be so many documents that the decisive issues are overwhelmed by potential relevancies. There is a tendency to mechanically complete one stage of the process and then simply move to the next stage, for example form pleadings to discovery, and then mechanically undertake that stage.

To be a master, we need to focus on the issues in each part of the process and not allow that part to overtake us or obscure the issues. We can draft a beautiful set of pleadings or undertake very thorough discovery, but if we have lost sight of the issues it is likely the process has consumed us. This is particularly the case in litigation where the issues are all-controlling. Mildren J in an Australian Supreme Court said:¹

“The pleadings are not just scraps of paper which the parties and the court are free to ignore. Their purpose is to define the issues between the parties and to control the admission of evidence at the hearing. If it is desired to raise new issues, the pleadings must be amended, and the court ought not to decide new issues unless they are incorporated into the pleadings.”

Discovery in disputes is a classic stage for the process to take control because of its size and, to be honest, often tedium. A young lawyer conducting discovery



noticed that a claim had been made by the other party on its insurer. He pressed for discovery of the claim form and was refused, with apparently good reasons. He sought and obtained a hard-fought order for disclosure of the form, and shortly after the disclosing party offered to settle on reasonable terms. It would have been defensible in that situation (more complex than described here) for the young lawyer to have “completed” the discovery process without pressing for the claim form, or for surrendering after the other party’s refusals. Instead, he was issue and outcome driven rather than process driven.

A different lawyer took over a case where discovery had been “completed”, where the allegation was misrepresentation or the size of a property on an auction advertisement. There was no doubt the size was incorrectly stated on the advertisement and the proceeding was being defended on other rather unpersuasive grounds. When the new lawyer took

¹ *Hunt v Collins Radio Constructors Inc* [1996] NTSC 96 [29], citing *Horne v Sedco Forex Australia Pty Ltd* (1992) 106 FLR 373 379-80. Whatever a court’s attitude to amending pleadings, it would agree the controlling role of the defined issues.



over, she noticed that the copy of the advertisement provided by the plaintiff in discovery (and not questioned by her predecessor) was just one page, that two properties were described on the page but at the top it said:



It seemed to her that there might be more to the advertisement than had been discovered and she called for an inspection of the original (not usually done in that jurisdiction unless trust was lacking). On inspection she found that there was indeed a reverse

side to the advertisement describing the other two properties, and with these words at the bottom:

TERMS OF SALE: (1) 10% DEPOSIT ON FALL OF THE HAMMER (2) COMPLETION - 30 DAYS

ERRORS AND OMISSIONS: These details have been prepared by us on information we have obtained and while we trust it to be correct it is not guaranteed by us and prospective purchasers should rely on their own enquiries

She amended the defence to include the errors and omissions clause which went to the heart of the claim, and soon after settled for less than the plaintiff's costs, and about one-hundredth of the amount the plaintiff was claiming.

These examples are more than mere thoroughness. They show a focus on the issues which will deliver the right outcome rather than being concerned only to get through that stage of the process.

Disputes is not the only area in which this can happen. Transactions involve an established process even though it may not be prescribed or controlled to the extent it is in disputes. Negotiations typically take the process of each side marking up the draft contract and sending it to the other side. It is very easy to be caught up in that process and simply respond to the proposed amendments – positively or negatively – without stopping to consider the real issues in the transaction. Due diligence in transactions can suffer from the same problems as discovery in disputes. Wading through a large volume of documents can numb the mind and dull the sight until the real, decisive issues are lost.

A good practice in both transactions and disputes is to make a list of the real issues and keep it in a prominent place for each matter. The very task of making the list forces us to consider and properly identify the issues, and at the same time raises the importance of the issues in our mind. Our minds focus on what we tell them is important, and the act of making the list performs that function, not only for that matter but for all. By making the list, we have told our mind that issues are important every time. At the same time,

we can be careful that making the list itself does not become merely part of the process.

Principles or Rules

Justice Gummow said:²

“The most significant effects of good law teaching are often the most delayed, manifested decades later when the former student assumes judicial



office. The most difficult questions that come before appellate courts in the end and more often than not are to be answered by recourse to basic principle. A sense of basic principle, if not instilled at the outset of a legal career, is rarely later developed.”

Lawyers love rules. For every situation possible they like to create a set of rules to apply to make practice easier and more certain. As the Scottish Law Reform Commission said in 1981:³

“The result of a system based on unfettered discretion is that lawyers cannot easily give reliable advice to their clients. Clients in turn feel dissatisfied with the law and lawyers.”

² Hon Justice WMC Gummow AC, *Equity: too successful?* (2003) 77 ALJ 30.

³ Cited by Brennan J in *Norbis v Norbis* (1986) 161 CLR 513 at 537.

Rules are useful provided the principles underlying the rules are not forgotten, but they frequently are. Appellate courts have warned against guidelines “hardening into rules” and of those rules being applied slavishly at the expense of the underlying principle. Brennan J of the Australian High Court said:⁴

“It is one thing to say that principles may be expressed to guide the exercise of a discretion; it

is another thing to say that the principles may harden into legal rules which would confine the discretion more narrowly than the Parliament intended.”

Part of the problem with merely applying rules without regard to the base principle is that the rules rarely give full expression to the principle.

Speaking of the judicial explanations of when a term will be implied into a contract, Lord

Hoffmann said “There are dangers in treating these alternative formulations of the question as if they had a life of their own”.⁵ Kirby J said of the various tests for recovery of pure economic loss in tort:⁶

“One by one these attempts, by single or multiple verbal concepts, to encapsulate what was intended when the law imposed a duty of care, collapsed under the demonstration of the inadequacy of the propounded words to perform all of the functions expected of them.”

⁴ *Norbis v Norbis* (1986) 161 CLR 513 at 537; see also *Bropho v Western Australia* (1990) 171 CLR 1 per Mason CJ, Deane, Dawson, Toohey, Gaudron and McHugh JJ at [12]; *Oshlack v Richmond River Council* (1998) 193 CLR 72 per Gaudron and Gummow JJ at [35]; *Aon Risk Services Australia Limited v Australian National University* (2009) 239 CLR 175 generally (particularly French CJ at [9]-[34]).

⁵ *Attorney General of Belize v Belize Telecom Ltd* [2009] 1 WLR 1988 at [22].

⁶ *Barclay Oysters Pty Ltd v Ryan* (2002) 211 CLR 540 at [235].

In Australia a rule developed in the lower courts that any car which hit another from behind would be liable, regardless of the situation. This was based on the road rule that vehicles should travel far enough behind others to be able to stop if necessary. Hitting the car in front proved that rule had been broken – *res ipsa loquitur*.

Eventually a case reached the High Court where a car travelling on a country road at night rounded a bend and hit a car unexpectedly stopped on the road. The courts below had applied the rule and found the travelling car liable. The High Court criticised this rule and its application, and instead applied the ordinary principles of negligence to find the stopped car liable.

As with being overtaken by a process, it is very easy to develop and then unquestioningly follow a set of rules. Rules make busy, stressful practice more manageable but they can lead astray if their informing principles are ignored.

Examples of this phenomenon abound in judicial discretions, such as granting security for costs in litigation. That discretion is unfettered but over the decades courts have dealt with different situations in which security has and has not been granted. Periodically, a court will review the cases, summarise the instances security was and was not granted, and extract the factors when security will be granted. That list of factors will be referred to by practitioners preparing applications and courts considering them, with the natural result of becoming seen as rules if not checked and if the foundation principles are not recalled.

Lord Neuberger PSC (Lords Sumption and Hodge JJSC agreeing) was aware of this tendency and resisted stating a simple test for implication of terms in *Marks and Spencer plc v BNP Paribas Securities Service Trust Co*⁷ and instead said:

“In my judgment, the judicial observations so far considered represent a clear, consistent and principled approach. It could be dangerous to

reformulate the principles, but I would add six comments on the summary given by Lord Simon in the BP Refinery case⁸ as extended by Bingham MR in the Philips case⁹ and exemplified in The APJ Priti.¹⁰”

Extra work can be required to discern the principle behind the rules, and occasionally there are conflicting principles such as those informing the security for costs discretion of access to justice and that access working injustice.

Summary

Time spent in identifying and pursuing issues rather than merely following a process, and effort spent in detecting and applying principles rather than mere rules, will be repaid many times over in developing an approach that can cope with any problem, from the common to the unique.



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⁷ [2009] 1 WLR 1988 at [22].

⁸ *BP Refinery (Westernport) Pty Ltd v Shire of Hastings* (1977) 180 CLR 266 at 283.

⁹ *Phillips Electronique Grand Public SA v British Sky Broadcasting* [1995] EMLR 472.

¹⁰ *The APJ Priti* [1987] 2 Lloyds Rep 37. Emphasis added.

YOU ARE NEVER TOO YOUNG TO BE YOUR OWN BOSS

Does being a newly-called lawyer always entail being at the bottom of the food chain? Perhaps not. We speak to five individuals (both practitioners and non-practitioners) who have assumed leadership positions at a relatively young age. They prove that age is not always a barrier to blazing your own trail.

Wilbur Lim, Joint Managing Director, WMH Law Corporation

Wilbur graduated from the Singapore Management University School of Law in 2011 with Summa Cum Laude and commenced practice at a Singapore Big Four law firm.



In 2016, Wilbur started his own firm, WMH Law Corporation, where he is now the joint managing director. In 2017, Wilbur was selected to be on Asia's "40 under 40 lawyers" list published by *Asian Legal Business (ALB)* and was shortlisted as a finalist for the prestigious ALB's South East Asia Young Lawyer of the Year Award. The law firm now comprises five lawyers.

Why did you decide to start your own firm?

My partners and I are very passionate about the law. We have our views on how practice should be like, in light of the prevailing socio-economic climate. As young lawyers, we have many ideas on how we could utilise our knowledge and skills in the law to benefit the greatest number of people. We wish to customize our practice and have a say in legal fees, so as to make legal representation more accessible to businesses and individuals alike.



Wilbur Lim, Joint Managing Director, WMH Law Corporation

Were there unanticipated challenges you encountered in starting your own firm?

We have made extensive preparations prior to commencing our own practice. I am glad to say that we have anticipated most, if not all, challenges in starting our own firm. Mark Lee, Hazell Ng, and I had drawn out very detailed plans on what we have to achieve at different milestones.

When we first started out, we did encounter opposing counsel making baseless remarks about us. My partners and I generally let our work speak for themselves, rather than being overly defensive.

Within a year, our firm and our lawyers have been nominated in a number of regional awards for our work. True enough, such remarks have ceased almost completely.



Management team of WMH Law Corporation

How is running your own firm different from being a salaried lawyer in a larger firm?

Being a salaried lawyer is all about hitting the billables. Running your own firm is an amalgamation of bringing in the billables and setting clear directions on how to develop your practice to greater heights. Rather than worry about whether I have clocked enough hours for the day, my objective is to ensure that my associates are able to hit their billables for the next few months.

Do you have any advice for young lawyers aspiring to start their own firms?

Think about the reasons why you wish to start your own firm. You also need to have a clear goal in mind.

It is not an easy journey.

If your intention is to run away from your obligations as an employee, chances are that you will not be able to handle the transition to being an employer at your own firm.

If you are questioning whether you should step out of your comfort zone into the unknown, you are not ready yet.

If you have just won your first application as a first year associate and think that you are ready to take on the world, be humble, learn the ropes, and respect your mentor. I am very fortunate to have had wonderful mentors at an early stage of my career. Find the right mentor, and it will go a long way towards your goal.

Chan Yuk Lun, Founder, SingaporeLegalAdvice.com

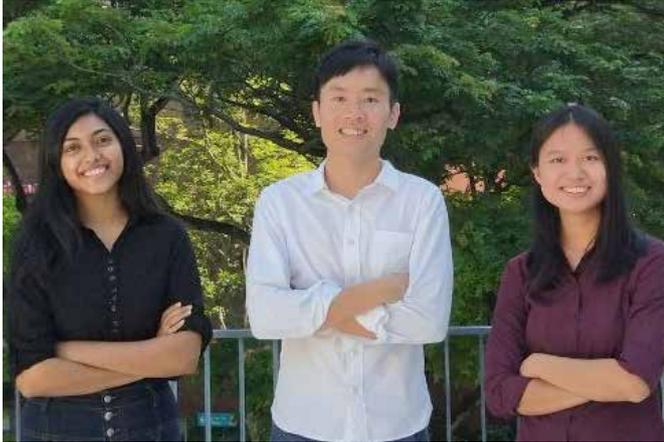
Before it became Singapore's everyday legal platform, SingaporeLegalAdvice.com began as a blog that Yuk Lun started while in law school. After graduating from the Singapore Management University in 2014, he decided to work on it full-time. SingaporeLegalAdvice.com has since grown from strength to strength with two full-time staff and a small tech team based overseas. Today, it is a platform where individuals and businesses can get legal information and obtain fee quotations from lawyers, among other services. The website generates revenue from helping lawyers market themselves.

Why did you decide to start your own business after graduating from law school, instead of taking the usual route of getting called to the Bar first?

It was an easy decision for me after graduating from law school because I knew that there was a chance I could make the legal platform work if I spent more time on it. It is not that I knew for certain that I didn't like practising law. It was more of carrying on and following through with an idea that I believed in.

What do you find most challenging and rewarding about running SingaporeLegal Advice.com

What is challenging, especially when starting out, is



Chan Yuk Lun (centre) with his team at SingaporeLegalAdvice.com

that we do not know what exactly to do next. There are always so many options, but only so much you can do. There is no roadmap, no instruction manual and no one telling you what to do. So I have to figure things out on my own as I go along, and seek guidance from time to time.

The journey itself is a reward. SingaporeLegalAdvice.com was just a blurry vision I had when I was in law school. Seeing it materialize and grow is very rewarding. From just a trickle of visitors at the start, today, we have around 170k visitors to the site per month. When I see the positive impact that it's making, on both lawyers and the public, it's very satisfying.

Do you have any regrets about not practising law?

No, it has been very rewarding to grow the business from an idea that began in law school. Instead of drafting contracts and preparing arguments, I work on things like sales, marketing and product development. I can never be sure that this path is better, they are simply different things. As some doors close, other doors open. It helps that I enjoy meeting creatives and entrepreneurs from other fields and industries, whom I might not have met otherwise. And ironically, I doubt I would ever have gotten featured in the *Law Gazette* if I were practising law!

What next for SingaporeLegalAdvice.com?

The landscape for legal services has changed a lot since I first started, and we have to constantly innovate our marketing methods and products. Currently, we're

working on a new feature of the platform directed at end-users. Follow us on Facebook or Instagram @singaporelegaladvice to keep up with the latest updates!

Mahesh Rai, Director, Drew & Napier LLC

Mahesh obtained an LLB from the National University of Singapore in 2008 and an LLM from the University College London in 2009. He began practice at Drew & Napier LLC in 2010 and rose swiftly through the ranks. He was made an equity director earlier this year at the age of 34 – one of the youngest to have achieved this.



Mahesh Rai, Director,
Drew & Napier LLC

Mahesh acts for clients in a broad spectrum of litigation and international arbitration matters. Apart from being called to the Singapore Bar, Mahesh is an Attorney-at-law of the state of New York, a Solicitor of England & Wales and an International Lawyer of Cambodia.

How is being an equity director/partner different?

For starters, you have many more matters to handle and heavier responsibility. A lot more time has to be spent on managing your practice.

You are also responsible for the people working for you. The ability to manage people is important and not the same approach works with everyone. You must know how to motivate your team members effectively and encourage them to give their best.

You also must make sure that the people working for you feel part of a team. I have found that when the going is heavy, people appreciate it when you roll up your sleeves and help to ease the load.

People also appreciate it when you take the time to teach and help them develop their careers. For

example, coaching junior lawyers for their first contested matter goes a long way. Taking an interest in their personal development as individuals also shows that you care.

What qualities must one possess in order to rise through the ranks in a top firm?

First, you must have the right attitude and always be willing to learn. No one can know everything and you should never stop learning. Also, always be open to challenging yourself and stepping out of your comfort zone. This way, you will avoid stagnating.

Second, you must be able to ride with the times. When there are lull periods, learn to take a breather and recharge. When work gets intense, you must learn to cope with the pressure. It is not easy but we all get better with time.

Third, you must have tenacity. It is so important for a lawyer to be tenacious in representing his or her clients, upholding justice and being determined to succeed.

Do you have advice for young lawyers aspiring to succeed in a law firm?

In your early years, absorb as much as you can from those around you. There will be difficult times, so always try to keep your chin up and never give up. You must actively look out for opportunities to grow personally and professionally. No one owes you a career so you are the driver of your own destiny.

Marcus Li, General Counsel and Co-founder, Slate Alt

Marcus is the General Counsel and part of the founding team of Slate Alt, an investment and capital raising firm that focuses on deep technologies. He is also a Director at Hello Tomorrow Singapore, the regional hub of the global non-profit Hello Tomorrow which promotes and facilitates deep-tech development globally. Marcus graduated from the Singapore Management University School of Law in 2014 and practised insolvency and corporate restructuring law for a year prior to developing Slate Alt and Hello Tomorrow Singapore.

Could you tell us more about your firm and your role?

Slate Alt was the brainchild of various discussions my friends and I had. We were convinced that deep-tech development was vital to the betterment of humankind, but as an asset class, was underfunded and poorly understood. As such, we created Slate Alt to accelerate the growth of such technologies by bringing together industry experts, motivated investors and forward-thinking innovators.

While I oversee the legal and compliance aspects of the firm's operations, and provide legal perspective in formulating business strategies, I do have to handle multiple roles, as is typical in any high-growth organisation. I also work on business development and source for new collaborations.

What do you find is the biggest difference between your experience in the practice of law and your current role?

I think the biggest difference is how the roles require me to view circumstances with different lenses. In legal practice, my focus was on identifying and finding solutions to legal problems.

In contrast, my current roles additionally require me to actively find exciting untapped possibilities and opportunities, and turn them into reality. For example, Hello Tomorrow Singapore was a just conceptualisation of our team in the middle of last year, but has now started to establish its bona fides as the reference deep-tech platform in Southeast Asia, after being launched with Minister S Iswaran alongside numerous government partners at the Viva Tech Conference in Paris earlier this year. We will even be hosting South-East Asia's largest challenge for deep-tech start-ups in November this year!



Marcus Li, General Counsel and Co-founder, Slate Alt

Did your time in private practice prepare you for the challenges in the business world?

Yes definitely. For starters, legal and transactional experience certainly helps in any negotiation and risk assessment. But more than this, the intangibles I have learnt from my mentors and those developed in practice have helped me immensely – commercial sense, decisiveness, meticulousness, resourcefulness, determination, focus, and grit.

Do you have any advice for young lawyers aspiring to start their own businesses?

You need to make very objective assessments - does my business have a strong value proposition? Is there a need for my services? Will my services be easily displaced? Does my team have the ability to make the business a success? Is the fight to overcome obstacles worth the time and effort?

Unless you find yourself convinced and clear on these questions, you should take a step back and rethink. Speak to people who can mentor you and get second opinions. If you do decide to take the plunge, be realistic, but always be optimistic and flexible.

Choo Zheng Xi, Director, Peter Low & Choo LLC

Zheng Xi graduated from the National University of Singapore in 2010, and joined Peter Low LLC in 2012. In 2016, Zheng Xi became the first Singaporean to clinch the International Bar Association's (IBA) Outstanding Young Lawyer of the Year Award at the age of 30. That year, Zheng Xi also became a named Director of Peter Low & Choo LLC.

What do you find the most challenging about being a “name partner”?

Constantly reminding myself to be a good role model for my colleagues, and reminding myself that I'm directly responsible for building the firm's goodwill and “bringing home the bacon”. Every day, I feel the pressure of making sure I live up to the expectations of my colleagues, and I strive to be a better person and a better lawyer to make sure everyone can say



Choo Zheng Xi, Director, Peter Low & Choo LLC

they're proud to be a stakeholder of the firm.

Do you think that young lawyers are at a disadvantage when it comes to business development?

I prefer to think about the opportunities.

Being a young lawyer has its advantages. Everyone likes the feeling of being able to help someone, and early on in practice I had many older clients who had given me work to give me a leg up. A lot of senior lawyers were very generous with their time and wisdom, and helped me build my practice. None more so than my mentor and partner, Peter Low. You just need to be humble, sincere, and put yourself out there.

I remember my first time being invited to an embassy event: it was terrifying. Standing in the middle of the Ritz Carlton ballroom all by myself, and screwing up my courage to walk up to people at the buffet line to make small-talk. But I quickly realised that the ballroom was full of people like me: slightly lost, pretty intimidated, and relieved to meet someone else who was pro-actively talking to them.

Do you have any advice for young lawyers aspiring to build their profiles in the legal industry?

Be hungry: never say no to work. When you're young, and your hourly rates are inexpensive, that's the best time to try out every and any type of work.

Never, ever, look down on anyone because of their station in life and always be willing to use your legal skills to help others. Ethically, it's the right thing to do: it's an important principle of the Legal Professional (Professional Conduct) Rules that "a legal practitioner must facilitate the access of members of the public to justice". But in the long run, it also makes very sound business sense: helping people builds goodwill. And goodwill will bring you more and better work.

Finally, although I'm not religious, I draw inspiration from this prayer by St Thomas More, the Catholic patron saint of lawyers:

*"Lord, grant that I may be able in argument,
Accurate in analysis, strict in study,
Candid with clients and honest with adversaries.
Sit with me at my desk and listen with me
To my Client's complaints, read with me in my library,
And stand beside me in Court, so that today I shall not,
In order to win a point, lose my soul".*

Keep this with you in your practice of the law, and I hope it illuminates your path as it has mine.

GRACE MORGAN

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Grace Morgan is a senior associate at Drew & Napier LLC. She handles a wide range of litigation and arbitration matters, and has had the privilege of working in the same team as Mahesh Rai.



SOFT SKILLS FOR SUCCESS



Recent studies of American lawyers and their clients have revealed an interesting finding: lawyers and clients view lawyer effectiveness differently. Whereas American lawyers ranked legal expertise and knowledge of the law as their most important competencies, their clients emphasized regular and prompt communication, listening skills and responsiveness as the top lawyer competencies.

The disconnect between American lawyers and their clients in perceiving lawyer effectiveness underscores the need for lawyers to be proficient in what is commonly referred to as “soft skills”.

This problem – lawyers lacking soft skills – is what Randall Kiser, an internationally recognised authority on lawyer performance, seeks to address through his book *Soft Skills for the Effective Lawyer*.¹

At first glance, the title of Kiser’s book may sound like another one of those “self-help” books that you commonly find in bookstores, promising readers how to be a better person in 30 days or

some unique “system” that will phenomenally increase one’s effectiveness in life and at work.

But the book goes far beyond than just providing a self-help manual on soft skills for personal effectiveness. It is a comprehensive guide to almost every soft skill that concerns the practice of law, which is carefully synthesised by Kiser into a framework of six essential soft skills (more on this below).

Observing that soft skills are commonly disparaged and neglected by lawyers, Kiser makes the case that almost all successful professionals possess soft skills and that, contrary to popular belief, soft skills can be learnt. Indeed, he points out that while soft skills training has been integrated into the curriculum of American business and medical schools, American law schools have by and large resisted teaching soft skills.

What Exactly are Soft Skills?

Kiser does not provide an easy answer to this question. In the Introduction, he suggests that soft skills and hard skills have a symbiotic relationship and are

¹ Randall Kiser, *Soft Skills for the Effective Lawyer* (Cambridge: Cambridge University Press, 2017).

sometimes indistinguishable. For example, attaining legal knowledge (hard skill) is of no value if it cannot be effectively communicated to the client (soft skill).

To overcome this conceptual difficulty, Kiser submits that soft skills focus more on practical intelligence, while hard skills target analytical intelligence (aka IQ). Although practical intelligence includes what has become commonly known as “emotional intelligence”, it covers a wider skill-set which he synthesizes into six essential soft skills. These are: self-awareness, self-development, social proficiency, wisdom, leadership and professionalism.

Under each key soft skill, Kiser identifies a number of diverse component skills. For instance, the component skills of self-development include resilience, will power, optimism, curiosity and mindfulness. In essence, Kiser’s soft skills framework seeks to improve a lawyer’s ability to represent his or her client, and thereby increase lawyer effectiveness.

Instinctively, self-awareness, self-development, social proficiency and leadership should not be unfamiliar to most lawyers, and will be covered briefly below. What is of greater interest is Kiser’s reference to wisdom and professionalism, as they are not commonly perceived as soft skills.

Self-awareness and Self-development

Kiser explains that self-awareness and self-development require lawyers to be alert to biases and distortions in evaluating their own performance, such as over-estimating one’s abilities (what he calls “omniscience”) and projecting an aggressive image without effectively solving the client’s problem.

At the same time, Kiser notes that various traits, attitudes and behaviours accelerate self-development, including resilience, will power and optimism. Indeed, the quality of lawyer resilience has come under the spotlight in a number of *Singapore Law Gazette* articles.² Kiser considers resilience as arguably the

most important soft skill, although he recognises that lawyers “have notoriously low levels of resilience”.

Social Proficiency

In contrast to the inward-looking skills of self-awareness and self-development, social proficiency is concerned with lawyers’ ability to understand and work with other people. While Kiser predictably discusses the established component skills of listening, communication, empathy and teamwork, he also highlights the increasing importance (and popularity) of applying storytelling techniques to litigation and even transactional matters, given the natural affinity that people have with “stories and anecdotes than facts and logic”.

Leadership

One of the interesting insights from Kiser’s chapter on leadership is the six categories of leadership styles. The most effective style is what Kiser calls “visionary/authoritative”, whereby authoritative leaders steer people towards a common vision. On the other hand, the least effective styles, which are commonly associated with lawyers, are “pacesetting/heroic” and “directive/coercive”. The former involves the leader setting frustratingly high standards that their followers cannot achieve, while the latter relies on a top-down approach which stifles creativity and initiative.

Wisdom

Turning to the first of the remaining two more unusual key soft skills in Kiser’s framework, Kiser takes the view that lawyers need to be wise, in the sense of being able to provide clients with “objective evaluation, sound advice, and thoughtful strategies”, before they consider the matter from a partisan perspective or what he calls “to think like a lawyer”.

Wisdom is, of course, a difficult quality to define, and even more so to acquire. Kiser distinguishes wisdom from knowledge by noting that wise people “continually test the sources and ascertain the limits of their knowledge”. He proposes seven elements of wisdom – perceptiveness, foresight, creativity,

² See e.g. Gregory Vijayendran, “The Resilient Lawyer”, *Singapore Law Gazette* (June 2017); Thio Shen Yi, SC, “A RoadMAP for Your Journey”, *Singapore Law Gazette* (August 2016); Alvin Chen, “Why a Resilient Professional Identity Matters”, *Keep Calm and Carry on Practising* (A Special Supplement for Young Lawyers) (2014).

fairness, judgment, self-renewal and courage – as well as techniques and methods that lawyers can use to improve themselves for each element.

Of these, self-renewal would appear to be the most relevant to lawyers who lead hectic lives in the practice of law. Kiser believes that “self-renewal is a professional responsibility” and lawyers should take time off to reflect and find meaning in their practices.

Coincidentally, a similar point was made by former Attorney-General and Judge of Appeal V.K. Rajah in his commencement speech to NUS law graduates in 2017, where he advised the aspiring lawyers to be wise lawyers and not merely clever ones, and that lawyers need to find a larger purpose as the practice of law “should not be defined by just billing targets, profits and compensation”.³

Professionalism

Kiser recognises that legal professionalism is often thought of in terms of ethical rules and malpractice standards. However, he advocates a broader approach premised on the notion that lawyers must “accept responsibility and promote accountability”, given their privilege to practise law and the fact that they serve not only their clients, but also the legal profession and society.

In particular, Kiser defines professionalism as five sets of duties owed to self, clients, other lawyers and judges, the legal profession and society. Many of these duties are in fact derived from common ethical requirements such as competence, civility and reporting misconduct, which may inadvertently reinforce the narrow outlook that compliance with ethical rules is sufficient.

Nevertheless, a closer examination suggests that the golden thread of Kiser’s professionalism framework is that lawyers should adopt a more service-oriented mindset not only towards their clients, but also to the legal profession and society through improving the

delivery of legal services, mentoring other lawyers and providing pro bono services. At the end of the chapter, Kiser makes this clear by favouring an outward-looking perspective on professionalism which considers that the practice of law cannot be detached from the society which it serves.

Conclusion

Although *Soft Skills for the Effective Lawyer* is written from the perspective of the American legal profession, Kiser’s framework of essential soft skills is applicable to the practice of law in any jurisdiction. Some may query whether it is necessary for lawyers, in order to be successful, to learn and master any or all of the soft skills identified by Kiser. Perhaps the starting point is not whether lawyers must do so, but whether they can afford not to do so. As Kiser observes in his concluding chapter, lawyers risk being disassociated at work if they ignore “the self-awareness, emotions, perceptions, and sensibilities that underpin soft skills” and fail to tap on their innate attributes to build a more satisfying legal practice.



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³ Janice Tai, “Be wise people, not just smart lawyers: former Attorney-General V.K. Rajah tells NUS law graduates” *The Straits Times* (8 July 2017) <<https://www.straitstimes.com/singapore/courts-crime/be-wise-people-not-just-smart-lawyers-former-attorney-general-v-k-rajah-tells>> (accessed 19 July 2018).

YOU ARE NEVER TOO YOUNG TO DEVELOP YOUR BUSINESS

It was common in the past to hear senior lawyers telling associates “Don’t worry about business development. Just focus on developing your legal skills and meet your billable hours.” Those days are gone for lawyers in legal markets like London, New York and Sydney and may soon come to an end in Singapore, Hong Kong and the region. Recently, a successful senior partner shared with me, “When I started as a practising lawyer, I did not expect that business development would be part of my job. It took me years to realise how important it is, and I hope younger lawyers realise this sooner than later.”



Sometimes you feel like you need to be a superhuman to be successful

Today, for you to be commercially successful, it is a prerequisite for you to have legal knowledge and problem solving skills, as well as other commercial skills like finding new business, managing your Partners’ existing relationships, building your market profile, while meeting your high billable targets.

Daunting as all of these might seem, business development can be one of the easier things on your plate if you start early and develop your marketing abilities steadily over time.

To help you get started, you can apply the following steps:

1. Learn about Your Firm

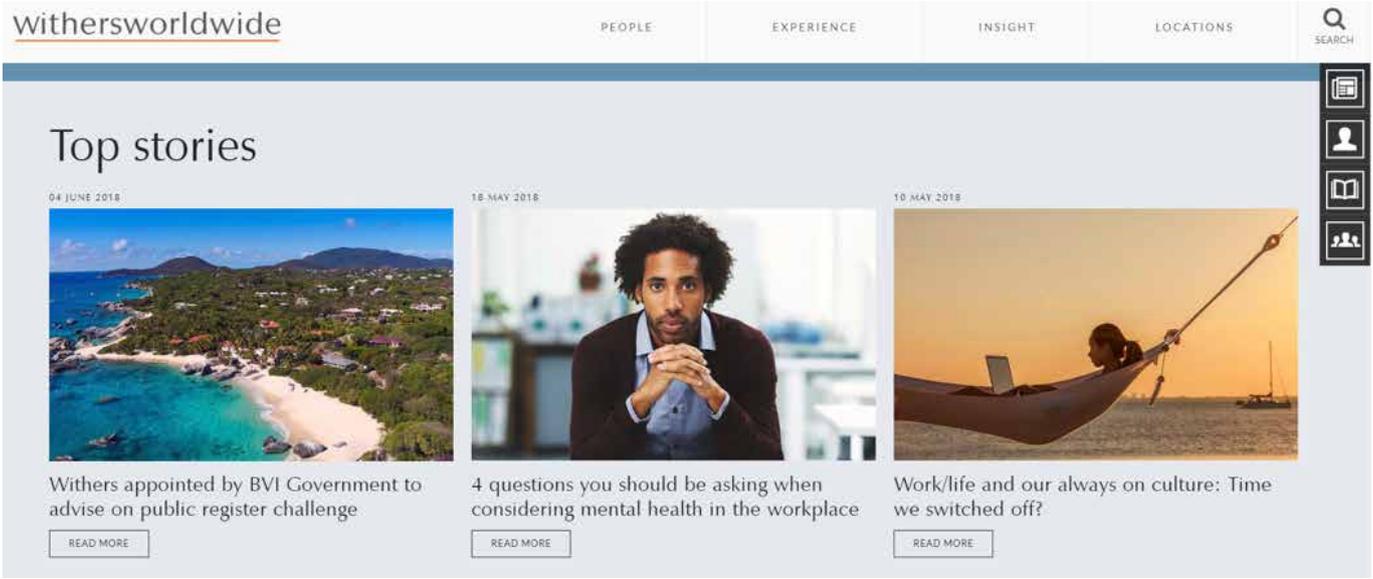
You can only start selling your firm’s services after understanding what your firm does, its practice areas and its unique selling points. The immediate step you should take as a newly qualified lawyer is to be familiar with the contents of your firm’s website and marketing materials, such as capability statements, brochures and client proposals. They contain useful information about your firm’s practice areas, clients and colleagues. This is even more pressing if you are in a large law firm which offers a wide range of legal services in many markets.

Knowing all of this will not only aid you in your day-to-day tasks, but can also be useful information when conversing with clients and peers. Imagine you were having a conversation with a prospective client who mentioned that they are also looking for tax advice in Tokyo. You create a much better impression if you knew your Tokyo office’s services and its lawyers, rather than say, “I am not sure if we have a Tokyo office/I am not sure if we have tax lawyers”.

An outsider’s insight: Armed with information about your firm, you should develop a well-defined elevator pitch explaining who you are, what you do, where your firm can deliver its services and why clients should choose you. This may be one of the best tools to carry with you in your career.

2. Work Closely with Your Firm’s Marketing Team

If your firm has a marketing team, you are in luck. Speak to them at the first opportunity and work with them on relevant business development initiatives like legal directory submissions, client proposals and



Our firm's website shows its people, experience, insight and locations which are very useful for new lawyers in the firm

events. They are there to help you and your firm grow its network, profile and business.

Most of them are trained in different areas such as digital marketing, events, pricing, proposal management and lead generation. Work with



them to improve your online profiles, find out about your firm's events, and seek their views on proposal management. By tapping into their knowledge and resources, you will be able to sharpen your business development techniques and refine your marketing plans.

An outsider's insight: Appreciate your marketing team's efforts. I am sure they will be extra helpful if you are nice to them.

3. Support Your Partner's Business Development Initiatives

Some younger lawyers worry about the lack of perceived credibility when engaging with senior clients. Whilst there are many techniques available to reduce this perceived experience gap, the first thing you can do is to be an integral part of your Partner's business development initiatives. If your Partners are presenting at a conference, go with them and support in developing the content. If your Partners are meeting clients, join in the meeting if possible. You will gain the confidence and exposure from these experiences.



An outsider's insight: Leverage the time and effort others have put into building relationships. Over time, you will get familiar with the senior clients and intermediaries whom you may not have had access to on your own. As they see you in action, their impression

of you will continually strengthen and the experience gap will eventually close.

4. Develop Meaningful Relationships with Your Peers, Bosses and Clients

Whilst the stress of meeting your billable hours and being an excellent lawyer can be overwhelming, do not hide behind your files all the time. Billable hours will keep you busy now, but if you do not start growing your network, you may have no clients to bill in the future.



To create a momentum for business development, I recommend scheduling at least one social meeting a week with your peers from another law firm, bosses (new or old) or clients to catch up generally. Meetings in a more relaxed setting are very effective for building personal connections. You can discuss matters which may not be conveniently expressed in formal meetings.

Sharon Ser, Managing Partner of Withersworldwide in Hong Kong shared recently in *Asian Legal Business* the importance of building your profile within the firm for internal business development. Essentially, others can refer opportunities to you only if they know what you can offer. So, seek out opportunities to demonstrate your skills, your interests and your personality to your colleagues. Sharon says that there are many ways of doing this, and different methods will be suited to different people. Internal committees, sector groups, pro bono activities and diversity initiatives are all avenues that can be utilised, whilst simultaneously achieving constructive ends.

An outsider's insight: Relationships with peers and bosses are often underestimated. It is important to know that your peers and bosses can one day be prospective clients when they move in-house, stop practising law or move to another law firm.

5. Get Your Digital and Social Media Profile to Work

The prevalent use of technology and social media now provides you with a great medium for business development. A 2014 IDC study showed that 85% of C-suite and senior executives use social media when making purchasing decisions. Using platforms like LinkedIn and your firm's website, these prospective clients take into consideration peer input and review your profile when assessing potential counsel. Hence, it is likely that your online profile is the very first impression for these contacts.

Get started on your professional online profile if you do not already have one. More crucially, update your profile regularly, produce and share content which are relevant and develop a mailing list and network of connections.



An outsider's insight: There are many articles on digital marketing which can be useful for business development for lawyers or businesses in general. For instance, you may find some of my previously written articles for the *Law Gazette* useful:

- Content Marketing for Lawyers – The Secret Sauce to Grow Your Business (<https://lawgazette.com.sg/practice/practice-support/content-marketing-for-lawyers-the-secret-sauce-to-grow-your-business/>)

- Using LinkedIn to Disrupt Your Business As Usual (Part I) (<https://lawgazette.com.sg/practice/practice-support/linkedin-disrupt/>)
- Using LinkedIn to Disrupt Your Business As Usual (Part II) (<https://lawgazette.com.sg/practice/practice-support/linkedin-disrupt-part-2/>)

6. Be Patient to Get Lucky



While this is not a checklist item per se, it is important to know that haste makes waste in business development, especially if you are a younger lawyer who is building up your legal skills and commercial acumen.

The key to success over the long run is to be patient, while learning and refining your business development strategies continually. Do not expect peers, clients and bosses to give you an audience in the first instance and fully expect objections at every turn. As they say, luck is a matter of preparation meeting opportunity. Bid your time, stay the course and keep an eye out for every opportunity that comes along. You will be amazed at how many opportunities are available for you, when you are ready for them.

An outsider's insight: What about lawyers who achieved commercial success without doing business development at all? Yes, you can get really lucky. For instance, you can inherit a small handful of major clients which turns you into a top performer.

However, it is impossible to replicate this route, unless you have the gift of clairvoyance. Hence, do not let these rare exceptions distract you from the need to do business development early in your career. For all we know, perhaps the lucky lawyer just did checklist item #4 really well.

Concluding Remarks

For a new lawyer, it can be challenging to think about and conduct business development. However, it will be much easier if you invest time and resources early in your career before you are expected to be a rainmaker. These business development checklist items, whilst not exhaustive, can provide you with some ideas to get started. An important point to note is that business development should be regarded as an organic way to grow and maintain your professional relationships, connect with like-minded people and people you enjoy spending time with, in a sincere and friendly manner.

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Roy Ang is passionate about marketing and business development in the legal and professional services sector, and was part of the pioneering batch of officers in the Ministry of Law and EDB's Legal and IP Programme Office. He spent some time as the Deputy Head of Business Development in SIAC and conducted B2B sales in a major global recruitment firm. He currently heads up the Asia-Pacific marketing and business development function in Withers Worldwide and Wither KhattarWong — its Formal Law Alliance in Singapore.

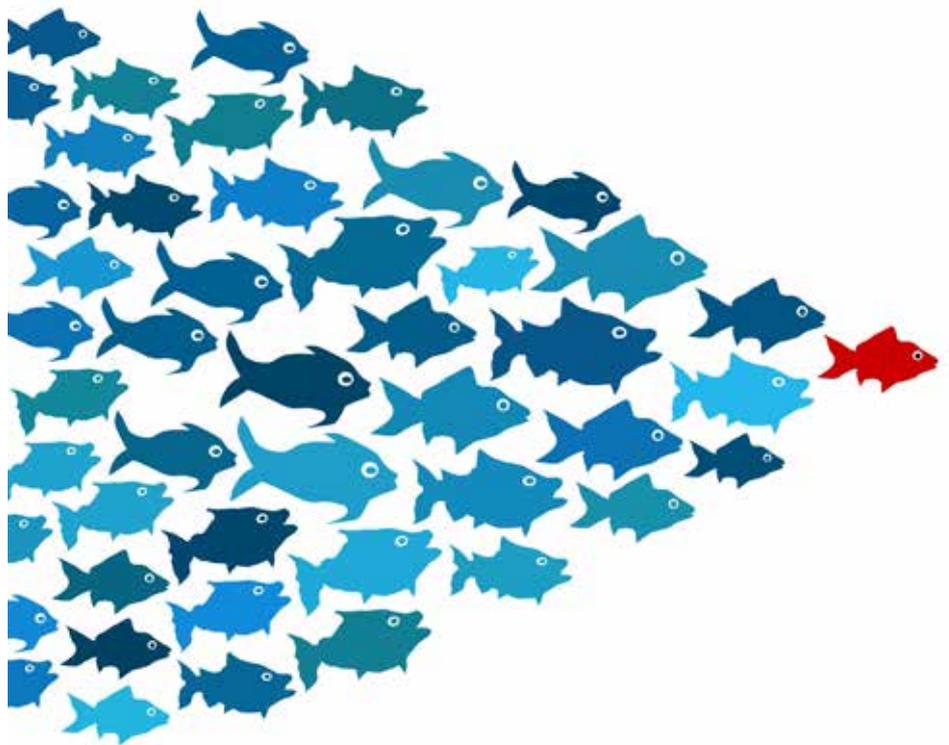


YOU ARE NEVER TOO YOUNG TO LEAD

We have all exchanged a tale or two about bosses behaving badly. Or maybe some of you have had the misfortune of being on the receiving end of workplace abuse. Maybe these stories have made you think – What does it mean to be a good leader? How does one avoid becoming a bad boss?

In this month's edition of the *Law Gazette*, we warmly welcome the new members of the Bar, most of whom will be joining the ranks at the Mass Call. We are, ourselves, young lawyers and recall fondly our own Mass Call in 2015. As a junior lawyer, the question of what it means to be a good leader may presently seem irrelevant to you. You may have more pressing immediate concerns, such as how to acquire core competencies or what to say at your first PTC. For most, the future seems uncertain as to whether you will stay in the profession in the long run, much less whether you will make Partner and, if so, when.

However, you don't need to be at Partner or even Senior Associate level to be a good leader. Being a good leader means being a good team player, regardless of your perceived or imposed status in the team. Personally, we do not profess to be exemplary leaders ourselves but we do believe that learning to become a good leader starts early.



Know Thyself

“Knowing others is intelligence; knowing yourself is true wisdom. Mastering others is strength; Mastering yourself is true power.” – Lao Tzu

It starts with self-awareness. Knowing yourself – including your personality type, your working style and how you interact with others – is pivotal in helping you decide your leadership style and approach. There is no one-size-fits-all leadership style. For example, as regards personality, an outgoing sort may generally be personable and influential and a quieter personality may generally command respect with considered views.

Pick a leadership style that fits you best so that you can express yourself sincerely. There is no need to be assertive and confident all the time (unless you

naturally are, of course). It may exhaust you – and those around you – if you are constantly trying to be someone you are not. You are more likely to foster trust and convey reliability if your team members perceive that you are genuine.

Be Proactive

In practice, files are usually managed in a team system. Depending on each firm's or department's structure, you are likely to work with at least one other lawyer and paralegals, support staff, trainees or interns. The importance of being a good team player cannot be over emphasised. But really, what does it mean to be a good team player?

In our experience, it means according respect to every component of the team and extending a hand whenever it is needed. While each person has a specific role to play within the team, strive to be proactive and willing to help others. If a teammate is struggling with a task, volunteering to help may present you with a learning opportunity and help the team collectively meet its deadline and goals. As clichéd as it sounds, a team is only as strong as the weakest link. It will also prevent situations in which you are “swooped in” to help only at the eleventh hour.

In our firms, there is heavy emphasis on mentorship and creating a nurturing environment. As beneficiaries of such ecosystems, we also have an obligation to pay it forward. Even if your law firm does not promote mentorship, we urge you to make that change.

Pick Your Role Models

Needless to say, critically observe lawyers more senior to you, including lead counsel and middle management, not only for their advocacy and client management skills, but also for how they manage their team.



It is easy to be courteous to your peers, clients, opposing counsel, the Court and superiors and treat them with respect but the strength of one's character is evidenced from how they treat their subordinates. From the standpoint of junior lawyers ourselves, the most highly-regarded and well-respected leaders of the Bar are those who treat their associates, paralegals, support staff, trainees and interns well. Modelling after those who do will stand you in good stead in becoming a good leader yourself.

In your capacity as a junior lawyer, the same principles should apply to you in your treatment of your peers, support staff, trainees and interns. Small gestures count, such as taking the time to explain the facts of the file or even something as simple as making sure their meals are provided if they need to work overtime. In the event that expectations are not met, while constructive feedback is necessary for growth, there is no need to make demeaning remarks or personal attacks, publicly or privately.

Feedback is a Two-way Street

Feedback channels should be two-way so learn to communicate effectively. Ideally, you should find yourself in a position where feedback is forthcoming and your feedback to your superiors is also considered and valued. In giving instructions to your peers, support staff, trainees or interns, express clearly what needs to be done and by when.

A good leader assigns a reasonable timeline, trusts that the work will be done and does not micro-manage the process. Micro-managing may cause even more misunderstandings and anxiety and will not give your team members the room to grow. Practice is fast-paced and we face pressure from our clients, opposing counsel, the Court and other parties. Be that as it may, invest time to give clear instructions because it will improve workflow and, on the whole, increases efficiency. Where praise and recognition is due, be liberal with it.

Learn to receive feedback, not just from your superiors but also from your juniors or subordinates. Being receptive to feedback sounds straightforward in theory but is difficult in practice because criticism is not always palatable. It requires fighting the urge to rationalise oneself or to finger-point. In other words, it requires putting aside your pride.

Lead by Example

“Setting an example is not the main means of influencing others, it is the only means.” – Albert Einstein

We have all experienced our share of leaders who do not “walk the talk”. Leading by example is a crucial component of winning the trust of your team members. While few of us can say that we have “arrived”, there is no reason why we cannot set an example in our own ways to those around us.

While it can be difficult to model what you believe in when times get tough, doing so will help to inspire those around you to do the same. For instance, owning up to your (inevitable) mistakes shows integrity and

encourages others to do likewise to adopt a problem-solving instead of a blame-pushing attitude. Treating your team members with respect promotes a healthy working relationship within the team.

We may be young, but it will be a pity if our youth gives others a reason to despise us. Showing others that we truly believe in what we say we believe in and setting an example is a powerful way of influencing those around us, no matter our seniority.

Conclusion

A profession is only as good as the people in it. The juniors and followers of today will end up being the leaders of tomorrow. While we can give thanks for the many good leaders who exist in this industry, it is for us to continue this by learning to lead well even as we start and grow in the profession. We wish all new members of the Bar the best as you plunge into a world where the challenges may be many, but the rewards will be sweet!



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YOU ARE NEVER TOO YOUNG TO EMBRACE TECHNOLOGY



One of the few positive traits consistently assigned to millennials is being “tech-savvy”. And that label is a nebulous one, and has caused many young associates to be asked questions such as “why is the internet so slow” and “how do I recover holiday photos from a reformatted memory card”.

But what does being tech-savvy mean? Is it just being good at using technology? Can lawyers be good at using technology and aren’t lawyers supposed to be technologically backwards?

There have been many outcries and calls for lawyers to embrace technology and, by extension, technology’s more glamorous twin, innovation. Lawyering’s image seems hopelessly entrenched in the Victorian era; unable and unwilling to contemplate how to use technology as **disruptive innovation** to modulate an S

curve and achieve a **paradigm shift**. The folks in other industries like to compare, and remind lawyers that on a technological comparison, we are better off donning top hats than learning SQL.

But that comparison is not quite fair. The underlying technology to help lawyers was not commercially exploitable until recently. Back then, lawyers didn’t need to do much calculation, graphing, designing or the type of work that computers were great at doing in those days. Of course, the modern word processor and e-mails were of great help to lawyers; however, they are

not technology specific to lawyers. Lawyering and technology went on like parallel lines in Euclid’s fifth postulate.

Given the recent developments in computational power and the fact that the entire world is changed by artificial intelligence, there is a strong motivation for lawyers (especially young lawyers) to “embrace technology”. Besides needing to grapple with how law would be shaped by technological developments, clients are demanding that their lawyers work more efficiently. In our world, parallel lines could intersect.

As lawyers, a definitional issue then arises, what does it mean to “embrace technology”? It definitely isn’t just limited to asking lawyers to be good at using technology. I would propose that being tech-savvy and embracing technology means having the skills to

navigate and understand technology, and the ability to use them for efficiency gains.

Navigate and Understand

This is where young lawyers shine. The skills needed to navigate technology are largely built through experience. Young lawyers have generally more experience with technology than other generations: the fact that we can navigate purposefully through Facebook, Instagram, and Whatsapp applications on our phone without reaching for the FAQs speaks to that (and perhaps a unified experience courtesy of Facebook, Inc.). Although technological tools can be diverse, young lawyers can definitely pick them up and be good at using them.

Beyond that, technology skills today often build on top of each other. And this creates a way to quickly appreciate how related tools work. If you know how to use Microsoft Word, you should be able to use Google Documents. The same usually goes for software which are designed for use in a particular industry since providers would want to reduce the friction of learning. This is the same for INTELLEX's design team: we want to design software which looks and functions intuitively, making it easy for a lawyer to adopt it into his toolbox.

With their familiarity with technology, young lawyers can develop an understanding of technology. This understanding would not come after a quick five-minute googling, but requires devotion and time to learn the basics of a different field. When doing so, the biggest benefit would be to gain a professional understanding of technology. Increasingly, we see many areas where technology is pushing law and regulators. For example, the introduction of blockchain has led to the proliferation of cryptocurrencies, which has led to interest from the retail investor market. Regulators would need to consider if and how their securities regulations would apply to trades in cryptocurrencies; or would more rules be needed given the obscurity of information flow.

Some have taken to call this emerging area as the law of technology. Although if we think about it, this label may just be a convenient label referring to anything novel and has probably been used to encompass different things in different decades.

More properly put, it is actually a case of technology creeping into all law and legal practice. Computer and mobile games are now enticing players to spend real money on micro-transactions for in-game items. How should we deal with cases where virtual in-game items are stolen? The rigorous lawyer may want to analyse this issue fully, and not just stop at the hacking or computer misuse aspect. And on the legal practice front, disputes lawyers have had to deal with electronic discovery for some time, and would have gotten used to statistical sampling techniques. Now, e-discovery applications are deploying predictive coding, and lawyers would have to consider if they should rely on it, and an understanding of artificial intelligence would be beneficial to utilise these new tools properly.

Law needs to be considered in its context; and lawyers need to serve their clients. An understanding of technology can become an understanding of a client's business, and allow lawyers to develop deep expertise in this area. There are many lawyers who have built up their practice serving clients in the technology space. And that may be a wise decision, given the soaring valuation of such companies.

Efficiency

This is the real reason why any business is interested in introducing technology, isn't it? While there are costs associated with the adoption of technology in the workplace, the promise of technology has always been to allow us to do our jobs faster and better. And that means communicating more effectively and getting access to more and better information so that our capacity for doing good work increases. Ultimately, we want to be more valuable to our clients, and the law firm certainly hopes to be more valuable than their competitor.

Clients are cracking the whip and demanding that law firms become more efficient. I think there has been an unwritten rule in the past where clients have been acquiescing in picking up the tab for new lawyers' on-the-job training. When the Great Recession hit, that rule was pushed off the table. Even though there has been a pick-up in the economy, there was really no reason for clients to do that ever again. In 2010, law firms in the United States reported that clients were pressuring them to exclude junior associates from billing on their matters (see <http://www.marketwired.com/press-release/joint-alm-practical-law-company-study-law-firms-overhauling-associate-training-1344838.htm>).

Increasingly, junior lawyers need to hit the ground running and efficiency matters.

Efficiency is about improving your work process. You can think of yourself as a future partner in a law firm: efficiency is about reducing your costs in order to maximise the total profit derived from your revenue. When lawyers think about efficiency, they think of it as the enemy of revenue and therefore profitability; efficiency is a dirty word spoken of only in hushed tones. Now, this line of thinking would be sensible if this was 1988. However, it is not and we have a market that is rejecting the time costs model.

If your work process is improved, how do you spend the extra time you now have on your hands? An economically-motivated individual can try to get new matters. Although I have not done any empirical studies, I believe that for every matter, there is a tapering point: a point where more time spent will result in diminishing returns in quality and a steep increase in the probability that your client will explode at the bill. The first 10 hours for any matter is easier to collect than the last 10 hours.

So I believe that young lawyers need to start thinking about ways to reduce the costs of inefficient work practices. And the way would be through technology.

Efficiency is why being tech-savvy matters. At the simplest level, knowing how to use Boolean operators in search engines will get you to relevant documents

faster. And if you learn how to use Microsoft Excel to manipulate data, you will realise how quickly you can change an entire uppercase sentence to lowercase. At INTELLEX, we encourage young lawyers to build and contribute to a knowledge management system so that the wheels don't have to be reinvented every day.

Of course, you are not owners of a firm yet. Your partner will decide how work is done at the law firm. Nevertheless, I have seen a lot of young lawyers being enthusiastic about working differently and better; older lawyers tend to be more occupied with established practices. As more young lawyers chat amongst themselves, the older lawyers are also starting to take note.

Young lawyers can seek their firm's support in improving efficiency. Instead of fixing problems with the internet access, law firms should realise that young lawyers have the ability to be significantly more efficient than their non tech-savvy colleagues. A junior who is thinking about efficiency is thinking about the future for the firm. After all, neither would have much of a future in the new legal market unless efficiency is improved.



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THE TRANSITION FROM LAWYER TO IN-HOUSE COUNSEL



Moving from practice to becoming an in-house counsel has been an exciting and rewarding choice for me, although this might not be the best option for everyone. I think perhaps 50% of my original batch mates from NUS Law are no longer practising lawyers, for a variety of reasons ranging from pursuit of better work-life balance, starting families, or pursuing of interests other than law.

Introduction

I started out in a small law firm doing mostly corporate finance work. The usual corporate work for listed companies, corporate secretarial work, joint ventures, bonds, warrants, funds management, restructuring exercises, and compliance. The partners

were very knowledgeable and very busy. The newly hired associates and I were thrown into the deep end, but with mentorship and guidance, we somehow managed to stay afloat for a couple of years.

We learnt new things almost on a daily basis, mistakes were made and we went through the grind of drafting, reviewing and vetting hundred-page documents. The partners pushed us hard, and occasionally tempers flared. It was exciting to list a company for the first time, and the sense of achievement upon completion of a nine-month project is something that I do miss (aside from the occasional late night drinks with colleagues when we ended work around 11 or 12 midnight).

However, I decided to move in-house after about three years of practice, as I was about to get married and shift to a new house, and my wife was busy with work and exams, meaning I had to do the bulk of the planning, organising and logistics. So since mid 2011, I have been



working as an in-house counsel, and the experience is quite different from being in practice. The main differences are as follows:

1. Generalist Work Vs Specialist Work

As in-house counsel, the various business units or departments of the company would come to me for all sorts of legal advice, ranging from contract reviews (upstream and downstream), joint venture agreements, lease agreements, dispute resolution, export control compliance, and even the occasional accident report and insurance claims. The spectrum of legal issues to be handled is much wider, and I have to deal with jurisdictional issues, cross-border transactions, conflicting legislation, tax treaties, and other non-legal issues. Compliance is an especially tricky and complicated area of work, and close contact with certain agencies and consultants (aside from law firms) is also required. If you like working with different nationalities and experiencing different cultures, you would probably need to travel quite frequently to neighbouring countries for work. I travel at least once every two months within the region, as Singapore is the headquarters for Asia Pacific, and I have to deal with various legal issues of the subsidiaries in Thailand, Indonesia, Vietnam, and Malaysia. I can imagine it would be even more challenging for companies which have only a sole legal counsel to manage all the legal matters, as opposed to a team of in-house counsel who can share the work load.

By contrast, in law practice, you would specialise in certain fields of work, and familiarize yourself with in-depth legal knowledge of the transactions, the law and the case laws, especially for those in litigation. This may also require extensive and frequent legal research or

familiarisation with legal search tools, which in-house counsel do not generally require.

Even coming from a corporate finance background, my familiarity with SGX listing rules and Securities and Futures Act wasn't so relevant to my work anymore, especially since my company is not listed on the SGX and does not offer financial services.

2. Creating Policies and Procedures

In-house counsel work may also include a lot of drafting of company regulations or policies which may or may not be related to legal issues. For example, I have drafted legal review policy, export control policy, personal data protection policy, management approval rules, board meeting rules, code of governance and various other internal company policies, sometimes with the assistance of external law firms or consultants.

In most law firms, there is already an established work-flow or structure in place. The emphasis is more on keeping up-to-date with the ever changing legal landscape, new laws, regulations, guidelines or policies of regulators, rather than creating internal company policies.

3. Time Management and Work-life Balance

In general, being in-house provides the perk of having a lot of freedom to manage your own work schedule. On good days, you may even leave the office on the dot, together with all your other colleagues. You

certainly don't need to answer any calls over the weekend or on public holidays, unless there are urgent or pressing issues. One of the best privileges of an in-house counsel is the option and budget to work with external counsel on major billion dollar transactions or serious disputes, where acrimonious parties head to arbitration, litigation or other legal proceedings.

In law firms on the other hand, there tends to be occasional "bottle-necks" as many associates need to wait for a partner to review their work, before it can be sent to the client. Further, it is not uncommon for the day to be filled with meetings, and for the real drafting, research and reviewing to be only done in the evenings. Of course, this varies from firm to firm and even for different partners, but your work hours may depend very much on the partner's schedule and availability.

4. Business Development and Management Strategies

One of the main differences of being an in-house counsel (as opposed to a practising lawyer) is working with the management team of the company. I work closely with the board of directors, the heads of departments and business units, and also with management of the parent company and the subsidiaries in Singapore and other Asian countries. Each director, manager or head of department has their own strengths and experiences, and you can learn a lot from them. It is also extremely rewarding when management values the input from the in-house legal department, and adjusts their business plans in accordance with advice from the in-house counsel.

Of course, I think that a partner of a law firm may also share similar experiences. But there is the added pressure of increasing "sales" and finding more clients for the firm, as opposed to creating new products and services for different industries. In other words a law firm's main objective is to serve their clients and resolve the clients' legal issues, whereas a company, especially an MNC, can create new projects, products and services to address the changing needs of

different industries for different countries. The goals and objectives are quite different.

Conclusion

In conclusion, I think that if a lawyer has a keen interest not only in legal technicalities, development of the law and all things to do with legal, but also has an interest in growing a particular business or dealing in a larger spectrum of law without specialising too much in any area, that lawyer may very much enjoy working as in-house counsel.

However, if a lawyer is deeply interested in legal issues only, and wishes to specialise in certain key areas of law and dwell deep into the legal rationale, jurisprudence and theological aspects of law, and perhaps seek to influence the development of the law through active participation in legal reviews, then staying in practice may be the better choice.

As the working culture in law firms gradually changes, coupled with the improvement of artificial intelligence and information technology, either one or both of these professions may be affected, but the results or consequences of such changes remain to be seen.



LOH WEI WEN

Legal Counsel

KEEPING FIT WITH YOUR OWN SCHEDULE

Introduction

Getting in shape is never an easy task and definitely requires a certain amount of effort in order to attain significant results. Fitness goes beyond physical vanity as it can possibly be an avenue for one to destress and also potentially lead one into a life of healthy living.

Having a regular exercise regime, regardless of age, is beneficial because it helps to offset the negative effects of the modern sedentary lifestyle (ie, at home and in the workplace). The term “sedentary” originates from the latin word “*sedēre*” and is defined by the person’s posture (eg, sitting or reclining) and the low energy expenditure.¹ Negative effects of bad posture would commonly include muscle stiffness, pain in the neck and lower back etc. A survey by Singapore Heart Foundation in 2010 showed that only “19% of adults aged 18 to 69 years exercise regularly and more than half of Singapore resident do not exercise during their leisure time”.² Current statistics shown by HealthHub reveal that currently 41% of Singapore’s workforce spends at least eight hours a day seated and 39% do not meet the prevailing physical activity guideline.³ The sedentary behaviour and lack of physical activity increases the risk of obesity, cardiovascular diseases, type-2 diabetes, breast cancer and colorectal cancer.⁴

Today, there are so many exercise regimes that you may choose to suit your preference and schedule. Personally, I prefer an exercise regime that **focuses on strengthening the core and toning up the major**

muscle groups. Why specifically strengthening and toning up?

Strengthening the Core

Core strength exercises are important because it helps to stabilise and strengthen the muscles in your pelvis, lower back, hips and abdomen to be able to work in harmony. These are underlying muscles which are useful but yet commonly overlooked. The core muscles are not just valued for sports. It is beneficial to have a strong core as it can increase endurance, improve your posture and prevent everyday injuries (eg, trying to break a fall when slipping).

Toning Up the Muscles

Research has shown there is a direct correlation between the increase of lean mass and the energy expenditure (ie, the rate at which the body burns up calories).⁵ By having more lean muscles, it would in turn accelerate the metabolic rate and maintains the calorie-burning process even though you may be sitting down on your office chair.⁶

Reformer Pilates

Recently I was invited by Pilates Core & Beyond for a trial Pilates Group Reformer class.⁷ The workout requires the use of an equipment called the Reformer – a platform which is able to glide forward and backward on a bed of rollers whilst using the tension from springs to increase the intensity of the workout. The Reformer may seem intimidating for a first-timer

1 See Jaclyn Chow, *Too Much Sitting, Too Little Exercise*, Tan Tock Seng Hospital <<https://www.ttsh.com.sg/healtharticles/too-much-sitting-too-little-exercise/>> (last accessed 11 July 2018).

2 Ibid.

3 See “Current Situation” in *Step Up for Better Health*, HealthHub <<https://www.healthhub.sg/programmes/62/step-up-for-better-health>> (last accessed 11 July 2018).

4 See “Health Risks” in *Step Up for Better Health* by HealthHub.

5 See Robert Wolfe, *The Underappreciated Role of Muscle in Health and Disease*, *The American Journal of Clinical Nutrition* (2006) at p 477.

6 See Juliette Steen, *Do You Need To Eat More To Build Muscle?*, *Huffington Post Australia* (1 August 2017) <https://www.huffingtonpost.com.au/2017/07/30/do-you-need-to-eat-more-to-build-muscle_a_23057004/> (last accessed 11 July 2018).

7 See About Pilates Core & Beyond <<http://www.pilatescorebeyond.com.sg/about/>> (last accessed 11 July 2018).



and helped me to correct my posture to ensure that I do not hurt myself during the workout. The resistance of the Reformer is adjustable to cater for various difficulty levels of workouts. The instructor would be able to modify the exercise to accommodate each individual's ability.

but it is definitely worth a try. Other than my two main goals of strengthening and toning, it is a healthy and low impact exercise regime that can also enhance your flexibility, coordination, balance and muscular endurance.

With consistent work on the Reformer, you would start to improve your foundation and notice greater definition in your arms, legs and abs. I had the opportunity after my Reformer class to have a quick chat with the founder of Pilates Core & Beyond,

Conveniently located at Somerset, the studio is clean, spacious, fully equipped and has segregated workout areas where you could opt between group classes or a private session with the instructor. I attended the group class (of five participants) led by certified Pilates instructor, Mr Wesley Eugene Paul. Group classes are kept small so that the instructor would be able to provide dedicated attention to each student. The guidance of a certified instructor is important because the form and posture of the exercises are crucial in maximising the effectiveness of the workout. During the class, he was patient, gave clear instructions on the movements



Ms Geraldine Vander Straten, for her expert view on Reformer Pilates:⁸

⁸ See Geraldine Vander Straten's profile <<http://www.pilatescorebeyond.com.sg/profile/geraldine/>> (last accessed 11 July 2018).

1. What's the difference between the conventional mat Pilates and Reformer Pilates?

The main difference would be the use of the Reformer machine. It can provide balance to assist in some exercises, and resistance in other exercises.

2. How does Pilates work on a Reformer?

Research backs Joseph Pilates up in his assumption that moving with an external load such as that provided by the Reformer, can make a movement practice more efficient. New movement patterns become habitual faster when performed under load, because resistance encourages a quicker adaptation in the neuromuscular system.

3. Any advice for a first-timer when doing Reformer Pilates?

Take every movement and routine slowly to understand the biomechanics of that particular exercise. The number of repetitions of the exercise is low but maintaining form is the ultimate goal.

4. Can anyone take up Reformer Pilates?

Yes! Almost anyone can do Reformer Pilates with proper guidance and instruction. At Pilates Core & Beyond, we encourage new clients to take at least three private sessions before embarking on group Reformer classes.

5. How often should one attend the class to “see” results?

Results come with consistency. For those new to Pilates, I would recommend two to three times a week for the first couple of months. There is bound to be a difference in the way you feel and the way you look. Longer, leaner and more toned!

Desk Exercises for the Tight Schedule

Do not worry if you are “chained” to your desk, I have not forgotten about you. If you cannot get to the exercise, let me “bring” the exercise to you! The gym is no longer the only place for you to squeeze in a quick workout. Even just standing up for a few minutes every hour would help to improve posture, increase

blood circulation, maintains the metabolic rate and burns calories. Taking a five-minute walk for every hour of sitting would improve blood flow and arterial function, reduce health risks of prolonged sitting, and it expends an approximate 120 calories in eight hours.⁹

Stretches

Stretches are considered one of the most effective (and discreet) desk exercises if you are deskbound on a tight deadline. You can do frequent stretching exercise without the need for any equipment at your desk every 30-45 minutes. It can improve the blood circulation and may even give you an idea of how to solve an issue that you were just working on! There is a wide variation of stretches available on the internet but for your easy reference I have shortlisted the ones focused on the common problem areas



1. Abdominal Stretch

Interlock your fingers and with your palms facing upwards, reach up towards the ceiling as high as you can.

2. Shoulders Stretch

Raise your shoulders towards the ears and hold the position for three to five seconds.

⁹ See “Benefits” in *Step Up for Better Health*, HealthHub.

3. Lower Back Stretch

Begin seated and facing forward, place the left hand behind your left hip and slowly twist your upper body to the left. Rest your right hand on your left thigh to deepen the stretch. Hold the position for 30 seconds and repeat for the right side.

4. Calf Stretch

Whilst standing behind the chair (and holding it for support), raise your heels off the ground until you are standing on your toes. From this position, slowly bring your heels back to the ground.

Walking/Standing – Anything But Sitting

Seize every opportunity to increase your step count and break away from the sedentary lifestyle. A quick example would be walking to the common areas of the office (eg, copier, restroom or pantry)? Alternatively, resist the temptation to pull a chair when engaging your colleagues in a discussion. This would give you the opportunity to escape from the “*sitting disease*”¹⁰ and (literally) think on your feet. When leaving the office, consider taking the stairs to increase your heart rate and tone up those leg muscles.

Apart from the National Step Challenge of 10,000 steps per day, HealthHub recommends individuals to



“Sit Less, Move More” to improve your health with the following suggestions:¹¹

1. Sit less – to break up sedentary time.
2. Increase incidental physical activity.
3. Exercise and play sports.

Conclusion

Exercise is a personal choice and how often you train depends on your fitness goals. I would recommend having a combination of two to three forms of exercises to sustain your interest in the workout process. Lastly, I hope you can find a fitness routine that would work out (pun intended) for you!



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Pilates Core & Beyond is extending the following offer to members of the Law Society:

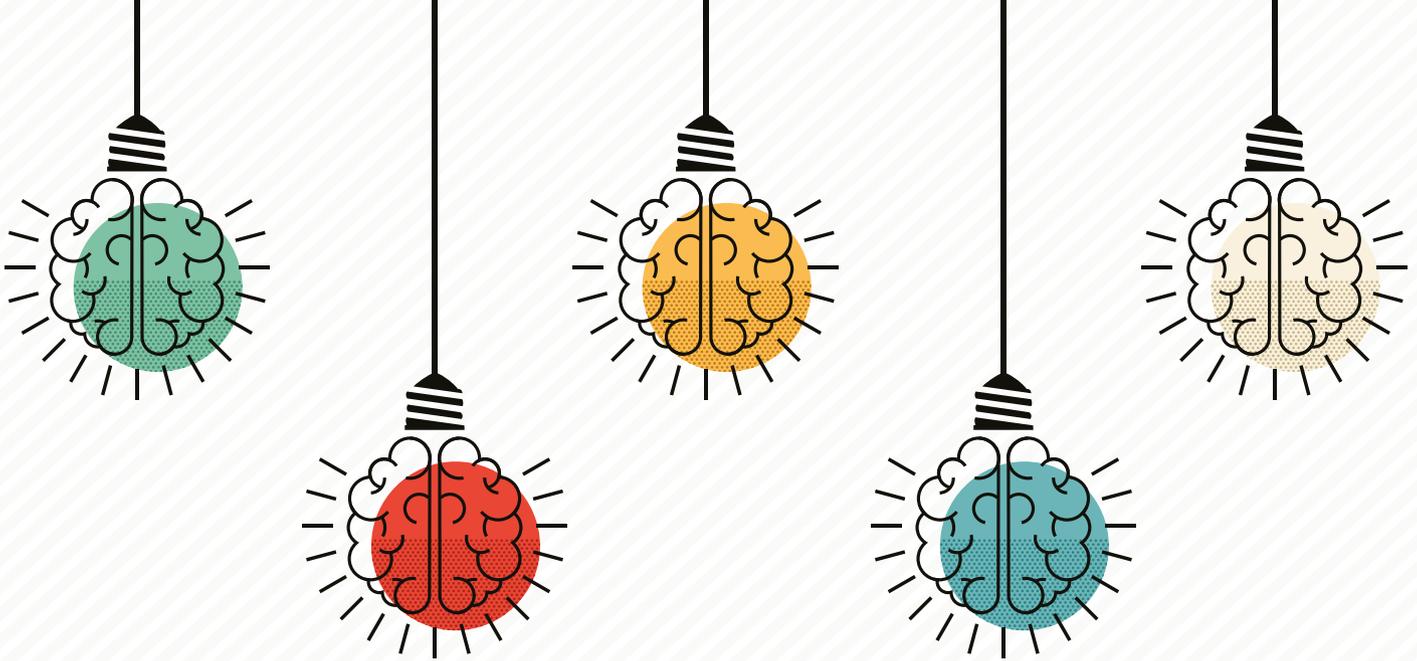
Group Pilates Reformer Class: \$500 for 10 Classes + 2 Free Group Pilates Reformer Classes (valued at \$110)

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For enquiries contact Benny Woo at +65 8127 7324 or Benny@PilatesCoreBeyond.com.sg

¹⁰ See *Sitting Disease*, Office-Ergo <<http://office-ergo.com/sitting-disease/>> (last accessed 11 July 2018).

¹¹ See “Recommendation” in *Step Up for Better Health*, HealthHub.



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