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# The Power of Falling Forward

Specially for the lawyers being called to the Bar in August 2017

**Gregory Vijayendran**  
President  
The Law Society of Singapore



It may seem odd to speak of falling at a time of calling. But someday, sometime, in the not-too-distant future, when the chips are down and setbacks set in during work, this message could be just the tonic you need.

Yes, this aims to serve as a sobering, sombre reality check. You see, the truth is that none of us can soar from success to success all the time although try to attain and achieve we must. No one has gone on a smooth trajectory of upward growth to upward growth year upon year, month upon month in their career life all the time. There will be blips, bumps and everything in between.

I did not call this message “The Power of *Failing* Forward”. Failing has a different connotation and few of us like to think of ourselves as failures or having failed in anything. Failing implies a certain finality; an end pronouncement of what could have been and what should have been. But when one falls, you pick yourself up. It’s only a temporary stumble in the journey.

And so, this is about falling forward. What kinds of falls could you have in legal practice? Here are some non-exhaustive examples:

1. A client scolding or complaint
2. Losing your first case in Court
3. Receiving criticism from your bosses for sub-standard work products
4. Committing an error on a file
5. Not being appreciated for good work done or being treated as the dogsbody
6. Not earning as much as you think you should
7. Being passed over for promotion

We cannot underestimate extraordinary work pressures and the job stresses in Singapore that may lead to these falls. The legal world is not exempt from the same. This is a different world from what you’ve been accustomed to in

your school life or undergrad days. It’s a world you may be ill-equipped to survive; let alone, thrive. Welcome to the working world.

UK research earlier this year from the Junior Lawyers division of the UK Law Society suggests that more than 90% of young lawyers have felt under “*too much emotional or mental pressure*” at work. No similar wide scale research results for Singaporean junior lawyers are available. Perhaps, we will wisely not go there! But on a serious note, reflecting on our Young Lawyers Forum held last month, it was clear to me that extraordinary emotional or mental stress at work are not just the plight of British junior lawyers.

Perhaps, a simulation exercise of how lawyer wannabes cope with “fall” scenarios could be integrated as part and parcel of legal education.





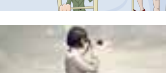
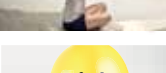












There are anecdotes aplenty that I can share with you about falls. I remember a junior lawyer who was traumatized after a disastrous first case in the High Court. Her client was cross-examined in Court over a legal phrase inserted in his AEIC. His answer was (yes, you guessed it), “my lawyer put it there”. The client lost the case, the firm was sued in negligence and the junior lawyer went from counsel to witness. I interviewed her. There are some scenes in life you do not forget. Her speech, demeanour and body language wise was precisely how she felt and what she experienced. Some of these terrible, traumatic career experiences leave a lasting, lingering impact on life for life. They are sufficient to spook any lawyer to stop practice.

In my first High Court trial as a first year lawyer, my cross-examination skills left a lot to be desired. (I am sure that am much better nowadays!) After five days of getting nowhere, when I wanted to ask a few sweep up questions and informed the Judge, the hitherto self-controlled Judge snapped and essentially rebuked me as being one of the slowest sweepers he had seen.

Today, I know of young lawyers having good outings in Court. Many Judges are patient when juniors appear

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## The Singapore Law Gazette



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before them. The judiciary gives as much latitude as they reasonably can. Sometimes, this balances the asymmetry with more senior lawyers on the other side. But this is no free pass on ethical transgressions. It behoves junior litigators to start off right. With right work and profession habits. To learn the ethics and etiquette involved in practising their court craft and in the right way. Yet sometimes the line is crossed inadvertently and you end up with a fall from grace.

Who will catch you when you are falling? Everyone has a coping and catching mechanism. Faith, family and friends rank right up there for many. Coaches and mentors are invaluable in such moments. We already have a long standing Prac Mentor programme (which is a practice-based mentorship). In the near future, the Law Society will introduce a scheme to source for a mentor for every junior who requests. This is over and above the efforts of Council and the Young Lawyers Committee to engage with the youngest stakeholders of our legal profession.

This message will be incomplete if it focusses only on falling. It is about falling **forward**. Not falling backward, falling flat, falling short or falling to pieces. But falling forward.

This is precisely what resilience is. The ability to bounce back as George Patton famously quipped. As an inventor, Thomas Edison made 1,000 unsuccessful attempts at inventing the light bulb. When a reporter asked: "How did it feel to fail 1,000 times?" Edison replied, "I didn't fail 1,000 times. The light bulb was an invention with 1,000 steps."

Could we persevere on, despite the odds and challenges, to see our litigation dreams fulfilled? Only the stayers, not quitters, will savour the sweetness of that moment.

In Nozomi Morgan's blog piece "Falling Forward to Achieve Success" (<<http://m.huffpost.com/us/entry/9994038>>), she writes:

**Successful people take action. They:**

1. Do the work
2. Take the risks
3. Try new things
4. Fail and try again
5. Ask for support
6. Decide to try again tomorrow

*The hardest step is always the first one. Fear of failing is something all of us must contend with. However, successful people don't allow the fear to become an excuse. They feel the fear and proceed in spite of it.*

**Why? Because "failing" is how you earn stripes on your way to success ...**

**The secret is to take action anyway. Stand up; try again. Reconsider, then redo.**

*If you don't take action, you will gain nothing. No learning. No results, No success.*

*This is what failure looks like.*

*But if you DO take action, even if things don't go as planned, you will learn and grow from the experience.*

**Success comes to those who live a leadership lifestyle by taking action and falling forward.**

In Sandberg's and Grant's chapter "Failing and Learning at Work" in their bestselling book *Option B – Facing Adversity, Building Resilience, Finding Joy* (2017), the writers share a powerful illustration on how a successful rocket launch takes place. Data from more than 4,000 launches show that the more times a government or company failed, the more likely they were to put a rocket into orbit successfully on the next try. Also, their chances of success increased after a rocket exploded compared to a smaller failure. The authors make the point that "Not only do we learn more from failure than success, we learn more from bigger failures because we scrutinize them more closely". This is true of rocket science. It's also true of law. Speaking for myself and a number of litigators too, I recall my case defeats far more painfully and in gory detail than my litigation victories. The losses are a source of reflection, not self-flagellation, for future improvement.

But to maximize the learning experience, it requires a positive mindset about criticism. Critique is not easy to dole out. But if given a choice, most of us prefer to be on the giving end rather than the receiving end.

No matter how brilliant your grades were in law school, the adventure of legal practice involves a different (and frankly, difficult) terrain. There is much to learn about law in practice, ethics, client care skill, strategy and so on. A right attitude (not just the right aptitude) is needed. That also means being able to swallow the bitter pill of accepting criticism.

Sandberg and Grant's advice in their book *Option B* is that accepting feedback is easier when you don't take it personally. Being open to criticism means you get even more feedback which makes us better. They quote two law professors who give a fascinating practical self-application of this (at 151):





*One way to lessen the sting of criticism is to evaluate how well you handle it. "After every low score you receive," law professors Doug Stone and Sheila Heen advise, you should "give yourself a second score" based on how you handle the first score ... . Even when you get an F for the situation itself, you can still earn an A+ for how you deal with it.*

In practice, give yourself a second score on how you deal with a fall (or fail) in practice.

It's about having a forward outlook not a backward look. The world will then truly be your oyster. Because you can absorb the irritant of falling during your work life. And watch it slowly but surely transform .... into a pearl of wisdom for your life and others.

# From the Desk of the CEO

Dear Member,

For the newly minted advocates and solicitors of the Supreme Court of Singapore, heartiest congratulations to each of you and welcome to the family!

As you would agree, the process of acquiring of knowledge for a lawyer does not stop the day one is called to the Bar, especially in this day and age where technology is disrupting the legal industry to an extent none of us could imagine 20, or even 10, years ago. Basic legal information is now easily available online and the value-add of a lawyer cannot be simply limited to quoting the statutes.

I would like to share more about the training that the Law Society provides its members to ensure that they are equipped to be "Lawyers of the Future". Our Continuing Professional Development ("CPD") Committee and Secretariat department have a training roadmap as follows:

1. **Legal Practice Areas** – this focuses on developing a firm foundation for basic legal skills required by new practitioners and those who wish to develop their skills in an existing practice area or to practise in a new practice area. Some of the courses focus on giving practitioners quick legal updates on case law and legislation and their implications for legal practice.
2. **Practice Management** – this focuses on imparting practice knowledge and techniques to assist practitioners to manage and develop their law practices.
3. **Personal Development** – this focuses the development of non-legal skills such as career management, business and financial skills and interpersonal skills.
4. **Programmes for Support Staff** – this focuses on supporting law firms through the delivery of knowledge, techniques and skills developments courses for law firm staff.

The mandatory CPD scheme requires lawyers with 0-5 years of practice experience to obtain at least 16 CPD Points of which at least 8 must be Public CPD Points (for more information on the CPD Scheme, please visit the Singapore Institute of Legal Education (SILE) website: <https://www.silecpdcentre.sg/>). The Law Society is a SILE-accredited institution. Young lawyers may be interested in our "Introduction to Arbitration Course" which runs on 7, 13, 20 and 27 September. A seminar on cybersecurity is scheduled for 27 October. Those who are interested in acquiring more multi-faceted skillsets will benefit from

**Delphine Loo Tan**  
Chief Executive Officer  
The Law Society of Singapore



the course "Developing Personal Effectiveness for Legal Practitioners" which runs on 10 and 11 October.

Recently, President and I met with the Director of the Centre for Legal Innovation ("CLI"), Ms Terri Mottershead. CLI, an innovation-focused think tank, is an independent business unit within the College of Law (Australia, New Zealand and Asia). We discussed possible areas of collaboration with CLI to see how we can support legal professionals navigating the disruption and new technologies that are transforming the legal industry. Some initial ideas include joint roundtable sessions on issues such as cybersecurity. CLI also very kindly invited us to send a Law Society representative to sit on their Advisory Board. This Board provides guidance and advice on all aspects of CLI's work, such as development of innovation-focussed courses for the College of Law and determining topics for CLI's roundtables, events, workshops and white papers. Our Exco member, Mr Lim Seng Siew, has kindly agreed to be our Law Society representative on CLI's Advisory Board. The Law Society hopes that by working closely with CLI, we can learn from their experiences in delivering training to legal professionals and ensuring the relevance of such training for our members.

In running our technology schemes, the Law Society is also mindful that the adoption of technology and training on the use of such technology must go hand-in-hand, no matter how user-friendly the technology is. We have invited the Tech Start for Law vendors to run training sessions for members who have or are thinking of adopting a Tech Start for Law solution. The training for Asia Law Network ("ALN") and CoreMatter took place on 18 July. The participants were introduced to the features on the ALN website, tips and best practices on how lawyers can maximise their value by being on the ALN platform, how to better manage their firm's client and matter files, time-tracking and invoicing on CoreMatter and to organise documents securely in the digital workspace through NetDocuments. The attendance was encouraging and we will be running other training sessions in the last few months of this year. Don't forget to apply for Tech Start subsidy before 28 February next year. To find out more, please e-mail [lp@lawsoc.org.sg](mailto:lp@lawsoc.org.sg).



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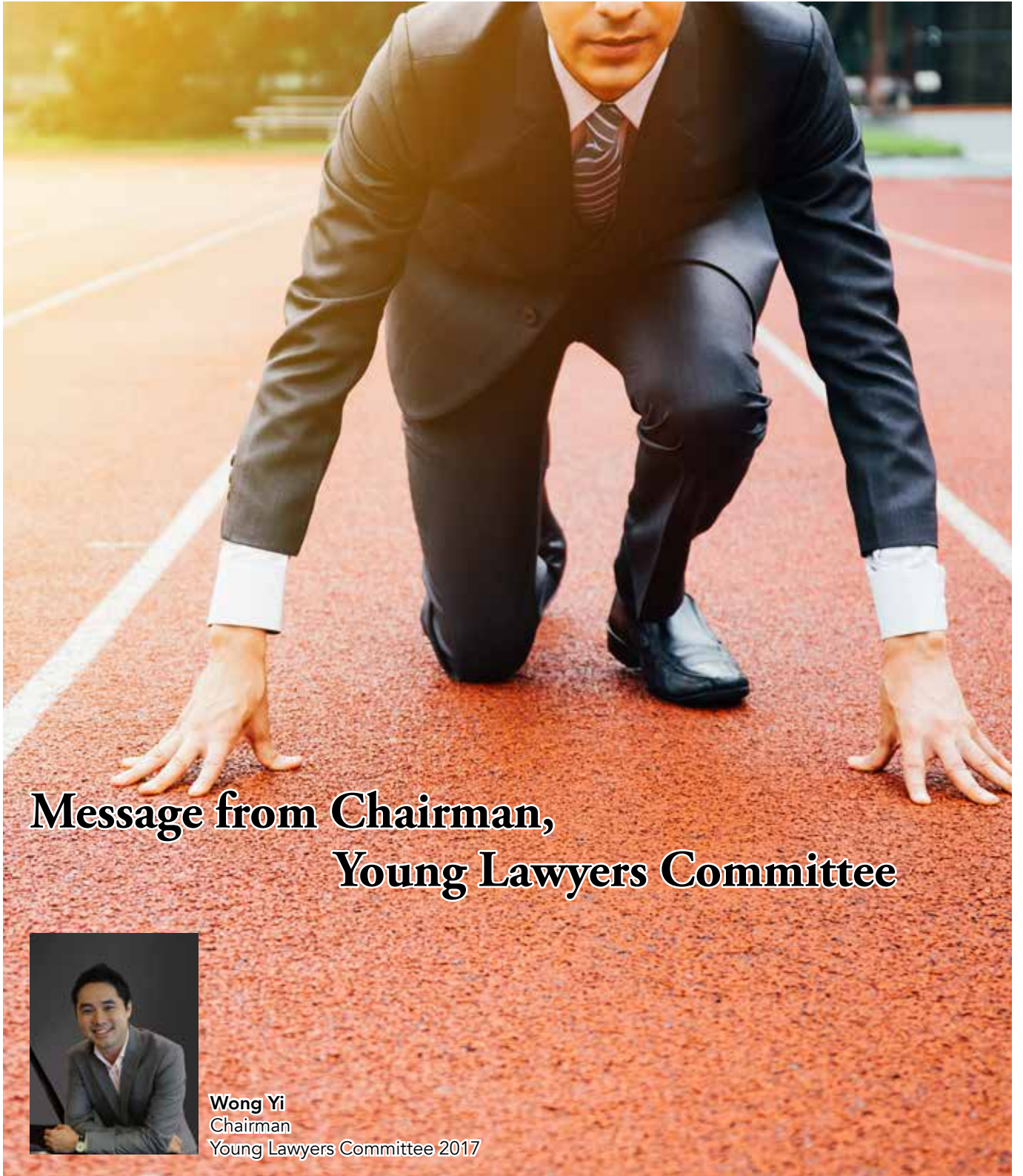


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# Message from Chairman, Young Lawyers Committee



**Wong Yi**  
Chairman  
Young Lawyers Committee 2017



Dear young lawyers,

Hearty congratulations on being called to the Bar. This must indeed be a very proud moment for not just yourself, but also for your parents, partners, family and friends. This marks the end of your formalised legal education and training, and a small yet big step into the world of the legal profession. The real learning, I proffer, is lifelong, and continuing.

The world and economy that we live in today is a somewhat frightening one. The changes, both structural and cyclical, are at an unprecedented scale and form. From disruptive technologies, to artificial intelligence, the challenges each and every industry faces are of a novel and unique nature. Even industries such as small time house movers or “rag and bone men” face competition from aggregator websites such as gogovan (on the assumption they are not listed on it). Private hire vehicles are of course an (over quoted) example, so it is evident that the legal industry is not immune too.

JP Morgan had put together software that claims to do in seconds what “lawyers take 360,000 hours to do”. It is not an exaggeration to say this is revolutionary. Of course, it would not steal jobs from you tomorrow, as interestingly JP Morgan’s aim is to reduce redundancies with resources deployed for more meaningful uses. Deloitte also teamed up with Allen & Overy to tackle OTC Derivatives challenges with technology. Linklaters has also signed up for and launched an artificial intelligence data analysis tool. This shows that international law firms and big banks recognise that the seismic paradigm shifts are inevitable, and we have to embrace them.

In Singapore, the Law Society and the Ministry of Law lead the way for the industry, with the various initiatives and programmes encouraging and nudging law firms and lawyers to take up technology tools at heavily subsidized rates for the initial year(s).

It is axiomatic that we need to be prepared for this new paradigm. We do not need to be scared, but we will indeed be scarred if we do not embrace such changes positively. What it means for a young lawyer too, is that the legal profession 5, 10, 20, or 30 years from now (till the day you retire) will be a vastly different one in terms of how we go about lawyering. The fundamental black letter law will not change much, but the way we go about dispensing legal advice, doing research, going about our daily work will have bearing on productivity, outputting more high value added work, and ultimately determine if we make a success of our careers. Keep the focus on honing your craft, be it at drafting pleadings or a novel client requested corporate commercial clause, but also be cognizant that you need to

augment your skill sets by being technologically agile and savvy.

I will give you a real life example you have probably already encountered – it is not uncommon even now, to discover why some trainees or associates are just seemingly stronger at research, and it is evident that apart from the sheer hours put in, being able to grasp (boolean for example), adopt and apply technology can mean a small difference that may have a much larger bearing in terms of your value as a professional.

Therefore, to be prepared for this new(est) age, please be open minded about embracing new technology with a mindset that it will aid your work, and not be afraid to showcase to older colleagues who might perhaps need a little enthusiasm from a junior colleague like yourself to buy into new paradigms of lawyering. Being prepared also means putting your mind to new developments (may not necessarily be technology per se) and thinking beyond the box, to see how it can assist you in your career as you progress beyond the initial years. Tall order and long shot this appears, and somewhat rhetoric sounding – but remember this: Linklaters, Allen & Overy, Deloitte and JP Morgan did not overnight realise that it is worth a gamble to try out artificial intelligence. These projects take a huge leap of faith and commitment, considerable monetary investment (that has an opportunity cost on any P&L), are not “fee earning” with no guarantee of a return on investment, and may ultimately be failures. The jury is still out, but one hopes that these experiments will be successful and pave the way ahead for the legal profession to be aligned with the broader macro trends.

On broader macro trends – other direct and indirect stakeholders must also play a larger, more proactive and more equitable part in this overall preparedness. To provide young lawyers with fair opportunities, a viable work environment and setting, and an overall holistic ecosystem where one can sincerely find a calling and to forge a professional career. Mentioning higher callings and “sticking it out” are one thing – the recipients of such messages also need to feel and be in the correct state of mind and psyche to respond to such callings, especially if they sense those making those calls are not walking the talk. Make the work place tenable, make the environment one which you would like your own children to be employed in.

Once again, enjoy this special moment before returning to the daily grind, and embrace a lifelong learning attitude in order to thrive in the profession and have staying power. Always be inquisitive, always be agile, and always be prepared.

Congratulations once again!

*If you are born after the early 1980s, you have the dubious distinction of being referred to as a "millennial" – a term that has been, in recent times, used as a truncated reference to mean "bane of modern humankind". If you are a millennial entering the workforce, you also have the honour of possibly being mud-slung, misunderstood, and misapprehended. Fret not, however. From one millennial to another, here are some handy tips for surviving millennial mayhem as a newly-called lawyer.*



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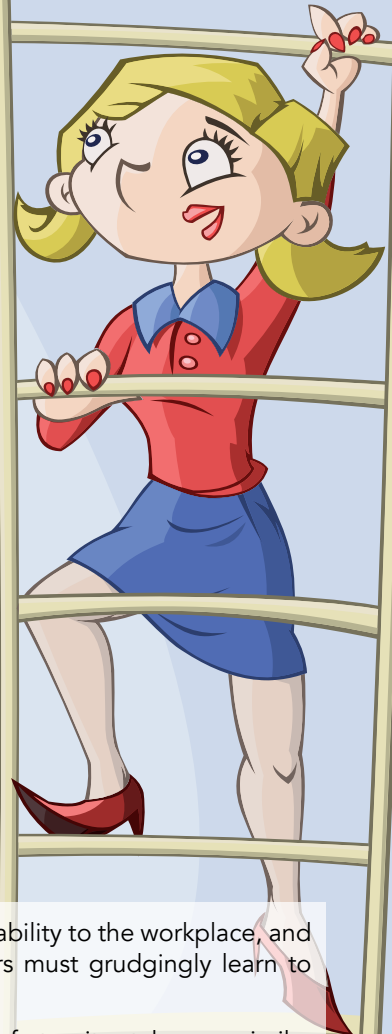
## A Millennial's Guide to Being the Model Millennial

Congratulations on having been called to the Bar! Condolences, at the same time, for having to (like it or not) face being branded a millennial – an almost dirty word that has become synonymous with the scourge of the modern workforce.

If, for some reason, you want to feel awful about yourself, you should Google the word "millennial". The Internet is replete with articles and commentaries that vilify this demographic in some of the most politically-correct ways possible – referring to them as opinionated (read "argumentative"), free spirited (read "lazy"), whimsical (read "no loyalty"), and sensitive (read "emotionally turbulent"). Euphemistic or not, it is apparent that millennials are being

seen as difficult to manage, a liability to the workplace, and a necessary evil that employers must grudgingly learn to cope with.

Offline chatter in the legal fraternity takes a similar trajectory. It is difficult to sit through a conversation with lawyers without hearing some complaints about how the junior lawyers, trainees, and interns that exist among them do so only to challenge their pain and frustration thresholds. Plenty of banter has been traded about how young lawyers are lazy, sloppy in their work, turn in half-baked research and drafts, lack manners, expect to be hand held, and are less willing to work long weekends and long hours.





You might not necessarily have or display all or most of these traits. But coming into the profession when such millennial-hating talk is rife might render you guilty until proven otherwise. Lawyers, after all, are experts at making assumptions, and stereotypes proliferated by recurring content can be very real hazards.

Meaningfully engaging and managing a millennial is an endeavour that requires as much commitment and effort from the millennial as it does from his or her employer. Which means that, to avoid being typified as a millennial of the insufferable sort, starting lawyers have a part to play, be it in calibrating their own expectations or in being aware of their conduct at the workplace.

The peculiarities of legal practice make this balance a little more elusive. Our profession, while constantly evolving, remains one that is steeped deeply in the ways of tradition, formalities, and past practices. Changes and new ideas take longer to seep through. This means that the more senior members of the fraternity may find difficulty understanding and adapting to the ways of the millennial. And because these senior lawyers still call the shots in most of legal practice, new lawyers may face an even more uphill task in bridging the mindset gap between juniors and seniors.

Tough luck there, but, as lawyers, we all know that a challenging case is never a legitimate excuse not to try. So for whatever it is worth, here are some thoughts that might help you get started on at least making a pleasant impression in your first year or so of practice.

***“Millennials don’t take pride in their work; they’re sloppy and lazy”***

This is a common grouse. But, fortunately, also one that is not difficult to refute. The solution to this is painfully simple: be careful and thorough in your work. Not exactly the stuff of rocket science.

Easier said than done, you may think. Perhaps, but having an understanding what your bosses or seniors want when they task you with an assignment would help in tailoring your work to their expectations. The answer, again, is dreadfully obvious. All bosses want a junior who can make their lives and work simpler. And that might mean a junior to do the work the senior does not want to do because the senior has spent a large part of his or her younger days doing such work, and/or because the senior has to deal with other work that the junior is not yet capable of doing.

Either way, there is no running away from the realisation that your boss expects you to be a help, not a hindrance. Most bosses accept that, in giving a junior work, they need

to spend some time reviewing the product. What bosses do not appreciate is not being able to use your work in any way thereafter, having to give it a complete facelift, then potentially needing to explain to you why your work was disfigured or not used. It would have been quicker for your boss to do the work from scratch himself. So think through your work before you embark on it. If you have questions, consolidate them and ask them in one sitting with your boss.

Senior lawyers are also easily triggered by the likes of typos, bad grammar, and horrendous formatting (especially for court documents, some of which must adhere to specific formatting rules). Your boss is not your proofreader. Neither is she your clerk. Typos are never excusable, because tertiary education, and because spell checker. Before drafting anything, ask if the firm uses a specific template, style or format. If so, do up the draft in those specifications. This saves your boss from having to merge your “rogue” formatting into that of the required standards. If you do litigation, make it a point to check the Rules of Court of the Practice Directions to see if the document you are drafting must be done so in a particular form or manner.

***“Millennials expect to be coddled with praise when they do well, and counseled when they screw up”***

You will be busy as a junior lawyer, but your senior will be busier (no, it does not get better). Save for the periodic half-yearly performance review, your seniors are unlikely able to muster time to sit you down and walk you through the intricacies of every assignment you do. While it is legitimate to expect feedback on work that you have done, you must make peace with such feedback being delivered to you in somewhat passive ways.

If your senior copies you in on the final work product that she sends to the client or files into Court, the onus lies with you to compare your draft with the final product (Microsoft Word has a nifty “compare” function for this) and to make sense of the changes made. Only when you cannot understand them should you ask for clarification. This is also an excellent opportunity for you to learn about your seniors’ preferences, and to emulate their drafting styles.

In this same vein, you can tell whether or not you have done well on a particular task. If the final product differs only minimally from your draft, that likely means you mostly hit the mark in your work. Take comfort and pride in that. The last thing you should expect is for your senior to shower you with praise and commendation for every good piece of work done, and to feel dejected when you get none of that.

As uncompromising as it may sound, good work ought to be the norm rather than the exception. Moreover, some supervisors or mentors may not be able to find the words from within them to expressly praise someone (lawyers can also be shy people).

However, no news is not always good news. If you consistently receive no mark ups, final drafts, or feedback on your work from your seniors, you might want to have a word (nicely) with them about it. Senior lawyers owe it to their juniors to at least loop them in on, or show them the final work product that is being put to use.

***“These millennials think I’m their friend. No, I’m not. I’m their boss!”***

Savage. But true. Your boss or senior is not, by default, your friend. Do not go all millennial lingo on them, send them emails or messages riddled with emoticons and memes, or immediately address them on a first-name basis.

Always approach on a last-name basis for starters. Switch to their first names only when they invite you to do so. Unless your boss makes an obvious attempt at small talk, exercise some restraint when it comes to sharing information about your stuffed-toy collection or your obsession with flipping truck tires at the crossfit gym across the road. Rule of thumb is this: always let your superior make the first move at being casual and friendly.

Even when that happens, understand that such friendliness can be transient. Casual banter may be appropriate over department drinks or at a firm trip. But that should never be interpreted as a bond that will, henceforth and forever, turn your boss into your one true friend and confidante.

Some of the more senior lawyers insist on manners and respect not because they enjoy being uptight, but because the profession (especially litigators) retain a strong tradition of decorum, etiquette, and formalities. Regardless of seniority at the bar, counsel bow to the Court, use pleasantries, drink from glasses (not bottles), and address even the most loathsome opposing counsel as a “learned friend”. And because this has become a way of life for our seniors, they may expect the same conduct to be practised in all their professional relationships, which includes their relationship with you.

***“Why are millennials so argumentative? Why can’t they take instructions as they are?”***

Challenging your professor on a point she has made and in an open classroom may be construed as independence

of thought and academic rigour. Openly challenging your boss with other colleagues present is, without a doubt, career suicide.

It is okay to disagree with your senior. In fact, you may even think you are entitled to raise the disagreement, given how you have been buried in the research on that one point for the past ten days. It is seldom the disagreement that bosses get peeved by; it is the manner in which the disagreement is raised.

If the issue is not time critical, consider raising your opposing or alternative position in an e-mail. Putting your thoughts into writing forces you to substantiate them. More importantly, it does not put your senior in a bind, where he feels compelled to respond instantaneously to you under the watchful eyes of other team members. An e-mail allows the senior to rationally analyse your views, do some research of his own (if he needs to), and to respond to you in private and at his own time (perhaps with a concession that you were right and he was wrong).

This way, more meaningful dialogues and exchanges can take place. More importantly, no one likes to be made to look stupid, least of all your boss or supervisor.

***“Millennials are always looking for shortcuts when working”***

Millennials are unquestionably more proficient in using technology and modern communications than some of their seniors are. A regulatory investigation once called for us to review over 3,000 hard-copy e-mails for certain key risk areas. We started off physically poring over the papers until a trainee suggested that we scan the documents and use a freeware PDF manipulator to turn the scanned text into searchable text. That way, we could electronically search (think ctrl-F) for key terms instead of having to painstakingly scrutinise the documents by eye.

I found the proposal feasible, but recognised that the client might not have liked for us to feed confidential documents into a free-to-use programme available on the Internet. The compromise was to purchase a similar software at a modest price, and to run the text manipulation securely on our local drive.

The point is this. If you know of a way to do something better and/or faster, always run your Eureka moment by your boss first. In doing so, explain the merits of your proposal, and leave the decision to your boss. Never, ever, take the route less travelled unless your supervisor approves of it. There may be risk areas associated with your newfangled approach that your lack of experience prevents you from



seeing. Or it might be that court or client requirements simply do not allow for deviation from status quo.

If you innovate on your own accord and something eventually goes south, your boss is likely to regard your intentions as arising from laziness rather than from a genuine desire to improve the workflow. Moreover, getting your boss' buy in places his head on the chopping board instead of yours. So why risk sticking your own neck out?

### ***“Work-life what? No, there’s no such thing as work-life balance in the practice of law”***

There are few things more polarising than the concept of work-life balance. Older lawyers will say it is a myth; the younger ones will insist it is attainable and necessary to preserve some sanity in the madness that is legal practice.

One thing for sure is this: you can enjoy work-life balance, yes, but you are **not** entitled to it. It is not something that is offered to you on a silver platter the moment you start working.

Work-life balance must be earned. How much of it you can enjoy is a direct function of how much trust and confidence your boss reposes in you and the work you do. If you consistently deliver timely and solid work despite long lunches, multiple coffee breaks, and early nights away from work and with your girlfriend, your boss will have less of a basis to take issues with your liberal work schedules.

However, the truth is that, as a freshly-minted associate, you are not going to have a stellar track record to show for. Which means that, in your first few months of work at least, you are going to have to man up and deal with late nights and weekend trips to the office where needed. These are non-negotiables for all fledgling lawyers (and accountants, and bankers, and teachers etc). And when that happens, avoid whining, because complaining about having to work hard will only make you seem like a petty, spoilt brat. If everyone does it, so why not you?

That having been said, being decent in your work does not guarantee you a free pass to come and go as you want. If your boss is the sort who keeps regular hours in the office, you may be expected to follow suit. In the bigger firms, even stellar lawyers may not be allowed liberal office hours because that may have morale implications for other employees who are not offered the same.

Finally, if you are fortunate enough to enjoy a more flexible work arrangement, ensure that you are always contactable, especially when you are away from the office during official hours. The last thing you want is for your colleagues to not be able to find you in the office, only to end up not being

able to get in touch with you as well. There is seldom an excuse for being incommunicado, especially in the age of smartphones and the Internet.

Around the world, businesses are changing how, when, and where they work to embrace the millennial mindset. These changes may not yet be apparent in the local legal scene, but there are a handful of firms leading the charge into adopting practices and policies that find some alignment between new and old working styles. Office spaces are being reconfigured to give millennials the social interaction they want at work. Documents are being migrated online so that lawyers can work from anywhere with an Internet connection. Career paths have been recalibrated to give young lawyers opportunities to try new areas of work, go on overseas attachments, or even do periodic secondments with a client.

These initiatives keep millennials engaged with and attracted to the work they do. But no amount of fancy-schmancy will ever be a close substitute for the pride, satisfaction, and recognition that comes with hard work, humility, courtesy, and consideration for others. These are traits that apply to every self-respecting professional, millennial or not.

No one said adulting was going to be easy. And lawyering – even less so! As to being a young adult lawyer in the age of the misunderstood millennials, well, good luck with that. However, with some tenacity, common sense, and a little bit of trial and error, we are sure you will thrive.

Now, go forth, and wear that millennial badge with pride!



# The **4As** of Courting Corporate Counsel

## Rachel's Dilemma

Rachel is in-house counsel who has been asked by her CEO to recommend external counsel for an international arbitration. She notices the word "recommend". The appointment will be by the CEO, overseen by the Board, paid for by the company, and if anything goes wrong to embarrass the CEO before the Board or others, Rachel's recommendation may be questioned. Immediately three names of lawyers practising in that area come to her mind. They are Alex, Brook and Casey whom she knows decreasingly well in that order. Their fees are much the same except for Brook whose fees are around 10% lower. Rachel realises this could be significant over the course of an arbitration and if she recommends Brook, she could save the company about her own salary.

She knows Alex best from initially meeting at a conference and then having the occasional coffee or casual lunch. They are professionally friendly and relaxed without being personal friends. Alex has encouraged Rachel to email or call when she has questions which Alex could answer without research, and Alex always responds within an hour or so free of charge. Through these interactions she has developed something of a connection with Alex and has had a chance to assess Alex's ability.

Brook is perfectly pleasant and once took her to a fabulous 10 course degustation dinner at a Michelin starred restaurant. It had been amazing food and the conversation with Brook and a partner from Brook's firm had been convivial. She had not heard much from Brook since then although they were friendly when they bumped into each other now and then.

Casey is different. Casey is undoubtedly the most technically proficient of the three and known to be a masterful, merciless tactician. Perhaps because of these skills, Casey is also known to be grumpy and difficult to contact, shunning emails and routing all calls through a fiercely protective personal assistant. People said you never really had Casey's attention until two weeks before trial but then that attention was intense and unwavering. When they had met at a conference, Casey asked her why she had "opted out" of the profession and then walked away before she could answer. She found Casey quite intimidating, both

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from manner and intellect, but knew the case would be in good hands once it received Casey's full attention.

Whom should she recommend? She knows cost is important and the CEO will be impressed if she can save as much as her own salary. There are some quite technical points in the case that might benefit from Casey's acknowledged brilliance but the others would be able to handle them competently. Experience has taught her that the board and the CEO will require regular meaningful reports and will not respond well to surprises. When they have a question they will want it answered fairly quickly and will not be assuaged by protestations of counsel's unavailability.

Let us see if we can help Rachel in her dilemma.

## **For the New and Not So New**

You might wonder how an article such as this is relevant to newly admitted lawyers. Surely their role now is just to learn their craft. That certainly is true, but it is well to realise as early as possible that the practice of law is also the business of law and that the knowledge and skills gained in university are only part of the package for successful private practice. If partnership is the goal, or establishing a new practice, one of the most valued skills is the ability to acquire new clients for the firm.

## **Never Too Young – Or Too Old**

A convenient but discerning pool of potential new clients are corporate counsel. Almost all have been in private practice themselves and understand how firms work. All manner of factors have operated to impel them to leave private practice and work in-house, some permanently and others temporarily. Courting corporate counsel will enhance young lawyers' prospects of reaching senior associate and partner, and will help retain and build a practice as partner. It is never too early to start making meaningful contacts in



business. And firms never reach the stage where they no longer need to make or work on their business relationships.

### ***From Loathing to Loving***

For the first few years of courting you may not attract any clients to the firm, but what you are doing is developing your business relationship skills. They are not skills that come naturally to many lawyers, and certainly did not to me. I loathed marketing events where one has to turn up and perform when you would be much more comfortable back at your desk doing what you were trained to do and what you enjoy. But if we practice the strategies in this article from early in our career, not only will we draw clients to the firm but we can actually enjoy the otherwise intolerable marketing exercises and even make some pleasant personal connections.

### ***Half the Budget Wasted***

My view of how best to impress corporate counsel and corporate clients has completely changed since moving in-house about nine years ago. Before then I had the usual idea that if I and my firm were technically excellent, our reputation would reach those who matter. Build it (your reputation) and they will come. After leaving private practice for in-house, I have realised that that approach is either outdated or it never was the best way to attract clients. I have observed the courting tactics of firms and my reactions to them, and have asked other corporate counsel their reactions. Frequently, the approaches of firms miss their mark completely, to the extent I believe about half of firms' marketing budgets are wasted. Obviously that is a very rough estimate from generalisation and simplification but is an indicator of how often I and my colleagues feel a particular marketing effort has been unproductive at best, and sometimes has been counterproductive at worst.

### ***Clients Spoiled for Choice***

An important revelation to me was that companies have their pick of legal firms. They are spoiled for choice. The top tier companies have many top tier firms to choose from; mid-tier companies have even more mid-tier firms available and smaller companies can choose from an innumerable array of small firms and sole practitioners, or can engage mid- or top-tier firms. Rarely, if ever, is there no real choice for a matter.

### ***Competence is Assumed***

A revelation which come some years after being in-house is that competence is a given. Corporate counsel are assailed with brochures and emails and seminars all touting the

competence of firms. After some time of receiving that material, the realisation dawns that most firms and lawyers are competent. Most of them are able. Of all the firms I have interacted with, I would not say any were incompetent or unable. Expertise in particular areas of the law will vary and may determine which firm is chosen, but once that is established, competence is assumed. This is particularly so for top tier and well known mid-tier firms. Lawyers will not be working for those firms if they are not competent in their professed area of practice.

Without wanting to offend anyone, corporate counsel do not see a great deal of differentiation in the ability of firms within the same tier and within a given area of expertise. I know from my days in private practice that lawyers can be very proud of their firm's name and can genuinely feel that their firm is "better" than others over a number of parameters – experience, ability, reputation, areas of expertise, honour, carefulness, professionalism, number of lawyers and so on. Both firms I worked for had that view of themselves, which I naturally shared. All of it may be true, but those views are not always shared by other firms about our firm, and potential clients are rarely aware of the features of which we are so proud. Few corporate counsel will have come from our firm and most will not think as we do. Firms in the same tier are generally seen by corporate counsel as having broadly the same values with minor variations.

This has an important consequence which I did not realise until a few years in-house: prospective clients are looking for something more than competence, because competence is assumed and shared by many. The corollary of this is that it is not enough to convince prospective clients that you are competent or even smart. Something more than smart or clever is needed to differentiate you from the pack.

### ***Legal Rankings***

Very rarely are legal rankings decisive or helpful in selecting a lawyer. Only where a lawyer is being sought in a specialisation or location with which we are unfamiliar and where none of our contacts can recommend someone would be turn to the rankings. Even then that would only be a starting place and we would search hard for some confirmation. I sometimes wonder if the time spent chasing ratings might be better spent making real connections.

That time could be put into the 4As which can provide the differentiating factor.

### ***The 4As***

Discussing these thoughts with other corporate counsel led to the 4As – the four factors that would be attractive



to corporate counsel in their lawyer. These were adapted from the words of a doctor to his son who had asked the secret of getting and keeping patients. With some minor modification they seemed equally appropriate to lawyers and clients. No doubt there would be some counsel who disagree and some situations where they do not apply. Those factors are, in this order:

1. Affability;
2. Availability;
3. Affordability; and
4. Ability.

This is precisely the reverse order most of us would imagine. By training and instinct, we naturally think ability of lawyers is the most important quality to clients. Next we would expect cost to be a decisive factor, followed by the softer features of being available and affable. I will explain why this order is important shortly.

The beauty of this order is that effective marketing is within the reach of the rawest recruit. Just as importantly, it does not need to be the dreaded ordeal it usually is, going against the grain of the typical lawyer's personality. Nor does it require great expense. In fact, often the simpler it is, the more effective it is likely to be. For example, every new lawyer could be asked to find a group or committee or association they are genuinely interested in and be given time to participate meaningfully in its functions. They could be encouraged to make real connections there in a way suiting their own personality and be given tools to help in aspects that do not always come naturally – perhaps a little training in making and breaking contact with people; maybe some suggestions on conversation starters or changers; and hints on overcoming shyness and dealing with crowds.

On that topic, I once read two very helpful hints that I now practice to help overcome shyness and discomfort at networking events. The first is to arrive early. The natural inclination of shy people is to slide in later when no-one will notice, but the problem is you are creating your own nightmare. You are waiting until there is a crowd of people who are comfortable in the room and with each other, and you are arriving at the door as the new person. Arriving early – even first – beats this. You have time to be comfortable in the space and when others arrive, they are the new people and you are settled.

The other hint will grate more on some, as it did on me. It is to dress to be noticed, not to blend in. Again, we shy ones prefer to wear rather nondescript clothes so we don't stand out and we can glide around in the shadows. But this only accentuates the problem when we are at a function whose very purpose is to see and be seen. If we dress to be seen and not overlooked, we will be more comfortable with being seen – we acknowledge by our clothes that we expect and welcome attention. It also gives us a little confidence boost. If we dress as a shrinking violet, it can be painful when we are noticed or have attention drawn to us and we just want to flee. We don't have to be Lady Gaga or Liberace, which may be equally uncomfortable for some, but there remains room for smartness without flashiness.

This is the type of support young lawyers could be given to help them be one of the firm's best assets and to make the most use of their legal ability.



Let us turn now to the four qualities and explain why they appear in that order.

### **Affability**

Being affable here simply means being friendly, pleasant, relatively normal, and not too pushy, mercenary, pretentious, or weird. An example I often give of how even the youngest of lawyers can attract the largest of clients is of being on a Law Society committee with two younger lawyers, occasionally walking back with them from meetings and sometimes stopping for coffee. That casual acquaintance grew into a friendliness over a simple pizza lunch with other of our lawyers and then into drinks with our respective bosses. From those insignificant beginnings, the firm has been given work around the world and we have taken a secondee from their office. It all started with two young lawyers just being pleasant people, not having to impress or show how smart they were, although I gleaned that incidentally as we chatted.

People, including in-house counsel, respond much better to overtures when they do not feel they are being given the hard sell and when the connection is more organic. Encounters such as those are far more likely to grow into something longer term than is a LinkedIn message out of the blue followed by a coffee with a couple of partners wielding the firm's brochures. Yes, "brochures" plural, with often each area of expertise glorying in its own four-pager, rarely read and always binned.

The good news is that it is often not lavish meals or events that attract people to external lawyers. While those things can be pleasant and can achieve a certain purpose, frequently they are impersonal and not ideal for making a lasting connection. It is often the lead-in or follow up to an expensive event that undermines its utility for attracting people. A typical courtship sequence is that one of the in-house team meets a lawyer from a firm, and the firm then invites some from the in-house team to a fancy lunch, attended by two or three from the firm. This is usually the first time they have met each other apart from the instigators. Pleasantly predictable conversation ensues over equally pleasant food, and fond farewells are said. E-mails of gratitude are exchanged on reaching the office, and nothing more is heard from the firm. Perhaps the firm is waiting for the company to send work, or perhaps they have written them off as a potential client.

Patterns such as this are common. To my mind, it is like courting someone by taking them to an expensive dinner the very first time you meet them, having a pleasant time and sending a nice text on reaching home, and then never contacting the

person again but expecting them to call you in their hour of need. But one dinner doth not a relationship make.

This is one of the reasons I say that half of firms' marketing budgets is wasted. Lunches leading to no further contact are a complete waste of the firm's money and the lawyers' valuable time. In fact, they can be counterproductive if the in-house team is left feeling not worth the firm's effort or unimpressed for other reasons. Of course, it may well be true that the firm has decided to cut its losses and not pursue a hopeless cause, since clients have a finite amount of work to brief out.

It is easy to list the things **not** to do to be affable. I will try and limit these to more generic, less pointed ones. First, do not let corporate counsel know you think they are second class lawyers even if you do and they are. They already feel their private practice colleagues think this and it will not endear you to them to have it confirmed. I once heard a partner in a firm say of someone "He was a practising lawyer but he went in-house". That comment may have been based on some technical point that a practising lawyer is only someone with a Practising Certificate, but no corporate counsel thinks she or he does not practise law.

In the same vein, it can be counter-productive to try so hard to appear clever that you make your corporate client think you feel superior or more intelligent. It can be helpful to bear in mind that all corporate counsel have been in private practice as you are and they do not feel inferior. Instead of making them feel you are smarter, why not find something to compliment them on or ask them about or just comment on? I'm not suggesting sycophancy here – that just turns people off – but the simple psychological effect of making someone feel you are interested in them or admire them for some reason. Justice Mary Gaudron, the first woman to be appointed to the Australian High Court, said she had no idea her jokes were so funny until she was appointed to the Bench. We're all aware and guilty of this natural syndrome, but I am suggesting a more genuine interest in your target.

Rudeness can have greater effects than might be appreciated. Coffee meetings cancelled because "an urgent matter came up" or "I have a client meeting" send the distinct message that your target is not important. When we cancel a seemingly social meeting for such reasons, our target is not impressed that we are so dedicated to our clients that we put them first before all. Rather, she or he thinks we do not consider them or their future work significant enough to honour an appointment. While they probably won't hate us personally, they will most likely form a negative view. When I've been the subject of those cancellations, I find there is a reluctance to bother with a second appointment, and they rarely occur.



An external lawyer once made an appointment with in-house counsel to discuss time management in arbitration. The in-house counsel waited at the designated spot for 15 minutes and then left, emailing the lawyer on return to the office that perhaps he had got the time or place wrong. The lawyer replied, without apology but with an exclamation mark, that it was ironic that he missed the meeting considering their topic of time management. Needless to say that meeting has not been rescheduled.

Private lawyers may not appreciate the large salary differential between them and corporate counsel and the feelings this can engender if emphasised. Corporate counsel buy their fewer working hours with a significant salary sacrifice. For most, the business class skiing holidays, the wine in the hundreds of dollars, the third, fourth, fifth properties, and the thousand dollar shoes are no longer feasible. Over-much mention of such indulgences in front of those who cannot indulge may unintentionally present as pretentiousness, producing an obvious negative impression.

There was a time when senior lawyers in particular could be quite precious *prima donnas*, demanding they be dandied attendance on, expecting excessive deference, and generally behaving rather badly. Those were less egalitarian days when seniority and expertise conferred a sense of entitlement to behave almost eccentrically. A very senior Queen's Counsel once refused even to meet three executives of a high value corporate client who had flown two hours for the sole purpose of meeting him. They were sitting in his lavish chambers' waiting room while their solicitors were granted an audience with the great man. He explained that he could not possibly meet the clients because he could not read the brief that had been delivered earlier. When asked (with some temerity and timidity) why it had not been possible to read the brief, he explained that the pages were not numbered. The clients left chambers and the city without ever having set eyes upon his eminence.

Few of us can afford to act that way these days. Perhaps the highest reaches of the profession who are inundated with work or are careless whether they receive more can indulge their grand delusions. It does not fall within my definition of affable and is unlikely to attract many when alternatives are readily available.

Decisions can turn on seeming trifles, particularly if they touch feelings. At a cocktail party I greeted an acquaintance whom I had thought was pleasant. Immediately after saying hello he excused himself to "refresh my glass" which I noticed was still at least a quarter full, and walked over to chat to some ladies. I don't blame him for preferring their company to mine but the blatancy resulted in other

organisations being preferred to his when the choice arises. I appreciate this smacks of being precious but it is how humans work when there is little else to differentiate between service providers.

### **Availability**

One of the most frustrating things for in-house counsel – for any client, in fact – is not being able to contact their lawyer. Corporate counsel report to commercial people who themselves report to someone higher in the organisation, be it an executive or the Board. Everyone is under pressure to report, explain, prevent surprises and help decisions be made. Corporate counsel will bear the brunt of commercial ire if the lawyer they have instructed rarely responds. That lawyer could be brilliant or cheap or very friendly, but if she or he replies slowly to emails or infrequently takes phone calls, some other lawyer can usually be found just as smart, cheap or friendly who will be more accessible and therefore more useful.

Being available does not mean giving a complete answer to every email or phone call soon after it is received. As has been said many times, a quick acknowledgment with an estimate of when a substantive answer is expected is all that is required.

Barriers to availability can also be annoying, with secretarial screening of phone calls being high on the list. Some time management experts suggest setting aside blocks of time to work without taking phone calls or reading emails. This is understandable provided it has handled well by those answering the calls. We are ready to excuse if, on asking for the lawyer, we are immediately told the person is in a meeting or not available until later in the day when they will return the call. We are less forgiving when we are asked our name and *then* told the lawyer is not available. It feels as though we are being singled out for exclusion while other more important clients are being admitted. Advice from **time** management experts should be balanced with advice from **client** management experts.

Even when time is not blocked and lawyers are taking calls, it can be demeaning and annoying to be asked your name before being transferred to the lawyer. It is as if the lawyer is being given a chance to refuse to speak to you, reinforced by a delayed response from the screener that the lawyer is "not available".

Worse still is the unnecessary and unpardonable "what is it regarding?" It is very irritating to have to explain oneself to a gatekeeper, as if begging leave to be granted an audience. Interrogations of that type are totally unnecessary and bordering on being precious. An argument might be

mounted that they are justified to avoid the lawyer being put in an embarrassing position professionally, such as the possibility that the caller is an opposing client who thinks they can cut through the process if they can just speak to the lawyer on the other side. Those calls can happen but they are so rare as not to justify the inquisition, and in any case it is unlikely the information would make it any easier for the gate keeper to determine that the call was inappropriate. If the caller's name did not raise an alarm, it is unlikely the matter will unless the screener is very close to the file. Even then they would need to check with the lawyer who knows the matter, so the additional information adds nothing to the process other than aggravating the caller.

Remoteness of access or remoteness in manner can make someone effectively unavailable as well as not being affable. If someone is intimidating or gruff to approach, it makes one hesitate before contacting them. While this might be what they intend, it undermines their effective availability and may drive some in-house counsel to a more welcoming lawyer.

### **Affordability**

People might disagree with the placement of this feature third, particularly with the current price sensitivity. Unless the price difference is remarkable, however, often the more expensive lawyer who is affable and available will be chosen over a cheap grump. No doubt there are occasions when a tender is called and cost is the determiner. This article is not directed at those situations where there are no opportunities for a personal connection in the equation.

Options for creative cost arrangements are greater now, with the result that costs are able to be managed better and, most importantly, predicted more accurately. It is the cost *shocks* that are most damaging to professional relationships more than the costs themselves.

### **Ability**

This is the feature most lawyers expect to be first in the briefing calculus. Ability is the quality we have concentrated on all of our student and professional lives and that we feel will carry us through our career. Of course this is true, but it is not the whole truth. There are other facets of the picture which show the true place of ability. One of those is that clients, particularly lay clients, are imperfect at assessing legal ability. They will judge ability by their lay standards which can be quite different from professional standards. A safer guide to our true ability is the view of judges before whom we appear, partners for whom we work and our opponents. But they are not our clients and they are not the ones to whom we are marketing ourselves and the firm.



A second facet is that the most able lawyer may not advance to partnership or attract a following if they are rude to clients or do not serve them acceptably. An extreme example I encountered early in my career was a very bright young partner who revolutionised the litigation practice in the firm but had such an abrasive manner that clients and staff left. It turned out that manner was partly due to a "global personality disorder" which resulted in his being struck off and imprisoned for misappropriation of about half a million dollars. As I say, an extreme case but examples abound of technically clever professionals having a low EQ and not being able to attract or keep clients or staff.

A third facet is that mentioned above, that, as smart as we feel, the unhappy truth is that there are many just as smart and able as we. Clients are spoiled for choice. There are so many able lawyers available that something more than ability is needed to draw clients to you.

Yet another facet is that other considerations are intruding into the briefing calculus. Questions of equal opportunity and diversity are arising, with some clients asking firms to indicate how they promote those values and taking the answers into account when deciding whom to brief. Clients might even have a more targeted policy of requiring a proportion of work be given to particular genders, races,





minorities or other groups. Thus ability alone recedes further into the background.

I emphasise ability **alone** because ability is still important. It is still on the list of the four important criteria. What do we mean by ability here? I confess my understanding of ability has changed since moving in-house. Before then I had the traditional black letter lawyer's view of ability being good knowledge of the law and an ability to apply it creatively to produce clients' desired solutions. No doubt such a lawyer is able but it is not quite the corporate counsel's ideal version of an able external counsel.

Corporate counsel need practical, sensible, useful help dealing with the awkward situations that arise. While they appreciate that a certain amount of legalese is necessary, they need more than that. They value external counsel who can roll up their sleeves and get in with them and help sort out the situation. I look back and shudder at the number of times I proudly pontificated on the law and its application to the facts without getting in and grappling with the commercial difficulty faced by the business. Only now can I see what little help many of my advices would have been.

There are some particular things that I find are a poor proxy for ability. Happily they all begin with the letter "P". One is pedantry for the sake of pedantry. We all appreciate the need for certainty and carefulness – of having the corporate names exactly right, for example, or choosing the correct

word in agreements to avoid ambiguity. A line is crossed, however, where parsing does not enhance certainty and is mere pettifoggery. One pet peeve of mine is unnecessary definitions. The law seems to have been gripped by a definition mania, where even normal, perfectly understandable and certain words and phrases need to be defined. An extreme example was counsel "Mr Smith QC" being defined as "Mr Smith". Would there have been any uncertainty had he been referred to without the post-nominals and without definition? If that were offensive, what harm would there be in using the post-nominals in every reference? This seems a petty matter, but whenever I see such things, the impression is that the pedantry is a substitute for ability, not its consequence. It appears to be a concentration on form rather than substance.

Another proxy for ability is prolixity, and it is not appreciated by in-house counsel. I've often told of receiving an advice in two parts from counsel on a technical stamp duty case. The first part was 98 pages and the second was around 102 pages. Thrice I reached about page 30 in the first part and only twice did I bother to start again. The advice was useless and was a mark of counsel teaching himself as he went along but not going back and condensing the advice into a digestible, meaningful piece. The saying, attributed to many, comes to mind that "if I had more time, I would have written a shorter letter".

True ability here is being able to reduce complex legal and factual issues to advices understandable by and useful to commercial people. Often the role of the in-house counsel will be to translate external advices into commercially useful advice. The less they have to translate, the more helpful and able is the external lawyer to them.

### Rachel's Dilemma Resolved

Applying what she has just read, Rachel drew a table to help her decide and scored the lawyers on the four criteria of affability, availability, affordability and ability out of 100 for each quality based on her observations noted at the beginning. The lawyer with the highest score would be favourite for recommendation unless there was some wild card.

Lawyer	Affability	Availability	Affordability	Ability	Total
Alex	50	50	30	30	160
Brook	30	30	40	30	130
Casey	20	20	30	40	110
Total	100	100	100	100	

Lawyer	Affability		Availability		Affordability		Ability		Total	
	Raw	28%	Raw	26%	Raw	24%	Raw	22%	Raw	100%
Alex	50	14	50	13	30	7.2	30	6.6	160	40.8
Brook	30	8.8	30	7.8	40	9.6	30	6.6	130	32.8
Casey	20	5.6	20	5.2	30	7.2	40	8.8	110	26.8

She realised that this gave equal importance to each criterion and that she should apply a weighting factor to show the relative importance of the qualities. As the differences were not great, the weighting factors had to be fairly close. For example, factors of 40%, 30%, 20% and 10% (totalling 100%) for each of those criteria respectively would place too much emphasis on affability and too little on ability. The weighting she applied was 28%, 26%, 24% and 22%.

She was pleased to see that the result she felt was correct was confirmed without any massaging of the figures.

## Summary

It is within the reach of the newest lawyer to make meaningful connections with corporate counsel that can mature into a client relationship. Even if no new clients are made in the first few years, young lawyers can use that time to make their contacts, fine their niche and hone their connecting skills. This can be done in a way that turns a dreaded necessity into a pleasant pastime. While ability is vital, it is also an expected prerequisite, possessed by many. Many corporate counsel look for some differentiating feature when deciding whom to instruct among those of generally equal ability. Affability, availability and affordability can be those features, often in that order.

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# Enjoying Legal Practice



**Choo Zheng Xi**  
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The first instinct you might have upon being called to the Bar is to forage for tips on how to survive legal practice.

As the legal industry redounds with grim stories of limited employment prospects and possible replacement with artificial intelligence of one form or another, your abysmal expectations of how the next few years of your life will be spent is understandable.

I propose instead to embark on a more ambitious undertaking: sharing some thoughts and ideas with you on how you can actually **enjoy** practice. From experience, I have found that enjoying practice has a strong correlation to surviving in the profession.

It's been nearly six full years since I was called to the Bar in 2011 and I still go to work with a spring in my step. I am sometimes surprised that clients pay me to do something I enjoy so much!

The age-old question of how to achieve "work-life balance" doesn't make much sense to someone whose work and job satisfaction are one facet of a life well-lived.

## A United Fraternity

Now that you've been called to the Bar you are a member 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. Setting aside the slightly sexist medieval usage of the word "fraternity", the modern conception of the legal fraternity you now belong to is a community of persons whose common function is to uphold the rule of law, and who will, ideally, look out for one another.



I vividly recall conducting a contested hearing against a senior lawyer in my first year of practice. After a rigorous hearing, I won the application because my client had a better set of facts. In retrospect, I was probably a bit gratuitous and smug in the hearing. To my surprise, after the hearing, the lawyer shook my hand and told me "*good job, young man*" and proceeded to invite me for lunch. We've since become good friends, and he is one of the seniors at the Bar whom I admire for his graciousness and professional courtesy.

This encounter taught me that, in our fraternity, collegiality is paramount. Your opposing counsel today could be your instructing solicitor or co-counsel tomorrow.

This community finds form in the Law Society and my first practical tip to how you can enjoy practice is for you to get actively involved. Engaging in the profession at large will give you a sense of support and community beyond the 9-5.

After taking your PLC paper in ethics and personal responsibility, your main impression of the Law Society might be that of disciplinary proceedings. You will be



familiar with cases titled “*Law Society v. XYZ*” and you may think that such cases are commonplace.

That could not be further from the truth.

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*”.

In carrying out its functions, the Law Society has a wide variety of Standing Committees devoted to the welfare of its members which you can actively participate in. These span a wide variety of interests, practice groups and demographics.

For instance, the Young Lawyers’ Committee focuses on the welfare of young lawyers and the Law Awareness Committee organises regular talks to increase the public’s legal awareness. If you’re excited about international law, consider joining the Public and International Law Committee. For something more social, try the Sports Committee or the Social and Welfare Committee.

## A Noble Profession

While the social aspect of lawyering is one key to enjoying legal practice given that it is important to feel connected to the rest of the legal community, it’s equally important to remember that our profession plays a critical function in society. In recalling that we don’t individually lawyer to the exclusion of our profession, we also need a keen awareness that our profession doesn’t operate in isolation to the community at large.

To me, my role as a lawyer involves playing a part in “*an independent bar which upholds the rule of law and ensures access to justice*” in broader society. This infuses the work I do with meaning and makes lawyering not just a job, but a profession.

In days past, the “Bar” one got called to literally referred to the wooden barrier in old Courtrooms which separated the public area from the space near the Judges reserved for barristers. Being called to the Bar referred to the summonses issued to a person found fit to speak at the “bar” of the Royal Courts.

When I borrowed my pupil master’s robes and put them on for my call, I noticed a strange triangular pocket at the back of the shoulder of my gown. It wasn’t a manufacturing fault: upon some online searching I realised that this pocket was traditionally once a money sack to collect a barrister’s fee. The idea was that the pocket is sewn into the back of the

robe so that the quality of a barrister’s advocacy would not be affected by the amount he was being paid by his client.

Apocryphal or not, this reminded me that we are part of a noble profession: we are supposed to do our best for our clients, be they rich or poor, famous or notorious.

In the course of my practice, I have been called on to act for “*politically unpopular*” personalities. One of my more difficult cases involved conducting a defence against Sedition Act charges for a couple accused of running a controversial socio-political website, The Real Singapore. While some brickbats came my way for “*associating*” myself with such clients, on balance the public understood that I was just discharging my professional obligation by doing my best for my clients: that is what lawyers are supposed to do.

I am constantly reminded of the immense potential for our profession to do good and this makes me cherish my rights of audience. The significance of being “*called to the Bar*” resonates with me every time I appear in Court.

## A Difficult Job

The other reason I enjoy the law is this: it is difficult.

I’ll be brutally honest with you. If you want to coast, sit back, and work on autopilot, this is not your calling.

Nothing I have ever done before practising law had ever made me feel more inadequate, unprepared or frightened as I was when I first got called to the Bar.

Notwithstanding, I have felt the satisfaction of ever-increasing mastery, the joy of victory, and the cleansing humility of defeat in the course of my brief legal journey.

The words of Khalil Gibran’s *Prophet* have stayed with me all these years. In explaining the trials and tribulations of love to the people of Orphalese, the Prophet explains that the path of love is not easy:

*But if in your fear you would seek only love’s peace and love’s pleasure,*

*Then it is better for you that you cover your nakedness and pass out of love’s threshing-floor,*

*Into the seasonless world where you shall laugh, but not all of your laughter, and weep, but not all of your tears.*

So it is with the law. She is a hard task mistress.

However, if you set your feet upon this path with determination, be assured that you are not alone. You are now part of a community of individuals who are united in the purpose, history and practice of a noble profession.

Welcome to the Bar.

## An Interview with the “D” in ATMD, Susan de Silva

Susan de Silva is a senior employment lawyer with Bird & Bird ATMD and the co-head of Bird & Bird’s Employment Group in Asia Pacific. In this article, Alicia Zhuang has a chat with Susan<sup>1</sup> to find out more about her beginnings, her area of practice, and how she chooses to practice law.

**Alicia Zhuang**  
Australian Lawyer  
Advocate & Solicitor

**Alicia Zhuang (“AZ”):** Susan, everyone knows you as one of the founders of ATMD. Can you tell us more about yourself and how ATMD came about?

**Susan de Silva (“SdS”):** Before I decided to specialise as an Employment lawyer in 2012, I had been a Corporate M&A lawyer since I’d been called in 1984. I have had the very good fortune to have trained with excellent senior lawyers from the time I was a pupil, then as a qualified Singapore lawyer in Singapore as well as during an almost 3 year secondment in London in the late 1980s on an associate training programme learning private and public mergers and acquisition. Those were halcyon days!

In 1994, a few years after I returned from London, the partnership at the firm I was at dissolved. Four of the young partners (including me) formed ATMD in August 1994 with a loyal team of about 40 lawyers and staff who were a source of strength and support for the 4 of us. We were all pretty young then (in our 30s) and we operated the young ATMD in the way we knew best, offering legal services in Corporate & Commercial law, IP and Dispute Resolution & Construction law, with a local and cross-border element because of the multi-national nature of most of our clients.

**AZ:** Why did you choose to form a law firm? Why not just join another law firm?

For some reason, I don’t recall discussing joining another firm as an option. Looking back, I think we had the optimism of being inexperienced, not fully realising then what it would take to run a law firm. We had confidence in each other and perhaps we carried each other along. What I do know is that by setting up our own firm we had the freedom to grow something, to be very agile, to imagine, plan, create, take risks and do things – and that was so empowering and fulfilling.



**AZ: I also spotted an article in the *Law Gazette* (January 2001 issue) talking about you, and ATMD's commitment to staff welfare and family friendly practices.**

**SdS:** Yes, from the beginning, we gave our lawyers and staff the kind of flexible work time prerogatives we'd like for ourselves (birthday leave!!), even before we were aware of the term "work-life balance". We had lawyers back then who worked from home or on flexible work hours. We won the Family-Friendly Firm award in 2001, the first law firm to do so. That list of family-friendly benefits published in 2001 is still in effect.

**AZ: [Laughs] Birthday leave is more of a government thing eh? At most private firms, no one gives a rat's... rear end if it's your birthday, unless you're the boss. Brownie points for remembering. Are you saying that at ATMD, even junior lawyers and staff were allowed flexible hours and telecommuting arrangements?**

**SdS:** Yes, lawyers including non-partners and staff could and did use the flexible work arrangements. Birthday leave was Naresh Mahtani's brainwave (he's the M in ATMD) in our earliest years and we still have it today in Bird & Bird ATMD. It has worked well. Colleagues will willingly cover for you when it is your birthday, because they know you'll cover for them on their birthday.

**AZ: How did ATMD become Bird & Bird ATMD?**

**SdS:** We'd always been keen to scale up the firm's footprint, resources, practice areas and opportunities for our lawyers and staff. We could try to do so organically, or we could collaborate with a firm that had those resources. We had a short-lived Formal Law Alliance with a foreign law firm in the early 2000s, continued to be open to the possibility of combining with other firms, and ultimately in 2009 we entered into a global association with Bird & Bird while remaining a local Singapore law firm.

**AZ: You specialise in employment and labour law. How did you get into it, and why?**

In 2012, with the support of my partners and Bird & Bird, and building on a base of employment law experience from Corporate M&A deals, I stopped doing Corporate law after 28 years to set up the specialist Employment & Labour practice in our firm. I also started to build up Bird & Bird's employment practice in the APAC region as clients would need regional employment law advice.

The inspiration for doing so came from Bird & Bird's own strong Employment & Labour practice in Europe, which fully supported the development of the APAC Employment practice with the hiring of excellent specialised Employment

partners and lawyers in each of the APAC countries where Bird & Bird has an office.

**AZ: Maybe I am out of the scene, but I don't know of anyone else who has enough employment work to be able to live on it 100%. How did that happen for you?**

**SdS:** Beginner's luck and a window of opportunity due to the perception that employment work in Singapore is simple and that there's not much demand for it. In fact, there are enough clients with in-house HR counsel and HR managers, and also general counsel who want specialist employment law advice, who want to be able to talk turkey with external HR legal counsel not just about the law but also on how the law is applied in practice. Our Employment team only handles employment law work and nothing else.

**AZ: From our conversations, you seem much more well-read on management than other lawyer-bosses. What led you to read up on this topic?**

**SdS:** In 1999, I became managing partner of the Firm for a term of five years. That was an extremely challenging period for me in many ways. Despite having headed our firm's Corporate & Commercial Department since 1994, I was acutely aware that I had no particular knowhow in organisational leadership and management and so I had to learn on the go (and I'm still learning). I read articles and books on leadership and management, and attended courses on leadership and personal development.

Two courses which resonated the most with me then were those based on Stephen Covey's values-led leadership principles – Organizational Effectiveness, and The 7 Habits of Highly Effective People. I had many mentors who came into my life then, each of whom had some important lesson for me personally and professionally.

**AZ: In one of our earlier conversations you mentioned Maslow's Hierarchy of Needs. How did Maslow's Hierarchy come into the picture for you?**

**SdS:** I first came across the concept of human needs in the Stephen Covey "7 Habits" course. The 7th habit is "sharpening the saw" which is a reference to nurturing and renewing oneself physically, intellectually, emotionally and spiritually.

My view is that although Maslow had a hypothesis as to which human need comes first and which comes next and so on, in fact the human needs can be simplified into the four aspects that Covey referred to and all four aspects are inherent human needs that need to be in balance. And where these four aspects of being human are fulfilled, there is a sense of purpose, connection, energy and joy – it can be empowering and transformational.



Here is my personal take on how the four aspects apply to us in the practice of law which I call “What I’ve learned in practice”:

#### 1. Physical/Financial:

##### a. In how we serve our clients, for example:

- i. Does our reception and office project the image we want to our clients and our staff? Is our conference room/air-conditioning comfortable? When a meeting is running late into lunch time, do we offer to get in sandwiches for our clients?
- ii. Financially, how do we price our legal services? Is our pricing value for money?
- iii. Are our office systems efficient, user friendly?
- iiii. Is our coffee good?

##### b. In ourselves as lawyers, for example:

- i. How do we present ourselves? Do we dress professionally and also in a way which expresses our personality?
- ii. Are we pacing ourselves in a sustainable way in the way we work?
- iii. Are we taking responsibility for our health, and caring about the health of our colleagues at work?

#### 2. Intellectual:

##### a. In how we serve our clients, for example:

- i. Are we giving the best level of legal advice we can – in form, content, timing and delivery – that our clients need? Are we offering solutions, not just the law?
- ii. Do we understand the client’s industry, the client’s company, its product and services?
- iii. Are we communicating in a way that’s user-friendly for the clients, for example in plain English with a summary of advice right at the beginning of a long opinion so that clients don’t have to scroll down to get to the answer?

##### b. In ourselves as lawyers, for example:

- i. Are we constantly learning? How are we doing this? What can we learn beyond the conventional legal courses that will enhance our ability to be better lawyers?

- ii. Are we honing our professional judgement?
- iii. How are we building our professional reputation? How do we want to be recognised in our field?
- iv. Are we always thinking and acting like leaders, whatever our role or level in the firm – knowing our strengths, and also limitations and seeking help for those?
- v. Are we being curious about what’s happening in the legal landscape - scanning the horizon for what’s new, what’s changing, and getting ready to make the most of the opportunities that are showing up?
- vi. In fact, can we be the change-makers, the disrupters?

Up to this point, most of us and our firms will score pretty well. Our formal education will typically have been focused on our physical/financial and intellectual development, and most organisations similarly focus mainly on these aspects only.

Yet there are the two other aspects of being human which most organisations do not consciously invest in with as much attention as they give to the physical/financial and intellectual, but these two aspects are always present even if no one talks about them:

#### 3. Emotional:

##### a. In how we serve our clients, for example:

- i. How do we create an appropriate relationship, that trust, how do we give the clients the sense that we’ve got their backs?
- ii. Do we understand the clients’ motivations, their concerns and interests underlying the outcomes they say they want?
- iii. Do we listen deeply, does the client feel really understood?
- iv. How do we create an appropriate relationship with the other side’s lawyers?
- v. Are we using our emotional intelligence in the way we communicate?

##### b. In ourselves as lawyers, for example:

- i. Are we aware of our human connection with clients, with each other and with others we see every day at work? How do we greet each other? Do we even greet each other?

- ii. Are we conscious of our emotions especially when feeling challenged by clients, the other side, or colleagues? Are we aware that even if we are feeling challenged, we can always choose our response (versus reacting) to be more effective?
  - iii. Are we aware that “how” we do something is as important as “what” we do?
  - iv. Do we appreciate and celebrate what we can do well, and do we also know what we can’t do? Do we have the confidence to own up to a mistake and do our best to rectify it?
  - v. How are we dealing with work-life balance issues for ourselves and for our clients and colleagues?
  - vi. What’s our professional reputation as a human being who is a lawyer?
  - vii. In any situation, are we aware whether we are operating from a place of fear, or from a place of compassion, of possibility?
4. Spiritual (about purpose and meaning):
- a. In how we serve our clients, for example:
    - i. Are we aware of the client’s underlying purpose, what the values are, what’s the legacy, what’s meaningful and enduring to them about the matter we are working on?
    - ii. Would we advise or negotiate differently if we truly understood this?
  - b. In ourselves as lawyers, for example:
    - i. What is our individual and our shared purpose at work (beyond being “the best law firm”), what’s meaningful about our work, what impact do we want to have in our work and in how we are being as colleagues to each other?
    - ii. What is “integrity” to us, and should we ever allow anyone (clients, the boss) to make us compromise on our own integrity and values? Do we call out something we know to be wrong?
    - iv. Are we shaping and creating the law to something better for society?
    - v. What’s our own legacy right now, whether we are 1 year PQE or retiring?

When we work as lawyers in the physical/financial and intellectual aspects, we can be very competent. But it’s all about “doing” and it will tend to be transactional.

When we work in the physical/financial and intellectual aspects and also consciously in the emotional and spiritual aspects of being human, we ignite creativity, energy and fulfilment which can be transformational individually and for businesses. From the business viewpoint, these effects foster high morale and change agility, supporting sustained growth and profitability. So this is not just “feel good” but a competitive advantage.

**AZ:** Wow. You have definitely spent some time thinking about what you do. For many other lawyers, self-awareness and metacognition lie somewhere in the murky depths of the not-important list. **Why do you care?**

**Sds:** It’s a personal choice. I choose to care about “how” we do things, as much as “what” we do. Caring about these things is not precluded by difficulties or challenges – indeed it is especially important to choose how we want to be when the going gets really tough.

Each of us has the personal choice to model how we want to be for ourselves and others even if – especially if – we notice our environment is low on any of the human needs. In the process we might inspire ourselves and others because I believe we all yearn to fully express ourselves as human beings.

I read an amusing article that as far as Maslow’s hierarchy goes, most law firms are at the caveman level – still at “physical/financial” needs. But actually, when we consider the business benefits of engaging in all the human dimensions, it’s a wonder why not every firm is on board.

Imagine how it would be if in our day-to-day decisions, we choose to operate with clear thinking (the intellectual dimension) and also with empathy (the emotional dimension) and purpose (the spiritual dimension)? How would it be if when we say “Thank God it’s Friday”, we don’t mean that life and happiness happens only on weekends.

If all this sounds a bit idealistic, that’s ok. If we don’t start with ideals, then we are setting the bar too low (a philosophy borrowed from my husband).

#### Notes

- 1 The views and opinions expressed in this article are Susan’s own.



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# A Calling

What do I say to the lawyers admitted in the Mass Call in the current challenging climate that is facing the legal profession? I would like to consider the very many who did not receive the opportunity to be admitted in this Call. There are many who did not clear the Part A exams or could not obtain a training contract. I salute these men and women who are persevering to become lawyers. Many of you have not secured jobs. Resilience is a key attribute of lawyers and it is an opportune time for new lawyers and lawyers to-be to learn and cultivate this quality.

Many of you choose to work in small and medium sized firms due to lack of job opportunities in the larger firms. Others choose smaller firms for better work hours. Whilst I appreciate your concerns, lawyering is not for the faint hearted. It requires a lot of grit. Young lawyers continue to be trained in the first couple of years and become an asset to their employers only in their third year onwards. The employers have the responsibility to provide good training



and you have to make use of this opportunity to hone your skills. The training sets the crucial foundation for the young associates' future career in law or outside of it.

Having taken a hard passage of rite to be allowed to practise law, you may persevere in law longer than your predecessors. Stress and lack of personal time will not be your only complaints. I too, in my 21-year legal practice, still experience the same emotions. I too wonder whether I still want to be a lawyer and I also consider other options. What has kept, and still keeps me going and fighting, is clarity in my life mission and passion.

Discover what your passion is in law. I have said many a time that if I cannot practise family law for some reason, I will stop being a lawyer. If there is passion, it will not be difficult to soldier on. If the mission and passion are interrelated, then the hard work, the emotional stress and sacrifices will become manageable.

Most of you also like change or think the grass is greener on the other side. You do not stay long in a law firm and prefer to move to different firms within a short period. Life in law firms is eventually the same. In interviews for junior legal associate positions, I have been asked what qualities I look for in them. Besides hard work, what matters to me is emotional intelligence, professional maturity and a fine eye for detail. The ability to manage one's practice which includes time, stress, case, support staff and client management is another must. I give more importance to these soft skills over academic results as nearly all law graduates today have good qualifications and impressive curriculum vitae.

You are children of the internet generation. However, fruits of labour still come at a snail's pace. Be patient. Be humble. Rewards still and only come with a lot of hard work. Let it be known that work-life balance is a good philosophy but it does not actually exist in Singapore. It has been replaced by work-life integration. This means that work and life co-exist together. They are not mutually exclusive. A successful lawyer is one who is able to have a personal life and a career at the same time. In my view, we are jugglers who juggle five balls - career, personal time, family, friends and pursuits/hobbies. No one ball is more important than the others. All of them are not at the same level in the air at the same time. Sometimes, some will fall to the ground. We pick them up and start the juggle again. Work-life integration is not for your bosses to create for you. After all, we too want it badly. It is another soft skill that you need to create for yourself.

As bosses, we have the duty to train, mentor and coach you in your initial years of practice. Open yourself to be

trained, to learn from us and to build up your career. We understand that lawyering is tough. We have gone through the trials and tribulations that you are going through or are about to go through. We do care about you, though we may not show it all the time. We have our frustrations as well, over demands from clients, Courts, our own bosses, the business of law and managing legal associates and support staff. We too, at times, do not like to come in to work on Fridays and Mondays. We do not enjoy working hard as you think we do. We choose to like our work and to value it. We appreciate the rigours of law practice. We too have challenges in our personal lives in the form of relationships, making marriages work, health issues, taking care of our children, parents and loved ones. We make a stand for this work, till we choose otherwise. And, yes, we are human too!

The buzz words for legal associates are stress and burn out. We too face them every day. We just do not go on and on about it. Managing stress and burn out is a soft skill to be learnt. It is a quality like hard work, punctuality and integrity. Complaining about it is not a display of character or strength. It does not speak well of the person.

The challenges you face are not the same as your seniors. As there is an oversupply of associates, employers have high expectations and a wide pool of candidates to consider. In view of the glut, it is hoped that you will remain in the profession longer. On the other hand, there will be many of you who will still quit private law practice when you find greener pastures. I fully agree that if your passion is outside of law, go for it! You have many more career options than my generation did. With enthusiasm, you will do very well in your chosen vocation and do us all proud. You will also create opportunities for your peers whose passion is to practise law. After all, lawyering is a painful way to make a living if you are going to be miserable every day of your career. I can only hope that you have clarity in the career you wish to carve out as anecdotal evidence suggests otherwise by your constant professional moves.

I ask the newly admitted lawyers in 2017 to pause, reflect to find your passion and plan your career accordingly. For those who are uncertain about law practice, I urge you to give it time and a fair chance. Lawyering is like wooing a partner; give it a lot of time so you can strengthen and maintain the relationship. If you do not work hard at it, it will be like a break up or divorce. Meanwhile, continue to find your real purpose in your career. You have an important role in the profession. There is much to do and achieve as a lawyer.

Finally, welcome to the legal profession. It is an honour and a privilege to serve clients, make law and mould the future. It is not a job or even a career. It is a calling, for a selected few. I wish you a fruitful relationship with the practice of law.

# Of Pitfalls, Obstacles and Other Things ...

*Are foreign law grads that different from local ones? Bryan Tan gives us his take.*

**Bryan Tan**

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Congratulations on getting called! A pat on the back is well deserved for having survived an additional year of training compared to the local graduates. At the risk of getting carried away, perhaps a handshake as well. Some of you may feel otherwise, having "lost" a year's worth of income as an associate. Fret not, rumour has it that an additional year's worth of experience in the trenches of legal work is far more valuable in the grand scheme of things.

In the course of your legal career, you will face pitfalls and obstacles along the way. Some of these are unique to your position as a foreign graduate. As one amongst your number, I write in hope that you avoid some of the pitfalls that I have fallen into or, in the unfortunate event that you do fall into one, how to get out of them. What follows may be useful to local graduates as well.

## Mistakes

First things first. You would have made mistakes as a trainee. Learn from them, forget them and move on. Do not repeat the mistake thereafter. As my uncle (now a happily retired lawyer) once told me after I stuffed up a draft document, "You're still alive. Come to terms with it because it will not be the last mistake you make". Through this process of learning and forgetting (a quality not to be overlooked), you will gain valuable experience and become a better lawyer. In the words of Oscar Wilde, "experience is the harshest kind of teacher".

While mistakes should be avoided at all costs, they will inevitably happen. We are after all human. Keeping this in mind is important for two reasons. First, afford your fellow lawyers the benefit of the doubt when a clerical or human error occurs. The practice of law is unforgiving but the lawyers who practise them need not be. Second, it helps to maintain some humility (not that I have ever had trouble with that), an important virtue to have in the practice of law.

## Cultural Differences

Next, be aware of cultural differences. This sounds clichéd but hear me out. The legal community has its own set of unwritten rules. Despite being unwritten, it is nonetheless expected that you follow them the moment you become a member of the Bar. These unwritten rules may appear odd to you at first but practise them and you will come to appreciate their rationale and importance. Ignore these at your peril.

Some of these unwritten rules include:

1. A junior travels to a senior's office;
2. Do not write directly to a Judge or to his/her personal secretary;
3. Do not "carbon copy" the Court on correspondence between the parties; and
4. Agree as much as possible out of Court.

Thankfully, a majority of these "unwritten rules" have been written down in the Singapore Academy of Law's excellent book *A Civil Practice, Good Counsel for Learned Friends*. I received this book the day I was called to the Bar in 2013 and I still keep it close to me for reference. Other "unwritten rules" will be stumbled upon in the course of practice.

When in doubt, be conservative in your approach unless you are given leeway to do otherwise. This applies whether in the workplace, in dialogue with a senior member of the Bar or with a client. As a junior, you should protect what little goodwill and credibility you may have. Once you have amassed enough of both, the reins may be released little by little.

I should also point out that law firms have their own drafting styles. Before drafting documents, you should check if your firm has an in-house style guide. Within larger firms, different

teams may adopt different styles as well. The in-house style may also be gleaned from browsing through templates and past work done by the firm/team. If a document is to be filed in Court, you should ensure that the style you adopt complies with the Practice Direction as well. The current trend is to use the Arial font at size 11 in drafting.

## Jurisprudence

Next, be aware of the differences in jurisprudence. Whilst Part A and Part B may have gone some way to illuminate the differences between the law in Singapore and the law in the country of your foreign legal education, the Law is so vast that not all of them would have been addressed. Minute differences can affect an outcome. One way to mitigate against this danger is to be alive to the possibility of differences when engaging in a matter or researching on a point of law. Foreign jurisprudence is persuasive but local cases should always be the first port of call. I highly recommend registering for the daily e-mails from Singapore Law Watch. It provides you with up to date legal information, case summaries provided by various law firms and Supreme Court Notes which may be read and filed away for future reference.

You should be aware of the resources that are made available to you by the Singapore Academy of Law. The Singapore Academy of Law Journals are a useful resource that provide a good starting point for legal research and understanding novel points of law.

Impress your boss and colleagues by showing that you are up to date with the latest legal developments but do so at an appropriate juncture.

## Understand Your Role in the Team

In full and frank disclosure, I should point out that I am a litigator and am unable to shed much light on the role of a junior in other fields. What follows are my two cents on the role a junior is required to fulfil. Of course, each team functions differently and so my thoughts below are general in nature.

Generally, as the newly called lawyer in the team, you will be expected to liaise with clients and assist in organising the evidence in an easily comprehensible way. You should also be expected to organise the logistics required for a hearing. These are things that your lead counsel should not have to worry about because you are looking out for him/her. Such matters include (but are not limited to):

1. Bringing a copy of Appendix G of Supreme Court Practice Directions so that submissions on costs can be made;

2. Checking if lead counsel's reading glasses have been packed (if any);
3. Ensuring sufficient copies of bundles and written submissions;
4. Bringing stationery (especially flags and highlighters for lead counsel);
5. Knowing the coram of hearing; and
6. Knowing the location of hearing.

For newly called lawyers who will be poring over draft contractual documents, I am advised and verily believe that the following is required of you:

1. Check that defined terms have indeed been defined;
2. Ask yourself if it is possible to move all your definitions into the "Definitions and Interpretation" clause;
3. Always work off your own draft. If necessary, import into your draft the mark-ups in the draft provided by your counterparty;
4. Do not blindly follow drafts from previous transactions as they may have been the subject of negotiations; and
5. Check that signatories have authority to bind the company.

I would also like to include a word on support staff. Support staff have provided tremendous assistance to me in the course of my legal career. Although part of your job is to manage and deploy them, you should keep in mind that they often have insights into matters that you might not be aware of. Having been around for years, they will be able to draw on their deep pool of experience to teach you a thing or two. For example, some secretaries have experience and know-how to ensure compliance with the formatting requirements in the Practice Directions. However, it is your responsibility to ensure that the work is done correctly, so if at the end of the day mistakes are made, take full responsibility for them.

## Concluding Remarks

Take notice that this article does not cover all aspects of practice. Numerous trees have been felled and much ink has been spilled regarding the journey that you are about to embark. However, I hope my thoughts above will be of some use to you. The practice of law can be daunting and exciting in equal measure. Properly managed, you should have a fulfilling and rewarding career ahead of you.

All the best and congratulations again!



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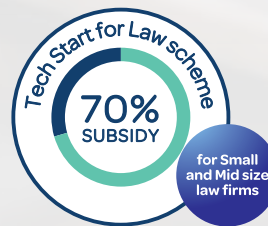
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# The 3Rs for Starting on the Right Foot



**Hany Soh Hui Bin**  
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My heartiest welcome to our newly-called members of the Bar! As full-fledged lawyers, you wield the power to advocate for those who find themselves at the mercy of the Courts and to make a difference in their lives. You should bear this in mind as you embark on the first year of your practice.

Some years have passed since I was at the same place. There are some invaluable lessons that I have learnt in this brief period. I often share them with interns and trainees that I come across and I hope they prove useful to you too.

## The 3Rs: Responsibility, Respect, Resilience

I believe that lawyers who desire to remain in this competitive profession for the long haul must possess the following qualities: Responsibility, Respect and Resilience.

Taking Responsibility for one's work is always appreciated, as does a show of Respect for both clients and peers. But to accomplish both, a measure of Resilience is required. A harmonious marriage of all three qualities would help ensure an enjoyable career in law.

What does each quality entail?

## *Taking Responsibility*

Being a rookie, you are less likely to be tasked to run any case all on your own. You will likely be attached to a mentor who may delegate to you specific tasks that are part of a larger matter. Perhaps an affidavit has to be drafted, or some research has to be undertaken. Whatever it is, each task is likely to come with clear objectives and a firm deadline.

My advice? Don't purge the matter from your mind once your task is completed. Always ask yourself: what else can I do for this matter?

If you adopt a proactive attitude in assisting your mentor, not only will you facilitate progress in the matter, you will be exhibiting the one quality all employers covet in an employee: Responsibility. Doing so, you not only demonstrate yourself to be a valuable asset to the firm, you will also be acquiring experience under your belt.

The other aspect of responsibility is to step up to the plate when the firm is short on manpower.

Law practices are not only made up of lawyers; support staff such as secretaries, paralegals and Court clerks help ensure

that the nitty gritty gets done. However, hiccups may occur from time to time. A form that should have been submitted may have been inadvertently overlooked or a document to be delivered may have been kept in abeyance because everyone is otherwise occupied. It is not uncommon for lawyers to delineate their tasks down to the letter. After all, why bother with mundane work when there's a Court hearing to prepare for? While I agree that job scopes exist for a reason, it is equally important to pick up the slack for the greater good when a situation calls for it. Not only do you help the firm run smoothly, you earn the respect of your colleagues – a point that leads me to the next quality to be discussed.

### ***Giving (and Earning) Respect***

Respect is more than just trading niceties in Court. Respect is all about treating others the way you would like them to treat you. Quite apart from showing and earning respect from members of your firm, you should also be respectful to:

1. Your clients. Remember that they came seeking help from you. That in itself is a great honour. Reciprocate their respect for you by being attentive to them and giving them useful advice that meet their needs, not yours. Keep them periodically updated on their matters and not leave them wondering.
2. Your peers. They may be your opponents in Court, but it is not necessary to undermine their work or bear grudges against them. Like you, they are merely carrying out their clients' instructions. Always strive to be pleasant without being a push-over. Avoid nasty letters. If you have no choice but to send one, give your opponent a heads-up over the telephone. Avoid inconveniencing your opponent with unreasonable requests. If an inconvenient request has to be made, speak to your opponent in advance instead of surprising him in front of a Judge. Protecting your client's interest does not have to be at the expense of goodwill and professionalism.
3. Yourself. It is easy to lose one's sense of self-worth in a competitive environment, especially in an adversarial system such as ours. If you are not careful, you may wear yourself out. When the going gets tough, pause and remember that you have to respect yourself, your abilities and your time, otherwise, no one else will.

### ***Being Resilient***

Being responsible and respectful sound like a lot of work, doesn't it? While these qualities will become second nature

with constant practice, it will be foolish to say that it is easy-peasy. This is when Resilience comes into play.

When I was a practice trainee, my mentor once told me that all young associates should aspire to be ... a sponge.

He explained that as the most junior and inexperienced member of a firm, a young associate must expect to put in more hard work and longer hours than their more experienced colleagues. Be that as it may, the associate should remain optimistic; with the energy that comes with youth, coupled with the correct attitude, there is much that can be learnt and "absorbed" from senior, just like a sponge.

This is why I have come to believe that as a newbie, one should be prepared to eat humble pie in one's quest to become a versatile lawyer. No work should be beneath you, because that is the only way to sharpen and expand your skillset. Not everyone can do it, but with the right mindset and a healthy dose of resilience, you surely can.

Let us assume you have gotten a handle on your workload. Well done! But that is not all. You will also have to contend with other things that may test your mettle, such as:

1. Clients who belittle your abilities, choosing to consult someone else;
2. Support staff who use their relative seniority in the firm to override you;
3. Peers in your firm who see you as competition;
4. Situations where salaries are lower than your initial expectations, etc.

If you are ever beset by such problems, the only advice I can offer is, once again, to be resilient. As you remain faithful to the qualities of Responsibility, Respect and Resilience, your expertise will increase in due course, and so will the respect and confidence that you command. Then, these problems will be a thing of the past.

### ***The Road Ahead ...***

It is true that the road ahead can be a bumpy one, but if you can stay on the straight and narrow and practise with a passion, it will surely be a rewarding journey.

I have always found solace in the poem "If" by Rudyard Kipling during tough times, as it is a reminder that success is just around the corner, if one is resilient enough.

For all you new kids on the block, I wish you all the very best. May you all have long and fulfilling careers as advocates and solicitors.



If – Rudyard Kipling

If you can keep your head when all about you  
Are losing theirs and blaming it on you;  
If you can trust yourself when all men doubt you,  
But make allowance for their doubting too:  
If you can wait and not be tired by waiting,  
Or, being lied about, don't deal in lies,  
Or being hated don't give way to hating,  
And yet don't look too good, nor talk too wise;

If you can dream—and not make dreams your master;  
If you can think—and not make thoughts your aim,  
If you can meet with Triumph and Disaster  
And treat those two impostors just the same:  
If you can bear to hear the truth you've spoken  
Twisted by knaves to make a trap for fools,  
Or watch the things you gave your life to, broken,  
And stoop and build'em up with worn-out tools;

If you can make one heap of all your winnings  
And risk it on one turn of pitch-and-toss,  
And lose, and start again at your beginnings,  
And never breathe a word about your loss:  
If you can force your heart and nerve and sinew  
To serve your turn long after they are gone,  
And so hold on when there is nothing in you  
Except the Will which says to them: 'Hold on!'

If you can talk with crowds and keep your virtue,  
Or walk with Kings—nor lose the common touch,  
If neither foes nor loving friends can hurt you,  
If all men count with you, but none too much:  
If you can fill the unforgiving minute  
With sixty seconds' worth of distance run,  
Yours is the Earth and everything that's in it,  
And—which is more—you'll be a Man, my son!





**Sherrie Han**  
CLAS Fellow  
Law Society Pro Bono Services

## What My Clients Taught Me

Write an article for the special mass call issue of the *Law Gazette* in August? Or if you have other suggestions for *pro bono* related articles, that would also be good. The idea is to interest the new young lawyers to be involved in *pro bono* work, give them an idea of what it's about, what it involves, the type of commitment, the advantages etc.



As a Criminal Legal Aid Scheme (“CLAS”) Fellow at the Pro Bono Services Office, I represent accused persons who would otherwise not have access to legal representation.

In the short time I’ve been in practice, my clients have taught me many surprising things. I list them out below.

## Lessons from My Clients

### Lesson No. 1: Life is Messy

There is a common misconception that we can plan and control how our lives will be. My clients remind me every day that we cannot. Every day, I do my best to advance their interests – I take their instructions and try to understand who they are and the circumstances they are faced with. I write representations to the prosecution and appear on their behalf in Court. Even so, I am acutely aware that the outcome of their case ultimately rests on the benchmark sentences, how they perform at trial, the nature of the evidence – all of which are beyond my control.

Likewise, life is messy. I meet clients who have seen their lives spiral out of control long before charges were brought against them. The retrospective nature of the law means that oftentimes, I am simply left to mitigate on their behalf when bad decisions and social failures have already taken place. The tension between taking personal responsibility for one’s own actions and being a victim of circumstance is a hard one to straddle.

### Lesson No. 2: How to Love

I don’t love my clients. In fact, some clients are rather hard to love. Yet, all my clients have an uncanny ability of making me want to go the extra mile for them. Back when I was handling transactional work or drafting affidavits, my task was to get a job done well – to please my bosses and the client. Yet, my job doing criminal *pro bono* work full-time is different, and much less clear-cut. I am constantly thinking about how to place my clients in a better position compared to before they received legal aid, even if this means finding non-legal solutions to their legal woes. Each case I handle has a face and a story behind the file which makes *pro bono* criminal practice unique.

I remember Mr Tan<sup>1</sup> who was charged for the theft of ladies’ underwear. He suffered from mild intellectual disability and had underlying issues which precipitated his offending. His social worker recommended that he be placed in an adult disability home. However, places at adult disability homes are extremely sought after. So I found myself undertaking the role of a social worker, requesting for medical reports, speaking to social workers and trying to find alternative

sentencing options for him. If love means wanting to be or do better for the sake of someone other than oneself, then I think my clients have indeed taught me how to love.

### Lesson No. 3: It’s Not About Us

It is no secret that we are influenced by the environment around us. For example, we are more likely to jaywalk when we see other people around us doing the same. Many accused persons have a greater predisposition to commit offences because they receive a greater exposure to negative influences.

The opportunity to help is an immense privilege. It is easy to despise our professional qualifications when we get caught up chasing deadlines or personal ambition. The rigor of private practice is oftentimes exciting and challenging but who wants a lawyer who knows how to do everything but the value of nothing? The nature of *pro bono* work puts a face behind the file and reminds us that there is much more beyond ourselves and our legal rules and concepts - it ultimately affects people’s lives in ways more profound than we may know.

With our profession getting larger, it is easy to feel isolated and view other lawyers either as opponents or strangers. In the course of doing *pro bono* work, we encounter practitioners from different firms who are similarly engaged in the same pursuit. A lot of differences fade into the background in the pursuit of advancing the common good.

## The Perks of Doing Pro Bono Work

Although plunging into *pro bono* work is confronting at first, the perks of doing *pro bono* as a young lawyer far outweighs the difficulties. First, Judges or seniors are generally more understanding when young lawyers ask questions or make mistakes. Second, taking on *pro bono* cases give you the chance to run a trial or argue an application long before you would for a paying client. These opportunities to hone your advocacy and client-interaction skills are precious. Third, taking on *pro bono* matters lends young lawyers greater maturity; the personal struggles of my clients often overlap with their legal issues and I am constantly challenged to think outside my paradigm. In sum, these experiences catapult you to greater responsibilities as you grow both as a lawyer, and as an individual.

There is much more to legal practice than time costs and billings. I thank my clients for teaching me that.

#### Notes

<sup>1</sup> Name has been changed.





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# Navigating Professional Burnout: Practical Strategies for Legal Professionals

## Introduction

Burnout seems to be a necessary part of a lawyer's life – a rite of passage from the world of late nights, early mornings, and weekends at the office with too much caffeine. However, the damage caused by this lifestyle and attitude is more than just fatigue and missing out on a social life. Not only is burnout the leading cause of mid-level career drop out for lawyers in Singapore, legal professionals suffer from clinical depression at four times the rate than the average occupation.<sup>1</sup> The attributes associated with effective lawyers combined with the distinct environment of the legal profession results in a perfect storm for professional burnout.

## Attributes that Contribute to Burnout

Lawyers tend to be high achieving, competitive, extroverted, and domineering in their personalities.<sup>2</sup> They also have the tendency to be argumentative and aggressive – some may argue this makes for a great lawyer. However, emotional concerns and interpersonal matters are often low priority for lawyers, and there is a higher incidence of substance abuse and psychological distress in legal professionals in general.

## Environmental Factors that Contribute to Burnout

Whether in a small private practice or a large corporate firm, legal environments tend to demand very long hours, unrelenting deadlines, constant judgment on performance, competition for clients, and general concern for job security.<sup>3</sup> In addition, lawyers are often dealing with their clients' emotions that can include stress, anger, frustration, irritability and trauma. Legal professionals often feel burdened with a responsibility over their clients' financial, emotional, and physical well-being, and there can be

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a significant gap between the “ideal” and “reality” for early career lawyers. Many lawyers also feel there is a gap between their need for intellectual stimulation and the less challenging elements to legal work such as administration and paperwork.

Although understanding why burnout happens seems relatively straightforward, many lawyers report feeling powerless in preventing burnout as it requires cultural shifts in their workplace. However, there are many ways to address and prevent burnout on an individual level, and this can effect change in company and professional culture over time. The first step is identifying burnout, knowing how to alleviate burnout, and then creating an action plan to prevent burnout.

### **Identifying and Managing Burnout**

Every person has a different threshold for burnout. Practising ongoing self-reflection will help lawyers to notice patterns that lead to burnout, and the specific “red flags” that apply to them. There are six key areas to consider when identifying and managing burnout.

#### ***Sleep and Energy***

Difficulties falling asleep and staying asleep can indicate burnout. Many burnout professionals wake up fatigued and never feel well rested. Some resort to taking sleep medication at night, and high levels of caffeine during the day. This can create a dangerous cycle of stimulants (“uppers”) and depressants (“downers”) that leave a person heavily reliant on medications, which have detrimental effects on their ability to work and lead a healthy life.

Common complaints from lawyers with burnout include:

1. “I have always slept three to four hours per night. I thought it was normal. I even asked my colleagues and they sleep four hours a night as well.”
2. “I struggle to get out of bed in the mornings. I need a triple shot of coffee to function.”
3. “No matter how many hours I sleep, I still wake up tired and struggle to get through the day.”

Creating healthy sleep routines, learning to switch off after office hours, and saying “no” to your boss and colleagues can help to reduce the detrimental impact of poor sleep and low energy from burnout.

#### ***Mood***

Changes in mood can indicate burnout. This includes unexplained mood swings, unexpected or extreme

emotional reactions to everyday events, and/or feeling overwhelmed, depressed, and fearful. Some people with severe burnout may find that they feel numb and have little or no emotional reactions to events in their lives.

Common complaints from lawyers with burnout include:

1. “Stressed is my default mode. It is normal in my profession.”
2. “I used to enjoy challenging cases. Now it is just too much.”
3. “I have very little patience and will lose my temper at the smallest things. Once I am angry it takes a long time for me to calm down. I used to be able to handle these things but now feel overwhelmed by the daily stress.”

Practising mindfulness and meditation, learning how to express feelings in a healthy way, and talking to loved ones or a friend can help reduce stress and feelings of being overwhelmed. Many lawyers find talking to a qualified psychological therapist or counsellor can also help them manage their feelings and increase their productivity.

#### ***Cognition and Attitude towards Self, Others, the World***

Listening in to our internal voice and noticing our thoughts and attitudes can help identify burnout. Burnt out professionals tend to be overly pessimistic and negative towards themselves and others, and feel that the world is a hostile or depressing place.

Common complaints from lawyers with burnout include:

1. “I used to go the extra mile for my clients or my boss, but now I just do the bare minimum to get by. I just don’t care anymore.”
2. “There is no way this can improve.”
3. “What’s the point?”

Tuning in to your inner voice and adjusting negative cognitions and attitudes can help reduce symptoms of burnout. Using positive affirmations and reducing critical self-judgment can also help to realign your cognitions and attitudes to improve mental health. Contact a psychologist or counsellor to talk about specific strategies and exercises.

#### ***Relationships***

Relationships are usually the canary in the coalmine. Partners, family, and friends may be able to notice burnout well before a person notices it in themselves, especially if they tend to be high performing and have high expectations



of themselves. Burnout can lead to increased conflict in relationships, and people tend to feel distant from their partners and isolated from their friends and family.

Common complaints from lawyers with burnout include:

1. "I have not had dinner with my kids in three months. My wife is not happy about it."
2. "We used to go on dates but now I am too tired. Our sex life isn't great either."
3. "My dad is getting more and more forgetful and I feel guilty for not spending enough time with him. My mum is hassling me about it and my siblings are really disappointed in me. I just can't take time off work."

Prioritizing relationships and friendships is key to maintaining good mental health. Creating pause and taking perspective can help to alleviate guilt and refocus priorities to the areas that are most aligned with one's values. Leading a value-driven life will help to prevent burnout long-term.

### Physical Health

Many people will feel the physical symptoms of burnout before they notice the mental symptoms. This can include things like poor immunity, regular headaches, gastrointestinal issues, high blood pressure, weight gain or loss, acne or breakouts, and chest pains.

Common complaints from lawyers with burnout include:

1. "I keep getting a tight chest. I went to the doctor about it, and he said there is nothing physically wrong with me – it must be stress."
2. "Sometimes I can feel my heart racing and I haven't done any physical activity. It is really unsettling."
3. "High cholesterol, high blood sugar, fatty liver, overweight ... My doctor said I need to reduce stress in my life."

Maintaining regular exercise, increasing incidental exercise, and making healthy nutrition choices can help to prevent and manage burnout. Some workplaces encourage employees to increase their physical activity by providing incentives and challenges to also enhance workplace well-being and team cohesion. This can lead to significant reduction in burnout within law firms and increase overall productivity.

### Coping Mechanisms

Another key indicator of burnout is a person's tendency to rely on unhealthy coping mechanisms to get through their

daily life. This can include excessive alcohol or substance use, binge-eating, problematic pornography use, and gambling.

Common complaints from lawyers with burnout include:

1. "I need a few drinks at the end of the day to relax otherwise I will have trouble winding down and sleeping."
2. "I used to watch pornography for a bit of fun, but now it's a way to relieve stress every day. It is becoming a problem."
3. "After a really stressful day I find myself bingeing on sweets and fatty foods. It's not a good habit but I don't have the energy for self-control."

Engaging in multiple healthy coping strategies can help to reduce and manage burnout, and prevent burnout in the longer-term. This can include spending time with loved ones and friends, engaging with your religious or cultural community, doing volunteer work, and seeing a mental health professional.

### Burnout and Mental Health

Burnout can lead to a host of mental health conditions, and also tends to exacerbate underlying conditions. This includes conditions such as Persistent Depressive Disorder, Major Depressive Disorder, Generalized Anxiety Disorder, Substance Use Disorders, and Behavioral Addictions such as sex, pornography use, and gambling. Many legal professionals seek psychological and psychiatric support when their problems become unmanageable and they have already felt the consequences of burnout in their professional and personal lives. Prevent burnout by engaging in self-care, seeking professional psychiatric and psychological support, and encouraging systemic change in your organisation.

*\* Dr. Winslow is the Executive Director and Consultant Psychiatrist of Promises Healthcare. He specializes in treating substance use and impulse control disorders, and has been treating working professionals for many years. Mrs. Gold is a psychologist with Promises Healthcare and has expertise in forensic mental health.*

For a confidential enquiry contact Promises Healthcare on 6397 7309.

<<http://promises.com.sg>>

#### Notes

- 1 <<http://www.wolfmotivation.com/articles/burnout-a-necessary-part-of-lawyers-lives>>
- 2 Lawyer, Know Thyself: a Psychological Analysis of Personality Strengths and Weaknesses, 2004, pp. 40-41.
- 3 Stress: What Is It?" in Julie Tamminen, ed., Living with the Law: Strategies to Avoid Burnout and Create Balance, 1997, pp. 1-2.

## Amicus Agony

Dear Amicus Agony,

I've been warned that after I get qualified my time and life will no longer belong to me. Is that true?

Out of Time

Dear Out of Time,

One of the hardest things I had to deal with as a junior associate was the constant unease at not knowing what I would be asked to do and when, which was exacerbated by being in a "pool system" where Associates could be called on by any of the firm's partners. This gets better over the years, but the nature of the industry is such that you will always be in a situation where demands (reasonable or otherwise) will be made on your time at the least expected junctures. Three years into practice, I had to rush to Court on Christmas Eve to see a Duty Registrar for an urgent injunction: my client's ex-husband was not giving her holiday access to her children.

It might sound intuitive but managing your workload starts with chipping away at the work you've been assigned. Start by drawing up a detailed daily work schedule to make sure you have pockets of time where you can rest and recuperate.

Next, tier your work in order of priority. When you first start practice, everyone will tell you that a piece of work was due yesterday. You will soon start to realize that, like people, not all work is born equal. Work diligently but also intelligently, have the discernment to know what you need to burn your weekend for, and what you can clear early in the coming week.

Finally, a piece of advice that really works for me: use your mornings. I get my head start by coming into the office an hour earlier than everyone else. That's when my clients don't call me and people aren't asking me to clear drafts. If you're a young Associate, it's also the time of the day when your partners aren't assigning you new work.

More broadly, my philosophy of dealing with the vagaries of legal practice is reflected in the "Serenity Prayer". Even though I'm not religious, it provides great comfort and good advice:

God grant me the serenity to accept the things I cannot change,  
 Courage to change the things I can,  
 And wisdom to know the difference

Amicus Agony

Dear Amicus Agony,

I recently read an article about "imposter syndrome" and I felt that it describes me perfectly. I just got called to the Bar but I'm already expected to interact with clients who have no idea that I just qualified last month. I had a particularly terrifying experience when, in the course of a client meeting with the General Counsel of an MNC, my partner excused himself to go to the washroom. I was left making banal small talk and praying that he wouldn't ask me anything I couldn't answer.

Anxious Agony

Dear Anxious Agony,

Imposter syndrome is said to be particularly acute in industries with highly competitive degree programmes: after over-achieving in school for all of your life, it can be terrifying to come out into the real world and realize, like Jon Snow, you know nothing.

The first thing you need to do is to take comfort in the fact that "imposter syndrome" is much more common than you think. It's been said to afflict two in five successful persons.

But you also need to take a step back and ask yourself if you're over-pathologizing the issue. You might just be suffering from a bad case of self-doubt and anxiety.

You're not the only one feeling the self-doubt: many in your graduating batch are probably feeling completely out of their depth most days of the week. I had a friend who was a senior associate doing project financing in a top international law firm and she was widely regarded as being at the top of her game. She would confess to me over Friday drinks that she still constantly felt like she had no idea what she was really doing and that she was "faking it until I make it".

I also felt that way conducting my first few trials.

Self-doubt has, at one point in time and to different degrees, probably afflicted (and may still be afflicting) lawyers who are now senior counsel or well established in their careers.

My top tip in dealing with this is to be comfortable being honest about your concerns and vulnerabilities with your seniors so they know how best to guide and assist you. Of course, couple this openness with an inquisitive, proactive and positive learning attitude: don't expect to be spoon fed.

Amicus Agony

Dear Amicus Agony,

I've just been called to the Bar but I haven't secured a place at a law firm yet. I feel like it's the end of the world. Help!

Denizen of The Last Chance Saloon

Dear Denizen of The Last Chance Saloon,

First, don't panic. DON'T PANIC.

I'll give you the practical tips before I dish out the motherhood statements.

First course of action you need to take: start a LinkedIn account and make sure you curate a profile that's interesting and impactful. There are dozens of "How-To" guides out there on this. Make a small investment in some decent and affordable photography.

Second, using your LinkedIn account, start adding legal recruiters on your profile page. You might feel worthless because the firms you've applied to haven't gotten back to

you, but you need to link up with a legal recruiter because the sole occupational purpose of a legal recruiter is to **get you employed**. That's how legal recruiters **stay employed**. Of course, as a newly qualified lawyer, you're a harder sell than a senior legal practitioner, but there's also more space in the industry for junior lawyers and legal recruiters have insights into the hiring market which word-of-mouth can never replace.

This loops back to point one: you need to help your recruiter help you by making yourself look marketable.

Third, make a virtue out of necessity. Use this time to consider whether and why you want to practice. Is it a matter of conviction or a question of path dependency? When it comes to life choices, I'm firmly in the "to each his own" camp. But I can safely say that tearing your hair out because you're afraid of "losing face" about not becoming a lawyer just because you studied for a law degree is a terrible life choice.

Amicus Agony





Dear Amicus Agony,

I've read about all the exhortations to do *pro bono* work but I've got two concerns: I'm afraid I'll be inundated with work and that my bosses may consider me less "valuable" if I spend billable hours doing *pro bono* work. Second, I'm going to be a corporate lawyer, what do I know about speaking in Court or giving advice on contentious matters?

Do-gooder Wannabe

Dear Do-gooder Wannabe,

It's a commendable instinct you've got! You need to nurture it. In recent years due to the encouragement by the Courts, the Law Society and the Ministry of Law, there has been a paradigm shift in the way *pro bono* work is perceived as well as supported. Many firms handle a decent *pro bono* caseload, whether small, medium or large and at all seniorities of the profession.

Start by volunteering at a legal clinic or two a few times a month; there are many free clinics run by a host of agencies and organisations from Community Development Centres ("CDCs") to VWOs like the Catholic Lawyers' Guild to the State Courts Criminal Legal Clinic. Being on duty at a legal clinic is a great way to get started: it seldom requires follow up beyond the clinic so it's a manageable commitment in a definite time period. It will also help you develop the knack of giving rough and ready advice within a short time frame to people who need a lawyer to point them in the right direction.

Once you feel comfortable, try taking on a criminal legal aid scheme ("CLAS") case. If you're a new volunteer, you can

pick a relatively straightforward PG ("plead guilty") case which involves helping see someone through a mitigation plea. After that, you might want to cut your teeth at a trial.

In my experience, I've come across corporate lawyers or commercial litigators who take on a CLAS trial and devote good time and attention to these cases. Precisely because it was in a field outside their comfort zone, they devoted themselves 110 per cent to learning the ropes and giving their best. One of my friends who was a construction lawyer obtained an acquittal on his first CLAS trial.

In any case, you need to know that any assistance you're able to render is going to be infinitely better than a litigant in person facing the legal process himself.

So, go forth and start making a difference. One case at a time.

Amicus Agony

Dear Amicus Agony,

I work in a pool system and have had the opportunity to work for a number of different partners. Many approve my drafts with some amendments – sometimes none – which gives me some hope that I am not too far gone. However, one of them frequently returns me revised drafts which look barely like the initial draft I had submitted. I start imagining the partner's frustration at receiving a piece of work which he/she feels that he/she has to substantially re-write and plunge into self-doubt. Help.

The Worried Wart

Believe  
in  
yourself

Dear Worried Wart,

It is natural to feel “judged” when one’s work is submitted to others for review. It is, however, important not to allow your self-worth to be called into question or allow yourself to be crushed over feedback which you perceive to be negative.

Different partners have different working styles – some are more “intervenist” than others. The fact that there are other partners who generally approve your work without too much amendment probably suggests that you are sufficiently competent. As for the partner who frequently amends your drafts, try to think about whether the substantial amendments are due to you having galloped in a different direction from what the partner envisaged or whether the revised draft actually says the same thing albeit in the partner’s preferred wording. If the former, try to make it a habit to check with the partner on what should be drafted before starting work on the draft. If the latter, the partner probably has a unique style of writing which you need to learn to emulate – at least for his or her files. Hopefully with time, you will develop a better grasp of the last-mentioned partner’s working and/or writing style.

Amicus Agony

Dear Amicus Agony,

During my days in training, I’ve come to realize how harsh and unforgiving the working world can be. While I was lucky enough to have a mentor who practises considerable self-restraint, not a few of my peers have landed mentors who frequently resort to raised voices and cutting comments. While some clients are truly a dream to work for, I’ve dealt with others who are extremely demanding, question our every advice, and/or are habitually rude and curt in their communications with their lawyers. Is there a light at the end of this tunnel?

Feeling Around in the Dark

Dear Feeling Around in the Dark,

Your environment is only as harsh and unforgiving as you allow it to be. In the working world, it is important to learn how to manage one’s internal clients (i.e. bosses) as well as external clients. One could write whole books on managing bosses and clients. But here are a few things to keep in mind.

Juniors who are frequently at the receiving end of raised voices and cutting comments have to assess whether the environment is inherently toxic/if the chemistry with the boss is simply not there (in which case they should be looking for an exit) or if it is simply due to teething issues in

the working relationship (which situation can be improved by gradually earning the boss’s trust). For instance, little things like keeping the boss sufficiently updated of your progress on a draft will reassure him/her that you are on top of things and that he/she is in good hands. Some bosses may have pet peeves which completely set them off (e.g. an otherwise good piece of work is demoted to the level of worthlessness the moment a single typographical error is spotted). Learn them and avoid them.

As for client management, there is no one size-fit-all approach. Observe how your partners and seniors deal with clients and glean some best practices as you go along. Try and put yourself in the client’s shoes for a moment and imagine the type of service you expect from your own lawyer. Generally, clients appreciate responsiveness as it makes them feel like their needs are important to you. On the flip side, there is no need to rush your responses at the expense of quality. It is also important not to overly burden the client with lengthy e-mails and legalese. Important is the skill of helping the lay client break down, understand and easily digest the progress of their matter, what remains to be done and what action is required from them. All the best with seeing the light!

Amicus Agony

Dear Amicus Agony,

I am a junior lawyer in a mid-sized law firm. Previously, I was in a considerably larger firm for about a year and a half. There, the work would come in droves, and I could never cut a break. I burnt out quite quickly, but even then, I had no choice but to just keep working. To make matters worse, the associates and partners were merciless. Simply put, I was miserable there. I eventually decided to leave and I accepted a position as an associate at a mid-sized law firm.

My first few months at the new firm were a pleasant surprise – work was a breeze, I had the luxury of leaving at around 7 or 8pm, I would hardly ever work weekends, my co-workers were amiable, and the partners were reasonable with their demands. It was a far cry from my previous workplace!

It has been around five months since joining the firm. My “honeymoon period” is undoubtedly over. However, I am getting a little worried, as work is sometimes as slow as it was on my very first day at the firm. While my boss is friendly and easy to get along with, I find that he never has time to involve me in big matters. He has many clients and is always working late, so it is not for a lack of work coming our way. I have noticed that my boss is a little bit of a control freak, and seems to feel most comfortable doing the work himself. Since he is so busy, he also doesn’t seem

to have the time to explain matters to me, so takes on the work himself. Apart from the files that I am currently on, I have offered to help him with some other files and he always tells me he will brief me later but never does.

Inadvertently, I have not been learning as much as a junior lawyer should. I am beginning to feel as if I'm lagging behind my peers and this is starting to worry me. I don't want to leave the firm just yet, as it wouldn't look good on my CV if I jumped ship within six months of being employed. Besides, the market now is horrendous, especially for junior lawyers!

Un-learned Friend

Dear Un-learned Friend,

You are indeed in a quandary. It seems you have been dealt cards from the opposite ends of the spectrum. But alas, such is life - you play the cards you have been dealt. It is unfortunate that you have been sidelined by your boss. As you have mentioned, that is probably not his intention, as he is extremely busy with work. If you have tried and failed to sound him out about your capacity to take on more work, perhaps you should begin thinking of a new ways to get around this problem.

Since he is easy to get along with, have a frank and open discussion with him about your worries and lack of career progression. If all goes well, your boss will make a more concerted effort to get you involved in his work. If you find that not much has changed, it may be worth asking him if you can assist other partners or teams with work. Do approach this carefully, however, as you do not want to appear to undermine him or give him the impression that you are no longer interested in his area of expertise.

It is vital that you do try to find a solution to this, as your career depends on it. If all else fails, perhaps it is time to look for a job elsewhere. It is more important to make headway in your career than to be concerned about your CV reflecting a lack of dedication on your part.

Amicus Agony

Dear Amicus Agony,

I am a first year associate. I wish to take urgent leave to visit my sick grandma who is living overseas. The doctors have recently informed us that her condition is not good and that she may not be around much longer. I am very close to my grandmother and would very much like to see her before she departs this world. However, my boss has previously laid out his expectations about taking leave and went so far as to hint that as a first year lawyer, I should not be taking leave at all, despite my leave entitlement. Since hearing that, I have only taken leave in one-day periods, and I have taken a total of four days of leave. I am worried that asking for a week's leave would hurt my chances of a promotion, pay raise or bonus, or worse, that my working relationship with my boss will suffer. Is there a way around this?

Mourning Marie

Dear Mourning Marie,

The expectations laid down by your boss do seem unreasonable, but we have all been there. You wouldn't be the first to encounter difficulties with unreasonable superiors, especially in relation to taking leave. It is commendable that you have taken heed of your boss's expectations by limiting your leave days, as taking holidays in spite of such a clear hint from your boss could in some cases amount to career suicide!

That being said, family is important. It is true that you may have to suffer some consequence of taking leave, but would you rather live with the regret of never again seeing your beloved grandmother just because your boss has hinted that you should not be claiming your leave entitlement?

In any case, just be honest with your boss about why you need to take the urgent leave. I am sure your boss will understand that you need to take leave out of necessity, and not for pleasure. You may well end up avoiding the aforementioned consequences.

This industry can be brutal but not all lawyers are heartless.

Amicus Agony

Young lawyers, the solutions to your problems are now just an e-mail away! If you are having difficulties coping with the pressures of practice, need career advice or would like some perspective on personal matters in the workplace, the Young Lawyers Committee's Amicus Agony is here for you. E-mail your problems to [communications@lawsoc.org.sg](mailto:communications@lawsoc.org.sg).

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# Navigating to the Cloud: A Framework for Trust



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## Introduction

As we stand today on the cusp of the Fourth Industrial Revolution, the legal service industry, like all modern industries, is reaching a point where innovation is no longer an option. To stay ahead in a highly competitive market, law firms must keep up with technology. In this digital era that has seen great advancements in artificial intelligence, natural language processing, and data analytics, the on-demand resourcing provided by cloud computing provides a compelling foundation for the business of law. The economic and strategic advantages of cloud computing make it impossible to ignore – the cloud can help law firms save money, reduce complexity of IT process, improve operational efficiency, increase the mobility and productivity of lawyers, and, assuming a law firm is working

with a trusted cloud services provider (“CSP”), enhance the security of client data.<sup>1</sup> The issue therefore is not whether to move to the cloud, but how to do so safely and within the bounds of the lawyers’ ethical and professional obligations.

## Starting the Journey to the Cloud

A critical first step to successful cloud adoption is to understand the technology. Law firms do not have to turn into cloud experts. There is a view that, to competently represent their clients, law firms must keep abreast of changes in the law and their practice, including the benefits and risks associated with the relevant technology.<sup>2</sup> Understanding the cloud will help law firms make informed decisions about the deployment models and service delivery models that are appropriate for their needs and

risk tolerance.<sup>3</sup> For example, law firms that need to retain certain type of information on-premises can choose a hybrid solution for having certain data on-premises and the rest in the cloud.

Second, law firms must identify the use cases for the cloud. Not all technology is right for every situation, but business scenarios that cannot benefit from the cloud are few and far between. The approach of the UK Government is instructive. In addition to describing cloud-suitable scenarios, the UK Government has implemented data classification to understand the actual and perceived risks and needs regarding storage on cloud or on-premise.<sup>4</sup> Data classification policies are therefore essential to both help law firms comply with data storage controls, and to identify the right technology for different scenarios for optimal resource utilization. Another emerging use case for cloud technology is to help mitigate cybersecurity threats. CSPs can employ security processes and protocols, including constant updates and patching to tackle the newest and most invasive security threats that are beyond the means of most law firms. This is because security is a critical aspect of the business models for most reputable CSPs, and considered a core competency.

Third, law firms must understand the regulatory landscape for the adoption of technology, and identify key risks and mitigation strategies. A pertinent question is whether the use of cloud services is consistent with the rules on professional conduct. There is a view that lawyers may use cloud services to create, transfer and store client-related data so long as they take reasonable steps to ensure that such information remains secure and protected.<sup>5</sup> The issue of whether privilege can withstand the modern cybersecurity threats is not a subject for this paper, but recent case laws suggest that courts will not place unwitting victims at a significant disadvantage in the court process.<sup>6</sup> In addition to rules on professional conduct, other laws may also apply, such as the Personal Data Protection Act ("PDPA").

### **The Challenges of the Cloud: A Risk Evaluation Framework**

The crux of the challenges of the cloud lies in the fact that organisations who are often subject to stringent regulatory requirements must entrust sensitive data or the mission-critical business applications that process this data, into the hands of third parties whose facilities they do not control. In addition to assessing the CSP's reputation, competence and flexibility of service offerings, it is important to use a meaningful risk evaluation framework, such as the following that is based on four key principles of trust: security, privacy and control, compliance, and transparency.

### **Security of Data in the Cloud**

Although many of the threats that face cloud environments are the same as those for traditional corporate networks, security remains one of the biggest concerns with cloud adoption. This is because organisations assume increased risks arising from moving data over the internet, storing data with an external organisation, the possibility of access by employees of that organisation, and the perceived attractiveness of cloud environments to hackers. However, there is increasing consensus that the cloud may offer stronger security advantages that on-premises systems and in-house capabilities cannot match. Today, security (rather than cost) is increasingly becoming the key driver for organisations to move to the cloud.

To comply with their legal obligations, lawyers need to consider whether the CSP has implemented appropriate and reasonable security measures. Law firms must expect a level of security in the cloud environment as being on par with or better than the security provided by their non-cloud IT environment. CSPs must provide assurance that they will implement strong and up-to-date security practices that meet or exceed international standards, to prevent both unauthorised insiders and outside hackers from being able to access the data. Examples are:

1. robust encryption to prevent unauthorised access to data, at rest or in transit;
2. implementation of policies and controls for governance and management of information security;
3. monitoring and logging technologies for visibility into the activities on its cloud-based network;
4. strict access controls over personnel who may be granted access to customer data;
5. incident response processes;
6. data isolation and segregation so that the data cannot be accessed or compromised by co-tenants in a multi-tenanted environment; and
7. Hardened physical systems, including 24-hour monitored physical hardware.

Law firms should ensure that the cloud service agreement contains binding commitments as to critical security features of the cloud services. The cloud service agreement should also address what happens in the event of a data breach incident – including any applicable notification, investigation and mitigation protocols.

As most CSPs will rely on the use of sub-contractors to provide certain support services, law firms should also



ensure continued legal and regulatory compliance no matter who holds the data or provides the services. This can be done by way of requiring contractual commitments from CSPs to take responsibility for compliance, and to ensure that their subcontractors are subject to protections and controls that are equivalent to those applied by the CSPs themselves. The CSP should share details of its subcontracting arrangements, including providing a list of its sub-contractors, and ensure that there is a mechanism to notify the law firms of any updates to the list.

### ***Privacy and Control of Data in the Cloud***

Concerns with the challenges arising from losing control over data in the cloud are understandable and should be addressed. Even though the data is being stored off-premises in the CSP's data centers, law firms still need to remain in control of its data. In addition to technical means to assert control that may be provided by the CSP, the principles of data ownership, and how much say the law firms will have over the use of and access to the data are crucial to consider. The law firms must ensure that the CSP agree contractually that the law firms retain ownership of their data, and that the data will only be used in ways that are consistent with their expectations. The CSP must not have the rights to use the data for any purpose other than of providing the cloud services, such as advertising or similar commercial purposes. It is worth noting that Singapore data protection laws prohibit personal data from being used for secondary reasons other than the purpose for which it was originally collected.

Given the increasingly stringent laws in many countries relating to personal information, law firms should seek a broad commitment from CSPs that they will deal with personal information in accordance with applicable privacy and data protection laws. Obligations undertaken by the CSP should be aligned to the strictest benchmark of privacy requirements, such as the EU laws. Law firms should know the locations of the data to ensure that the requirements of applicable data protection and privacy laws are followed. For example, the PDPA requires the imposition of legally enforceable obligations comparable to the PDPA standard of protection, on a recipient outside of Singapore and EU laws requires the transfer of personal data outside of EU to be handled in very specific ways. It is also important that CSPs contractually commit not to disclose any data to third parties, unless with the law firms' consent or when required by law. CSPs must be clear on the steps that they will take when they receive requests or demands from law enforcement for law firm's data. These should include a commitment to redirect the request to the law firms, unless prohibited by law. To maintain security and confidentiality

of the data, law firms must also ensure that their data will be segregated from the data of other customers of the CSP. Data segregation also helps make termination easier to deal with since data can be more easily returned and deleted.

Law firms must ensure appropriate exit process provisions are included and adequately documented in their cloud service agreement. Law firms must be clear about what happens to the data at the end of the relationship with the CSP. During the exit process, law firms must be able to retrieve their data and backups must be retained for agreed periods. After agreed periods, the CSP must permanently delete the data. This is necessary both to mitigate the risk of loss of confidentiality and for compliance with the PDPA which requires that personal data is not held for any longer than is necessary. A reputable CSP will use best practice procedures and a data-wiping solution which are compliant with the National Institute of Standards and Technology's Guidelines for Media Sanitization.

### ***Compliance***

Managing compliance is a complex task that is difficult for an organization to navigate on its own, even more so for regulated industries. Not only are there numerous standards and regulations, these are constantly changing making it even more difficult for a business to keep abreast. In today's complex regulatory environment, law firms should identify the well-established security and privacy certifications that are important to their organisations and require that their CSPs demonstrate to their conformance to those. This plays a vital role in providing assurance of conformance with expected norms for security and privacy. In addition, greater weight should be given to a CSP who commits contractually to routinely undergo validation by independent third party auditors, as having an independent and qualified third party certify compliance is a stronger form of attestation. Other certifications which may not be specifically relevant can be indicative of industry best practice and can also be taken into consideration.

Law firms are advised to ask the CSPs to share details of their independent certifications, and are advised to look for cloud service providers that conform to ISO/IEC 27001 and ISO/IEC 27018 (an important cloud computing standard for the protection of personal data in a public cloud). In addition to international security standards, law firms can also check if the CSP is certified against MTCS SS584. This is a Singapore-issued system of certification for cloud services providers, with different tiers applying to different categories of data depending on its business criticality. The MTCS SS584 was launched by the Information

Development Authority of Singapore, and was announced to be compulsory for participation in Singapore government bulk tender.

### Transparency

This is the foundation for any trusted CSP. Lawyers need both choice and visibility into the cloud practices of the CSP – including where their data is stored, who can access it and under what circumstances. Therefore, they must choose a CSP that provides complete clarity to the marketplace regarding its cloud practices. There should be clearly stated and readily available policies and procedures so that law firms can understand as much as possible about how that data is handled. These details can be part of the contract service agreements, backed up by third party audit reports and certifications.

1. A CSP ought to provide transparency in the following areas:
2. Cloud contract terms that are clear and understandable;
3. Identification of subcontractors used to deliver cloud services;
4. Easy access to third party audit reports;
5. Periodic reports detailing law enforcement requests for data; and
6. Location of data at rest.
7. Managing the Cloud Contract

Beyond signature of the contract, law firms must continue to be vigilant and have appropriate oversight of the CSP throughout the contract lifecycle. Law firms can obtain assurance that the CSP meets the necessary regulatory requirements on an ongoing basis by reviewing information provided by the CSP, including the audit results arising from contractually required independent third party assessments.

In addition, the decision to use CSPs does not relieve law firms of the responsibility to ensure data is protected. For example, while CSPs should provide security for certain elements through the design and configuration of their cloud services (such as the physical infrastructure and network elements), the law firm must also be aware of its own responsibilities in protecting the security and privacy of its clients' data.<sup>7</sup> Law firms should have an information security policy with employees embracing a data privacy first and data security first mindset. Training should also focus on cybersecurity awareness, effective password hygiene, utilizing multi-factor authentication practices and identifying social engineering and phishing schemes.

### Conclusion

Cloud computing will continue to gain traction for the legal industry. Law firms must identify the challenges and mitigation strategies arising from the transfer of responsibility over sensitive data and applications to a CSP. A suggested framework for such risk evaluation is based on four key principles of trust: security, privacy and control, compliance, and transparency. Some of the challenges can be addressed by contract and "must-have" provisions include: detailed data protection terms; meaningful service level obligations; prompt security incident notification; clarity on third party access to data; no use of data by a CSP for advertising or similar commercial purposes; customer ownership of data; data location specificity; independent verification of key commitments; and CSP responsibility for third party sub-contractors.

*Jennifer Koo is currently the lead attorney for Microsoft Singapore. In this role, Jennifer is responsible for the company's corporate, external and legal affairs in Singapore. This includes supporting commercial transactions and providing regulatory counsel to business groups on public policy issues such as intellectual property rights, privacy and internet security and safety. Before joining Microsoft, Jennifer was with eBay as its legal counsel responsible for Southeast Asia. Jennifer started her career in Rajah & Tann, focusing on intellectual property technology, entertainment and communications law. Jennifer is a co-founder of womenLEAP, a group for legal, executive and advisory professionals to connect, collaborate and network and she is passionate about women in leadership.*

### Notes

- 1 How the Cloud is positively transforming the Legal Sector, 23 June 2017, Computer Business Review <<http://www.cbronline.com/news/cloud/cloud-positively-transforming-legal-sector/>>
- 2 Comment on Rule 1.1 of the American Bar Association Model Rules of Professional Conduct <[https://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/rule\\_1\\_1\\_competence/comment\\_on\\_rule\\_1\\_1.html](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_1_competence/comment_on_rule_1_1.html)>
- 3 The Law Society of Singapore Guidance Note on Cloud Computing provides a good summary of the deployment models and service delivery models.
- 4 Guidance Note on Government Cloud First Policy <<https://www.gov.uk/guidance/government-cloud-first-policy>>
- 5 Rule 35(4) Professional Conduct Rules and the Law Society of Singapore Guidance Note on Cloud Computing
- 6 See for example, *Wee Shou Woon v HT SRL* [2017] SGCA 23.
- 7 The Law Society of Singapore Guidance Note on Cloud Computing.

# Protecting High Value Intellectual Property in the Competitive “Innovation” World



**Gino Bello**  
Senior Director, Technology  
FTI Consulting, Singapore  
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Singapore is known for being a financial hub, is one of the world's most business-friendly markets, and renowned for its infrastructure. Well supported by its government, Singapore is also an “innovation nation”, a proving ground for the latest and greatest technologies. Startups are naturally thriving here, given that Singapore itself is a 70-year-old startup success story.

## Competition in the Innovation Nation

But it's competitive. With a softening labour market and the unemployment rate rising, the value of developed technologies and intellectual property (“IP”) increases. Employees and external parties recognise this. A recent article estimates that theft of trade secrets and software by South East Asian countries costs \$600 billion a year.<sup>1</sup> Another recent study reported that almost two out of three departing employees take confidential or sensitive business information with them.<sup>2</sup> Done without the employer's permission, the confidential data can be easily accessed and remains portable beyond the employer's control.

## The Costs

Beyond the monetary and reputational loss to business, workplace theft of data – whether considered proprietary, confidential, copyrighted, or otherwise damaging in the hands of a competitor – remains problematic. Often times, the theft occurs at the hands of departing employees, either hoping to get ahead at a competitor, form a competing enterprise, or profit from the sale of the data.

In a conundrum to organisations – accessibility versus security – stealing data in today's digital world is fairly easy. Many organisations' most valuable assets take the form of digital information, from customer contact databases, sales and marketing information, business and strategy plans, designs and formulae, research, to lines of source code. Downloading, saving and transmitting this data can take as little as a few seconds and mouse clicks.

## Protecting High Value IP

Fortunately, this same digital technology that allows for ease of theft also arms investigators with a stockpile of techniques to compile a case against data thieves. Computer forensics specialists are the detectives of the 21st century. Through expert analysis, they can interpret subtle clues left by thieves to create a comprehensive account of the theft and identify the compromised data. With the evidence compiled by digital forensics experts – evidence that should be gathered in a highly defensible manner in case of future legal action – organisations can mitigate the potential damage and bring the bad actors to justice.

## Profiling and Preserving

Once an organisation suspects it has become the victim of data theft, a suspicion often aroused when a key employee defects to a competitor, employers and their legal counsel should consider taking swift steps to bring in computer forensics specialists to preserve the former employee's IT assets. This may require the legal department serving as liaison between the corporate IT department and the outside forensics specialists to determine the spectrum of IT assets that the employee may have had in his or her possession.

IT should suspend any data destruction or retention policies that could inadvertently destroy evidence. Once the departed employee's assets have been determined, the forensics team can create forensic images of hard drives, as well as secure copies of e-mail, network folders, use of document management systems, and customer relationship databases. With regards to forensic images of laptops, desktops, or mobile or portable devices, forensic





analysis is performed on exact copies to preserve the original data for law enforcement or trial.

### Types of Digital Evidence

More common assets include organisation laptops, desktops, e-mail accounts, smartphones, external storage devices, and network storage areas. Newer, non-traditional types of digital evidence can include social media and open source intelligence, GPS data, language and sentiment analysis via communication avenues, other activity-based mapping paths, and “clickstream” analysis.

Sometimes, an organisation may wish to conduct its own initial investigation. However, such actions may lead to unintended consequences. For example, opening a file on a desktop may alter the file’s metadata and call into question its authenticity and future admissibility, which would be equivalent to trampling over a culprit’s footprints at a crime scene.

### Rebuilding the Timeline – Analyzing the Evidence

Once the data forensics experts have taken the preliminary steps to preserve the employee’s IT assets, analysis can

begin. Whether for large or small-scale IP theft, collusion of employees to set up a competitor, or inappropriate access by privy employees, skilled forensics investigators have a number of methods they use to piece together the actions of suspected data thieves. These digital clues help to build a timeline and compose a picture of both what the employee may have done, as well as the employee’s actual intent, whether it was nefarious, or simply accidental or negligent.

Within the Microsoft Windows operating system, the Windows Registry database stores user options, configuration settings, and also maintains an activity log that tracks when a user inserts an external storage device, such as a flash drive, into the computer’s USB port, for example. This can prove to be a critical piece of evidence, as theft via flash drives and other portable external storage devices is one of the most common methods of data transfer. Sometimes, simply by looking at the date the flash drive was inserted and comparing it to the date the employee departed the organization, forensics experts can begin to build a case. Similarly, evidence of cloud storage usage such as Dropbox and OneDrive can be uncovered, adding to the timeline.

File metadata can provide clues into the actions and intent of a departing employee. Windows uses this metadata to report what files were most recently opened. A skilled data forensics expert can contextualize this data along with other findings to help pinpoint potentially compromised files, as well as the intent. For instance, after an individual copies files to an external device, he or she may open those files to ensure they copied successfully. By determining when an external device was connected to the computer and the level of sensitivity of the files last opened, data forensics specialists can begin to tell the story of the employee's final actions prior to leaving the organisation.

### Threats from the Cloud

The corporate world has begun to embrace cloud-computing applications that allow employees to access solutions wholly in an online hosted environment, which adds another layer of considerations for preventing and investigating IP theft. Applications such as a customer relationship management ("CRM") or a document management system ("DMS") software contain valuable, sensitive information that can range from client lists, marketing strategy documents, minutes, to billing models. The ease in which this data can be accessed, whether within the organisation or remotely from an employee's home, as well as the importance of the information, makes these cloud applications highly appealing to would-be data thieves.

A data forensics expert can analyze the departed employee's Web browser artifacts to determine when these cloud-based applications were accessed. This tactic, combined with data gleaned from the operating system registry and file metadata, can help determine whether this information was copied to a text-based file on the desktop or transferred to an external device. Further analysis of a CRM or DMS can also assist in building the timeline and intent of a departing employee. Have they been accessing or downloading more information than they typically have? This type of activity can be detected proactively (not just reactively) so that potential "flight risks" can be identified.

### Proactive Measures

Experienced computer forensics specialists can use their combination of technological and analytical skills to preserve digital evidence and tell the story of the data, not just in protecting IP, but also when digital evidence is crucial to building a case.

To better protect your organisation and implement strong safeguards, organisations can take the following proactive measures:

1. Categorise – know the location of all data and its value. If an issue arises, knowing exactly where the relevant data is stored, enables the team to focus an investigation on specific data sources, whether servers, cloud providers, applications, computers, or other devices.
2. Conduct regular cyber risk and information governance reviews to mitigate the risk of data theft. Where appropriate, seek independent, external advice.
3. Proactivity and awareness – iterative training to employees on the consequences of misconduct should be considered. Forensically image employees' devices whom are privy to high value information, regardless of whether there are any allegations. It is cost and time efficient and retains key digital evidence if issues arise in the future.
4. Think outside the box – what applications (e.g. CRM, DMS, chat logs, SPAM filter) can be leveraged to detect behavioral changes that suggests impending departure of employees?
5. Consider overt or covert investigations. There are advantages to both. In addition to training, an overt investigation may assist in understanding the mindset of would-be data thieves.

In the age of information workers, easy access to organisation data provides numerous benefits, such as greater employee collaboration, productivity and mobility. Yet it can also heighten the risk of data theft. It is essential for organisations and legal counsel to act swiftly to protect the organisation's information-based assets, both reactively and proactively.

Gino Bello is a Senior Director in the Technology segment at FTI Consulting and is based in Singapore. A computer forensic expert and certified Computer Examiner, Gino specialises in forensic collection, analysis and expert reporting of digital evidence. He has led a broad range of matters including large-scale, cross-border disputes, arbitrations and e-Discovery engagements in class actions and royal commissions. He also assists clients in Cyber risk and incident response. Gino has led investigations into IP theft, information leakage, anti-bribery and corruption, regulatory and other employee-related misconduct.

#### Notes

- 1 <[http://www.business-standard.com/article/pti-stories/china-is-the-world-s-principal-ip-infringer-us-watchdog-117022700607\\_1.html](http://www.business-standard.com/article/pti-stories/china-is-the-world-s-principal-ip-infringer-us-watchdog-117022700607_1.html)>
- 2 <<https://www.gvsu.edu/e-hr/how-to-avoid-employee-data-theft-62.htm>>



# Singapore International Commercial Court Suit No 1 of 2016 *Teras Offshore Pte Ltd v Teras Cargo Transport (America) LLC* [2017] SGHC(I) 04

Supreme Court of Singapore  
4 April 2017  
Media Summary

## The Facts

- 1 The plaintiff and the defendant each provided marine logistics and support services to the offshore oil and gas industry worldwide. The defendant entered into three separate contracts (“the Main Contracts”) with Bechtel International Inc and Bechtel Oil Gas and Chemicals, Inc (collectively, “Bechtel”) to provide tugs and barges, administrative, technical and professional services in the performance of the marine transportation operations in relation to the construction of three liquefied natural gas plants (“the LNG Projects”) on Curtis Island, a small island off the coast of Queensland, Australia.
- 2 This work was then sub-contracted by the defendant to the plaintiff on back-to-back terms under three separate “parallel” sub-contracts (the “Sub-Contracts”). In broad terms, the Main Contracts required the defendant and, in turn, the Sub-Contracts required the plaintiff to provide tugs and barges and related services to



transport modules (for the purpose of building the gas plants) to Curtis Island from Indonesia, Thailand and the Philippines. Over the course of the performance of these contracts, the plaintiff carried out approximately 87 voyages transporting 92 modules to Curtis Island for the LNG Projects. There were no reported losses or damages to any of the modules delivered to Curtis Island and all modules were delivered on time.

### The Dispute

- 3 The plaintiff commenced an action against the defendant for (i) reimbursement of a total sum of US\$3.5 million originally advanced by the plaintiff to the defendant in or about 2012 (the "Advance Payments"); and (ii) further sums referred to as "back-charges" totalling US\$24,500,178.99 and (as originally pleaded) A\$984,815.59 in respect of work done and services provided by the plaintiff in relation to the LNG Projects. All of the plaintiff's claims were denied by the defendant on various grounds as well as a defence of set-off. The defendant also advanced its own substantial counterclaim for various sums totalling approximately US\$14 million, also in relation to the LNG Projects.
- 4 Notably, the defendant in this case was represented by a foreign lawyer who was granted full registration pursuant to s 36P of the Legal Profession Act (Cap 161, 2009 Rev Ed) and the Legal Profession (Foreign Representation in Singapore International Commercial Court) Rules 2014. This is the first case in which a Registered Foreign Lawyer has appeared in the Singapore International Commercial Court.
- 5 During the trial, after the plaintiff had called its witnesses and at the close of its case, the defendant elected not to call any of its three scheduled witnesses. Following a failed attempt to have the documents referred to in the affidavits of evidence-in-chief of its three witnesses put in evidence despite their non-attendance at the hearing, the defendant admitted the claim for US\$3.5 million and withdrew its set-off and counterclaim. The plaintiff's other claims remained in dispute.

### The Decision and Reasons

- 6 The result of the defendant's admission of the plaintiff's claim for the Advance Payments and its withdrawal of its set-off and counterclaim was that the plaintiff was entitled to judgment in the sum of US\$3.5 million with interest; and that TCT's counterclaim was dismissed. In relation to the plaintiff's various claims totalling approximately US\$25 million for the additional "back-

charges", the Court accepted the plaintiff's submission that the monies claimed were in respect of work done or services provided by the plaintiff in relation to the Sub-Contracts; and that all such work and services were properly reflected in the invoices issued by the plaintiff to the defendant.

- 7 The defendant advanced two main arguments in defence to the claims for the "back-charges". First, it submitted that all three Main Contracts and, in turn, all three Sub-Contracts were, by their express terms, "all-inclusive" contracts; and that since the plaintiff's claims were in respect of work done or services provided which fell within the existing contractual scope of work, all the plaintiff's claims must fail *in limine*. The Court rejected this argument, finding that both sets of Contracts were not all-encompassing and that they identified specific areas of work which were excluded from the scope of work to be performed by the defendant under the Main Contracts and, in turn, the plaintiff under the Sub-Contracts. On the evidence, the Court found that each of the plaintiff's claims related to work which was "out of scope" of the Contracts, and that such work was carried out either under agreements between the parties or, at the very least, pursuant to requests made by or on behalf of the defendant with regard thereto.
- 8 Second, the defendant submitted that there was no independent obligation on the defendant to pay unless and until the defendant was itself paid the corresponding amount by Bechtel; and that since the defendant had not yet received payment, the plaintiff's claims must again fail *in limine*. The Court found that, as pleaded, this formulation of the defendant's case related, at most, to only certain of the plaintiff's claims. In any event, those pleas were fatally flawed because the defendant called no evidence to show that Bechtel had not made the corresponding payments to the defendant or had only agreed to pay a limited sum in respect of such claims, or that the plaintiff was "aware" that this was the case. This defence therefore fell away in the absence of evidence to support it.
- 9 The Court therefore held that the plaintiff's claims succeeded in full and that the plaintiff was entitled to judgment against the defendant in the amounts of US\$3.5 million plus interest for the Advanced Payments; and US\$24,500,178.99 and A\$619,339.91 plus interest for the "back-charges".

*This summary is provided to assist in the understanding of the Court's judgment. It is not intended to be a substitute for the reasons of the Court.*

**5 July 2017****Probate Seminars (Part 1): Problem-free Non Contentious Probate Applications: Steps Towards Making It Happen**

Organised by the Probate Practice and Succession Planning Committee  
4.00pm-6.30pm  
55 Market Street

**12 July 2017****Probate Seminars (Part 2): Seminar on Statutory Wills/AML/CFT Issues in Estate Practice**

Organised by the Probate Practice and Succession Planning Committee  
4.00pm-6.30pm  
55 Market Street

**19 July 2017****Young Lawyers Lunch Forum**

12pm-2pm  
TKP Conference Centre

**18 July 2017****Tech Start for Law Training Session**

Organised by the Legal Productivity & Innovation Department  
10am-12pm  
The Law Society of Singapore

**20 & 21 July 2017****Future Lawyering Conference 2017**

Organised by the Law Society of Singapore  
The Joyden Hall

**21 July 2017****Small Law Firms and State Courts & Family Justice Courts Committees' Luncheon**

Organised by the Small Law Firms and State Courts & Family Justice Courts Committees  
12.30pm-2.30pm  
The State Courts Bar Room

**25 July 2017****Seminar on Guardianship Laws in the USA and Singapore**

Jointly organised by the Law Society of Singapore and Singapore Management University  
3.00pm-5.50pm  
Singapore Management University

**27 July 2017****Seminar on Understanding Third Party Funding in Singapore**

Organised by the Continuing Professional Development Department  
5.00pm-6.30pm  
137 Cecil Street

**16, 21, 22 & 23 September 2017****Handling Financial Experts in Court****27 October 2017****Seminar on Cybersecurity****31 October to 1 November 2017****Annual CPD Day 2017****2, 3, 4, 6 & 7 November 2017****Cross-border Family Mediation Training with MiKK****10 November 2017****Law Society 50th Anniversary Dinner & Dance 2017**

Name of Deceased (Sex) NRIC Date of Death	Last Known Address	Solicitors/Contact Person	Reference
Fong She Eng (F) S0380058Z 9 September 2013	Blk 65 Circuit Road #04-363 Singapore 370065	J.S.Yeh & Co. 6533 1188	YJS.AT.bi.23016.17
Ong Yee Chok @ Ong Ah Gee (M) S2590694B 3 July 2017	Blk 80 Kim Seng Road #27-07 Singapore 239426	Eversheds Harry Elias LLP 6361 9835	2017.01.7661FG (yve)
Yim Suk Ken (F) S0857309C 6 May 2017	59 Jalan Kemuning Singapore 769781	Summit Law Corporation 6597 8362	2017061440/11
Goh Siok Cheng (F) S1851603I 24 May 2017	43 Leedon Road Singapore 267855	Allen & Gledhill LLP 6890 7856	1017006050/RV
Neill James Desmond (M) S0379342G 27 May 2017	Blk 7 Farrer Drive #01-01 Singapore 259278	Allen & Gledhill LLP 6890 7856	1017004711/SR
Teo Cheng Keat David (M) S0311716B 3 June 2017	110A Farrer Road Singapore 259239	Tng Soon Chye & Co 6438 3133	TSC.3102.PROB.2017
Yap Chuan Kee (M) S0898045D 24 June 2017	Blk 402 Fajar Road #13-235 Singapore 670402	Summit Law Corporation 6597 8362	2017061438/11
Toh Pin (M) S0247561H 16 January 2017	Blk 54 Chai Chee Street #10-871 Singapore 460054	Summit Law Corporation 6597 8362	2017061396/11
Giok Hiang (F) S2184303B 4 August 2006	Blk 1 Telok Blangah Crescent #11-614 Singapore 090001	Summit Law Corporation 6597 8362	2017041322/11
Lee Bee Horng (F) S0060001F 13 February 2017	Blk 864 Tampines Street 83 #12-442 Singapore 520864	Summit Law Corporation 6597 8362	2017051381/11
Lim Wan Yeah @ Lim Juan Yah (F) S0184813E 20 February 2017	Blk 807 King George's Avenue #07-252 Singapore 200807	AsiaLegal LLC 6333 1121	JN/2017075249/DORA

▶ Law practices are encouraged to submit their Information on Wills requests via the online form available at our website [www.lawsociety.org.sg](http://www.lawsociety.org.sg) > For Lawyers > Services for Members > Information on Wills. Using the online form ensures that requests are processed quicker and details published with accuracy.

Effective 1 January 2017, the rates for Information on Wills will be revised to S\$107 per entry for law firms. All submissions must reach us by the 5th day of the preceding month.



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### Private Practice

#### Banking Partner

**Singapore 10-15 PQE**

Top Singapore law firm is looking for a junior banking partner to join their team in Singapore. The partner will work on a broad range of banking finance transactional matters including general corporate finance, asset finance, and property finance. The ideal candidate should come from a reputable law firm with at least 8-10 years of experience in banking work. They are open to look at senior associates looking to work in a top tier local law firm. (SLG 15453)

#### Corporate Partner

**Singapore 10-18 PQE**

International law firm with a strong international platform seeks a corporate partner to expand its corporate practice. Ideal candidate should be admitted to Singapore with strong corporate M&A experience and good commercial business acumen. (SLG 14870)

#### Real Estate Partner

**Singapore 10+ PQE**

Global law firm with very strong regional presence is looking for a senior real estate lawyer to join its team in Singapore. The lawyer will be responsible for developing and growing their corporate real estate practice, advising large property companies on a broad range of acquisitions, development and management issues. The ideal candidate should be Singapore qualified with at least 10 years of experience advising on corporate real estate matters. (SLG 15393)

#### Indonesian M&A Partner

**Jakarta 10+ PQE**

Top tier international firm is looking for an Indonesian qualified corporate partner to join their dynamic team in Jakarta. The partner will be responsible for advising clients on their investments in Indonesia, and will help to develop their practice in Indonesia. The ideal candidate must be Indonesian qualified with at least 10 years of experience advising on corporate M&A transactions (including public M&A) in Indonesia. (SLG 15371)

#### Capital Markets Associate

**Singapore 2-6 PQE**

Global firm with strong presence in the region is looking for a junior to mid level associate to join their corporate finance group. The associate will be involved in a broad range of capital raising work including equity capital markets and M&A. The ideal candidate should have at least 2-6 years of post-qualification experience in private practice covering ECM work. Due to the nature of the work, the candidate should be qualified in Singapore, but they are also open to consider lawyers qualified in Malaysia. (SLG 15524)

#### Construction Projects Associate

**Singapore 1-3 PQE**

Global firm with strong presence in the region is looking for a junior associate to join their projects group. The associate will be involved in a broad range of construction projects work including project finance. The ideal candidate should have at least 1-3 years of post-qualification experience working with a top tier law firm covering either corporate projects or project finance work. They are open to candidates qualified in Singapore, England & Wales or Australia. (SLG 15388)

### In-house

#### Head of Legal and Compliance

**Singapore 15+ PQE**

Global financial services and insurance corporation is looking for a senior legal counsel to oversee their business operations in Singapore. Reporting to the CEO, the senior counsel will be responsible for advising on all legal and regulatory compliance matters, and manage a team of lawyers and compliance officers in Singapore. The ideal candidate should have at least 15-20 years PQE with familiarity in the insurance and/or asset management sectors, and management experience, and currently based in Singapore. (SLG 15605)

#### ASEAN Legal Counsel

**Singapore 10-15 PQE**

Global IT services company seeks a legal counsel to provide support to their business across the ASEAN region. The lawyer will be responsible for advising on all legal matters, as well as to ensure compliance with all applicable laws, rules and regulations. The ideal candidate should have at least 10-15 years PQE with in-house experience in the IT or telco sector. (SLG 15455)

#### IP/IT Counsel (Contract)

**Singapore 8-12 PQE**

Global corporate is looking for a senior lawyer with good IT/IP experience to join their team on a 6 months contract basis. The lawyer will be involved in advising on all IP aspects in their marketing initiatives, management of their global IP portfolio, as well as advising on IT contracts. The ideal candidate should be Singapore qualified with at least 8-12 years of experience, with familiarity of IP laws and experience advising on IP/IT matters. (SLG 15574)

#### Commercial Counsel

**Singapore 3-6 PQE**

Major US listed company in the IT space is looking for a legal counsel to join their team based in Singapore. The counsel will be part of a dynamic team of lawyers supporting the business across the APAC region where he/she will be involved in advising, negotiating and drafting a broad range of customer service related contracts. The ideal candidate should have good corporate commercial experience, although they are open to look at good commercial litigators. They are open to consider lawyers from in-house or private practice. (SLG 15575)

#### Finance Counsel (Contract)

**Singapore 3-6 PQE**

Major US investment bank is looking for a finance lawyer to provide support to a regional project on a 6-month contract. The lawyer will be involved in overseeing a team of junior lawyers and ensuring the smooth completion of the project. The ideal candidate must have good banking or structured finance experience and able to start as soon as possible. (SLG 15381)

#### Legal Counsel (Funds)

**Singapore 2-5 PQE**

Global asset management house is looking for a lawyer to join their APAC legal team to be based in Singapore. Reporting to the Head of Legal, the lawyer will advise on all legal matters relating to funds distribution, regulatory and general corporate commercial matters in Singapore and across the region. The ideal candidate should have experience in funds work, although they are also open to consider lawyers with strong regulatory or corporate finance background. Due to the nature of their business, some proficiency in Mandarin is preferred. (SLG 15535)

To apply, please send your updated resume to the following consultant in Singapore:

Jason Lee

Tel: +65 6557 4158

Email: J.Lee@alsrecruit.com

www.alsrecruit.com

## In-House roles in Singapore

### Finance/Derivatives

A global hedge fund is growing their legal team in Singapore and seeks an experienced transactional lawyer from the buy-side with experience in derivatives, prime brokerage and general transactional documentation.

Ref: **214690**

**4-6 years' PQE**

### ISDA Docs Negotiator

A globally renowned bank is expanding their documentation team. Familiarity with ISDA Master Agreements, GMRAs, GMSLAs, and other Prime Brokerage documents is essential.

Ref: **217480**

**3-5 years' PQE**

### Asset Management

A global asset manager with key businesses in property, infrastructure, renewable energy and private equity seeks an experienced legal director to support their APAC business in Singapore.

Ref: **217440**

**8-12+ years' PQE**

### FinTech/Payments

A UK headquartered e-commerce platform provider with an extensive global footprint seeks an experienced APAC Head of Legal to lead the existing team of lawyers within the region. Prior FinTech and payments experience would be a bonus.

Ref: **217270**

**2-5 years' PQE**

### Commodities/Trade Finance

Experienced commodities lawyers are sought to support the commodities and global markets business of an international bank. Commodities trading, trade finance and/or maritime work gained from law firms or in-house is essential.

Ref: **217350**

**4-8 years' PQE**

### Logistics/Supply Chain

A regional logistics and supply chain business is recruiting for their first APAC counsel. This is a visible role which offers high-quality work and management engagement where you will advise on regional business activities.

Ref: **217150**

**10+ years' PQE**

### Telecommunications

Global telecommunications MNC seeks a senior lawyer to lead their commercial transactions support for the APAC region. You have at least 10-15 years' TMT experience, with a track record in team management and supporting multiple stakeholders.

Ref: **216520**

**10+ years' PQE**

### Telecommunications (IP)

Rare opportunity for an experienced IP lawyer to join a global telecommunications business in a global role. You will advise on various domestic and global intellectual property matters. Extensive experience with licensing issues preferred.

Ref: **217540**

**6-8+ years' PQE**

### Energy Counsel

Regional leader in the oil & gas services industry seeks a corporate lawyer to be part of the APAC legal team. You will provide legal counsel and advice on international legal activities for the company and its subsidiaries.

Ref: **216660**

**4-8+ years' PQE**

For In-House roles in Singapore and South East Asia contact **Jeremy Poh** on **+65 6420 0500** or **jeremypoh@taylorroot.com**

Please note our advertisements use PQE purely as a guide. However, we are happy to consider applications from all candidates who are able to demonstrate the skills necessary to fulfil the role.

## Private Practice roles in Singapore

### Aviation Finance

Market leading asset finance team currently requires junior aviation lawyer in line with growth. Prior experience in aviation finance preferred although the team are happy to re-train those with a broader asset finance or banking background.

Ref: **217390**

**1-3 years' PQE**

### Banking

US law firm requires experienced banking & finance lawyer in line with continued strategic growth. Strong academic credentials and demonstrable finance experience is essential; candidates should also have an interest in project finance.

Ref: **216420**

**3-7 years' PQE**

### Corporate

Global law firm with Singapore FLA requires mid-level corporate lawyer to work with leading partner. M&A experience is essential; exposure to corporate finance and/or regulatory is also beneficial. Strong academics preferred.

Ref: **217470**

**2-4 years' PQE**

### Intellectual Property

Several opportunities exist within the market leading IP practice of this global law firm. The team are keen to speak to junior, mid and senior IP lawyers with either a broad IP background or a specialism within trademark or copyright work.

Ref: **217530**

**2+ years' PQE**

### Litigation

Leading law firm is looking for a Singapore qualified litigation/international arbitration partner to join their growing office. Candidates who have practices varying from IP all the way through to construction will be considered.

Ref: **216820**

**Partner**

### Oil & Gas/LNG Lawyer

Our client, a top international law firm is looking for an experienced Partner to join them with experience in upstream, midstream and downstream oil and gas, petrochemicals and LNG. Candidates with an Asia focussed practice are preferred.

Ref: **215560**

**Partner**

### Corporate M&A/ECM

Band 1 Corporate and Capital Markets team are looking for an additional Singapore qualified corporate M&A and/or ECM partner to join their busy practice. Candidate must have a demonstrable track record in a top Singapore firm.

Ref: **216830**

**Partner**

For Private Practice roles in Singapore and South East Asia contact **Alex Wiseman** on **+65 6420 0500** or **alexwiseman@taylorroot.com**



# The JLegal



Personality  
Questionnaire  
Experience

Every month, JLegal examines the PQE of a senior in-house counsel. This month we talk to Wei Kurk Fong, an adventurous traveller with a love of gangster movies.

- What is on your mind at the moment?  
How to be a better version of myself.
- What secret talent do you have?  
I have the ability to read minds. See, I know what you're thinking now. You just went "yah right!"
- If you weren't a lawyer you would be a ...  
PE teacher, which I was at one point in my career. Helping kids learn to play a sport and get fitter is one of the best feelings of accomplishment.
- Where is the best place you have ever been to?  
Wow...I could name so many interesting places. If I have to choose one, it'd be the Gobi desert in Mongolia. There's nowhere else where you can find desert, lush plains, glaciers, snowy hills, dinosaur fossils, giant sand dunes and rockscapes resembling Mars, all in one place!
- What is your idea of misery?  
Proofreading an IPO prospectus from cover to cover. Did an all-nighter in my first week of pupillage doing that and just wanted to die.
- What irritates you?  
Lack of patience.
- What is the strangest thing you have seen?  
Houses in rural Vietnam made from any and every thing - wood, straw, mud, etc. It's like seeing the Three Little Pigs in real life!
- What is your motto?  
Be excellent in everything.
- Top 3 favourite movies of all time?  
Forrest Gump, Infernal Affairs (the original Hong Kong version please, not the Hollywood copycat) and the Young and Dangerous series. Man, being a gangster was never cooler...
- What was your last Google search?  
What that Norwegian sheep's head dish was called (see below).
- What's the one food you could never bring yourself to eat?  
Balut. And probably Smalahove. I already consider myself an adventurous eater!
- Which of the Seven Dwarfs is most like you?  
Growing up I was Sneezy Dwarf due to my sinus problems. Now I am probably most like Happy Dwarf - thankful that those sneezing days are gone!

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