

Start As You Mean To Go On: The Young Lawyers Supplement



THE LAW SOCIETY
OF SINGAPORE

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A Message from the Chairman, Young Lawyers Committee

To the 2013 newly qualified advocates and solicitors of Singapore, my congratulations on finally "making it". Take heart, your journey has not ended, but has merely started on a new path. When you look around you today, you will see not just fellow lawyers, but friends who will be travelling that same journey with you.

I vaguely recollect a day where the skies were overcast, the sun barely peeking through the clouds. I found myself standing in open Court waiting for that moment where the clouds would part and I would be bathed in warm light. I would be transformed from a mere young naive mortal to a sage of such wisdom and experience. You will come to realise reading on, that moment never made its appearance.

I was called to the Singapore Bar many moons ago and like you, I entered a new stage of my life, both personal (some question its existence) and professional. Bright eyed and full of confidence, I bounced into my new esteemed life

as a qualified advocate and solicitor. I enjoyed every moment of this exciting change of my life, until the day I stepped into my new office and realised I was no different and no wiser than yesterday when I was a mere pupil ("trainee" in current terms).

The path of a young lawyer, as many will find, is not akin to the glamorous life of Harvey Specter nor is legal work as simple and painless as Mike Ross makes it. It is a hard path with late nights of researching, drafting and churning out documents one after another and steep learning curves. It is not to say that each step you take and each lesson you learn is not worth the sweat and tears; the key is to "survive".

During all the trip ups and detours of my career path, I have found two key elements to "surviving" – Knowledge and Perseverance.

Knowledge is a priceless commodity but many seem at a loss as to how to obtain what is so easily accessible. Know that

your colleagues, no matter how senior, were once young lawyers and they are "survivors". They too would have gone through the trials and tribulations of meeting deadlines and expectations. Look to them for guidance and gain insight from their invaluable experiences from young lawyer to the influential member they are today.

Even in those darkest nights when you are the last one in the office, with no end in sight, it is not a time for despair but to persevere. It may not be apparent while you are researching a non-existent stance in law or throwing out a 200-page agreement you laboured over, but each moment spent and each ounce of energy invested will be paid out in experience and more opportunities.

As my journey to sage-hood of wisdom and experience continues, I warmly welcome you to your new adventure.

Genevieve Doris Lai
Chairman, Young Lawyers Committee 2013
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A Practical Guide to Singapore Data Protection Law

by Winnie Chang

The Personal Data Protection Act 2012 ushers in the new data protection regime in Singapore. The new data protection law aims to protect personal data of individuals, while balancing the need for private organisations to collect and use such data for legitimate and reasonable purposes.

This book will introduce you to the Personal Data Protection Act and provide general guidance on complying with the Act. Written in plain English, the book summarises the new legislation and offers practical tips to make compliance with the legal requirements easier. It provides key insights and guidance, by looking at the typical life cycle of personal data processed in any private organisation, from collection, storage, use to disposal of the personal data.

This concise and practical guide will be essential reading for anyone who needs to know about data protection issues in Singapore. Adopting a practical approach to explaining the new data protection law and its implications for local and international businesses, this book will provide in-house lawyers, businesses and their staff a head start in better understanding the new data protection legal framework and devising an effective compliance strategy.

About the Author

Winnie Chang is a Partner and Head of Technology, Media and Telecommunications (TMT) at Singapore law firm, Colin Ng & Partners LLP. She leads a regional TMT practice focusing on Singapore and other key markets throughout Asia. Winnie has represented a broad range of clients, from start-up companies to large multinational companies based in Asia, Europe and the US, on a wide range of TMT-related commercial, corporate and regulatory projects. She regularly advises clients on technology, telecommunications, outsourcing, e-commerce, media, information security and data protection matters.



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Advice to LEGAL NEWBIES

Dear legal newbie

A few weeks ago, the *Singapore Law Gazette* approached me to write an article giving guidance to newbies like you as you prepare to be called to the Bar. I was hesitant at first. Who am I to spout fatherly wisdom? There are many more old timers in practice who run successful law practices. At times, I find myself in need of wisdom and peer advice in the practice of law. But after deliberating, I decided that perhaps this contribution (whatever it is worth), may help you in your pursuit of the legal profession after your five long years of study.

Routine Work and Drudgery – Are You Up for it?

Day in, day out, a lawyer does his rounds, working on files, sometimes without respite, even on weekends. Family life sometimes has to be compromised; the forgiving spouse is now hard to find. Client's satisfaction (always insatiable) is

at the top of the priority list. Clients are now more sophisticated and demanding. Cheap and good advice are what they look for.

So what is it that attracts so many of you to legal practice? Is it the pride and joy of being an advocate? Is it the salary? Is it out of a desire to be part of the organs of State that serve the administration of justice? Is it the glamour of indulging in the thrust and parry of Courtroom battles? Saving an accused from the gallows is but a small though crucial part of the work of a criminal lawyer. Not everyone is willing or able to be a criminal lawyer.

I have come across many interns and "A" level graduates with excellent grades who were enamored with the prospect of being a lawyer and being able to (one day) represent an accused person or work with top-notch lawyers on billion-dollar deals. Perhaps you stand "tall" telling your uncles and aunties the scope of your work in the big five legal firms. There are also those who are too shy to reveal why they chose this profession.

So - if you are up to it, here's my advice:

Eight "Dos" ...

1. ***Be diligent and hard working***

Let's start off with those familiar but fundamental characteristics – *diligence* and *hard work*. Your Master or Mentor has signed your Diligence Certificate; you get called to the Bar in the once in a lifetime "feel great" experience. You are now on your way but as a newbie. You are fortunate that you have been identified and hired as a lawyer potentially with excellent quality. However, it will be usual for your hard-nosed employer to expect you to put in more than eight hours per day. Consider yourself "lucky" if you work on average less than 10 hours per day. Saturday is always the reserve day if you cannot meet deadlines. Normally, this demand is not too difficult to meet. In fact, most newbies welcome the opportunity to show how diligent they are in the tasks assigned to



them. As inquisitive and enthusiastic eager beavers, always in line for cases to land on your table, you wish to show your mantle of sturdiness and academic brilliance. Hard work is your forte. After all, if it is experience you want, it is experience you will get.

2. ***Be wary of the employer who takes advantage of your eagerness and enthusiasm***

Whilst there may be good bosses, there are terrible ones too. Although I espouse diligence and hard work as a cornerstone for your career, you must be equally observant when unnecessary demands are made on timelines which affect your family and social life.

Don't get carried away by the name or stature of the legal firm. It is well known that fresh lawyers are very well paid compared with other professions. Because of this, there is a tendency for employers to extract more "blood

and sweat" from you. I cannot tell you how to identify slave drivers. I assume you will exchange notes with your peers and soon enough you will realise who these slave drivers are. If you believe that your boss exceeds the boundaries of expectant returns, it will be wise to forgo that employment, notwithstanding the fair salary and move on. I don't wish for young lawyers to burn out before they reach their fifth year of legal practice. It will be a sad day if bright young lawyers become disillusioned and leave the profession.

3. ***Develop EQ***

Bosses in other departments or other law firms will be curious to know how you compare with their newbies. How do you position yourself compared to the other members of your cohort? You are now faced with the EQ challenge. Your interpersonal skills are being examined and compared. You have to field the correct attitude and conduct yourself simply as a lawyer doing his or her best. Your attitude should be to be competitive yet humble in approach. Within your law firm you have to cultivate that survival instinct to know how to fit into diverse groups and avoid being involved with or being pulled into "politicking". The office culture is often complex; groups will form; being territorial is human. No one can teach you how to avoid politicking. "Soft politicking" is often and naturally practised. Somehow you must find your way through this.

4. ***Develop a pleasant personality***

Having a pleasant attitude and personality really helps you get along both with your boss and the clients. Not only will your boss be convinced you are a gem, the clients will also be impressed. If this helps to keep the client, your boss will love you for it. Nothing works better than the client congratulating your boss that he/she has an excellent and able assistant (the newbie lawyer).

Contain yourself even if the client or your senior or your boss is unpleasant for the day. Remember that the clients and seniors are more important than you. They can be excused for having a bad day. Unfortunately, you can't be excused for exhibiting off days. Remember, humility is your middle name.

5. ***Develop problem-solving skills***

Lawyers are famously known for telling clients what the law is and how one should abide by it. This will not be difficult to accomplish as you have been trained in jurisprudence and the law. Law is in your veins. It is your life blood. You are only too eager to show the client what you know. But whilst exhibiting your academic brilliance is normal, it may not be what the client expects or pays you for. To be precise, clients expect you to provide solutions to their predicaments and problems. They do not want to be educated on the law.

Recite "solutions" at least three times before attending to your client. Throughout my legal career, I have always reminded myself that I am a problem solver rather than a law lecturer. I apply the law to resolve problems – not to create new ones for the client. I urge you to think and find solutions. Your client will get more than his money's worth if you present solutions that work. No one pays you good money to listen to a lecture on the law, only academics do that. If you are academically brilliant and inclined to espouse the law, I suggest you teach at the university.

6. ***Be a risk manager***

Along with being a problem solver, you should develop the art of being your client's risk manager. This is a unique characteristic which I urge you to inculcate and develop. You will not be able find such education in legal text books. Risk management is more acutely needed by those undertaking corporate and business practice. Nevertheless all lawyers should develop this particular skill.

At the same time, don't take it to the extreme and be paranoid over identifying of risks. Your client did not come to you to avoid risks. He sought you out to minimise and manage his risks whilst he undertakes that business transaction. Identifying the risks is one thing, managing the risks is another. There is always the danger that identifying too many risk factors may scare your client. Assure him that you will present methods and provide solutions to reduce the chances of failure. Do not be the cause of the client walking away from the deal unless the risk is too great for his capacity to handle.



7. *Continue to learn and develop*

Textbooks are not the only form of learning. Be interested in all other areas of work. Even if you are busy and stressed with work, you must carve out some time from your schedule to attend seminars and talks. I am very sure your boss will be happy to sponsor you for seminars, especially if they help in your professional development. Read journals. Speed read if you must. It does imprint at least some percentage of the information in your memory bank. Talk to other legal practitioners outside your field of work. Be interested in what they are doing. You never know when such information becomes useful.

CPD should be your activity for the rest of your professional career. I place great importance on CPD, especially for newbies. Throughout my professional career, I have often been pleasantly surprised and sometimes amazed at the legal knowledge that some newbies accumulate after more than five or seven years of practice. That's really admirable and I hope you will follow their footsteps.

8. *Get to know and work with all levels of staff*

Last but not least, get to know the staff, especially the paralegals and secretaries. Win them over. Help from experienced staff is key to adapting yourself to your law firm. They know where to find the old files that provide gems of precedent pleadings or draft contracts. They will provide you with the soft copies that will save you tons of hours which you have to labour through if you have to start from scratch. Senior lawyers are just too busy to assist. If they have to guide you with these, why should they hire you? The honeymoon of an apprentice ends with the expiry of the training contract and the commencement of salaried work. You are expected to know and to do your stuff. If you don't, you need to go and find out.

Winning friendship and support from the paralegals is vital to your survival at the firm. I am serious about this. If you think from the start that you are cleverer than they are, you have started on a wrong foot. Receiving advice with information from them is like having rain when the weather is unbearably hot. Be nice to them. Have

lunch/coffee with them often enough to maintain contact and friendly relations. Exchange pleasantries every day; make working life more enjoyable. Once they are on your side, your life will be so much more meaningful at the office. Remember, don't be that young upstart.

... **And Two "Don'ts"**

1. *Don't expect to be spoon fed*

Senior lawyers are always happy to oblige you with lengthy briefs and complex discussion. However, don't expect to be spoon fed. Remember that for at least the first two years, you are on trial yourself! Your immediate boss wants to show you off; you have to shine like he/she did when he/she was that "newbie". Your immediate boss will lay claim vicariously to the good work that you produce independently. It is paramount that you must not let your boss down because at the end of the financial year, your salary and bonus depends on him speaking up for you.

2. *Do not seek attention*

If it is attention that you naively seek, I recommend that you think again. Bosses do not like newbies to seek attention. Bosses talk to each other and compare notes. Positive comments multiply exponentially. Similarly, negative comments go the same way. If you are unfortunate to be the victim of the latter, your career advancement will be either stultified or stunted. My advice is to work with others as a team. The desire to be recognised should be kept under wraps. You do not earn brownie points by showing off your skills. At this stage of your career there is nothing to prove – unless you have been awarded first class honours at university and you are paid a salary twice that of other newbies.

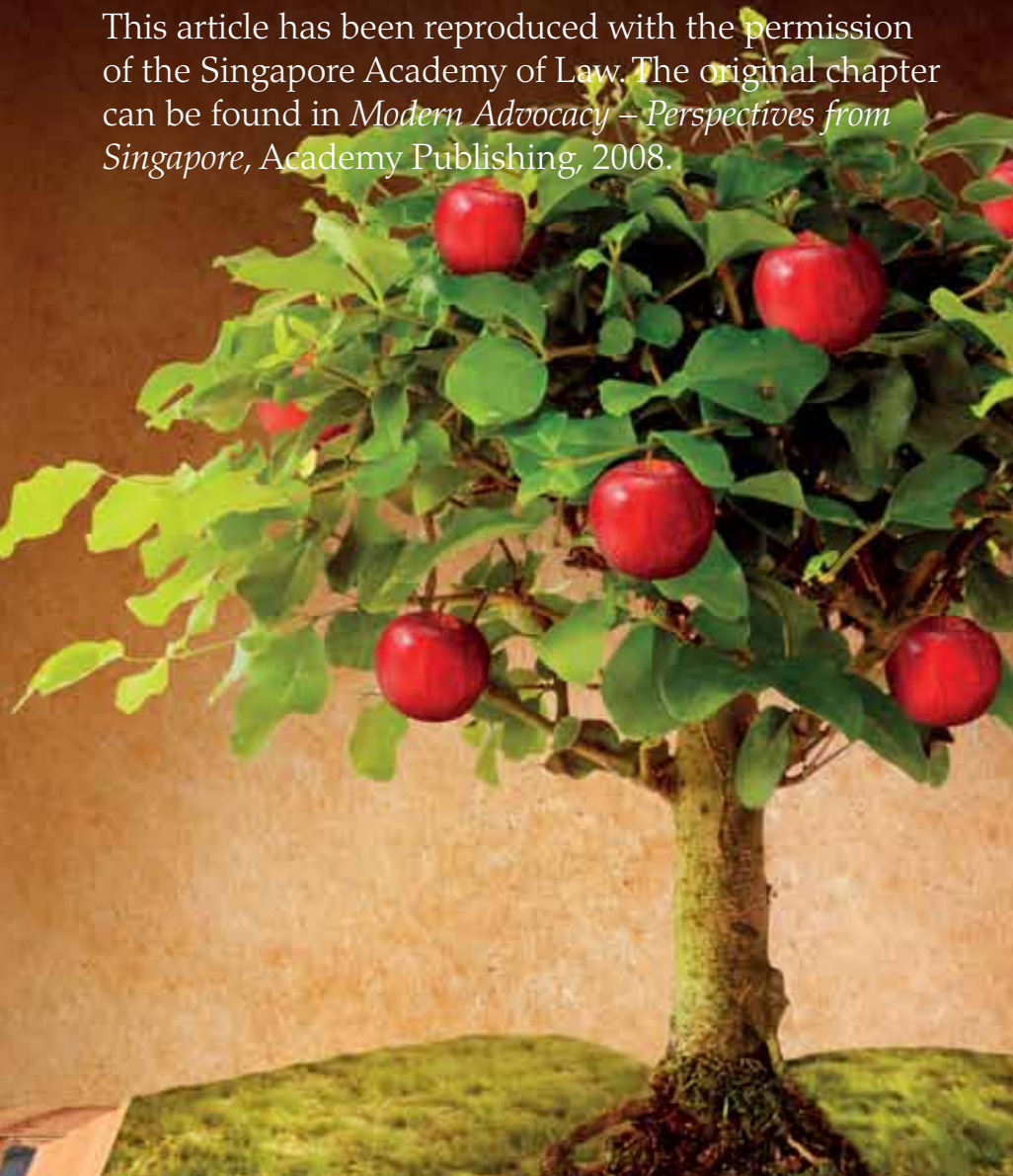
If you have captured my message, you are on your way to a long and successful career in law. All the best!

Sincerely,



Derrick Wong
Derrick Wong & Lim BC LLP

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ONE MAN'S EXPERIENCE

By Joseph Grimberg SC

No brilliance is needed in the law. Nothing but common sense, and relatively clean fingernails.¹

The creator of *Rumpole* was, of course, jesting. Competence in the law requires more than a decent manicure. The ability to marshal facts, and knowledge of the law to be applied to them, is of the essence in a fused profession. Whereas in England a barrister may well not see his client or his witnesses until he is at the door of the court, most of the preliminary work having been done by the solicitor, here the work of an advocate and solicitor can be said to begin from the moment the client walks through the practitioner's door. If the client is, or is to be, involved in litigation, that is effectively the moment when preparation for the case begins. It is from that moment that the foundations are laid, the moment when you size up the client and the moment the client begins the process of investing his confidence in you.

This is a primer intended for advocates who have already acquired some forensic experience. They will have started to formulate the steps to be taken in preparing for and conducting a case through its various stages. I developed in my mind certain rules, in the course of some 50 years' practice at the Singapore Bar. To some of you, they will seem elementary, and in any event, their subject matter will be dealt with in more detail elsewhere in this volume. Nonetheless, here for what they are worth, are my "rules".

A. Rule 1: You Are Not A Business Person

Lawyers who spend part of their time dabbling in business are prone to distraction and, sometimes, to grief. When I was a very young man, the then senior partner of my firm, who had invested heavily in, and took an active part in the business of, a company which made metal window frames, absconded when the company failed, having helped himself liberally to clients' moneys in an attempt to save his doomed investment. Ironically, he had been a god-like figure at the Bar.

Total commitment to the profession will be recognised. You will earn the respect of those whom you respect – your family, your clients, your friends, your colleagues, your opponents and the judges before whom you appear. Do not make it difficult for yourself by taking your eye off the ball.

B. Rule 2: Dress For The Job

While clients might not be concerned if your office is a mess – see rule 3 below – they tend to expect you to look the part. Neat and formal office attire is, therefore, advised. Some firms have introduced the concept of “dressing down” on Fridays, in anticipation of a relaxed weekend. This practice is not universally applauded.

‘Dressing down’ I should explain is another recent transatlantic lifestyle change. In city solicitors’ offices, on Fridays, and, for true believers, during the whole week, leisure wear, as long as satisfying the demands of decency, is substituted for the suit. The purpose, as I understand it, is to humanise the individual providing the service; but it seems that the experiment may be short-lived since clients actually prefer to be advised by someone who conforms to their vision of a lawyer rather than of a golfer.²

Smart, clean and well-pressed attire is the order of the day for appearances in court. When I was young, we had at the Singapore Bar, a small, tubby and very scruffy, but highly popular lawyer called Muthusamy. We used wing collars and bands in those days, and Muthu’s bands and wing collars invariably seemed to have been dipped in muddy water and dried out. One motion day he appeared before Buttrose J, who stated, “I cannot see you, Mr Muthusamy.” Muthu responded, “I am here, my Lord.” The judge repeated, “I am unable to see you, Mr Muthusamy.” The diminutive Muthu shrieked in protest, “My Lord, I am here”, at which point Muthu’s neighbour tugged at his gown, and whispered in his ear. Muthu withdrew and reappeared a few minutes later in borrowed crisp wing collar and bands, whereupon Buttrose J beamed, “Ah! Now, Mr Muthusamy, I can see you!”

Quite apart from being appropriately dressed for the client and the court, proper attire will give you a sense of confidence and professionalism.

C. Rule 3: The Client – First Encounter

It does not much matter what your desk looks like. You may be orderly by nature; on the other hand your desk may look as though it has been hit by a cyclone. Clients do not mind. It is you they are interested in. Like a physician listening to an anxious patient’s recital of his symptoms, you must exude an air of quiet confidence, and a competence in the branch of law on which you are asked to advise. It is always helpful to have some inkling of the client’s problem before he walks in. If you have made the appointment yourself on the telephone, that is a good time to try and discover what it is all about. You may not succeed – some clients are cagey, such as in matrimonial problems. If you are to be consulted in a matter involving a branch of the law which is not your strong suit, try and do a little reading up before meeting the client. In that way, when the client begins to talk about a claim on a bill of lading, or liability under a guarantee, or subsidence to his house caused by the neighbour’s excavations, or seeks remedies following expulsion from his club, you will be in a better position to advise.

Remember that no matter how unlikely a tale you are told, your duty is to act on the instructions you are given. You may, of course, advise the client that his story is not likely to be believed by the court, but the strange thing is that by the time the case reaches trial, you are likely to have come to believe implicitly in your client’s case, no matter that your credulity was stretched to breaking point on your first encounter with him.

An advocate’s job has been described as “... the professional presentation of another’s point of view, which may or may not coincide with the advocate’s personal convictions”.³

That is fine, so long as the client does not admit to you that his case is a fabrication.

For example, if you are instructed in a criminal matter, and the client admits to you that he has committed the offence, you are entitled to put the prosecution to proof on his behalf, but you are precluded from acting for him if he insists on giving evidence and/or calling witnesses in support of a fabricated defence. Once, many years ago, I was instructed in a British naval Court Martial. The potential client, a young sailor, was charged with having murdered a comrade on board an aircraft carrier on a very hot night in the Red Sea. I went to see the fellow, call him Smith, in the lock-up. I asked him what had led to the charge. “Nothing to say, sir, I done it,” he announced. I informed Smith that, in that case, if I were to act for him, I would be entitled to test the prosecution’s case, but that if his defence was called it would be incumbent upon him to plead guilty, and I would do my best for him in mitigation. I warned him that if he were not prepared to follow this procedure, he would have to see another lawyer. Smith chose the latter course, and I gave him the name and telephone number of a friend, Murphy, in another firm. I subsequently learned from Murphy that Smith had been acquitted, Murphy having been left in no doubt by him as to his innocence.

Moral: your duty to the client is superseded by your duty as an officer of the court. You must not propound a case to the judge which your client has admitted to you to be a fabrication.

D. Rule 4: Do Not Let Getting Up Get You Down

Preparation for a case, especially a heavy one, can be hard labour but, win or lose, the effort is worth it. Most cases turn on fact and law, some on fact alone. So in the first place, get your facts straight. This means seeing the witnesses, and recording their statements.

In Singapore you are in a better position to get a grasp of the facts than your counterpart in England. There, as I have said, barristers seldom see their witnesses until they meet in court, and the job of taking statements and settling affidavits falls to the instructing solicitor. With our

fused profession, we have the distinct advantage of seeing our own witnesses, taking statements from them, and deciding which witnesses should be called and which dispensed with.

If your evidence concerns a chain of events, make sure that every link of the chain is in place. I remember well a defamation case in which I appeared for a very important person. On the night before the trial, it occurred to me that my evidence did not cover a small, but crucial, link in the chain. With much trepidation, I telephoned the client and asked if he thought there was a witness who might fill the gap. To the astonishment of my security guard, the client turned up late at night with an excellent and entirely credible witness whose evidence was crucial. We won.

Affidavits should be short but comprehensive. Judges do not like poring over pages of irrelevant material, but if the background to the case is unusual, while remembering that judges are worldly people like the rest of us, and no longer “trained and reared in the straitjacket of the law” as they once were, your evidence should put the judge into the factual picture.

If your case involves law, as it generally will to a greater or lesser extent, be sure to cover the ground thoroughly. If the point is obscure you may have to go beyond the local cases, and explore English authorities and decided cases of other common law jurisdictions. Remember that you are obliged to draw the court’s attention to cases which are, or appear to be against you, in which case you must try and distinguish them from yours. Take great care not to refer or rely on authorities that have been reversed on appeal, although you may of course submit, respectfully, that the court below was correct, and the appellate tribunal wrong. Do not burden the judge with a heap of authorities for pre-trial reading when you only expect to refer to a few of them, or to none of them at all. You must bend over backwards to make your judge’s task easier, not more difficult.

In short, be thoroughly prepared, and try to peak at the door of the court. Do not be concerned if you are nervous before

a trial. A laid back approach seldom produces a top-notch performance in court. If you have prepared thoroughly you have nothing to fear. A tingling of the palms and a certain weakness of the knees, tinged with excitement and a sense of expectation, are good signs.

I am a confirmed believer in the contribution of adrenalin to advocacy. Those moments when the judge is about to appear in court, and, in the traditional deference to the Queen’s justice, one rises to one’s feet, remain for me, moments of unrefined anxiety – akin to those experienced by the sportsman about to enter the arena. When I cease to endure that feeling, I know it will be time to retire. The controversial English politician, Enoch Powell, once said that the best political speeches are made with a full bladder; I do not recommend the need artificially to create tension in this way. But I understand what he meant.⁴

E. Rule 5: Pleader First, Then Advocate

Litigation is warfare, played to elaborate rules, the real ones. They are designed to identify the issues for the benefit of the parties, and the court.

Know the rules, and make use of them. When settling a pleading, be as literate as you can, have recourse to the precedents, avoid archaic language, and if you are the plaintiff, identify your cause or causes of action, and ensure that your prayers refer comprehensively to the relief that your client seeks.

Discovery is an important step in most actions. Make the most of your opportunity to inspect and, if necessary, seek copies of your opponent’s documents. Privilege from disclosure is becoming increasingly restrictive so you may wish to apply for further discovery if you have grounds for believing that a document, or class of documents, which should have been discovered have been omitted from your opponent’s list. Make use of interrogatories if candid answers to them will tend to shorten the case.

Know your way around bundles of documents. Diligence in this respect makes presentation easier, and invests you with an aura of assurance. Nothing irritates a judge more than a fumbling advocate who does not know his way around the papers. Nothing will impress the judge more than, when your opponent is head down bumbling over the whereabouts of a document, you are able to rise and say quietly, “your Honour will find it on



Know The Rules!



pages” such and such. The judge will be impressed, and you will have made a point over your learned, but hapless, friend.

F. Rule 6: Battle Clean, Battle Fair

There was a time when cases were presented to the court exclusively by means of oral argument. “[Oral argument occupies] the central place ... in our common law adversarial system. This I think is important, because oral argument is ... the most powerful force there is, in our legal process, to promote a change of mind by a judge. That judges in fact change their minds under the influence of oral argument is not an arcane feature of the system; it is at the centre of it.”⁵

I have often seen a hostile judge turned by skilful advocacy. Unfortunately, the scope for oral advocacy has steadily diminished since the introduction of skeleton arguments (often far from skeletal) and written opening and closing submissions.

Still, there is room for advocacy, though often in written form. Submissions must be concise and compelling. “Torrents of words ... are oppressive ... which the judge must examine in an attempt to eliminate everything which is not relevant, helpful and persuasive”, and elsewhere, indulging “in over-elaboration (causes) difficulties to judges at all levels in the achievement of a just result”.⁶

And again:⁷

It is the duty of Counsel to assist the judge by simplification and concentration and not to advance a multitude of ingenious arguments in the hope that out of ten bad points the judge will be capable of fashioning a winner. There has been a tendency in some cases for legal advisers impressed by their clients, to make every point conceivable and inconceivable without judgment or discrimination.

Advocacy, whether oral or written, requires total integrity on the part of an advocate.

Your reputation with the Bench as a whole, and your client’s particular case, depends on it:⁸

... judges rely heavily upon the advocate appearing before them for a fair presentation of the facts and adequate instruction in the law. They trust the lawyers who appear before them; the lawyers trust each other to behave according to the rules, and that trust is seldom misplaced.

G. Rule 7: Cross

The objects of cross-examination are twofold. Firstly, to weaken your opponent’s case and, secondly, to establish the facts to support your own case. All of us, as our careers progress, develop our own method of cross-examination. My methods were pain-staking. The basis for my cross-examination were the statements that I recorded from my witnesses. I knew roughly what the opposition was going to say, because their pleadings would tell me that. I could not allow for surprise witnesses, but I could at least anticipate

what the principal witnesses on the other side would say. I would write my questions out one by one. They were usually simple questions and I put them down in the sequence in which I considered they would have the best effect. Of course, question number 2 would depend to an extent on the answer to question number 1. Often, I had to consider two alternative questions to take into account alternative possible answers to question number 1. So you can see it is very painstaking when you are dealing with a long witness, and cross-examination can take hours and hours to prepare. I am not saying that you should be absolutely bound by your preparation. If you know your case, you will want to throw in spontaneous questions, but the basic outline of your cross-examination must be very carefully thought out indeed. You may think that this is tedious, but in my experience it is effective. You may also think that it robs the cross-examination of a lot of its spontaneity, but I found that it did not. Very often, a carefully thought out sequence of questions has a very telling effect indeed.

I found it best to keep questions simple. It helps the witness. It helps the judge. Do not expect the witness to answer “yes” or “no”. It is often not possible to answer the simplest questions in this way. Do not bully or harangue the witness. Persuade and coax him instead. If he is evasive, or he lies, let the judge berate him, and you will have made your point. There is no necessity to be discourteous or unfair to the witness. Do not take advantage of age or sex or lack of education, because it will only militate against you in the mind of the judge.

It is with these aims, duties, and dangers in mind that the advocate rises to his feet to begin his cross-examination. It is the moment for him to remember the advantages he possesses over the witness. He, and not the witness, chooses the parts of his evidence on which to ask the questions. He may not choose to cross-examine about his evidence at all. He may choose to attack in an entirely different quarter. He, and not the witness, chooses the words with which to do it. He, and not the witness, knows the rules which bind

them both. He, and not the witness, knows the foibles of the Judge who is to referee the contest. He, and not the witness, is familiar with and at home in the court in which they both stand, and he is dressed in a medieval armour sufficient to intimidate most well-brought-up children and quite a few adults. He, and not the witness, knows where to start and when to stop. Above all, no witness knows how much the advocate knows.

Despite all these advantages he can still make a fool of himself, to the great joy of all those who have to suffer at his hands ...⁹

Due to the frequent need for interpreters, cross-examination in our jurisdiction is robbed of some of its effect. However, a witness can still be trapped in a lie or made to betray his untruthfulness by systematic and intelligent questioning. It does not matter whether you carry questions in your head like a lot of people do, or whether you write them out as I did. There is no best way, but in either case, good results can only be achieved by thoughtful, careful planning.

Although advocacy provides the drama, it is by skilful argument in matters of law that most of us earn our bread and butter. In this respect, skill with words and powers of oratory are really no substitute for knowledge and understanding of the law. That knowledge and understanding can only be derived by looking up the cases, reading them, and re-reading them. Always aim for an orderly presentation of the authorities, and if there is a long line of cases, tell the judge which ones are no longer of undoubted authority. Draw his attention always to cases which on

their face go against you, but which you seek to distinguish.

The ability to lay your hands on relevant cases and statutes within a short time is a very important one. If at the end of the day’s hearing or at the lunch adjournment, a judge has asked for a particular authority on a particular point and you are able to come back after the adjournment with the law, thus establishing your ability to find it and to explain it, you will gain your judge’s respect and attention. That cannot be bad.

Whilst you will find the law in the cases, the textbooks and in the statutes, the skill of applying it will largely come from experience and that experience will be bred out of industry and motivation. Successful legal practice is never cushy. Sometimes, it can be nerve-wracking. The more successful you are, the worse it is. But there are also times of extreme gratification, when you know that you have done a sound job, win or lose.

H. Rule 8: Goodfellows

Philip Jeyaretnam SC, in a recent speech, referred to “camaraderie” within the Bar, and stressed its importance. There is a great deal to be said for institutional fellowship among practising advocates, both in court and out of it.



You do nothing for yourself or for your client by being acrimonious, and this applies in correspondence as well as in court. Letters written in anger often look silly when read in cold print months or even years later in court. Let your opponent be unpleasant if he wishes, but do avoid being dragged down to his level. You will score off him that way far more effectively than if you employ his tactics. Be courteous to your opponent in court, no matter how unpleasant he may become. By all means be in control, and remember that you are both doing a job and that the judge will try to do his or hers. Neither you nor your opponent will assist the Bench by being grumpy, or rude to each other.

I. Conclusion

I can do no better than to conclude with the words of my friend Michael Beloff QC,¹⁰ upon whom I have drawn so heavily for this chapter, and to whom I am indebted:

The advocate – is he actor or analyst? The truth lies, as so often, in between. Many qualities transcend the boundaries between the trial and the appellate advocate. Fluency is one; a sense of rhythm is another, the slow to mix with the quick, the light to soften the dark, humour to mitigate passion; a fidelity to reason, the marshalling of fact, the dissection of law; a feeling for structure, the architecture of the submission – are yet others too.

But I would myself place two qualities above all others. The first main quality is sensitivity to relevance – the capacity to identify what is central to a case, to focus on it and in consequence to discard what is peripheral. The temptation is always to say everything, the risk that, in so doing, one ends up by saying nothing. It is often said by great advocates that there is only one point in any case; that is, of course, an exaggeration – what good advocate does not exaggerate – but it is certainly true that not all points are of equal weight, and that selection is as vital as presentation.

The second main quality is adaptability to one's tribunal. Advocates seduced, it may be by the sound of their own voices, may be tempted to put the performance

above the result; but in the end, like it or not, advocacy is ineffective if, however dramatic, however powerful, however erudite, it fails to persuade the decision maker.

- 1 John Mortimer, *A Voyage Round My Father* (1982).
- 2 Michael J Beloff QC, "Advocacy – A Craft under Threat?" *First Hans Espeland Lecture* (Oslo 2002).
- 3 A Boon & J Levin, *The Ethics and Conduct of Lawyers in England and Wales* (Oxford, England: Hart Publishing, 1999).
- 4 Michael J Beloff QC, "Advocacy – A Craft under Threat?" *First Hans Espeland Lecture* (Oslo 2002).

- 5 *S Sengupta v C N Holmes* [2002] EWCA Civ 1104 at [38], per Laws LJ.
- 6 *Banque Keyser Ullman SA v Skandia (UK) Insurance Co Ltd* [1991] 2 AC 249 at 280, per Lord Templeman.
- 7 *Ashmore v Corp of Lloyd's* [1992] 1 WLR 446 at 453, per Lord Templeman.
- 8 *Arthur J S Hall & Co v Simons* [2002] 1 AC 615 at 692, per Lord Hoffman.
- 9 Richard du Cann, *The Art of the Advocate* (England: Penguin Books Ltd, 1993) at pp 129–130.
- 10 Michael J Beloff QC, "Advocacy – A Craft under Threat?" *First Hans Espeland Lecture* (Oslo 2002).



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employees put on their best front during interviews. It takes skill to find out the true colours of the legal associate we are about to employ. Paper qualifications, testimonials or their curriculum vitae are merely icing on the cake.

The interview stage and probation period are important periods for employers. We need to invest the time to get to know the associates, understand their personalities, their personal aspirations and professional goals. As they are usually not open with their feelings or thoughts at least initially, it takes time and skill to peel back the layers. Often body language and the nuggets of information that they reveal about themselves during direct interaction with them should not be missed and should be carefully evaluated.

What is the person we are about to enter into a daily working relationship with really like? What are his values? How good are his lawyering skills? How will he react to the stresses of legal practice? Will he be able to multi-task? Will he be willing to make the sacrifices of energy and time to get his work done? What are his client skills and management abilities like? Will he be a good fit in the firm? Will he get along with others in the firm? We need to size them up quickly.

We have to accept that today's associates are just very different. They will never be like us, their predecessors. Given our knowledge of them, appropriate work responsibilities and projects have to be carved out for them. We have to engage them and formulate methods to work effectively with them.

The correct fit and size is important. If the values and aspirations of the associate and the firm do not match, problems in the working relationship will surface. A quick decision then has to be made on how to rectify the problems or whether the relationship ought to come to an end. It is now a norm that legal associates do not stay long in a job. This is characteristic of Gen Y who desires changes, new experiences, new challenges and everything new.

They expect to be treated as our equals and not our subordinates. They enjoy challenges. They are not afraid to express their views and question us directly. We have to be on our feet, not only in Court, but also in the office when working with

A Gen X Boss's *Survival* Kit

It was just 16 years ago when I was a first-year legal assistant as we were known then. Not too long ago, the world for people like me was different. We listened to and obeyed our seniors' and bosses' instructions without question. If at all we had anything to say, it was to ask, "how high do you want me to jump?" We were expected to be and were meticulous and accurate. We could not offer excuses for anything but perfect work. I still remember how I was told off for typographical errors and minor punctuation errors such as commas and even full stops during my initial years in practice.

When friends gather together now, we gasp at how after just over a decade, the

legal associates' world has changed. "We would not dare to behave or work like this. Why are today's associates like that?" is the frequent lament heard over many dinner tables. My friends, many of them partners in large law firms, are bewildered beyond words.

How do we manage and work with today's junior legal associates? This has been one of the challenges that I have been facing during the last 10 years as a Gen X boss.

As baby boomers or Gen X employers, we have to know why legal associates choose to work in our firms. The reasons have to be uncovered during our interviews with them. Both employers and prospective



them. We have to be prepared to be challenged, to explain our position, our strategy and the way we conduct our cases in Court. If we are not willing to do that, there is a risk that we may lose respect in the eyes of our associates. Their open questioning and comments serve as feedback to the senior lawyers. This encourages continuous learning and growth for us.

The Gen Y legal associates are the babies of the information technology generation. They prefer to communicate via social media rather than face to face or on the telephone. So, we have to be IT savvy as well. Statistics worldwide and within Singapore have shown that Gen Y are inseparable from their mobile phones and other gadgets and often use them during the course of the work day. We have to accept that their waking hours are intertwined with social media. When they are with you, even in the lift or travelling to/from Court or in Court, they do not engage in verbal communication and will

be busy with their mobile phones instead. Most of my communication with my legal associates are via SMS, WhatsApp and e-mail.

Work life harmony, the opportunity to do *pro bono* work and flexible work arrangements are equally or more important to them than financial perks. In fact, financial perks do not rank top in the list of priorities of this affluent generation. As employers, we have to be prepared to offer a gamut of benefits to interest and motivate them.

Although legal associates are important assets to firms, the mission, values and work ethic of the law firm cannot be changed to cater to their needs and expectations. This is one of the major difficulties that I expect the legal profession to continue to face and more acutely in the future when the current Gen Y lawyers become the bosses and the leaders of the profession and the millennial generation enters the workforce. The current legal landscape

together with the national landscape will be forced to change. It is opportune time now for the policymakers, the Courts and the legal profession to consider this issue carefully, brainstorm and implement the changes that are needed.

The associate-boss relationship is akin to dating or a marriage. After all, we spend a lot of time with each other. We have to find the right associate, communicate in their language, engage in a tango with them and nurture the relationship. Whether the relationship continues for more than two years or ends in a divorce is anyone's guess. Like a friend and senior partner in one of the top firms in Singapore said, finding a good legal associate is like finding a good cut precious stone. They are indeed a rare gem in Singapore.



Rajan Chettiar
Rajan Chettiar & Co



Sunscreen

**“Ladies and Gentlemen of the class of ‘97,
Wear sunscreen.**

**If I could offer you only one tip for the future,
sunscreen would be it. The long-term benefits
of sunscreen have been proven by scientists,
whereas the rest of my advice has no basis more
reliable than my own meandering experience. I
will dispense this advice now.”**

- Mary Schmich, 1997; Baz Luhrmann, 1999

Before you read the rest of this article, I suggest that you go to YouTube and search for “Sunscreen”. Listen to the lyrics. They are as true and relevant today as they were back in 1997.

A friend said, “You know, the old doctors when we were students? We’re those old doctors now.”

That didn’t hit me until a young man offered me his seat on the MRT train. I suppose these two and other meandering experiences qualify me to dispense advice to others who are now starting in their careers.

I would like to dispense the following advice. Please be patient; advice is a form of nostalgia.

1. Be grateful for your job. Many people want to be in your place.
2. Be grateful to your family, friends and teachers who have brought you so far. Without them, you probably will not be where you are now.
3. Enjoy your work, but do not let your job or career define who or what you are. If you stop enjoying your work, consider changing your line of work. You will not be the first to change your job or career. Many people have done so and are happier for making the change.
4. There is no correlation between money and happiness, although

someone has said that he would rather be miserable and rich than miserable and poor. We must not measure our self-worth by material things. Some of the happiest people I have met are not rich, and some of the richest people I have met are the most unhappy.

5. For most of us, opportunity knocks once. When it comes, you have to recognise it and seize it. It could change your life for the better. The next opportunity may not come for a long time, if at all.
6. Do not try to impress people. The impression will last no longer than an ice cube in the hot sun, even with sunscreen. People are too busy trying to impress others to be impressed by you.
7. When you do not need to impress others, you do not have to over-commit yourself to an expensive home, expensive car, holidays and other material things. You will feel miserable just trying to keep up with the payments. Live modestly; you will be more at peace with yourself.
8. Save at least 10 per cent of your income for retirement. Don’t expect your children or spouse, if you have any, to support you when you are old. Do not just save your money in a savings account. Inflation will just diminish your savings. Invest wisely. Be careful with investment advice;

financial advisers need to make a living too.

9. Be charitable with money and volunteer your time and effort. Nothing lifts the spirit better than helping others.
10. If you do succeed in your career, pass it forward. Be grateful to those who have helped you be what you are. Help others succeed. You will be remembered for it.
11. Always value your family and friends. Never take them for granted. They will be there for you. Take them for granted and they may not be there anymore.
12. As you approach the autumn and winter of your life, ask yourself, have I done anything to make myself and others better? How will I be remembered?
13. Trust me on the sunscreen. The skin is the largest organ in the human body. Take care of your skin and all the other organs, so that you may enjoy the autumn and winter of your life, physically, mentally and spiritually.

Dr Tommy Tan*
Novena Psychiatry Clinic

** Dr Tommy Tan is a psychiatrist. He uses sunscreen. He believes in living one day at a time.*

The Truth Beyond Jurisprudential Ideals, that Flashy Convertible and the Recurring Self-doubts in Perspective

To my fellow newly called learned friends, welcome to the distinguished profession and you can all pat yourselves heartily on your backs for making the final step into this esteemed profession.

Pride – I am Studying Law ... I am a Lawyer!

From the time you first started law school and swelled with pride as you told your relatives that you are “studying law” at Chinese New Year gatherings to explaining what being a trainee solicitor is at the most recent Chinese New Year gathering in 2013, you can simply now call yourselves – lawyers. Fully qualified lawyers, and with some of you moving into your own (albeit shared, and probably cramped, windowless and dusty) rooms and having a name card you cannot wait to give to your boyfriend or girlfriend after your first day of work and pretending to complain about that recycled blackberry being an electronic leash but you deep down secretly feel important to be issued one, you will soon realise the unforgiving world that is actual practice will take a lot of personal adjustments and emotional maturity to survive, and hopefully, thrive in.

In law school, you get a good grade for a well-revised and well-grasped module. At worst, you get a bad grade for a misunderstood concept or a module that you really just could not wrap your head around fully. You pick and choose your modules, sometimes with the confidence of a “solid” set of “muggers” handed down by a reliable and “steady” senior, sometimes with the knowledge that you thrive better taking examinations rather than a full-term course work assessment.





my own personal view is that lawyering is really about applying yourself to your given task in a broad and “live” manner. In law school, you learn about how a company can raise funds via issuing equity securities, and that the company must make certain disclosures (Singapore shifted from a merits-based regime to a disclosure-based regime). Applying that basic knowledge well to the facts of an examination question will probably get you a decent mark. In actual practice, it goes a lot deeper than that. There will be pieces of legislation that you would not have encountered before. Given the tight timeline, you may have been asked to zoom into a certain Fifth Schedule by the partner to ensure that your offering document (drafted from recent precedents anyway) contains all that is required, and chances are because you are using a precedent, you will probably not make too many mistakes. This sort of “learning process” will repeat itself for another task, and yet another, and after some time you find yourself knowing a little here and a little there but when the partner asks you something slightly off tangent, your reply will invariably be “err, I remember it to be something like this. Let me check and get back to you” and you find yourself not having the confidence to believe that you know much in actual fact.

That is where I would strongly encourage fellow junior lawyers to take a step back and broaden your approach to junior lawyering. I have been advised to read my textbooks in my free time over the weekends (an unthinkable suggestion you may say) but when I finally overcame the devil that is procrastination, and did so, it really made a lot of sense to me in understanding what I was doing over the past week at work. It is different gearing yourself for examinations and reading your textbooks as a practising lawyer. It gels the pieces of theory and practical applicability together, and it gives you the confidence to read statutes knowing you will better understand them. I do not believe many law students would have learnt from reading statutes whilst in law school. In practice though, it is of paramount importance to back up your legal understanding with statutes (and with cases for litigation lawyers). It would make a partner cross if you simply said “oh I know financial assistance is prohibited because I followed the precedent”. On a personal level, it also shows that your understanding is superficial. Reading the Companies Act in its entirety (once again as unfathomable as it sounds) would really

In practice, you would not have that luxury of choosing work, apart from a field of law that you may have chosen to go into based on what you hear or think is “fun” or “money making” or “glamorous” or “easier-to-go-in-house-in-future”.

What the ...?

During internships or more recently your training contract, you may do (what you feel are) the most mundane, “non-practical” things like research on a narrow point of law on civil procedure for a senior associate, and half the time you are scratching your head as to how it fits into the whole case. Or you may be tasked to

proofread and you soon learn that being able to spot an italicised comma like the senior associate does, will make you appear “sharp and detailed”, and once again wondering how come the conference call yesterday did not quite seem to make sense at all to you; spotting the italicised comma and the proofreading seem to be something just to occupy you at best, and to trip you up if you do not spot a defined term in the circular, at worst. Does not seem like what you signed up for, right?

So how does a junior lawyer reconcile all the above? From my own humble experience, struggles, frustrations and discussions with fellow junior lawyers,



help you in understanding not just the details of certain prohibitions for example, but also the exceptions that exist. So, if a client calls and discusses with you that he has read your circular and wants to know how they can get around a certain prohibition, you would not need to tell him "I am sure there are some ways, let me check and confirm and then get back to you". You would know it quite definitively if you had gone beyond drafting that circular from precedents and applied yourself "live" to the more subtle issues around your given task.

Peers – A "Comparative Analysis"

As time goes by, you will start to wonder where you stand amongst your peers. Appraisals for juniors will more often than not be "you are doing ok, you have a lot to learn, do not be careless, manage your time well" which does not really tell you where you stand. To begin, the basics of not producing sloppy work littered with careless mistakes have to be a given as the more senior you get, the more unforgiving these short-comings become. Applying yourself "live" to tasks as described above then will enable you to distinguish yourself, in small steps.

Next, there is also the facet of business development that is somewhat underplayed in our local firm context. I have heard a lot of lawyers saying that this is a personality issue and some are just born more outwardly charming and "rainmaker" material than others.

However, ultimately, as a professional, a strong grounding of your professional knowledge will give you the confidence to engage clients and peers in the professional sense (beyond being able to hold your drink well, and as some of you may be dreaming, to critique your clients' golf swing well). This applies to an engineer, an architect, a doctor, an accountant and even generalists.

Once you hit that right chord, the next level is showing your sincerity and professionalism which must come from within you. Business savvy clients can tell if you are "fake". Especially the senior ones, some who may have forgotten more than you can ever learn! Once you come across as sincere and professional, clients will then start to trust you and feel comfortable and at ease dealing with you. When a partner sees this "business case" aspect of your practice flourishing, you will be primed for bigger things. Sometimes

you may not even realise it. A partner's potential brief may come at a time when the partner is extremely busy, but the client may say, "it is a straightforward matter, perhaps your associate can just deal with my analyst for this?" These are the more intricate aspects of practice that you will not learn in law school and may not hear from your peers.

The Daily Grind

There will be office politics played, there will be favouritism, there will be cliques, there will be biasness, there will be unpleasant colleagues. But you have been through so much in schools, national service for the guys, and these are not new and will be found anywhere and in any work place. Do not let the personal failings and inadequacies of such other persons affect your professionalism and happiness. At the end of the day, I quote from a respected partner I once worked with, that we go to work "because we have to work". Draw a line between your professional and personal life. Horror tales of unreasonable partners who shout, bang tables, throw 3M post-its out of frustration will affect anyone admittedly. But because of the high pressure nature of the practice of law, you will hear many such stories even to-



date. Do not let it get to you in a spirit-breaking way, but do take reasonable and constructive criticisms in your stride. I have heard of the “highest calibre” (if academics are any good indication) lawyers who get scolded by their bosses, and my group of friends wonder to ourselves that “if he can get scolded we will probably be hanged, drawn and quartered if it were us working there!”

Looking Beyond

As you would already realise, most of your peers will probably leave the profession sooner rather than later. I am saying this because as a junior, your aspirations and expectations (many a times from your parents no less) may perhaps drive you to feel compelled to “succeed” as a lawyer, i.e. to make equity partnership in a top law firm and drive a nice car. This adds additional pressure to compete with your peers and look over your shoulder uneasily every year end, comparing bonuses with fellow junior lawyers and wondering how much that peer who “moved offshore” now earns. I would proffer that it is really too simplistic a view to measure your “success” and happiness just based on these things. Some lawyers are excellent at networking (and drinking and critiquing their clients’ golf swings!) but fluffy in their knowledge of the law. Some lawyers are excellent in their grasp of the law but struggle to find new clients and turn red after one flute of champagne. Many lawyers thrive in other industries, from consultants to entrepreneurs to actors (they drive

even nicer cars I dare guess!). A sizeable majority go in-house after a few years and thrive in a less legalistic environment where business and commercial aspects of a company’s operations also come into play in their scope of work. Some end up driving nice cars too! You get the point. Your career is the means to an end. The “end” is what you want to make of your life. Always remember what matters to you most.

Finally, just remember to be yourself and do your best. Doing your best means the willingness to put in the hours (this, as clichéd as it sounds, really holds true), expanding your approach to lawyering and learning, and being yourself means feeling comfortable in your own skin. Not everyone is destined to be the managing partner of a magic circle firm or a white shoe wall street firm, or a senior counsel for the litigation folks. There is absolutely no shame in that, and similarly so for seemingly lagging behind your peers, as long as it is not for lack of effort or trying. The importance of maintaining cordial relationships with peers cannot be overstated.

If I may end this on such a note, I would once again like to welcome you to this professional life that will be rewarding at times, frustrating at times, and even disappointing sometimes. Just as I was called to the Singapore Bar three years ago, I now look back fondly on these three years and hope that you would come to learn more about yourself and grow as a

person through the trying (omission of the description “glamorous” intentional!) times ahead.

Thank You

I also see it only fit to seize this opportunity to thank my peers who have shared their experiences with me, colleagues and ex-colleagues who have given me immeasurable assistance and companionship in the journey thus far, and the partners who have had to endure the many frustrations that I have caused but ultimately made me a better lawyer with their guidance.

Most importantly, to my family, who has been an absolute rock in my journey of self-discovery. Never forget them or take them for granted.



Wong Yi*

JE Legal LLC (In association with Eversheds LLP)

**The writer is a “struggling” young lawyer realising that the more he knows, the more there is that he does not know. Having been in-house with a major Singapore listed blue chip company and having been in a “big local” law firm, he now continues his journey of self-discovery (euphemistic for “lawyering”!) in the corporate department of an offshore firm through its Singapore captive law firm.*

The writer’s views are purely his own and do not represent any firm, professional body or any other person.

Surviving Your First Year in PRACTICE

This supplement highlights some realities about being a freshly called lawyer. Being one is not as glamorous as shows like *The Practice* depict lawyering to be. These dramas are far removed from the realities of day-to-day practice as a lawyer. Below are some tips to surviving your first year in practice.

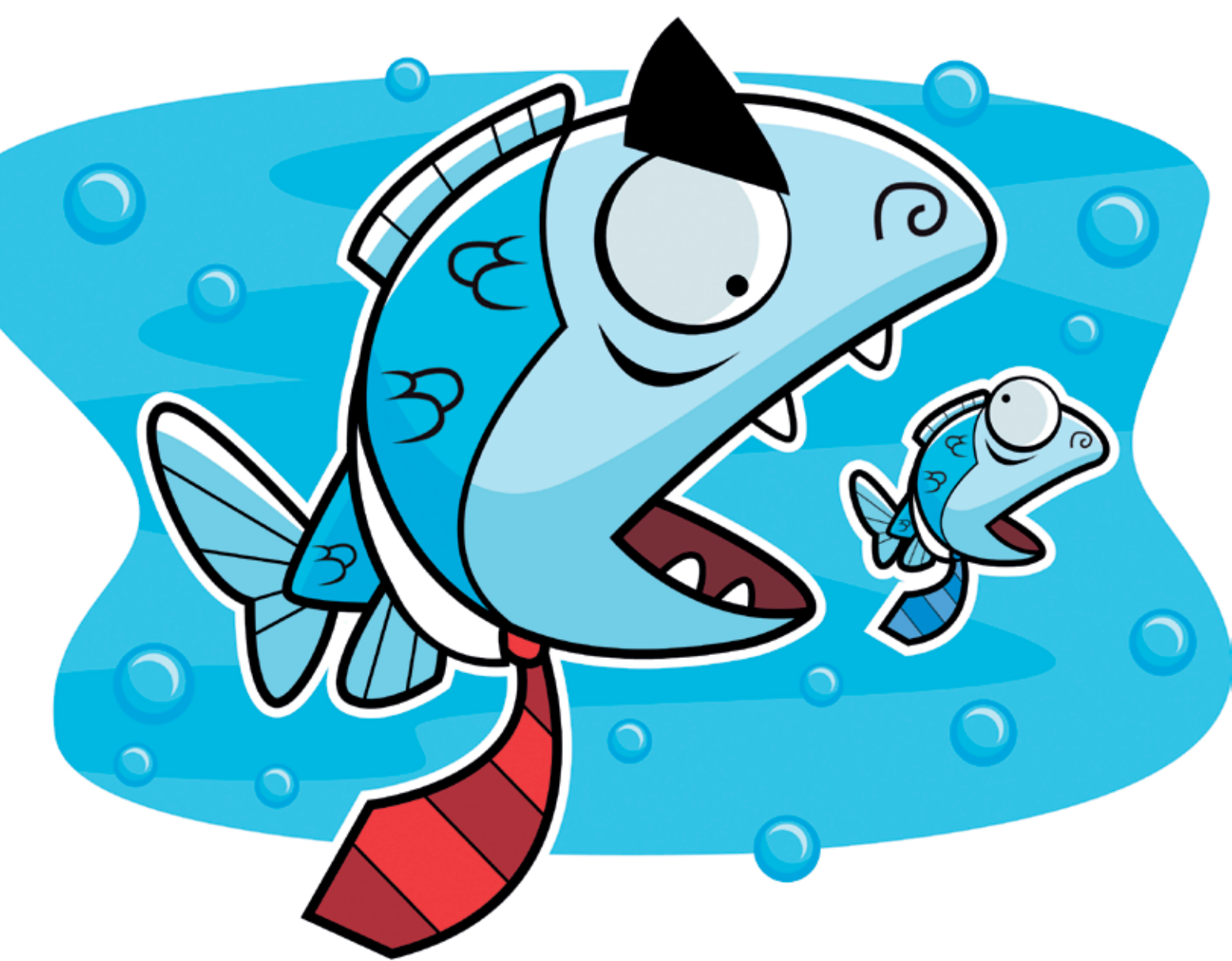
How to Manage Your Supervising Lawyer's Expectations

Do not create unrealistic and unsustainable expectations.

If you receive a new task, ask when the work needs to be completed, and if you are unable to complete the task within the internal deadline given because you do not have the capacity, for example, you must communicate this, and in appropriate circumstances, politely and tactfully ask for an extended deadline. Do not take on tasks unless you have the capacity to complete them, otherwise your supervising lawyer will be labouring under the impression that the internal deadline can be met, only to be told a day before that you are actually not able to meet it.

If you receive a difficult task which you think you need guidance on, ask your supervising lawyer, otherwise he or she might think that you are well-equipped to complete the task. Do not procrastinate and delay starting on the task because it seems difficult. The longer you avoid a task, the more difficult it will be to address as the days and weeks pass, causing you more stress and more delay, until the situation snowballs to a point where it seems impossible for you to remedy. Always be proactive and show initiative at work. Always ask yourself what needs to be followed-up on, even after a task has been completed.





How to Manage Difficult Colleagues

In the course of your professional life, you are more than likely to encounter a difficult colleague. Difficult work ethics and a jumble of different personalities can create problems. He or she may be one who does not take ownership for a mistake made, constantly looks into your in-tray and prioritises work for you, or one who does not stand up and be counted on when it really matters.

Always remain courteous to a difficult colleague no matter how easy or tempting it is not to be. Talk to them about the issue instead of about them, to deal with a conflict. Group dynamics, timing, tact and keeping distance will always have their place in dealing with conflicts. It would also be helpful if you keep the facts in focus, and not be blindsided by emotions.

If you wish to make a point, do it factually, politely and directly. Never pen lengthy

and incessant e-mails to a colleague to make a point or even worse, to vent frustration, when the point can easily be made with the person directly. If you receive an abusive e-mail, never react to it by penning an equally abusive reply. Think twice before you click that “send” button. Be flexible, be tolerant, and learn to work together to get the job done.

How to Navigate Workplace Politics

Being respectful and trustworthy goes a long way at the office. Never start a gossip, and if you hear them, you have a choice to never repeat them. Gossip has a bad habit of introducing inaccurate variations to the information obtained. By choosing to separate yourself from workplace politics, you set yourself apart as a person who can work well with other people at the office. Get on with work with minimal fuss and go home to your friends and family.

The Billable Target

All law firms, just like any other corporations, seek profits. They are not “not-for-profit” organisations. Every firm would invariably have expectations as regards billing targets and you are advised to speak to your supervising lawyer to learn more about yours. Most if not all lawyers will have a billable target of between five and eight hours a day. Every day you will have to record and account for your time spent in office and/or at Court either manually on a timesheet provided by your firm, or electronically through a time tracking program in your workstation.

As a junior lawyer, you will come to realise that there is a gulf between the billable target hours for each day, and the hours you actually spend at work. For example, if you had spent two hours on a task, you may only be able to bill for one, ie your time is being written off. This is because as a junior lawyer, you are constantly learning and you may actually require a longer time

(as compared to your supervising lawyer) to complete what may be regarded as a straightforward task. Hence, the time you spend on the task may be regarded as excessive, and so, you may not be able to bill for actual time spent. This would mean that to achieve a billable target of eight hours a day, it is likely that you have to be in the office much longer.

To achieve your billable target hours, it also presupposes that you are given a number of tasks and assigned a number of files sufficient for you to work on, to meet the billable target hours every day. Sometimes, you might get “small” files which you would be unable to derive much billing from. Other times, you might notice that the seemingly “bigger” or “larger” files seem to pass you by, and so, you have got to ask yourself why.

You must practise honestly and ethically, and not record for a minute more for time which you have not spent on a matter.

How to Have Some Semblance of Work-life Balance

While you want to impress your supervising lawyer, do not be a Man of Steel and work around the clock. You are not invincible

like superman. You will grow tired in the long-term and put your health at risk. No one other than your friends and family will be more affected if you are struck down by illness. Take regular breaks.

How to Manage Your Client

As a junior lawyer, your supervising lawyer is more likely to communicate directly with the client. In those instances that you do, however, you should look out for yourself and ensure that your discussion or communication with the client is always properly recorded in an attendance memo, or followed-up in writing by letter or e-mail, whichever is appropriate in the circumstances. You will invariably be asked to meet client’s deadlines at short notice but do not promise what you cannot deliver, and communicate clearly what you can and what you cannot do. It is always better to set the bar low and exceed that bar. When in doubt, always ask and work closely with your supervising lawyer.

Communication with Fellow Advocates and Solicitors

Always remain unfailingly courteous to your fellow advocate and solicitor. When communicating, the advocate and

solicitor should not write offensive or threatening letters, which may amount to unprofessional conduct. Similarly, you should not in the heat of an argument hang up the phone abruptly on a fellow advocate and solicitor, which is contrary to simple courtesies.

Conclusion

This short article is by no means an exhaustive list of dos and don’ts in private practice. In particular, if you are interested to find out more about the principles governing the relationship between the advocate and solicitor and the client, and the relationship between advocates and solicitors, a comprehensive account is found in the book, *Ethics and Professional Responsibility: A Code for the Advocate and Solicitor* by Professor Jeffrey Pinsler, SC, which reminds us of the unstinting ethical standards that are to be expected of members of the legal profession, which I have personally found helpful.

Congratulations on your admission as advocates and solicitors of the Supreme Court of Singapore.

John Lim





WHEN THINGS GO WRONG

Welcome to your new role as an Associate. You will discover that there are rules to follow, and also when suddenly there are no rules and things go out of control. Here is some advice on dealing with specific situations. For other situations, remember that second-greatest contribution from Britain¹ to the world – keep calm and carry on.

Your Client Asks for Your Opinion

Lawyers have opinions. These opinions are a result of analysing your client's instructions against the current state of law. You have spent four long years in law school honing this craft. You have seen your seniors dispense advice to clients during traineeship. You think you can do this; in fact, you ought to be able to do this since this is why clients engage lawyers in the first place.

Then your client calls you on your direct line and asks for your opinion on an issue you haven't had the chance to discuss with your seniors. You freeze.

First, listen to your client. Grab your memo pad and a pen and jot down your client's question and any information that is related to the question. If you don't have a memo pad and pen within grabbing distance, do yourself a favour by having that NOW. Listen to what your client is really asking about, since most of the time new queries may just be an old question that was reframed or made complicated, sometimes unnecessarily.

Next, if the question has never been raised before, do take a moment to mull over it. Explain to your client that you need to "consider this comprehensively in the context of the case" to account for the pause; or simply, "hmm ...". Do consider if there is any clarification that you require from your client, and do not be afraid of asking. If you are unclear about your client's instructions, then you would also be unclear when conveying it to your senior or Partner.

If you know the answer to your client's question, you can attempt to answer it.

If you don't, be truthful and say that you would need some time to check and would get back with an e-mail or a call. Even if you have answered the question, it is always good practice to offer to follow-up with an e-mail that sets out a more comprehensive advice. Doing this would buy you some time to verify your answer. If your client is satisfied with the answer and does not require the follow-up e-mail, you still owe it to him to ensure that what you have said is correct. Remember to always check with your senior or Partner any e-mail that you send out to the client, and to keep them updated on any correspondence with your client.

You Make a Big Mistake

It must be a universally acknowledged truth that every Associate will make mistakes, even the Partner who said he has never made one. To avoid mistakes, there's really only one thing to do: be careful. However, that is also probably the hardest thing to do. Since mistakes are hard to avoid, it is important to know how to react to mistakes.

When things go wrong, it is always tempting to find someone to blame. Resist that impulse. More often than not, it would be almost always your fault.

The first thing to do then is to acknowledge and accept that you have made a mistake. While this might be obvious, there are a lot of people who will be defensive when someone points out the mistake. These people will do the following, usually in this order: be surprised that there was a mistake; be shocked at the accusation that they have made a mistake; try to determine if they can pin the blame on someone else; and try to explain why their fault was minimal (if they can't neatly palm off the blame). All these are unhelpful, as the focus at this point should be on how to remedy the mistake.

An important step in learning from the mistake is to think about what you should do to fix it. You should weigh the implications of all possible remedies, and also whether it might be better if nothing is done. Whatever the conclusion, always discuss it with your seniors or Partners before you actually attempt to do anything. The wisdom gained from their extra years in practice will be helpful in deciding what to do. While you may be worried that they may be angry at your mistake, they will also be anxious to remedy the situation.

For those working in litigation departments, it is likely that your mistake would relate to Court papers or timelines.

The first thing to do is to check if there are any rules or practice directions that would address your situation, eg amendment of pleadings or requiring an extension of time. If so, follow it very closely and file any summons required. If it is urgent, remember that you can see the duty registrar or Judge (just remember to make sure that the Court registry staff has forwarded the relevant papers to him/her).

If you have to get anybody's assistance when fixing the mistake, do remember to be courteous at all times. Don't make demands.

Your Pants/Skirt/Shirt Splits

Ask anybody you can find if they have a safety pin, or find the strongest tape you can. Head to a toilet cubicle, remove the pants/skirt/shirt and turn it inside out. Then join the seam back together. Staples are not recommended as it may be hard to explain stapling sounds when you exit the cubicle.

Put your clothing back on, and don't make any sudden movements. Find a decent replacement soon.

If someone notices, you have the option of acting like the problem's not there, or acknowledging it by making a joke. Alternatively, you may "manufacture" a wardrobe malfunction for that person.

You Have Too Much Work

Managing your files well is the key to survival as an Associate. Have a clear sense of timelines that you must meet by speaking with the seniors and Partners on the file to know when they want a piece of work in by, and plan your way in meeting them. You should factor in some buffer time for completing the work since you now have to deal with client's queries as an Associate. Clients may call or e-mail and expect you to deal with their urgent problems. This may disrupt your work, especially if you are researching an obscure point of law and drafting a difficult memorandum.

You may now be wondering "what if I just have too much work? How do I deal with it? How do I tell the Partners that I am barely having time to eat/sleep?" These are all valid questions, and are part of the broader issue of work-life balance in the practice of law.

Unfortunately, I do not have an answer to that myself. So I must beat on, keeping calm and carrying on as a second-year Associate.

Edmund Koh

WongPartnership LLP
Member, Young Lawyers Committee
The Law Society of Singapore

1 The greatest is, of course, the Magna Carta. Coming in at a close third would be the Harry Potter series.





An Interview with the “Survivors”

Congratulations on being called to the Bar. You are now officially a fully qualified lawyer!

Before you take the plunge into the deepest depths of legal practice, please take a few minutes to read the following interviews which the Young Lawyers Committee has compiled. Take heed from the advice (and warnings) given by our fellow colleagues on how to survive practice ... or not!

CHIEF SURVIVOR: Edmund Jerome Kronenburg, Managing Partner, Braddell Brothers LLP (“EJK”)

SURVIVOR 2: Charlene Soh, Associate, Shook Lin & Bok LLP (“CS”)

SURVIVOR 3: Ee Lynn Cheng, Associate, Rodyk & Davidson LLP (“ELC”)

SURVIVOR 4: Wee Qian Liang, Associate, Chong Chia & Lim LLC (“WQL”)



If there is one drink you could store in your office for “emergency use” which drink would you choose and why?

EJK: I would recommend Cointreau - a French orange-flavoured liqueur. It is sweet, relatively strong (about 40 per cent alcohol by volume), leaves no tell-tale odour and can pleasantly be mixed with coffee - creating French coffee - to make a good analgesic that can be sipped (not chugged) during painful meetings with senior lawyers/partners who have no concept of efficiency or time-limits. I first discovered, and used, it in 1998 when I was an Associate. It kept me sane.

CS: Vodka - for, amongst others, sterilising objects and disinfecting wounds.

ELC: That Polyjuice potion Hermione Granger concocted to turn Ron Weasley and Harry Potter into Crabb and Goyle, for obvious reasons ...

WQL: An invisibility potion (Harry Potter) for obvious purposes.

As you are aware, there are many job hazards of being a lawyer. For example, paper cuts and bruised foreheads from one too many bangs on the table. What is the worst office injury you have sustained and how did you deal with it?

EJK: I think I stapled my own thumb once, when testing a stapler that I had just refilled. Nothing better than that to wake you up in the small hours of the morning. A plaster stopped the bleeding.

CS: Neck cramp from attending to my first completion (for which, in accordance with Murphy’s law, complications arose at the last minute). Deal with it: had a shot of the abovementioned vodka before heading to bed that night.

ELC: No comment.

WQL: A bruised ego – when I was involved in a four-hour long meeting with clients, and not one person noticed the Megatron drawing on my legal notepad. I dealt with it by imagining scenarios of myself as Megatron knocking them over.



What standard issue office item would you stock up in your room if you found out that a snake was on the loose in your building and why?

EJK: I would not need to stock up. Most bound volumes of a Record of Appeal or Agreed Bundle of Documents (found abundantly in my office) would serve as a good weight to drop on an unwary snake found creeping around. If one bundle fails, use another and another until the snake is immobilized. If these run out, use a Bundle of Authorities/Written Submissions served by one of the large law firms, and its often-substantial weight should do the trick.

CS: Metal rulers to bind together to form a pseudo-bat, in the event a fight-out is necessary.

ELC: The hard cover edition of *Constitutional Law in Malaysia and Singapore*, to be aimed directly at the reptile's head. If this fails to complete the job, follow up with *Principles of Land Law*.

WQL: With smiles and a non-competitive attitude. I take it that you aren't talking about the reptile itself.

It is 3.00am in the morning and everyone has left the office except you. You still haven't finished the draft agreement/submission due at 9.00am. Out of the corner of your eye, you suddenly see a shadow flit by. How are you getting through the long night in the office?

EJK: This actually happened to me sometime in 2003. I thought I saw a figure in the corner of my eye. Then 20 minutes later, I saw a small frog hopping across the carpet and into the photocopying room. It was freaky. I told myself that I should finish my work and leave as soon as possible as I seriously thought I was hallucinating. The next morning, someone found a frog in the CEO's room, much to my relief (but not the CEO's apparently).

CS: Play *Titanium* on repeat.

ELC: If the "shadow" was only a figment of my imagination or leaves me alone, I would just down another can of Red Bull and continue plugging away to meet my deadline. However, if the "shadow" does in fact get/possess me, the agreement/submission will be least of my worries – at least I won't have to complete it!

WQL: Get on Youtube, type "Justin Bieber", press play and turn volume to its maximum. The shadow should go away.

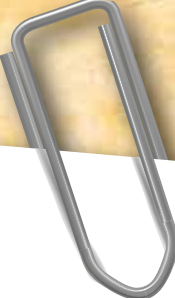
A fire breaks out in your building and the only way to escape is by breaking your office window. Which item in your office would you use to break the window and why?

EJK: I would never attempt to escape through the window of my office which is on the 34th floor. But to answer your question, I would use my hammer. Why I have a hammer in the office is another story.

CS: Fire extinguisher!

ELC: A fire extinguisher, presumably after I have exhausted its contents trying to put out the fire.

WQL: The cartons of agreed bundles. They probably weigh more than most of us.



You're in the middle of a meeting that you estimate would take four hours. Your partner frowns upon any interruptions including making calls or leaving the meeting room. Your pen has run out of ink and there is no spare stationery in sight apart from your client's Mont Blanc fountain pen which is clipped tightly to his chest pocket. What do you do?

EJK: Use my iPad, notebook or smartphone to take notes. Which young Associate uses pen and paper, nowadays?

CS: SMS my secretary to pass a pen to the tea lady who is to stealthily hand it to me along with a cup of coffee.

ELC: Surely the BlackBerry (ubiquitous at meetings and all things business related) would have a note-taking and/or recording function. If not, send out an SOS (by e-mail!) to a secretary/colleague/pupil to come to the rescue with a box of pens – or even better, a laptop.

WQL: AREYOU MAD? Don't even think about it.



What is one piece of advice you wished a senior had given you on surviving practice when you were called?

EJK: It is this: "As a litigator/arbitration lawyer, you will have a passionate, ie a love-hate relationship with practice. You will have days of joy and fulfillment, and days of agony and despair. But you will never have a boring day." To survive the "passion", see my answer to the first question.

CS: Buy insurance.

ELC: To never take things too seriously unless you want to end up with an injury (physical, mental or otherwise) as referred to in the second question above.

WQL: Dispel all myths of having a gorgeous girl on your arm as a result of being a swanky lawyer. In fact, get a girlfriend and marry her while you're still doing Part B – after working (and till such ungodly hours), all girls start looking the same anyway.

Disclaimer: The views and opinions expressed herein are the personal views and opinions of the interviewees in their individual capacity. They do not reflect the views and opinions of the Law Society of Singapore and the Young Lawyers Committee and are not sponsored or endorsed by them in any way. The views, opinions expressed and information contained do not amount to legal advice and the reader is solely responsible for any action taken in reliance of such view, opinion or information



Tailored recruitment solutions

Calico Asia is an executive search consultancy dedicated to the provision of tailored recruitment solutions and consulting services for the legal and compliance communities throughout Asia. Our fast growing brand has been built upon the proven recruitment expertise and transparent approach of our experienced consultants. Along with managing search and selection assignments, we provide bespoke recruitment services for our clients and our global network of candidates.

Senior Associate – Shipping Litigation, 5-6PQE

Our client is a boutique Singaporean practice that currently holds a formal association with a notable International law firm. As a consequence of significant investment and growth plans for the region, they are currently seeking to hire a senior associate that has specific experience of shipping litigation. This role offers a stable portfolio of clients as well as the opportunity to work in a formal alliance with a leading international law firm. (Ref: CPP021)

Corporate Counsel – Manufacturing, 6-8PQE

As a consequence of significant acquisitions across the region, a global manufacturing company is currently seeking a Corporate Counsel. With solid knowledge of corporate law and a proven track record in managing commercial portfolios, the successful candidate will oversee all legal matters throughout South East Asia. Responsibilities will include working closely with both internal and external clients in respect to commercial contracts and transactions. (Ref: CLIH253)

Partner – Corporate, 10-15PQE

An international law firm with a global network of offices and an outstanding reputation within their selected practice areas is recruiting a Partner to perform a leadership role within their corporate practice. Suitable candidates should have strong academic credentials, and possess a tangible and present book of business. This role will work as part of a close-knit, well established team of high profile lawyers. Whilst it is not essential for the successful candidate to be currently based in Singapore, it is highly preferable for them to have worked extensively in the region. (Ref: CPP016)

Head of Legal – Insurance, 10-15PQE

An outstanding opportunity has arisen to head the legal function at a global insurance conglomerate. This challenging role involves working as a trusted business partner to senior stakeholders and advising on commercial risk and benefits throughout the region. Strong communication skills and the ability to build effective stakeholder relationships are essential attributes for all applicants. (Ref: CLIH259)

Legal Counsel – Banking, 5-8PQE

Pursuing its regional goal to becoming a key player in the wealth management industry, this highly regarded financial institution is hiring a senior legal counsel. Candidates should ideally be familiar with a range of banking and asset management products and also possess a genuine interest in the nuances of private banking. A structured and concise approach to legal work is essential. (Ref: CLIH195)

Associate – Anti-Corruption, 2-5PQE

As a result of regional growth plans, a renowned international firm is looking to bring on board an associate to develop its litigation practice group. Partnering with key individuals within the industry, the ideal candidate should combine excellent academic credentials with a Singapore bar qualification. Criminal lawyers with experience in handling investigations and anti-corruption work are especially relevant for this role. (Ref: CPP019)

Senior Counsel – Technology, 5-8PQE

As a result of sustained regional growth, an exciting role has recently been created with an established US MNC that specializes in the provision of software products and services. Solid experience and familiarity with US corporate compliance matters will be highly regarded. The successful applicant will advise on a range of complex corporate and compliance matters and as a consequence high levels of commercial acumen will be required to succeed in what is a challenging role. (Ref: CLIH261)

Legal Counsel – Trading/Energy, 5+PQE

An exceptional role is on offer with the trading division of an international energy multinational. A commercially astute and seasoned corporate lawyer is required to work as part of a cohesive team of lawyers that provide support and advice on an array of complex regulatory and commercial legal issues. An enviable career path and a collegiate working environment are on offer. (Ref: CLIH255)

VP Legal - Real Estate, 8+PQE

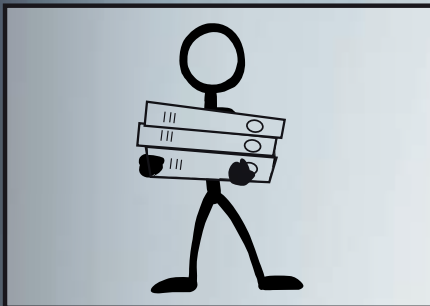
An exciting chance to head the Legal and Corporate Secretarial function in a real estate development consultancy is currently available. With comprehensive working knowledge of real estate and construction law, the candidate that attains the role will be heavily involved in providing legal advice to both regional management and external stakeholders in relation to all general corporate and commercial transactions. (Ref: CLIH198)

For further information on the advertised positions or for any recruitment enquiries, please contact Jacklyn Nio, Samantha Soh, Celine Tay or Evelyn Xu on **+65 68085665** or email us at **info@calicoasia.com**. Alternatively, please visit our website: **www.calicoasia.com/opportunities** for a full listing of available vacancies.

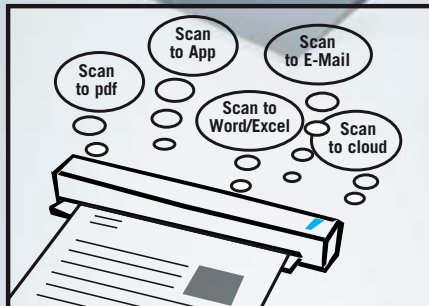
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