

# THE POWER OF ONE



A Special Supplement of the Singapore Law Gazette • July 2012



MICA (P) No 191/11/2011

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## INTRODUCTION

## THE POWER OF ONE

**W**hy should lawyers not do *pro bono* work? Some obvious reasons come to mind. *Pro bono* clients are not easier to deal with than fee-paying clients and may not even be grateful for the free legal assistance. Time spent helping *pro bono* clients may be better spent doing fee-paying work and climbing up the corporate ladder to partnership and beyond. *Pro bono* work pales in comparison to the high-value corporate or litigation matter which will look good on a resume.

Despite these pragmatic reasons for not doing *pro bono* work, I will offer a simple answer as to why lawyers should do *pro bono* work: the power of one. In Bryce Courtenay's 1989 coming-of-age novel *The Power of One*, a young white English boy grows up in pre-apartheid South Africa during World War II and its aftermath to become a boxing champion. Along the rocky road to success, he reflects on an important lesson that his mentors have taught him – the need to be focused in fighting against social injustice.

This collection of *pro bono* stories and articles reminds us that by virtue of our training as an advocate and solicitor, each of us has the power to help others in need of legal advice and representation and, ultimately, to seek justice.

In Harpreet Singh Nehal SC's *Reflections on My Pro Bono Experience*, he gives a personal account of his involvement with *pro bono* work while juggling the demands of large law firm practice. As you read his reflections of helping his old soccer "kaki" from his childhood days, you will be surprised by the unexpected rewards that handling an apparently simple *pro bono* matter can bring. The power of one is also seen in Raphael Louis' setting up of his own free legal clinic in *Confessions of a Pro Bono Lawyer* and the greater sense of purpose he felt in helping others as a lawyer.

For young lawyers, taking the first step to do *pro bono* work is always challenging but fear not as you have the privilege of receiving great advice from the Law Society's very own Pro Bono Ambassadors – Gregory Vijayendran, Malathi Das and N Sreenivasan – in an interview titled *Walking the Talk* by Lilyana Gan. In *Prisoners in Paradise*, Josephus Tan urges young lawyers to seize the initiative to find *pro bono* work and shares that passion and prioritization are what drives him to devote much of his time to *pro bono* work. Jason Gabriel Chiang tells us in *Pro Bono or Gosh Oh No* that it is never too early to start doing *pro bono* work, and the potent combination of being Gen-Y and a practice trainee are certainly no obstacles.

Amidst the recent increasing attention given by the media and stakeholders in the legal profession to *pro bono* work by lawyers, Rajan Chettiar reminds us in *Why Be a Lawyer?* that throughout the years many lawyers have quietly gone about helping others without any expectation of recognition or reward. In my view, while greater participation in *pro bono* work could be encouraged through the creation of incentives, we should be careful not to allow such incentives to replace the "DNA" of the legal profession entirely, a term used by M. Lukshumayeh in *Why Undertake Pro Bono Work?* What will sustain volunteer lawyers' dedication to *pro bono* work in the long-term is intrinsic motivation and commitment, as many of the writers in this supplement can attest. This should be cultivated from young and it is indeed heartening to see from the two articles by the NUS and SMU student *pro bono* clubs that the building blocks of the DNA of the future of *pro bono* work are well in place.

As the young protagonist in *The Power of One* put it well, "[t]he power of one is above all things the power to believe in yourself, often well beyond any latent ability you may have previously demonstrated". You may not be a boxing champion, but you can apply the same lesson that the young protagonist learnt, that is, once you have taken up the cause of a *pro bono* client and step into the ring, you must believe that you can make a difference and become his champion for justice.



**Alvin Chen**  
Chief Legal Officer  
Director, Representation and Law Reform  
The Law Society of Singapore

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“... we are all very privileged to have received legal training and are ... in a unique position to positively impact the lives of individuals in our society.”

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“... let us always remember our primary duty as a human being and as a lawyer – to help others and be a catalyst for the betterment of the lives of our fellow citizens.”

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“One of the biggest things I have gained from doing *pro bono* work is confidence.”



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### Published by

LexisNexis  
3 Killiney Road, # 08-08,  
Winsland House 1,  
Singapore 239519  
Tel: (65) 6733 1380  
Fax: (65) 6733 1719  
<http://www.lexisnexis.com>

**Publishing Manager** Ivan Yap

**Editor** Chandranie

**Designer** Ryan Yee

**Advertising and Sales Director** Jumaat Sulong

**Printing** Markono Print Media Pte Ltd

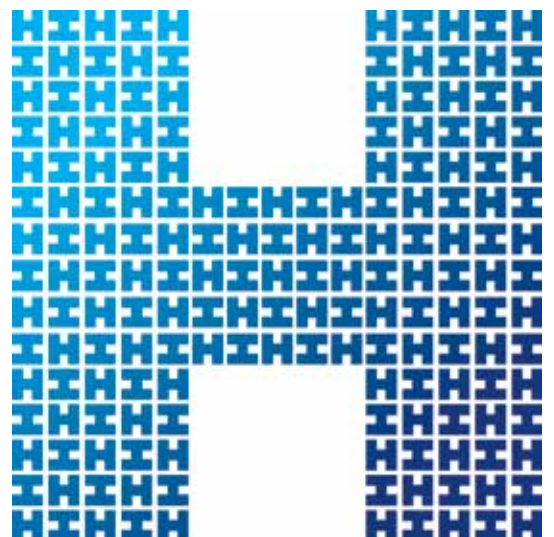
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# REFLECTIONS ON MY *PRO BONO* EXPERIENCE



2012 marks the 20<sup>th</sup> year of my admission to the Singapore Bar. I recall that when I was in my final year at law school, I flirted for a season with the idea of joining a very small law firm so I could undertake legal work for the man/woman in the street. I eventually ended up joining Drew & Napier and did complex litigation for the next two decades for clients who on no account can be described as “*the man/woman in the street*”. I enjoyed (and still enjoy) handling complex commercial disputes. Yet, there was a part of me that yearned to undertake work on a *pro bono* basis for needy individuals. I cannot explain the basis for that yearning: perhaps it was the subtle influence of a movie I had seen years before law school about an idealistic young lawyer (played by Alan Alda of *\*MASH\** whom the older ones among us will remember) who represented an innocent man on death row; perhaps it was the subconscious voice of my mother going back to the time I was a young child growing up in a *kampong* reminding me to always help those in need; perhaps it was the result of the particular alignment of the planets at the specific moment of my conception or birth. Who knows?

The fact is, I happened to be at the right place at the right time for my first *pro bono* case in my third year in legal practice: *PP v Norzian bin Bintat* [1995] 3 SLR(R) 105. Serendipity marked the entire narrative of this case. Norzian was one of the neighbourhood boys I was acquainted with from my early teens. We lived in adjacent HDB flats in Hougang. His family lived in a rented flat. Mine was a lot more fortunate: we “owned” our three-room flat. I recall many hours spent playing soccer with Norzian and the boys in the void deck, right under the nose of signs put up by HDB that left no doubt that playing soccer in the void deck was “illegal”. The “uncle” who ran the convenience store in the void deck even said to us that the HDB had the right to repossess our parents’ flats if we were caught breaching the “no-soccer” rule. Believing like most other teens that we were destined for soccer greatness, we risked all (including, if what the “uncle” said is to be believed, our families’ right of continued occupation of our flats) and ensured that the “no-soccer” rule was observed only in its breach. Marks of our soccer prowess were left on every available wall in the void deck. Despite countless brilliant moves, and even more spectacular goals in that void deck, I discovered years later that Norzian did not make it to the national soccer squad. Truth is, neither did I. I suspect Norzian discovered that truth about me, because years later he knocked on my parents’ door, explained that he had got into serious difficulty with the police for allegedly hurting an old man and said he understood I had become a lawyer. The unspoken premise was that I would be his lawyer. Little did I realise then that this seemingly inconsequential matter would turn out to be a case raising an important Constitutional law issue.

I met Norzian a day or two later and got straight to work on my first *pro bono* brief. We met at a hawker centre and I proceeded to record his instructions on a yellow memo-pad while sipping *teh-tarik* which Norzian insisted on paying for. It turned out that there had been a minor tiff between Norzian and an elderly gentleman at his void deck, which resulted in a minor injury being inflicted on

the victim. Norzian's account indicated the elderly man had thrown the first punch, which in the course of being deflected by Norzian resulted in Norzian's hand making contact near the victim's eye. The medical report showed that the only injury comprised a "mild contusion", which I later discovered meant nothing more than a "small blue black" patch near the victim's eye. The police statement showed that there was some element of provocation from the victim. As Norzian described it, following that minor tiff, he was set upon by the elderly gentlemen's equally elderly friends who set chase upon Norzian. I have to confess that it was with some measure of amusement that I recreated in my mind's eye that scene of Norzian being chased by four or five elderly "uncles". To cut a long story short, Norzian was apprehended by some patrons at the nearby coffeeshop, who hearing a commotion and seeing a youth being chased by a few elderly gentlemen, assumed the young man was guilty of some misdemeanour. Norzian was, following a delay of about one year, subsequently charged for voluntarily causing hurt.

Having reviewed the facts, it seemed to me that there was more than a reasonable basis to argue that the injury was inflicted unintentionally. The relatively insignificant injury, backed up by the contemporaneous medical report, itself pointed to an absence of malicious intent. What is more, it seemed to me that this whole matter arose out of a relatively small misunderstanding and should perhaps be resolved out of Court. That thought got me rather excited because I had completed a course in negotiations during my LLM programme and naively imagined that I could seat both Norzian and the elderly man and negotiate a binding peace between the two. I wrote to the AGC and proposed a meeting between parties to resolve matters, only to have that proposal summarily rejected.

The matter eventually came on for trial before a very senior District Judge, who immediately appreciated how relatively minor and insignificant the whole matter was and suggested that Norzian and the victim should attempt to patch things. That proposal immediately met with favour with me. The victim himself, with advice from his family, was happy to resolve matters and put an end to this misunderstanding. An eminently sensible settlement was worked out between Norzian and the victim, which included an apology from Norzian to be given in open Court. A composition offer was

accordingly made by Norzian, and accepted by the elderly man. The prosecution, however, opposed the composition. Over the prosecution's objection, the District Judge gave his consent to the composition under s 199 of the Criminal Procedure Code. As part of the composition, Norzian raised his right hand and expressed his very elegant apology in open Court in these terms: "Apek... Sorry Ah!". He was made to say it a second time because the District Judge did not hear it the first time. Norzian and the elderly man, thereupon, smiled and shook hands and the offence was compounded. To express his heartfelt appreciation, Norzian bought me lunch from the former canteen at the Ministry of Manpower building opposite the Subordinate Courts, telling me that I could pick any food item from any stall in that canteen and he would pay for it. That very generous offer was gladly accepted. It was, and remains, one of the most meaningful and significant client lunches I have had in the past 20 years.

The matter was resolved. At least, that is what I thought.

About a week later, I was served with a notice of appeal from the prosecution. They indicated they would raise a Constitutional law issue relating to the composition. "Huh?" is what I thought when I read that notice. I could not at the time, for the life of me, conceive how the background facts I have outlined above relating to Norzian's case raised any Constitutional law issue. Looking back, the only Constitutional issue which was potentially raised by the events in Norzian's and my life was whether (as the convenience store "uncle" adamantly asserted) the HDB can legitimately repossess a family's flat if their teenage son blatantly and pervasively breaches the "no-soccer" rule in the void deck? I couldn't imagine there was any other Constitutional law issue raised by the events in his life.

In the subsequent appeal before former Chief Justice Yong Pung How, the prosecution raised the argument that under art 85(8) of the Constitution of the Republic of Singapore, only the Attorney-General has the power to discontinue or terminate criminal proceedings and as s 199 of the CPC provided that criminal proceedings could be discontinued by composition of the offence by the aggrieved party, that provision was *ultra vires* the Constitution unless it was construed so that it applied only to cases of private prosecutions. That argument was considered, and rejected,



by the High Court. *PP v Norzian bin Bintat* turned out to be a landmark decision on Constitutional law. I could not have imagined when the case first started that this seemingly minor *pro bono* matter involving a young man from Hougang would morph into a case of such significant import. I was glad I was of some help to Norzian at his time of need. It was a very small way of repaying him for the very many ball passes he made to me in the “penalty box” of the void deck which enabled me to score the sum total of three goals in the few years we were privileged to play together. I do not know what has since become of Norzian. I trust he is well. I wish him well.

I have since had the privilege of working on a number of other *pro bono* matters. One (*PP v Barokah*) immediately comes to mind.

Barokah, an Indonesian maid, was charged with murdering her elderly employer. The young girl was pregnant at the time of the offence, and faced the prospect of a death sentence. The representations, supported by medical expert reports, helped persuade the prosecution to reduce the murder charge to culpable homicide not amounting to murder on account of Barokah’s diminished responsibility. She avoided the death penalty, and was eventually sentenced to life imprisonment. The entire judicial process spanned more than two years, during which time Barokah delivered a beautiful baby girl in prison. Each prison visit enabled my associate and I to see this child grow up. The start of every visit was taken up with interacting with the baby, a process which greatly warmed all our hearts. Underlying each visit was the painful realisation that Barokah would one day have to experience permanent separation from her own child. Equally, there was the realisation that the family of Barokah’s deceased employer had to deal with their own tragic loss and grief.

One incident is permanently etched in my mind from my representation of Barokah. During one of the prison visits, I noticed from the corner of my eye that my associate had stopped taking notes. She seemed busy doing something with her papers, except writing. I wasn’t able to quite figure out what she was doing, and so I continued taking instructions. What happened at the end of that visit is something I will never forget. My associate whipped out an *origami* crane which she presented to Barokah’s young child; her own little gift to the little girl, made from her legal memo pad. It was a heart-warming moment where one human connected with another.

Some of you reading this may be much younger than me. Some of you may even be part of the latest batch of lawyers to be admitted to the Singapore Bar. I hope you will permit me to share a number of personal thoughts about *pro bono* work.

First, we are all very privileged to have received legal training and are, on account of our training and background, in a unique position to positively impact the lives of individuals

in our society. *Pro bono* representation of accused persons is a very meaningful way of employing our expertise.

Second, do not underestimate your ability to assist accused persons who may otherwise be without representation. It is natural for young lawyers or junior members of the Bar to question if they are properly equipped to represent accused persons in criminal matters. The fact is that: (i) for matters coming under the Criminal Legal Aid Scheme, the Law Society will be able to emplace junior lawyers to work with more senior and experienced lawyers, thus enabling younger lawyers to build up their confidence and expertise and in due course undertake matters on their own. Indeed, there are even relatively straightforward matters (eg, mitigation pleas for accused persons who have no defence) which a young lawyer may handle without much difficulty; (ii) similarly with the capital cases administered under the Legal Assistance Scheme for Capital Offences (“LASCO”), junior lawyers may register as junior assisting counsel and be assigned as such to provide litigation support for the lead and assisting counsel. There is, therefore, scope for junior lawyers, including newly called lawyers, to be involved in *pro bono* criminal work.

Third, civil litigators should not be deterred from undertaking *pro bono* criminal matters. Civil litigation experience puts one in a good position to assist in criminal defence matters. The skills honed in civil litigation such as analysis of issues, legal research, processing and reviewing case law, statutory interpretation, identifying possible defences, assessing credibility of witnesses, testing factual assertions for internal consistency and consistency against contemporaneous documents etc, are just as applicable to civil as well as criminal litigation. Any unfamiliarity with criminal procedure should not, in my view, be a barrier to getting involved in *pro bono* criminal work. Experienced criminal litigators are more than happy to give guidance to younger members of the Bar. For more complex criminal law issues, the Senior Counsel Forum is also happy to act as a resource panel to younger members of the Bar.

It is never too late, nor too early, to get involved.



**Harpreet Singh Nehal, SC\***  
WongPartnership LLP

*\*Harpreet Singh Nehal, SC is a partner with Wong Partnership LLP. This year, Harpreet represented, pro bono, a man before the Court of Appeal accused of raping his daughter over a 10-year period. At the trial below, the accused was convicted and sentenced to 29 years imprisonment, with 24 strokes of the cane. On appeal, the Court of Appeal found that the case against him was not proven beyond reasonable doubt and acquitted him of all charges.*



## WHY BE A LAWYER?

The *pro bono* culture became popular in our legal profession rather late, just five years ago when the Law Society's Pro Bono Services Office was established in 2007. Many lawyers have been doing *pro bono* work in many religious, social service and community organisations for many years before then.

Asking the question why lawyers should be engaged in the *pro bono* culture is akin to asking why we, as humans, should help others without any reward, gratification or expectation. To me, doing volunteer work and *pro bono* work is one and the same. Like the *pro bono* culture, volunteerism has also been receiving a lot of limelight only of late in our country.

From young, we are taught and expected to help our family and friends. But why should we help a stranger? It is a very intimate feeling, wish, desire and even a calling to help people. Some of us are born with such a deep desire while others have been influenced by their teachers, their friends and their religious leaders. At the age of 15, I felt the initial urge to help people. At that time, doing volunteer work was unheard of. I was the only one in my family who was pre-disposed to volunteer work. After completing my "A" levels, I wanted to study social work and become a social worker. My parents were shocked (all other emotions were masked very well by them) that their firstborn wanted to

embark on such a career. Social work then was regarded by some as a hobby and not a career. At the late age of 25, I ventured into doing volunteer work. I worked with the disabled in the Bedok Befrienders' Project run by the Volunteer Action and Development Centre, the predecessor of the National Volunteer and Philanthropy Centre. A colleague asked me rather innocently whether I was being paid to do volunteer work. I then went to teach children in a programme run by the Bukit Ho Swee Social Service Centre. While I was studying in England, I volunteered at a holiday home for the disabled. My Pre-Call holiday was spent volunteering in the homes run by Mother Teresa's Missionaries of Charities in Calcutta. My parents tried very hard to discourage me from making the trip to Calcutta as they feared for my health in the highly polluted and unhygienic city. The best Christmas I have experienced in my life was being in the company of Mother Teresa in Calcutta during that trip.

When I was admitted to the Bar, the first thing I did was to volunteer in the various standing committees of the Law Society which I do till today. Again, my colleagues were bewildered by my actions. I later moved on to help out at Action for Aids and manned a hotline service. When I decided to run for the Law Society Council Elections in 2004, a friend said, "Why are you doing it? Let others do it."

“ *If you want happiness for an hour, take a nap. If you want happiness for a day, go fishing. If you want happiness for a year, inherit a fortune. If you want happiness for a lifetime, help somebody.* ”

– Chinese proverb

When I started my own firm nine years ago, I continued doing volunteer work. Volunteer work gives me a deep sense of happiness and satisfaction, which I do not experience with such intensity in other aspects of life. I embarked on *pro bono* legal work when my firm joined the panel of solicitors in the Pro Bono Legal Aid Scheme run by the Tanjong Pagar Family Service Centre. I now offer my services in the programmes run by the Law Society's Pro Bono Services Office, assist in the legal clinics run by the Family Court and am a volunteer mediator in the Subordinate and Family Courts.

Why do *pro bono* work? To me, that is a no brainer. Like doctors, lawyers have a mission to use our skills and experience to help people to solve their problems and to better their lives. That is why I firmly believe that the practice of law is not merely work or a job. It is a calling, a duty that we undertake when we are admitted to the Bar. Besides our duty as children, siblings, spouses and parents, it is also our duty to serve our fellow Singaporeans. It is a privilege that is bestowed on only a few of us.

Many young lawyers have shared how they feel inspired when they do *pro bono* work, be it in the Criminal Legal Aid Scheme, Community Legal Clinics or other projects run by the Law Society. They are able to appreciate how the law and their role as lawyers puts them in a unique position to help others.

On a personal level, *pro bono* work offers a respite from the hustle and bustle of law practice. It is a positive reminder of why I do this work, fires my passion to keep on doing this important work and justifies the vigour and rigour my calling puts me through.

To the young lawyers who have just been called to the Bar, congratulations on becoming a member of a truly honourable profession. You may work in a law firm, in the legal service or in a commercial organisation. You may have many dreams, expectations and apprehensions as you begin life in the legal profession. You want to work hard, meet the various goals set by your employers and fulfill your ambitions. At the same time let us always remember our primary duty as a human being and as a lawyer – to help others and be a catalyst for the betterment of the lives of our fellow citizens and society.

*"We are prone to judge success by the index of our salaries or the size of our automobiles, rather than by the quality of our service and relationship to humanity."*

– Martin Luther King Jr.



**Rajan Chettiar**  
Rajan Chettiar & Co

## UPCOMING CPD EVENTS FOR YOUNG PRACTITIONERS

Category	Event & Date	Practice Area	Venue
Nuts and Bolts for the Learning Lawyer	<b>Drafting Corporate Legal Opinions</b> 3 August 2012	Corporate/Commercial	NTUC Business Centre
	<b>Demystifying Financial Statements for Young Practitioners</b> (Early 2013)	Professional Skills (Accounting)	To be Confirmed
Latest Developments for the Busy Practitioner	<b>Seminar on Contract Law</b> 6 August 2012	Corporate/Commercial (Contracts)	NTUC Business Centre
	<b>IP Roundtable: Enforcement Practices Seminar</b> 10 September 2013	Intellectual Property	NTUC Business Centre
	<b>Public International Law Lecture</b> 23 October 2013	Others (Public International Law)	Supreme Court Auditorium
	<b>Annual CPD Day</b> November 2012 (date to be confirmed)	Multi-practice Areas	To be Confirmed
New Frontiers for the Cutting Edge Lawyer	<b>Alternative Dispute Resolution Conference: The 5Cs of ADR (Collaboration, Communication, Consensus, Co-operation and Conclusion)</b> 4 & 5 October 2012	Alternative Dispute Resolution	Supreme Court Auditorium
	<b>Litigation Conference 2013</b> 30 January & 1 February 2013	Civil Procedure	Supreme Court Auditorium

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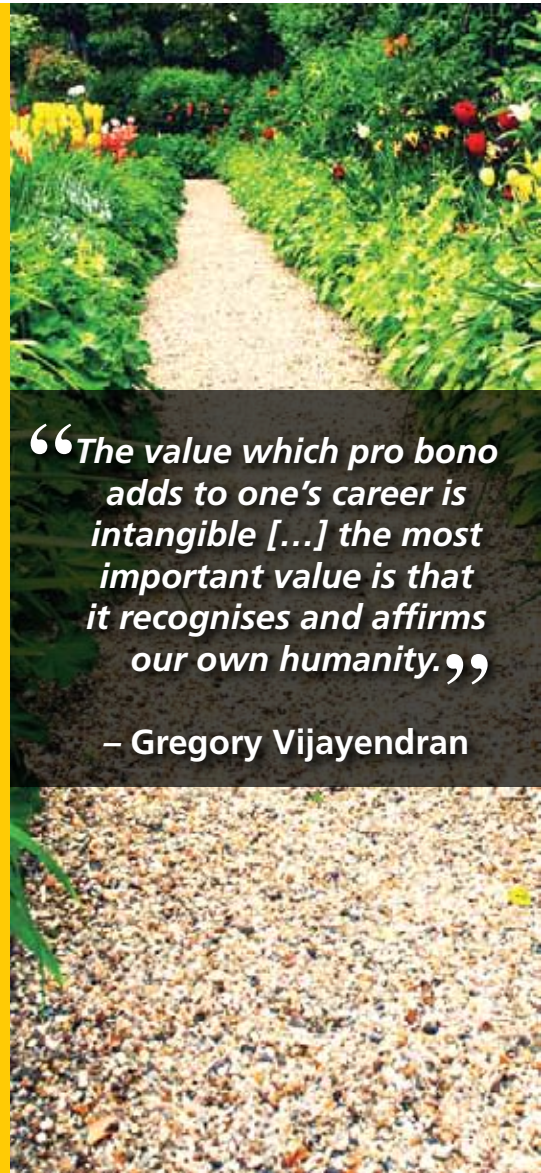


# WALKING THE TALK: IN CONVERSATION WITH OUR PRO BONO AMBASSADORS



1. Gregory Vijayendran
2. Malathi Das
3. N Sreenivasan

“Pro bono” is a word everyone in the legal fraternity is familiar with. The Honourable The Chief Justice Chan Sek Keong has proposed initiatives to encourage participation, while many lawyers who take on *pro bono* cases are known to represent their clients with unwavering dedication. Many lawyers have shown that *pro bono* is not merely a show of participation, but a spirit held by ideals, passion, compassion and optimism. We speak to three well-respected lawyers who are also past winners of the Law Society’s Pro Bono Ambassador Awards. Gregory Vijayendran, Malathi Das and N Sreenivasan share their early experiences with *pro bono* cases, what they have learnt and why they think *pro bono* is essential to one’s personal and professional growth. Excerpts from the original interview are reproduced here.



“The value which *pro bono* adds to one’s career is intangible [...] the most important value is that it recognises and affirms our own humanity.”

– Gregory Vijayendran

## How do you define *pro bono*? What is *pro bono*?

**N Sreenivasan (“NS”):** The puristic interpretation of *pro bono* work will be the actual performance of legal work that is done for no fee. This is the ideal that should be strived for, but we must bear in mind the overriding purpose – to provide access to justice. In this regard, I would consider charging low fees to represent needy clients pursue their rights as a form of *pro bono*. I would also consider organising *pro bono* efforts as a contribution to *pro bono*. Having said that, the actual representation for no fee is the highest form of *pro bono* work.

**Malathi Das (“MD”):** The literal translation of *pro bono* from the Latin *pro bono publico* means for the public good. Many people use it as a shorthand reference for volunteer work, but it is in fact meant to refer to professional work that is undertaken without payment, and which uses the specific skills of professionals to provide services to those who are unable to afford them. So for lawyers, this should mean providing

free legal services and advice to the needy, and not sitting on Boards, selling flags or undertaking other fund-raising activities, or providing free advice to their paying clients, for that matter.

**Gregory Vijayendran (“GV”):** “*Pro bono*” is doing good. In the context of the legal profession, practically it means taking up legal cases for the indigent. To provide access to justice to persons who are unable to obtain legal representation or legal advice by reason of their lack of means.

## Can you share with us briefly the *pro bono* work that you do?

**GV:** One of the main ways is by helping out in community legal clinics. I volunteer at both the Law Society’s Community Legal Clinics (a Rajah & Tann CSR initiative) and a community-based legal clinic at Joo Chiat. In addition, I and other team members are on the panel for the Legal Aid Bureau’s (“LAB”) assigned solicitor scheme and take up cases for the indigent. Additionally,

“*For the lawyer, it is nothing more than sharing what you already know, only without getting paid for it. But for the beneficiary, the benefit can be potentially life-changing.*”  
 – Malathi Das

we also provide ad-hoc free legal assistance to clients who are unable to afford a retainer as well as (on occasion) *gratis* legal services for charities and voluntary welfare organisations.

### Why do *pro bono* cases? What value does it add to one's career? Does it only benefit us (lawyers) and beneficiaries?

**NS:** One good reason is Karma, or to get the grace of doing good works. As lawyers, we have special training and knowledge. As we get older, we have experience and if we stay young, we keep our idealism. By law, we have a monopoly. Society is governed by the rule of law and the law permeates almost every aspect of human activity. That gives power to help. That power to help brings about a responsibility to help. Another good reason is to know that we have stepped outside the selfish pursuit of career and money and made a difference in the lives of those we help. It benefits society as access to justice strengthens the rule of law.

**MD:** Traditionally, lawyers who do *pro bono* cases recognise that there are sectors of the community that cannot afford legal services nor qualify for other forms of state-provided legal aid, which has stringent eligibility criteria. They feel it is their duty to help these people have someone champion their cause and give them a fair shot in the justice system. The motivation is rooted in believing that everyone, rich or poor, is entitled to access to justice.

I only realised this when I saw the light-bulb literally light up in someone's eyes when I told her at a free legal clinic that she had a choice in stopping the family violence that was taking place at home without having to start divorce proceedings. The fact is that people who are unfamiliar with the law or the legal process do not know what they do not know. So for the lawyer, it is nothing more than sharing what you already know, only without getting paid for it. But for the beneficiary, the benefit can be potentially life-changing.

Lawyers do not do *pro bono* work to add to their career consciously. In fact, many take a financial hit in that they are spending billable hours on non-billable work.

Any benefit is intangible. Frankly, doing *pro bono* often does not benefit the lawyer except for the warm inner glow you feel after completing a matter. The journey is not always smooth sailing as *pro bono* clients can sometimes be as, if not more demanding than paying clients. But for the profession as a whole, it is a collective giving back to the community in a way no other profession can.

**GV:** *Pro bono* cases are excellent for the soul. In a large firm set up, it is easy (if one is not careful) to become mercenary and caught up with the business side of practice to the exclusion of living out the noble ideals of the legal profession which many of us held on to dearly during law school. Clients can easily be reduced to economic digits. By taking up the cause for widows and orphans, personal injury victims, society's vulnerable, etc, we restore their dignity as human beings who are entitled to have access to justice. Access to justice means nothing for some litigants in person battling formidable top quality lawyers. They need competent lawyers to take conduct of their case for them. *Pro bono* cases therefore benefit the clients (beneficiaries) and not just lawyers.

The value that *pro bono* adds to one's career is intangible. However, the most important value is that it recognises and affirms our own humanity. It also adds a valuable dimension to one's career and certainly would speak volumes of the profile and stature of a lawyer and more importantly, the person that he or she is.

### How did you get started on *pro bono*?

**NS:** Very soon after I left the government service, I practised at Chinatown Point. The firm of Wee, Tay and Lim were in the building and the partners there were the "seniors" from whom we could always get help. George (Lim) and (Wee) Pan Lee were amongst the pioneers of the CLAS scheme and had acted in difficult cases where access to lawyers was an issue



and were role models. So when George volunteered with the Law Awareness Committee of the Law Society, I got involved and have stayed involved – both in committee work and as a volunteer lawyer.

**MD:** In my second year in practice, I accompanied a colleague to a meeting of women lawyers who were trying to recruit more volunteers for a legal clinic. I was either a bit gung-ho or a bit naive about what it was going to entail because I signed up on the spot after hearing some of the others talk about the plight of the women who came to the clinic. It probably did not occur to me then that I may lack experience or be stuck with not knowing the answer. Back then *pro bono* work was not as structured and coordinated as it is now. Yet, many lawyers still did it. I definitely feel it has enriched my life, both professionally and personally.

**GV:** I started helping during the ad hoc Law Society Legal Clinics in the late 1990s. That whetted my appetite to do more as I found that it was such an enriching and memorable experience. Of course, there were walk-ins who were seeking second opinions, the “odd” individual here and there. By and large, however, it was wonderful to see those legal clinics as a valuable initial port of call where you can give a road map of legal options to the muddled and befuddled individual who was in a quandary and quagmire as to what to do with the legal difficulties they found themselves in.

### What cases do you remember best and what have you learnt from your experiences in handling them?

**NS:** I cannot remember which case was my first but I remember two CLAS cases clearly. The first involved two Indian foreign workers who claimed they were innocent. I did not really believe them but carried out their defence according to their instructions. As the evidence turned out, they were telling the truth and were innocent. I learnt the lesson – never judge the accused, that’s the job of the Court. The second case was a three-week High Court rape and robbery case, involving two young Sarawakians working here. Unfortunately, the accused

were found guilty. I took some satisfaction in that our system gave them representation and a strenuous defence even though they had no friends or family here.

**MD:** I can’t remember the first case I did, but the one I remember the best was a defamation case. The lady who saw me had been referred by someone at a free legal clinic. She had no money and in fact was diagnosed with schizophrenia but did not qualify for legal aid because legal aid is not granted for defamation suits. She had called a media hotline about having witnessed her neighbours’ ill-treatment of their aged father. When the press reported the story, the incensed neighbours sued her for defamation. I learned that the legal process can be very daunting for someone who is suddenly faced with a legal suit, without any help. I felt for her because she thought she was trying to help someone, but it backfired on her. This could have happened to anyone.

### Young lawyers may feel apprehensive as they start on something new which they are unfamiliar with. What were some of the challenges you experienced in your early years working on a *pro bono* case? How did you handle that challenge?

**NS:** Ask for help. The lawyers who do *pro bono* work are a close-knit group and great friends to have. My closest friends in the Bar are those who have been unstinting with help and guidance.

**MD:** It is natural for any responsible lawyer to feel apprehensive handling an unfamiliar area of law. However, it should not be an excuse not to take it on. In most cases, *pro bono* cases tend to involve more personal law issues, like crime or family law. I was fortunate to have started in a general litigation practice and having an interest in these issues. I was also lucky to have a supportive boss and colleagues who were happy to mentor me regardless of whether the file I was working on was fee-paying or on a *pro bono* basis. I think the biggest motivation from seniors is to lead by example. I am glad to see many of our Senior Counsel and senior lawyers doing that.

**GV:** Some of the biggest challenges are time commitments. You learn to prioritize. You learn to say “no” to some lesser things to make way for the more important things. And *pro bono* work is important. It could make a difference between life and death for some persons. I have seen clients who are filled with mental anguish in matrimonial settings who are grateful for the consultation and advice rendered as they battle emotional trauma as well as the litigation.

**As hundreds of lawyers get called to the Bar each year, what would you say to them as they embark on their career and (possibly) take on their first *pro bono* case?**

**NS:** So much has been said that there is nothing for me to add except that the emphasis and focus on *pro bono* work bodes well for the profession and Singapore.

**MD:** I'd ask them to start as soon as possible, and not be daunted by lack of experience or inexperience. After all, upon being called, they are expecting to join a law practice where they are going to be paid to do legal work. Why not also do legal work that you are not going to be paid for? The challenge may be giving advice in an area which you are unfamiliar or not as familiar in, but if it was for work, you would be researching the area or asking your seniors for help. The Pro Bono Services Office of the Law Society has devised various tools to help our young lawyers, in fact, probably more tools are available now than when I first started practice. You can start with first giving legal advice and then progressing to actual legal representation.

At the end of the day, it is about taking the first step. Many will tell you that doing *pro bono* work is addictive. It is addictive

because it is only when you actually roll up your sleeves and do it that you realise how much it means to the recipient.

**GV:** Go for it! It will be an enriching experience to heart, mind and soul. It will be an adventure of learning about, and helping, another human being in a plight that only you, with your legal training, can make a difference to. You will gain a compassion for your fellow man and woman (qualities that can be easily lost in this profession). It will also give you a valuable opportunity to cut your teeth by making judgment calls, rendering advice and thereby build your confidence, little by little. Don't be over-ambitious and bite off more than you can chew but seek to make a difference to that one person, that one individual, whose case you take up.

**How would you like to see the *pro bono* landscape evolving in the future?**

**MD:** I was very encouraged when I heard all three important stakeholders of the legal community: the legal service, the judiciary as well as the practising Bar address *pro bono* work at this year's Opening of the Legal Year. I would like to see the pool of volunteers for *pro bono* legal work widen beyond local practising lawyers to more dynamically include law students, legal officers and foreign counsel. The Law Society's Pro Bono Services Office is already working with various institutions to see how these resources can be harnessed. The future of *pro bono* in Singapore is promising with such collective buy-in.



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# PRISONERS IN PARADISE – DEFENDING THE UNDERPRIVILEGED IN SINGAPORE



Summer 2012 interns from NUS & SMU

**B**efore I begin, let me express my humble gratitude at being invited by the Pro Bono Services Office (“PBSO”) of the Law Society of Singapore to share my criminal *pro bono* experiences with you all. At the time of writing this article, I have been in practice for slightly more than three years. To date, I have handled close to 200 criminal cases, and have appeared in all levels of our Courts, both in a leading and assisting capacity. However, my journey is far from over, and I am continuously learning from senior practitioners in the field.

Personally, the biggest driving force behind all my criminal *pro bono* work is the knowledge that there is positive change in the lives of the people I have helped. Whether that is a direct result of my efforts is secondary; what always remains deeply resonant with me is the fact that some of these people realise the errors of their ways and genuinely try to correct them in hopes of becoming productive members of society.

## Why I Do Criminal Pro Bono

I recall working on the case of a 19-year-old girl; the first time I saw her, she was alone in prison shaking with

tears, her hands clasped anxiously over her seven-months-pregnant belly. The girl had been charged (together with her boyfriend) for robbery with common intention and for retention of stolen property. Her divorced parents had given up on her and refused to bail her out. Even after I had finally persuaded her father to bail her out, he refused to let her stay with him; I eventually had to arrange for her to stay with a Christian social organisation for female delinquents.

And so it was in these circumstances that I had to lend her my relative’s old maternity dress by the time she was bailed out of prison, heavily pregnant and with no one to depend on. It was a picture of absolute helplessness and despair and as her lawyer, I was glad to have been a source of support even before any legal work had begun. It made me realise that being a criminal *pro bono* lawyer sometimes means your clients rely on you completely because you are their first and only line of help – even in reaching out to social support groups on their behalf. That position is at once empowering and humbling; that position kicks aside all the jokes about law being soulless grinding, and makes you feel utterly human.

With criminal *pro bono*, it is not just a privilege to have the opportunity to give back to society but also a privilege to have the opportunity to assist in the administration of justice and uphold the rule of law. One key element of this is that every person who needs legal recourse has access to *quality* legal recourse, regardless of his or her means. While admittedly, there is much hard work and sacrifice involved in criminal *pro bono*, there lies a greater privilege in being part of this process in realising the ideal that every person who stands up in a Court is as ably represented as the next person.

Furthermore, in doing criminal *pro bono* work, I have come across many different kinds of cases that I otherwise would not have been exposed to. It gives young lawyers like us more opportunities to handle cases on our own, thus training our ability to think critically and independently. I can vouch for the fact that I have definitely benefited from doing a lot of criminal *pro bono* in the formative years of my profession. It provides an excellent opportunity to hone my craft.

### How You Can Do Criminal Pro Bono

I started doing criminal *pro bono* with the Criminal Legal Aid Scheme (“CLAS”), as it was the natural path for me to take as a criminal lawyer. Back then, I approached the PBSO and indicated my willingness to be involved in CLAS cases. I encourage you to do the same: take initiative and sign up as a CLAS volunteer lawyer. Approach them for cases, rather than wait for a call from them referring a case to you. **Remember, you do not have to be a criminal lawyer to engage in criminal *pro bono*.**

Another good way to be exposed to criminal *pro bono* cases would be to ask the senior practitioners (in or outside of your firm) handling such cases to allow you to assist them. Once again, all it takes in making the first step is initiative and a real desire to do *pro bono*. Borrowing the famous biblical adage, *seek and you shall indeed find*.

To be an effective *pro bono* lawyer, it is not essential but certainly helpful to be conversant in dialect. Many of the people you will come across in criminal *pro bono* cases might lack proficiency in mainstream languages. Therefore, in order to connect with them, or find out the facts of the case in detail, being a good listener is vital, and understanding their language first-hand may come in useful at times.

Not jumping to hasty conclusions about your clients will also help in establishing trust between both parties. Most of the people who need criminal *pro bono* are overwhelmed with anxiety; thus their ability to reason or communicate might be distorted by their emotions. Although it is human nature to judge, being open and not presumptuous helps make your job easier. Establishing a relationship of trust with your clients will lead to them gradually opening up and being more comfortable in answering questions that you have to ask in the course of your work.

A burning question in your head right now might be: how do I find time to do criminal *pro bono* cases when my normal

workload is already so heavy? For me, my passion for what I do helps me pull through periods when I have to burn late nights preparing multiple submissions for back-to-back hearings. The goal of helping others in need encourages and motivates me to give away my time. I am also fortunate to have the support of my firm, which strongly encourages all types of *pro bono* initiatives.

It is ultimately a matter of prioritization. To me, the question is not whether one has time but how one wants to use one’s time. This links back to passion – that guides me in choosing how to spend my time, and drives me to choose to spend a large part of it on criminal *pro bono* work. That is not to say that I do not have any free time at all, but I have learnt to manage with less.

Lastly, it is important to note that not every story has a happy ending. I have come across cases in which the people assigned to me have either re-offended after their release (sometimes repeatedly), or my interactions with them are fraught with frustration. It is natural to feel discouraged or drained. You have to be prepared for that, and as someone who has gone through these negative emotions, I believe that a good way to overcome this is to talk to the senior practitioners in the field. Most of them have gone through even more cases than you, and have experienced (and survived) the same emotional roller coasters that you will be, or are going through. Talking to them helps you to learn how to handle such situations, and to release some of your frustrations.

### Conclusion

We live in a highly competitive and affluent society that sometimes forget about the people amongst us who are different or who fall through the cracks. They are prisoners of circumstances, caught in the web of crime. Often, they may be lowly educated, destitute or mentally impaired. We forget that behind their defiant snarls or sullen faces, they hide stories of such despairing and damning circumstances. It inspires me greatly to have criminal *pro bono* as a platform to provide such people with a chance to rewrite their destinies despite the mistakes they have made, and give them hope for the future – knowing there is hope for them gives me hope as well.

Having had her robbery charge acquitted and after serving a short stint in prison for the other offence, the 19-year-old pregnant girl is now supporting herself and her baby by working as a receptionist – a drastic change in scene from what my wife and I saw just after she had given birth, alone and shunned by her family, whilst facing criminal proceedings. It heartens me to see that she has managed to turn her life around. Precious memories like this are what keep me hopeful as I continue to defend these individuals trapped in a seemingly perfect society – “prisoners in paradise”.



**Josephus Tan**  
Patrick Tan LLC



# CONFESSIONS OF A PRO BONO LAWYER

**A**s I was writing this article, I was mindful that there are many volunteers, including lawyers, who have sacrificed a lot more than I have in helping others. They have served tirelessly and sometimes their efforts have not been fully appreciated. I would like to thank them for being a source of inspiration.

I have three points to share with all young lawyers hoping to engage in *pro bono* legal work, based on my own experiences in deciding to and ultimately dedicating a significant proportion of my time to such work. I will discuss these under the headings Person, Purpose and Personal Growth.

## Person

*"Always treat people as ends in themselves, never as means to an end."*

– Immanuel Kant

I will be honest with you; one of the pull factors in this profession is the handsome monetary rewards. Certainly there is nothing wrong with that *per se*, but there is a real risk of becoming greedy. I may lose my moral compass along the way and get thrown off course by the obsession with money. I will always have to battle not to let the business aspect of the law cloud my higher calling to act in the best interest of the client. Instead of over emphasising the question of "How do I *bill* this client?" I remind myself to ask the more important question of "How do I best *help* this person?". Incidentally, the word *pro bono* literally means *for the public good*.

I chose to do *pro bono* work not because I am naturally a good person; on the contrary, the very act of helping someone *pro bono* trains me to take my mind off money and to focus on the real issue – the person him/herself (surprise, surprise).

I remember my first *pro bono* case. It was a female teen who was caught stealing. It seemed a rather straightforward case; the evidence was heavily stacked against her. I was tempted to tell her "*Just plead guilty!*" and "*You will probably get probation or a short jail sentence*". It certainly did not help that this would not be a high profile, money spinning case which would help kick start my career. However, with a little bit effort in getting to know her background, I found out that she was mildly retarded and came from a broken family. Later, I was shocked to find out that she had also in the past been through a traumatic rape incident. In hindsight, I was glad that I did not urge her to plead guilty during my first appointment. Her mother was called for an

interview to get more information. As I found out more things about her, I was better placed to help her; eventually she was discharged from the offence, after thorough representations were made. Focusing on the person helped me to see the case in a more humane way.

## Purpose

*"The purpose of life is a life of purpose."*

– Robert Byrne

Further down the road, I felt a need to do something closer to home. It was then that I came up with the idea of starting a Free Legal Clinic in my own HDB estate. I approached the Residents Committee ("RC") chairman and came up with a proposal to start a monthly *pro bono* session for the less privileged. I also wrote to the Pro Bono Services Office of the Law Society who encouraged and advised me to adopt some guidelines, in line with r 10 of the Legal Profession (Publicity) Rules.

Within a few weeks I was given the approval to start the Free Legal Clinic; the RC sent two volunteers to help with the administration and translation for Mandarin speaking clients. The volunteers are a husband and wife team with three young children, and I am amazed that they could find the time to volunteer in spite of tight their schedule, as both of them have full-time jobs. As they do not have a maid, they bring their children along to the clinic. It is obvious that they have made sacrifices to volunteer, probably because they feel a sense of purpose in what they are doing.

A banner was displayed in the estate highlighting our provision of *pro bono* legal services. When I saw the banner, I felt a tremendous sense of satisfaction. I believe no amount of money or even the jubilation of winning a trial could replicate that feeling. More importantly, I felt a greater sense of purpose in what I was doing as a lawyer. I am sure you have heard the adage "Everything happens for a reason". I know it sounds clichéd, but there is nothing mundane about it when you experience it yourself. Let me explain.

Our very first client was a Singapore PR from the region. Let's call her Lena (not her real name). She could not speak a word of English and only speaks her native language which is not commonly spoken here. As fate would have it, an RC member's wife came from the same country, so that overcame the language barrier. Lena has two young children and her husband is a Singaporean; he is a manager and earns a comfortable salary but gives her





The banner that brought hope and help to one resident

only \$50 a week to sustain herself and her children. When she came to us, she was trembling and said in tears, “My husband wants to kick me out of the house and marry his mistress. I don’t know what to do.” I later found out that he was emotionally and physically abusive towards her. As I was trying to give her directions to get to the Legal Aid office, I was shocked to find out that she had never travelled out of my estate in the last six years since she moved to Singapore. In fact, she had never used the MRT or been to the next estate, which was a mere 15 minutes’ walk away! She even had to sneak out of the house in order to see us for legal advice. This meant that if it were not for the Free Legal Clinic banner which had been put up in her own neighbourhood, she may never have been able to get the help that she needed. Everything happens for a reason!

Through the combined efforts of the volunteers of the Free Legal Clinic, the RC members, Pro Bono Services Office and some wonderful neighbours, Lena got the help she needed. Lena’s case gave me a nobler purpose as a lawyer. There are many more like her who are seeking help – we just have to make ourselves available.

## Personal Growth

*“What we are never changes. Who we are never stops changing.”*

– Gil Grisson, CSI: CSI Las Vegas

Many young lawyers are attracted to practise corporate law. As such, they will probably not meet people like Lena in the course of their work. There is a risk of a “disconnect” with people from other walks of life. Doing *pro bono* work provides an avenue for interacting with such people.

Like it or not, in relation to our character and values, we are susceptible to change – either through relationships or circumstances. More often than not, we change without even knowing it.

I have learned many lessons from doing *pro bono* work; I have no doubt that it will help shape my character and values in life. Let me share two areas I have grown in.

## Judging People

Initially I hesitated to do *pro bono* work because I felt that some people, especially certain criminals, might not deserve help because of what they had done. Over time I realised that even the worst offenders need help.

As lawyers, we owe a duty to our client – even the non-paying ones! (Think about it – would you see the person differently if he pays you a fat retainer?) Ideally, we lawyers are not supposed to judge our clients as a person or reach views on whether they are worthy of our help. When we advise our clients, while we may not necessarily agree with their actions, we have a pivotal role in their constitutional right to be legally represented. We are fortunate to have a judiciary that is competent and not corrupt. The Honourable Chief Justice Chan Sek Keong once said, “The punishment must fit the crime.” Flowing from that, one of our main roles is to ensure that, if the client pleads or is found guilty, the Court is apprised of all the facts so that a fair punishment is passed. We have an indispensable role to that end.

## Confidence

One of the biggest things I have gained from doing *pro bono* work is confidence. As young lawyers, confidence is something we must develop over time. Whether you are making oral submissions in the intimidating atmosphere of a courtroom or speaking to a demanding client, confidence makes a big difference; it can make or break your career.

Typically, firms will let young lawyers run *pro bono* files virtually on their own. As I took on more and more *pro bono* files, the law and procedure became more familiar. I also got acquainted with some members of the Criminal Bar; it was both enriching and fun interacting with them and asking questions on the law, whether it was outside the chambers waiting before PTC or at the “roundtable” in the Subordinate Courts Bar Room. With the encouragement of a certain member of the Criminal Bar I had come to know, I had the opportunity to assist him in a High Court murder case through LASCO (Legal Aid Scheme for Capital Offences). That was an experience I will never forget and, needless to say, it increased my knowledge and confidence by leaps and bounds.

So there you have it – my “confessions” of what *pro bono* work has taught me. I hope that this will help others see what I have learned, namely, that there is more than one way to grow and achieve fulfillment as a lawyer. You have probably figured out by now that I like using quotes; hence it will not surprise you that I end with one:

*“Let a man keep the law - any law - and his way will be strewn with satisfaction.”*

– Ralph Waldo Emerson



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# PRO BONO OR GOSH OH NO: A GEN-Y PRACTICE TRAINEE'S PERSPECTIVE

Given that Gen-Y legal initiates have been viewed to be molly-coddled, entitled and selfish, how does the idea of *pro bono* work fit into the identity of a young practice trainee? Do we relish the opportunity to give back or do we shrink away from additional hours of not-really-billable work? Whilst I cannot speak for the rest of Gen-Y, this lowly minion believes that it is the former and not the latter that defines our current spirit.

As a Gen-Y practice trainee, I do feel entitled; entitled to know that my work means something, entitled to believe that I am capable of achieving and entitled to have **purpose**. In my short experience, *pro bono* work has surfaced as one avenue where I can feel that practising law is not just a job but a calling and a service; and also where I am able to test my mettle and see first-hand the fruits of my input.

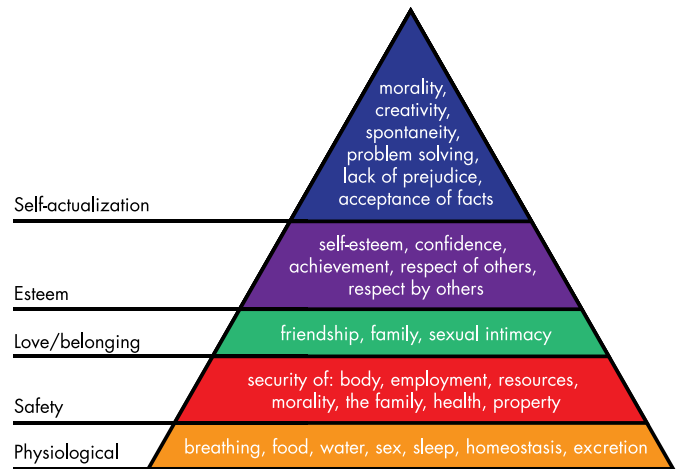
## Gen-Y: The Purpose-driven Generation

Indeed Gen-Yers often cry out for work-life balance. We are impatient and want to see results **now**. We are a needy bunch who needs to be patted on our well-coiffed heads and be told that we are good boys and girls. However, this does not mean that we lack heart or that we are not driven. It is simply that we are driven by different motivations than our predecessors.

People just cannot seem to figure out Gen-Y legal professionals. It is my humble opinion that what the older generation does not seem to grasp is that Gen-Y is more attuned to the pursuit of fulfillment in both our work and life, and when we do not find it we tend to leave the firm, leave the profession, or (in the worst of cases) we compensate for the lack of fulfillment by demanding higher pay.

In 1943, psychologist Abraham Maslow presented an influential paper entitled, *A Theory of Human Motivation*.<sup>1</sup> According to Maslow, we have five classes of needs: **physiological**, **safety**, **love/belonging**, **esteem** and **self-actualization**. Once we have met a basic threshold of lower-level needs, we tend to begin pursuing higher levels of needs. In circumstances where certain needs may seem

unattainable, we either change the circumstances (eg, quit the job) or compensate by fulfilling a greater proportion of a lower-level need (eg, if we do not gain **esteem**, we may compensate by seeking higher pay, fulfilling our **physiological** needs to a greater extent to distract from the lack of fulfillment of higher-level needs). The ultimate goal is to fulfill all levels of needs and reach **self-actualization**; however, rarely do people reach such great heights.



Maslow's Hierarchy of Needs

With regard to our base needs, whilst pay and job security are constant concerns, for Gen-Y in the legal profession, we encounter less worries over our basic **physiological** and **safety** needs. It used to be that work was purely a means to fill the rice bowl; monetary resources were a measure of how well our parents provided for the next generation. However, Gen-Y has seen the folly of such a singular pursuit.

And whilst the culture of a law firm does contribute to **love/belonging**, it is our family and friends who truly satiate this need. A sense of camaraderie in the work place definitely fulfills a significant need, but in present day work climate where job/firm mobility is the norm, Gen-Yers often look elsewhere to feed this need.

At work, what Gen-Yers are most focussed on fulfilling are our **esteem** needs, namely, **self-respect**, **self-efficacy** and **self-esteem**. **Self-respect** can be derived from the sense of knowing that what we do has meaningful purpose; **self-efficacy** is knowing that we are capable of achieving; and **self-esteem** is about feeling good about oneself, through, *inter alia*, achievement and purpose. *Pro bono* work is thus a perfect avenue where these can be realised. *Pro bono*, or rather, the original Latin term *Pro Bono Publico*, literally means for the public good; and working for the public good derives meaningful purpose. Moreover, in *pro bono* work, young legal initiates in the private sector get the opportunity to take ownership of a case. Instead of simply assisting a more senior lawyer, one gets the chance to prove oneself and see the matter through to its fruition.

It was thus no surprise that when my firm organised a talk on volunteering with the Legal Aid Bureau ("LAB"), quite a number of practice trainees and young associates turned up to answer the call. Whilst each of us came with different

reasons, it was evident that we young'uns wanted to give back in whatever small ways we could.

### A Practice Trainee's Pro Bono Experience

The *pro bono* work I have done so far has reminded this Gen-Yer of the legal profession's meaningful purpose. It has given me the opportunity to see the tangible impact of my work and simply makes me feel good about myself. That being said, not everything is hunky dory and *pro bono* cases do come with the same occasional frustrations we experience with the other files we are working on.

I have been privileged to have mentors who are such avid supporters of *pro bono* and charity work, and I have also been fortunate to be able to assist in a divorce case from LAB and a case from the Criminal Legal Aid Scheme ("CLAS") of the Law Society.

Assisting on these two cases has been quite an eye-opener. Hearing about these people's problems, you realise just how privileged you are. One of the cases I was assisting in involved a person who came from a poor, uneducated family and had intellectual disabilities as well as mental disorders. Having recently come out as SMU Law School's pioneer batch of law graduates with a double-degree in psychology, I was familiar with such disabilities and disorders, but I had never really worked closely with anyone who was so afflicted. What was even more heartbreaking to know was that although this person had a loving family, they could not really understand the difficulties this person was facing, and even that person did not fully comprehend the concept of mental disorders, and thought that they were transmitted like the flu.

Helping out in *pro bono* work really made me feel good about being in the legal profession. When working with paying clients, it is easy to forget that the legal profession is not just a service to our clients, but a service to the public. Doing *pro bono* work reminded me of our purpose, and why I decided to join this profession in the first place.

I must admit, however, at times the actual helping has been a tad exasperating. I am sure many will agree that *pro bono* work is not easy. For instance, for those who worked on the



above-mentioned case, we faced considerable difficulty in bridging the language and educational gap. It was frustrating trying to get the relevant information out of the client, as well as trying to communicate the legal issues in a way that the client could understand. But in the moments when these clients thank you, or try to treat you to coffee when you know how very little they earn, you understand how much they appreciate what you are doing for them. This makes the frustrations melt away, because you are reminded that you are providing a meaningful service.

*Pro bono* work is also challenging because there is no longer the safety net of a partner or senior associate handling the case. Sure, you can always seek advice and guidance from the more seasoned, but the onus is still on you to manage the case. Such a challenge is enabling for a Gen-Yer like me, and there's a sense of empowerment.

### After Getting Called ...

As a practice trainee, I have yet to face the pressures of billing and the full responsibilities of managing a case. That being said, I firmly believe that a sure-fire way of rooting me or most of my fellow Gen-Yers in the profession is to encourage us to take up one or two *pro bono* cases. This will remind us why we became lawyers in the first place. We experience fulfillment by making a difference, and we commit to the profession because we find added purpose in our work.



**Jason Gabriel Chiang**  
Practice Trainee  
Rajah & Tann LLP

### Notes

- 1 Abraham Harold Maslow, "A Theory of Human Motivation", *Psychological Review* (1943) 50(4) 370-96; this Theory was further fleshed out in Abraham Harold Maslow, *Motivation and Personality*, (Harper and Row, New York, New York, 1954).



# WHY UNDERTAKE PRO BONO WORK?

Undertaking a business and bringing in income for the practice has always been a criterion of how well a lawyer is performing in private practice. It is said that this criterion, together with the difficulty of time management in practice, has brought on stress, resulting in lawyers leaving practice. Why then should lawyers undertake *pro bono* work?

It would be timely to note the Honourable the Chief Justice Chan Sek Keong's address to newly admitted advocates and solicitors on 20 May 2006 when he said:

The reality of the legal profession today is that large law firms are, in the main, business enterprises. Decisions are shaped by commercial consideration and profit remains the foremost driving force. Whilst this is a fact of life, it must be remembered that the law is not just an ordinary occupation. It is a vocation committed to justice. As main stakeholders of the legal system, lawyers play a profoundly important role in safeguarding the quality of justice. Indeed, one of the privileges of being a lawyer is the provisions of legal representation to those who are disadvantaged.

Law has been described as not just an ordinary occupation but a vocation committed to justice and the Legal Profession (Professional Conduct) Rules (Cap 61) provides for the obligation that an advocate and solicitor shall facilitate access to justice by members of the public.

So members of the noble profession, we have at least an obligation if not a duty to assist the disadvantaged in society have access to justice.

It needs to be highlighted that some lawyers have always provided access to the disadvantaged in society by undertaking *pro bono* work but in recent times the call and push for more lawyers to undertake such work has become louder, so much so that in the opening of the current legal year, the speeches of the President of the Law Society of Singapore, the Honourable Attorney-General and the Honourable Chief Justice emphasised the importance of lawyers undertaking *pro bono* work.

Law Society President Wong Meng Meng, SC provided an insight as to what work would qualify as *pro bono* work when he stated:

I think a lawyer who does free work for a regular client cannot call this *pro bono* work even if he does not charge his client. This is because he expects to be rewarded one way or the other by his client later, perhaps with another piece of fee-paying work. So to qualify as *pro bono* work, it has to be work for an indigent stranger without expectation of reward (at least in this life). ... Ultimately lawyers must regard the practice of law as part of public service. It is very well to make good money, but public service means making a contribution to society at large.

The Honourable Attorney-General shared about firmly entrenching *pro bono* work throughout the profession:

... one significant reform that will soon be introduced is directed towards cultivating in lawyers at the very outset of their careers a firm commitment to the ideal of service. ... the SILE under the chairmanship of Justice V K Rajah will require students to undergo a mandatory component of *pro bono* work in a selected group of settings. I am confident that through this experience, young lawyers will come to see their legal careers as part of a wider picture rooted in a culture of service to the community.

Providing the disadvantaged in society with access to the legal system is an important aspect of the administration of justice and it would be realised only with the opting in of as many of our lawyers as possible.

Recognising that some lawyers, particularly younger ones, may find it difficult to undertake *pro bono* work, the Honourable Chief Justice suggested as follows:

As *pro bono* work brings nothing to the dinner table, one can understand why young aspiring corporate lawyers would be reluctant to do *pro bono* work. They can be encouraged to do so if management provides them with an incentive, such as crediting their *pro bono* work with a notional income based on what they would have earned for the firm at their normal charge-out rates. Perhaps, law firms that are large enough might even consider setting up *pro bono* departments, as some American law firms have done.

It is heartening to note that some law firms have already taken up this suggestion and have set up a *pro bono* department within the firm to steer their lawyers to undertake *pro bono* work. Clearly the climate of greater participation in and acceptance of *pro bono* work has already begun. There can be no doubt that lawyers with their legal training have the necessary skills and knowledge to help the disadvantaged. It is hoped that lawyers would embrace *pro bono* work sooner than later and make it part of the DNA of their profession.



**M. Lukshumayeh**  
Sim Teck & Associates

## STUDENTS WITH A HEART: U2 CAN DO PRO BONO



The term *pro bono* is perhaps one of the most commonly known Latin terms both within and without Law School. It derives from the ancient Latin phrase “*pro bono publico*”, which translates to “for the public good”. A simple phrase, but one that stands at the heart of our profession: to give back to society in ways we are best equipped for – voluntary legal service.

To this end, the NUS Pro Bono Group seeks to inform, involve and inspire the students of the NUS Faculty of Law on the *pro bono* movement. We engage the student population through three types of *pro bono* work: attachments in legal clinics and *pro bono* offices, community education, and research projects. We run a total of six permanent projects, a variety of ad-hoc research projects and attachments with the Law Society’s Pro Bono Services Office. With a total permanent membership of around 180 students and non-permanent volunteers from the student population throughout the academic year, we aim to spread the word about *pro bono* and expose our students to *pro bono*, shaping a more caring profession from an early stage.

### To Inform

*Pro Bono* service is a relatively new concept to the freshmen of Law School. While everyone is familiar with the idea of volunteerism, they might not understand the difference between *pro bono* and community service. The NUS Pro Bono Group (the “Group”) seeks to clarify this. Through active engagement with the student community, seniors from the Group inform the juniors on what *pro bono* entails. The Orientation team each year organises a series of activities during the holidays to engage incoming freshmen with *pro bono* work, providing them with a sneak peek into the various initiatives we host. Students are also invited to participate in our annual Welcome/Recruitment Tea where we outline the programmes we offer and give them the opportunity to sign up for the ones that interest them. Ad-hoc research projects are also made available throughout the year for the student population. Each project serves to underscore to the students *pro bono*’s value to society. We believe that “actions speak louder than words”: through maintaining an active presence in the student community, we seek to spread the word about *pro bono*, and constantly find new opportunities to engage our students so they can personally experience what *pro bono* is all about.

### To Involve

Involvement is key to the success of the *pro bono* movement. Though as students, we are unable to give legal advice, we assist in the administration, management and background research for these *pro bono* projects and also work closely with the Faculty, the Law Society’s Pro Bono Services Office, external organisations and various *pro bono* lawyers to actively involve our students in the various *pro bono* initiatives.

For example, our students assist at Legal Clinics set up by various organisations such as the Law Society, Community



*The audience enjoying the speeches and interactions offered during the seminar series.*



Centres and SAWL (Singapore Association of Women Lawyers). In the course of a 30-minute session at a legal clinic, *pro bono* lawyers advise needy applicants on cases they bring to the Clinics, often on an anonymous basis. Our students assist in the transcript, translation, and administrative work that are required during the clinics. Through this, our students gain the chance of learning how the advice process works while playing an active role in it and understand real legal issues, such as matrimonial problems encountered by people.

We are also collaborating with the Subordinate Courts on a programme called the University Court Friends. In this programme, law students are attached to one of the Divisions of the Subordinate Courts for a 10-week period. Students help unrepresented parties navigate Court processes and provide the correct legal information required by the Court, thereby gaining knowledge of Court procedures as well as experience in Court documentation.

Our students bring their legal knowledge to the community through the RELAC (Raising Extra Legal Awareness in the Community) programme, where they are tasked with researching and presenting specific legal problems in a clear and easy-to-understand manner to members of the public. We collaborate with schools such as Northlight School to present legal problems that are close to the students' hearts, seeking to educate them on the consequences of committing crimes such as vandalism, theft and gangsterism. Through skits and games, we hope to give them the requisite knowledge of the law, and hope that it deters them from crimes or anti-social behaviour. Over the past year, we also expanded the programme to the elderly, presenting on issues such as probate and Lasting Power of Attorney ("LPA") in the hope that they and their families can be better informed of the law governing such issues.

In addition, we actively engage other organisations such as HOME (Humanitarian Organization for Migration Economics) and the MOE (Ministry of Education) in research and assistance schemes to expose our students to a wider range of *pro bono* work. We assist HOME in

their fight for migrant workers' rights through research projects in that area. We also engage the MOE in MPP (Moot Parliament Programme), where our law faculty undergraduates act as mentors to secondary school students on the drafting of a mock Bill for the programme. Lastly, we engage the Law Society's Pro Bono Services Office in Project Law Help where students are tasked with updating and maintaining a website providing free and accessible legal pointers for entities interested in setting up Voluntary Welfare Organisations or Charities.

Our involvement with external agencies not only benefits them but also provides a chance for our students to be part

of the greater *pro bono* movement in the profession. At the end of the day, we wish to give our students as much hands-on experience as possible. Their involvement in the various programmes often opens their eyes to the needs of the community and the potential of the skills they learn in school. Hopefully, this will motivate them to desire to serve more, eventually resulting in new additions to the ranks of students who feel that serving the community is an important part of being a lawyer.

### To Inspire

*Members learning about the history of the Pro Bono Group, which started in 2005.*



The question then arises – how else shall we motivate the students? What could be better than inviting current established lawyers to speak to students on *pro bono*? Over the past year, we have set out to bring the profession's movers and shakers to the students through seminar series and Homecoming events, celebrating the culture of *pro bono* and inspiring younger generations.

The *All About Doing Good Seminar Series*, which includes two seminars named *Doing Good While Doing Well* and

*Recognising the efforts of our founder during Homecoming 2012, an event to commemorate seven years of pro bono in Law School.*



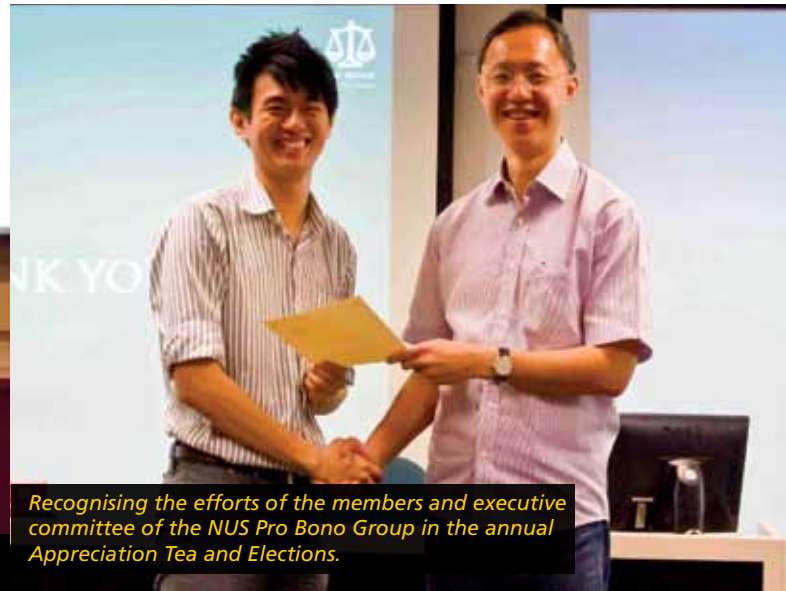
*Doing Good Well* respectively, saw various established individuals in the legal industry and academia like Mr Thio Shen Yi, SC, Mr Lim Tanguy, and Associate Professor Helena Whalen-Bridge coming together to speak to the students on issues such as mandatory *pro bono* and *pro bono* legal work in actual practice. Inspiring stories about *pro bono* work and the spirit of volunteerism are shared during the sessions. The students also had the benefit of hearing different viewpoints on *pro bono* from the diverse panel of speakers, which ranged from associates new to the practice to established partners of various firms. The sessions proved to be enriching and students appeared to be greatly inspired to continue participating in *pro bono* even after being called to the Bar.

Homecoming 2012 saw the celebration of seven years of *pro bono* efforts in the NUS Faculty of Law, and the reunion of the past and present members of the NUS Pro Bono Group. Students are invited to engage with seniors in an informal setting with food and drinks to talk about their *pro bono* experiences, and to hear first-hand about the various opportunities available in practice.

These opportunities to mingle with lawyers proved to be an effective platform for the students to learn more about *pro bono* work. While we believe that through participation,



*Students during a RELAC session where they put their acting skills to the test by presenting skits on legal issues to the students of Northlight School.*



*Recognising the efforts of the members and executive committee of the NUS Pro Bono Group in the annual Appreciation Tea and Elections.*

students will be constantly inspired to do more good works, we understand that the number of projects available for students is limited. Such sharing sessions definitely allow the greater student population to come together and celebrate the spirit of *pro bono*, inspiring and guiding our successor generations to become even greater and better lawyers.

### It Feels Good to Do Good

*Pro Bono* is never just about participation: It is a commitment. The NUS Pro Bono Group's motto "to inform, to involve, to inspire" reflects this ideology: to encourage a *pro bono* culture in Law School, to actively involve the student population, and to inspire a new generation of professionals with a heart for the community. The heartening response from the student population and their unwavering support for our cause motivates each and every one on the team leading the Group. Perhaps that is the best reward one can ever get from a service to the public. Indeed, it **feels good to do good**.

### NUS Pro Bono Group



*Students aid in the community legal clinics by sitting in and helping to take attendance notes for the pro bono lawyers.*



# SMU PRO BONO CLUB INITIATIVES

Established in 2008, the Singapore Management University (“SMU”) Pro Bono Club aims to nurture the *pro bono* spirit among law students. Since its inception, the Club has been faculty-supervised and works closely under the guidance of the university. By providing opportunities for SMU law students to assist lawyers in helping indigents, SMU Pro Bono Club hopes that its volunteers can apply their newly acquired legal skills to facilitate access to justice and also develop as aspiring lawyers.

Our regular *pro bono* initiatives include volunteer opportunities at the Law Society of Singapore’s Community Legal Clinics, vacation attachments with the Pro Bono Services Office, clinics at the Singapore Council of Women’s Organisations, and the University Court Friends scheme with the Subordinate Courts.

SMU Pro Bono Club is also strongly committed to doing legal research. We believe that it is imperative for law students to be aware of the impact that law has on society as well as the limitations that our legal system may have in protecting vulnerable groups and individuals. Our club has introduced two new research initiatives for our members since the start of this year. The first initiative is a joint collaboration with the Association of Women for Action and Research, focusing on human trafficking in the South-East Asian region. The second initiative involves a tie-up with MARUAH, a group for an ASEAN Human Rights mechanism, and provides our students with a chance to research into Singapore’s mandatory death penalty.

## Community Legal Clinics

The Community Legal Clinics (“CLCs”), a community outreach initiative by the Pro Bono Services Office of the Law Society, serves as a platform for individuals to seek free legal advice. Here, student volunteers are given the opportunity to closely observe lawyers dispense practical advice on a wide range of matters. In this way, students also gain an understanding of how the law directly and personally affects an individual’s life. Student volunteers assist with general administrative duties such as registration of applicants and take notes during the consultations. If the need arises, students may also help lawyers to translate for non-English speaking clients. Sign-ups for the CLCs often exceed the number of available slots – a testament to the eagerness of students to be involved in *pro bono* work.

## Singapore Council of Women’s Organisations Legal Clinics

The Singapore Council for Women’s Organisations (“SCWO”) aims to promote and improve the status of women in all fields, in particular education, economic, social welfare and community involvement, culture and sports. In partnership with the Singapore Association of Women Lawyers (“SAWL”), SCWO conducts free legal clinics on the first and third Monday of every month. The legal clinics focus primarily on issues relating to divorce, such as the grounds of divorce, maintenance, Personal Protection Orders, custody and the variation of orders. Student volunteers assist the lawyers by taking notes during the clinics.

## Pro Bono Services Office Attachment

Another programme that has received overwhelming response from the students is the two-week attachment with the Pro Bono Services Office of the Law Society. During their attachment, volunteers will be posted to both departments of the Pro Bono Services Office, namely:

1. Community Legal Clinics (“CLCs”); and
2. Criminal Legal Aid Scheme (“CLAS”).

At the CLCs, volunteers are given the opportunity to interview CLC applicants in person or over the phone. The process involves the preparation of brief summaries of the cases being registered and volunteers would help to roster the applicants for the legal clinics.

At CLAS, volunteers are given the opportunity to interview applicants at the Pro Bono Services Office, at Changi Prison, and at the Institute of Mental Health (if the case so requires). Subsequent to the interview process, volunteers would prepare recommendations on whether applicants should be granted legal aid. This experience helps student volunteers to balance real-life cases with a sense of compassion and rationality. Through the various interactions with the applicants, students are also able to develop their ability to form insightful questions and relate to people from all walks of life.

Lam Zhen Guang, a third year SMU Law Student, recounts that “volunteering at the Pro Bono Services Office has been an exceptionally fulfilling experience. Besides the benefits gained from the practical application of [his] theoretical knowledge, the attachment has helped [him] understand and appreciate the importance of legal aid to those who truly require the assistance.”

## University Court Friends

Introduced in 2009, the University Court Friends (“UCF”) Scheme exposes student volunteers from SMU Law School to the legal processes taking place at the Subordinate Courts. Participants are assigned to assist members of the public at the Small Claims Tribunal, the Family Court or Crime Registry. Volunteers will also have the opportunity to observe mediation and negotiation proceedings at the Subordinate Courts during their participation.

## Association of Women for Action and Research

The Association of Women for Action and Research ("AWARE") Legal Research project is a new volunteering opportunity for SMU law students. This eight-month project focuses on human trafficking and is estimated to end in August 2012. The current team comprises 13 SMU volunteers who will work under the guidance of AWARE volunteers and staff. Volunteers conduct legal research on various Acts relating to human trafficking, which include the Penal Code, the Children and Young Persons Act, the Women's Charter, the Employment Act, the Companies Act, and the Immigration Act. Volunteers assist AWARE and lawyers in their legal research by analysing the relevant legal material. In addition, volunteers will propose amendments to the relevant Acts, and provide reasons for these proposed amendments.

## MARUAH

The SMU-MARUAH Mandatory Death Penalty Research Initiative is a new collaboration between SMU Law Pro Bono Club and MARUAH Singapore. Under this initiative, SMU Law students will examine whether the current law surrounding the mandatory death penalty takes into account an individual's right to life and access to justice. Students will assess the standards of representation, the limitations placed on Judges and lawyers and whether the laws are inherently tilted against the accused. Slated to end by August 2012, the project will culminate in a research paper to be made available for the public to gain a deeper understanding of this highly debated and emotionally charged issue.

## How Students have Benefitted

Although volunteering with the Pro Bono Club is not mandatory for all law students, we have seen an increasing number of students interested in engaging in *pro bono* work. Many students have commented that doing *pro bono* work gives them a sense of satisfaction. "As a law student, I have gained an insight into the purpose lawyers serve in the wider society," said Loy Zhi Hao, a third year SMU law undergraduate.

Doing *pro bono* work has also allowed law students to experience first-hand what they have learnt in law school, applying their legal knowledge to real-life situations. Another third year SMU law student Charlene Sim Yan said, "Engaging in *pro bono* work has encouraged me to continue volunteering on a *pro bono* basis and as a lawyer in the future."

Participating in *pro bono* work at a young age ignites the *pro bono* spirit in law students, spurring them on to continue volunteering even after they graduate from law school. Furthermore, the increasing number and variety of volunteering opportunities available for SMU law students cater to different students' interests, such that more students can use their legal skills and knowledge for the good of society and acquire practical hands-on experience at the same time.

## SMU Law Pro Bono Club







# Invitation

## for Contribution of Articles

**Please e-mail  
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