



Law Gazette

Nulawyer: The Essential App to Lawyering



A Special Publication for Mass Call 2019



THE LAW SOCIETY
OF SINGAPORE

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

This issue of the **Law Gazette** is specially prepared for the newly called lawyers of Mass Call 2019. It is also available at www.lawgazette.com.sg

Published by The Law Society of Singapore

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August 2019

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PRESIDENT'S MESSAGE

The Power of Passion

There is a power that will sustain you through the darkest hour. Keep you energized and enthused for the long haul. Enable you to overcome the odds, setbacks and adversities that could come your way in your work life. That includes a significant number of you who will start legal practice soon.

Steve Jobs, then CEO of Apple Computer and Pixar Animation Studios, delivered his famous Commencement address on 12 June 2005 to Stanford University graduates with the following (now immortal) words: *"Sometimes life hits you on the head with a brick. Don't lose faith. I'm convinced that the only thing that kept me going was that I loved what I did. You've got to find what you love".* Later, *"Your work is going to fill a large part of your life, and the only way to be truly satisfied is to do what you believe is great work. And the only way to do great work is to love what you do."*

These words were meant for the listening graduates of Stanford University on 12 June 2005. It will also hold true for you: the newly called lawyers of the Mass Call Ceremony on 27 and 28 August 2019.

Steve Jobs was neither the first nor the last to touch on loving what you do. An anonymous epigram that continues to be cited and recited is to *"Choose a job you love, and you will never have to work a day in your life"*.

There is recent statistical evidence supporting the negative effect of a lack of passion. Alison Robins writing in officevibe.com on 27 March 2017 cites a Deloitte's comprehensive report that found that 88 per cent of employees do not have passion for

their work and so they do not contribute their full potential.

It comes down to passion. To align your calling and your life's work with passion. So that your work life will see life at work.

There are two dimensions to passion that I will unpack in this message. **Curiosity** and **Compassion**.

Curiosity

Stay curious. There is much to learn.

Passion will generate a sense of curiosity.

Curiosity may have killed the cat but it will enliven the lawyer. Picking him or her up and perking him or her up. Whether it's the young litigator, taking instructions, asking probing questions on the next event in a narrative leading to the climax or denouement. For corporate lawyers and conveyancers, even a well prepared set of checklists, boiler plate clauses and bibles per se are meaningless and hollow unless undergirded with an innate sense of curiosity about the unique facts pertaining to the transaction. A brief no matter how brief has points to be plumbed.

That's not just for learning in the hallowed halls of the university. It is a truism that as a wanderer through legal practice, you need to be a wonderer.

One of the great modern exemplars who still remains as strong in passion of learning is former Law Society President Michael Hwang, SC. You will see him attending seminars not only as a stellar speaker but also as a proactive participant eager to learn from others. What an example he sets for

us of lifelong learning! But the inner driver of that learning is an innate sense of intellectual curiosity.

While you know some areas of law very well by now and supplemented others during your Part A and Part B courses, there are new areas that you will need to learn in the course of practice.

Part of the new areas include:

- (a) a niche specialization in law. The SAL has specialist accreditation to credentialize niche expertise. For instance, in building and construction and maritime; and
- (b) industry knowledge and domain expertise. For instance, fintech, cybersecurity, infrastructure projects could give you cutting edge in practice as you would be speaking the language and operate on the same wavelength as the industry practitioners.

This is the deeper expertise. And you can only gain these gems if you drill down. With an insatiable thirst for knowledge that comes to the inquiring mind.

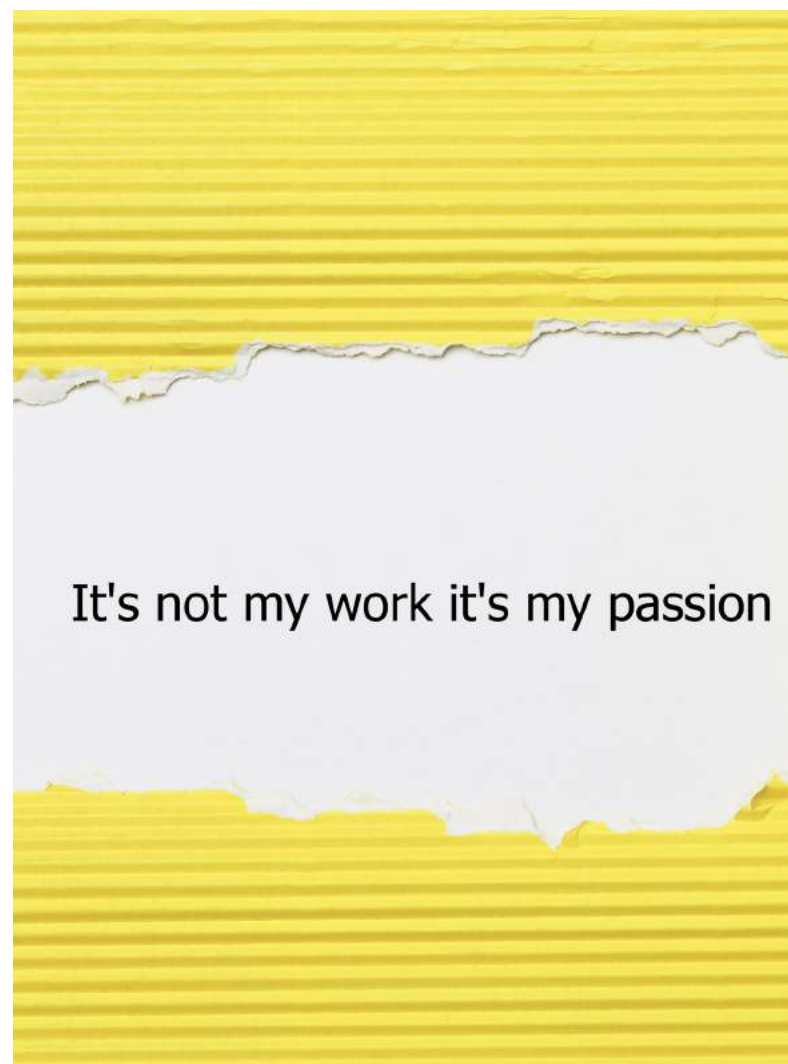
To fuel that fire of passion in learning, you need to read. In James Boswell's *Life of Johnson*, Dr Johnson's view was that *"the greatest part of a writer's time is spent in reading, in order to write: a man will turn over half a library to make one book."* For *"Knowledge is of two kinds. We know a subject ourselves, or we know where we can find information upon it."* An important skill in practice is not only to know what to read but how to find out what to read when you need to read it.

Compassion

A second facet of passion is compassion. Interestingly, the root words of both these words are the same. The Latin word "pati" means "to suffer with". This can only come about when we develop empathy.

Atticus Finch, the famed apocryphal lawyer from literature's *To Kill A Mockingbird* gives us this quote: *"You never really understand a person until you consider things from his point of view until you climb into his skin and walk around in it."*

Walk where your clients walk. This means living their lives and seeing through their lens. I constantly get reminded of this every time I analyse a problem in legal practice in detached, objective, clinical professionalism. While that's critically important (so don't get me wrong on this point), the heartware is just as important. In communicating our answer, offering our analysis, giving our advice to the client, we need to master the art, skill or (perhaps more precisely), the value of compassion.



Unless we can feel the client's pain of injustice, we will never experience true compassion. The "pati" that distinguishes the best lawyers from the good ones.

With compassion in your heart, you will also be perfectly poised and positively proactive to do pro bono. There is no better time to start that pro bono journey than now as a fledgling lawyer. Immerse yourself into the world of the indigent who is clueless about his rights and wrongs. Opportunities abound courtesy of our Law Society Pro Bono Services (**LSPBS**) for law awareness, assistance and advocacy. We reach out to touch the least, the last and the lost requiring criminal legal aid as well

as civil legal aid complementary to the Legal Aid Bureau's fine work.

Let me leave you with a final observation on passion. In an article published on biospace.com on 28 March 2018 headed "How Important Is It To Be Passionate About Your Job?", the author writes: *"A large body of evidence-based career advice says, yes, employees who are passionate about what they do will be both happier and more productive at work. Their passion stems from caring deeply about what they do or where they work and being personally invested in and motivated by its mission."*

Passion inside you, that you carefully cultivate, will enable you to overcome professional burnout and navigate extraordinary stresses and strains in practice. Being happier and more productive at work? That's the winning proposition for both you and your employers.

May the passion burn brightly within you.



GREGORY VIJAYENDRAN, SC

President

The Law Society of Singapore





CEO'S MESSAGE

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

Heartiest congratulations – you persevered through law school, endured Part B, stayed the course for your training contract, tolerated your supervising solicitor and colleagues, and still managed to convince yourself to be called to the Singapore Bar. You deserve nothing less than a pat on your back. Now what's next?

Equipping Yourself Professionally

Learning about the law does not stop as soon as you graduate from law school and pass the Bar! In

fact, as a young lawyer starting out in practice, you should continue to build your knowledge and gain expertise not only in your current practice areas, but also in areas of the law that you personally find interesting but may yet have the opportunity to work on. Do not confine yourself to the usual textbooks and treatises, but read widely across a range of platforms – blog posts, magazines, law review articles, and commentaries from leading practitioners. The Law Society's monthly online publication – *Singapore Law Gazette* – provides plenty of articles and commentaries on a wide range of legal related topics ranging from black letter law and practice management to personal and career development.



If you have an interest in a new, developing area of the law, be proactive and contribute articles to the *Singapore Law Gazette*, your firm's client newsletter (if there is one) or even start your own blog. Writing a few articles and blog posts about your preferred area of the law and actively building thought leadership in this area can go a long way in increasing your value to your law firm, as well as demonstrating to potential clients your subject matter knowledge in an emerging/developing area of the law.

The legal profession is not spared from the accelerating disruption that is sweeping across industries and threatening professions. Today's lawyers, particularly young lawyers, need to be cognisant of the impact of technology on the practice of law and acquaint

yourselves with the various legal tech tools available. Thankfully many local law firms have jumped on the legal-tech bandwagon and have or are employing legal tech solutions in areas such as legal research, document and practice management. The tech divide between NewLaw and BigLaw has narrowed. As a young lawyer, you can look forward to tech relieving you of the mundane tasks of lawyering and focus on high-value adding work, provided you are first proficient with these tech tools. Attend training seminars and workshops to keep yourself updated on developments in the legal tech scene, and even equipping yourself with skills such as basic coding and programming, will prove to clients that you are able to “walk the talk”.

The Law Society has dedicated resources under our Legal Productivity and Innovation (**LPI**) Department to assist Singapore law firms and lawyers with matters relating to adoption of technology and implementation of innovative business ideas. Do spend some time checking out our LPI microsite (<https://www.lawsociety.org.sg/lpi/>) to see how we can assist you and your law firm in your tech adoption journey. On the microsite, you can also read tech and innovation-related articles written by our Legal Research and Development (**LRD**) Department. Recent articles outline the experiences of some Singapore law firms with legal tech adoption and provide highlights of the Tech-celerate for Law Conference that was held on 15 May 2019 to commemorate the launch of the Law Society’s Tech-celerate for Law programme and the SmartLaw Guild.

While being tech-savvy is especially critical, the so-called “traditional” skills remain just as relevant. Essential traits such as interpersonal skills, adaptability, initiative and a willingness to re-examine the status quo will continue to remain relevant for legal professionals, as is a deep expertise in the law. You may also question whether it is wiser to specialise or be a generalist. A generalist teaches one to be adaptable and

flexible, but at the cost of developing extensive knowledge in a particular area. There may not be a straightforward answer as much will depend on your inclinations and strengths. You will need to frequently assess your goals as these may change with experiences encountered during practice, and play an important part in determining the next career move. For example, is the prestige and stability of working in a large firm still an attractive option? Or is working in a smaller firm, which could give you more opportunities for developing client care, decision-making skills and other soft skills, the more attractive option?

However, young lawyers should also take heart in the fact that even if you choose not to continue in practice, you will acquire many other valuable soft skills in the course of practice that will stand you in good stead in any job or industry, such as project management skills, interpersonal skills, and attention to detail.

Finally, keep an open mind and listen to different perspectives, particularly from those who have “been there, done that”. If you can find a trusted mentor, it will certainly give you a leg up in your career. The Law Society runs *PracMentor*, a scheme under where young lawyers may seek guidance and advice from a senior volunteer lawyer on practice issues. You can read more about it here - <https://www.lawsociety.org.sg/For-Lawyers/Services-for-Members/Membership-Benefits/Support-Schemes/PracMentor>.

Ensuring Your Own Safety and Well-being

In the early years of your career in legal practice, it is almost inevitable that you will face gruelling hours, tight deadlines, and demanding clients (these will certainly not suddenly vapourise as you become more senior but you are likely to cope better with them given a bit of experience). These factors can take a toll on many young lawyers who may find yourselves struggling to meet demands

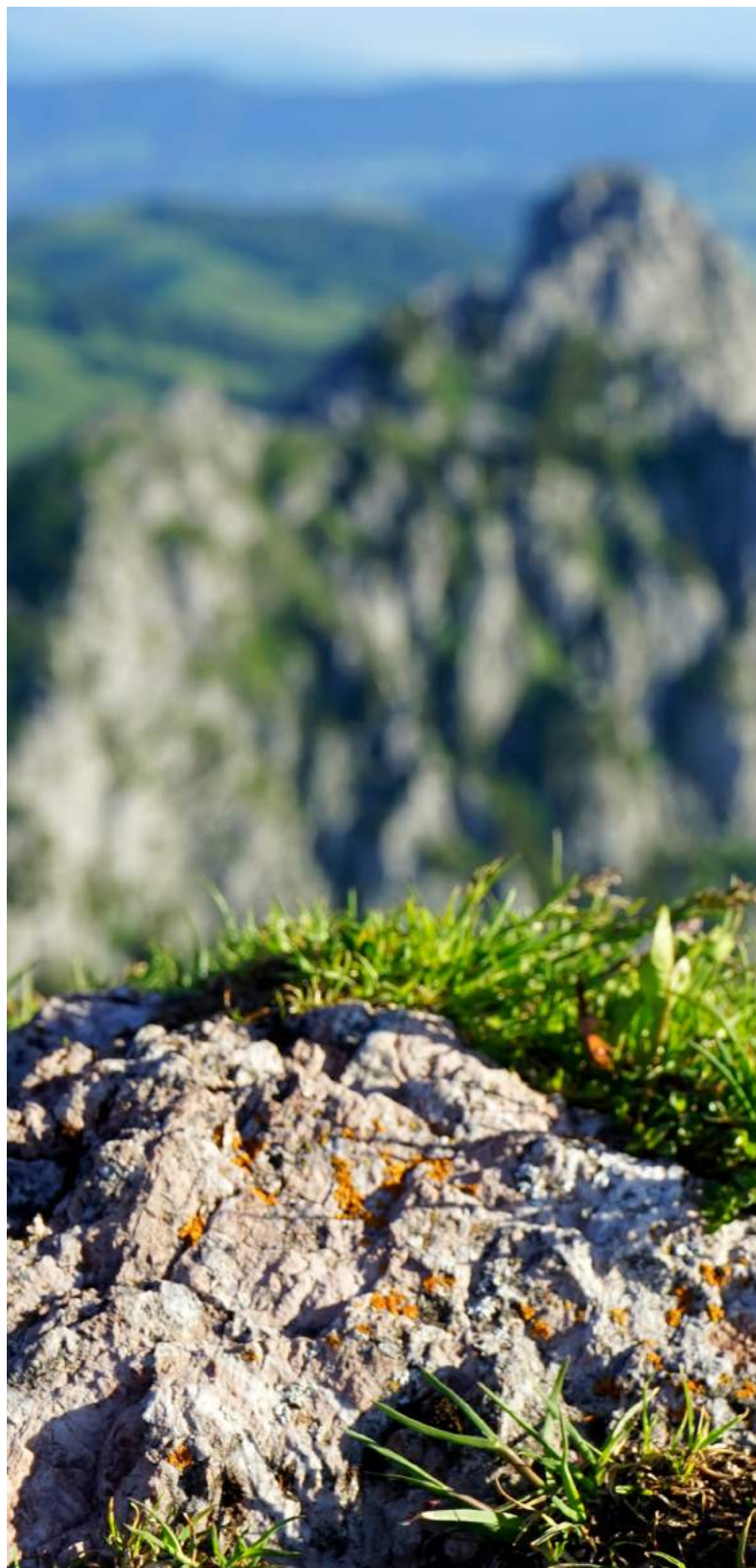
and pressures from all corners. It helps to remind yourself that work is just one part of your life. Rather than seeking to achieve the often elusive work-life balance ideal, aim for a “whole-life balance”. This means seeking avenues to enjoy your work while setting aside quality time with your friends and loved ones, as well as time to focus on your health and well-being through adequate sleep, exercise, nutrition, as well as leisurely pursuits outside of work.

While advocating whole-life balance, the Law Society is cognisant of the fact that some of our members are not just facing issues of over-working but even trickier matters of sexual harassment and bullying. In 2018, the International Bar Association (**IBA**) launched a survey investigating how sexual harassment and bullying affect legal workplaces; this survey received responses from almost 7,000 legal professionals in 135 countries. The results of the survey were subsequently published by the IBA in a [report](https://www.ibanet.org/bullying-and-sexual-harassment.aspx) (<https://www.ibanet.org/bullying-and-sexual-harassment.aspx>) in May 2019. It found that bullying and sexual harassment is rife in legal workplaces, and almost universally experienced across jurisdictions – one in two female respondents and one in three male respondents had been bullied during their legal career; sexual harassment affected one in three female respondents and one in 14 male respondents. The results also confirmed that younger members of the profession are disproportionately impacted by bullying and sexual harassment.

Law firms are high stress environments where time and patience may be in short supply. Tempers will flare up inevitably over work related matters, and that is (with few exceptions) part and parcel of law firm life. The commonly dispensed advice not to take scolding from your bosses “personally” is sound advice if the criticism is targeted at your work instead of devaluing you as a person.

However, it is also a reality that the same high stress

environment often facilitates bullying. The difficulty lies in ascertaining when harsh treatment shades over into bullying. Bullying does not necessarily



have to involve a physical component but can also include threats or acts of intimidation, humiliation and deliberate provocation. In this regard, an Amicus



Agony article (<https://lawgazette.com.sg/practice/the-young-lawyer/amicus-agony-jun-2019/>) in June 2019 of the *Singapore Law Gazette* featured a first-year associate experiencing verbal abuse on a daily basis from a senior partner. The article outlined possible steps that the associate could take to address the situation if he/she believed that he/she was a victim of bullying.

One indication may be when the criticisms or scolding are aimed at factors that are unrelated to your work (e.g. comments about your weight and appearance). You may also be the target of bullying when you are subject to harsher treatment than your peers in a similar situation. As for sexual harassment, this includes unwanted and unwelcome conduct of a sexual nature (including physical, verbal or non-verbal conduct such as sending of inappropriate text messages or unsolicited images through text/social media), that creates an intimidating, hostile, abusive or offensive working environment.

If you feel that you might be the victim of bullying and/or sexual harassment, you should seek the views of friends and colleagues you can trust to obtain a balanced viewpoint on your concerns and where necessary, respectfully and calmly bring the matter to the attention of your firm's HR department. You should also consult the Law Society's various pastoral schemes which can be accessed through a centralised, dedicated and confidential hotline – Members Assistance and Care Helpline at 6530 0213 or via an e-mail to mcir@lawsoc.org.sg.

Giving Back Through Pro Bono

Pro bono is as much a part of legal practice as it has been during law school. If you are looking for pro bono opportunities and wish to further access to justice for all, the Law Society, through our wholly owned charity subsidiary, the Law Society Pro Bono Services (**LSPBS**) invites you to join them as a volunteer.

LSPBS provides:

- (a) pro bono legal assistance for the most disadvantaged in the community as well as for organisations serving the needy;
- (b) support for lawyers undertaking pro bono work; and
- (c) support for other organisations engaged in access to justice initiatives.

Key initiatives include:

- Law awareness programmes that reach out to members of the public to increase understanding of how the law applies in their daily lives through free public legal education talks, booklets and collateral; collaborations with agencies such as NTUC, the Community Development Councils and People's Association;
- Community Legal Clinics which offer free basic legal advice to members of the public who are facing a legal issue on personal matters and do not have access to legal advice or representation.
- The Criminal Legal Aid Scheme (**CLAS**) which offers pro bono criminal defence representation for needy accused persons regardless of nationality.
- The Ad Hoc Pro Bono Assistance Scheme which offers legal representation for persons with exceptional circumstances who do not meet the criteria for existing legal aid schemes but nonetheless are in urgent need.
- Community Organisation Clinics/Project Law Help which assists community organisations (including registered charities and social enterprises) by offering free basic legal advice on operational issues for community organisations in Singapore that have an

objective to meet community concerns or needs. Legal assistance is also rendered under Project Law Help to cover pro bono corporate transactional assistance in addition to legal advice for eligible community organisations.

Going forward, LSPBS will be launching new schemes for vulnerable groups such as Project LEAF (Legal Empowerment and Assistance for Foreign Spouses), legal assistance for migrant workers and foreign domestic workers, as well as a Poverty Simulation Exercise which aims to help legal professionals grow in empathy and better understand the problems of inequality.

LSPBS works closely with and provides support to various social service organisations and non-profit organisations. Given the wide range of volunteering opportunities and initiatives under LSPBS, many practising lawyers have set aside hours (or even days) to volunteer and contribute directly to the well-being of the needy. Join them, and LSPBS, in serving the wider community. Sign up with an e-mail to volunteer@lawsocprobono.org.



DELPHINE LOO TAN

Chief Executive Officer
The Law Society of Singapore



MESSAGE FROM CO-CHAIRPERSONS, YOUNG LAWYERS' COMMITTEE



Congratulations to all the newly called Advocates and Solicitors of the Singapore Bar on this momentous occasion in each of your lives!

By now, you may have a fleeting sense of what life in legal practice will be like for the next few years based on your interactions with practising lawyers. We thought we'd share our thoughts on how to make practice meaningful for yourself through the lens of a word much deployed in HR wellness parlance these days: "mindfulness".

Mindfulness involves being centred, fully present, aware of what you're doing and being in control of your surroundings in contradistinction to being controlled by circumstance.

We suggest three ways of deploying mindfulness in practice that will, hopefully, help you find meaning in what could otherwise be a very overwhelming profession.

Mindful of the Legal Fraternity

The word "fraternity" is derived from the Old French word *fraternité*, referring to a body of persons brought together by a common interest. We think the modern conception of the legal fraternity emphasises the moral ties and sense of community amongst Bar members, whose common objective is to uphold the rule of law in Singapore.

Part of the Law Society's statutory function is to "*represent, protect and assist members of the legal profession in Singapore*". One way the Law Society accomplishes this is through a diverse set of nearly 30 standing committees each charged with a purpose that impacts the legal community. Certain committees are practice-oriented, such as the Family Law Practice Committee and the Criminal Law Practice Committee, and others relate to demographic interests, such as the Young Lawyers' Committee and the Women in Practice Committee. The Law Society Pro Bono Services also maintains committees focused on various aspects of its pro bono efforts, such as the Law Awareness Committee and the Project Law Help Committee.

We are confident that you will find a group of like-minded Bar members whose work resonates with your personal interests, and would encourage you to volunteer your time and contribute to the work of the wider legal community. Engaging with other members of the profession will give you a sense of support and community beyond (the typically adversarial nature of) client matters, and is a great way to build collegiality and develop professional courtesy beyond the confines of your law firm. Sign-ups for volunteers for the standing committees of the Law Society are typically circulated in November of each year.

Mindful of the Public

The mission statement of the Law Society is to “*serve our members and the community by sustaining a competent and independent Bar which upholds the rule of law and ensures access to justice*”.

You have the privilege of utilising your legal knowledge and skills to assist the public at large, and would recognise that our profession plays a critical function in society. Many of you went to law school with the goal of helping others, and we challenge you to maintain this sense of idealism in the years to come.

When you use your legal training to give back to the community, you will imbue your practice with purpose, and find that your legal input can provide much-needed assurance and comfort to those who feel helpless.

In your day-to-day legal practice, your conduct should always be ethical and compassionate. Lawyers who fail to uphold these values erode the trust and confidence that the public places in us, and calls into question our role as an honourable profession. The immense potential for our profession to do good for society is juxtaposed by the great harm that we can cause if we are not mindful of our duty to the public.

Mindful of Yourself

As the practice of law is poised to undergo a sea change with the advent of legal technology, and competition in the legal industry remains strong, always remember to maintain your individual well-being. Particularly, your physical and mental health is paramount, and many legal professionals needlessly suffer in silence from anxiety and depression.

While stress in legal practice is inevitable, we hope you keep in mind that you will find support and

encouragement aplenty within and outside our legal community. The Law Society has recently launched LawCare, a confidential counselling service administered in conjunction with the Singapore Care and Counselling Centre. Being open about the difficulties you face is the first of many steps in building greater resilience and fortitude worthy of our noble profession.

With these three facets of mindfulness, we wholeheartedly welcome you to the Bar and look forward to each of you charting the course for a fulfilling and meaningful career.



CHOO ZHENG XI



GERALD THAM

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



LETTER FROM A CORPORATE LAWYER

Dear newly called advocate and solicitor,

Congratulations. Now that you are called to the Bar, how do you plan to approach your next stage of life as a corporate lawyer?

While law school provides a good foundation for legal research and essential concepts, the practice of law, whether in dispute, corporate or any other areas, requires knowledge and skills way beyond what one learns in law school.

You might recall that in law school, you were tested based on hypothetical cases. In real life, however, the facts are often not clearly written out for you, and more often than not, have to be pieced together from various sources, whether written or verbal, and from multiple parties. As a corporate lawyer, there are many aspects of the job we need to be cognisant of – What does the client want to achieve? What are the risks the client is most concerned about and how can you address them in the contract? What concerns should you, as counsel, highlight to the client? Is the client willing to walk away from the transaction if the price is too high? And to add to the complexity, in order for the corporate lawyer to do a good job, one should also understand the mindset of the counter party. Is the other side rushing to do the deal? Do they have a plan B in place? Is the other side's lawyer conveying the right messages from their client? Are they sincere about doing the deal? And the list goes on.

In handling the myriad of corporate transactions, there are a number of skills and attributes which are important for new lawyers. What might these be? If we ask any senior partner, I am sure he or she will want a newly qualified lawyer (**NQL**) to be humble

and eager to learn, enthusiastic, hardworking, punctual, understand instructions (and read their mind if possible!), conduct good research, deliver completed work promptly, submit well drafted correspondence and proofread all the documents, able to challenge and question the points raised, anticipate the next steps, manage the transaction well, hand-hold the client throughout the entire process, etc.

In my view, I think NQLs should at the minimum strive to possess the following “GREAT” attributes - Grit, Resilience, EQ, Agility and be a Team Player.

First, **Grit**. Transitioning from a student to a trainee and then to a qualified lawyer is no easy matter. Once qualified, corporate lawyers are expected to draft legal contracts, ensure they are error-free, make accurate online filings, handle clients' queries, manage project timelines, among other things. On one hand, you have to manage clients who impose deadlines on your partners who in turn impose deadlines on you. On the other hand, you are trying to learn as fast as you can for each matter you are assigned. At the same time, the concepts of client management and file management are also new to you. Therefore, you might find the initial years of practice challenging, as you are constantly having to adapt and to learn. I would encourage you to be courageous and embrace the changes and the challenges to learn and grow as a lawyer. Be curious and learn any and everything that comes your way. As with any trade or craft, it takes a number of years of training to be a good craftsman. Therefore, take the hard work in your stride and to make it easier, celebrate small successes along the way.

Second, **Resilience**. What we learn in law school provides us with foundational knowledge. In practice, there are many dimensions that you have not been taught and are learnt whilst on-the-job from partners and seniors. With so much to do and so little time, you may find yourself overwhelmed, you might lose confidence in yourself and you might make mistakes. When a mistake is made, it may be rectified with a simple apology. But, it could also be a serious error, for example, one which causes clients to miss a statutory timeline. The awful feeling of having made a grave mistake is hard to stomach and the reproach by the partner simply aggravates it. In my years of practice, I too have made some mistakes along the way. I will never forget those mistakes and I make sure that I do not make them again. The important thing to do after you have made a mistake is to acknowledge it and to learn from it. Take ownership and apologise to the partner in charge instead of trying to come up with excuses or half-truths to cover up the mistake. By confronting it directly, you and your partner will be able to take immediate remedial action to rectify the mistake and seek the client's understanding. After the matter has been resolved, it is important to be resilient and to bounce back from the low point. Then, work harder than before and ensure that you do not make the same mistake ever again.

Third, **EQ or emotional quotient**. There isn't a consistent definition of EQ but generally it refers to a measurement of a person's ability to understand their own feelings and the feelings of others. Law is fortunately and unfortunately not just a job. For a lawyer, besides requiring a good grasp of the law, we need to be good at reading people, reading situations, reading the room, etc. Most importantly, you need to put yourself in the client's shoes and try to understand the situation from the perspective of the client, the counter party, the counter party's counsel, the bank, the other advisers, the board directors, the shareholders, etc. Famous author Daniel Goleman cites the Harvard Business School research that EQ counts for twice as much as IQ

and technical skills combined in determining who will be successful. At work, it is assumed that all trained lawyers have a basic level of knowledge and training about the law. Therefore, if your EQ is strong, it puts you in better stead in managing your partners and clients.

Fourth, **Agility**. Agility as defined is the ability to think and understand quickly. At work where client demands are coming in fast and furious, we need associates who think and act pro-actively, with some sense of urgency. Partners are often busy handling multiple matters in the day and once they assign a task to an associate, there is expectation that the associate is able to discharge the task quite independently and is able to think and act in a thoughtful but expeditious manner. Unlike law school, unfortunately there is not much time to sit around and theorise about concepts. Many years back, a partner came complaining to me that she handed a draft sale and purchase agreement to a trainee to review and he did not revert for some four to five days. When he finally handed back the draft agreement, it came with a four-page memo stating his views on each of the clauses and the pros and



cons of each. Unfortunately the framework of sale and purchase agreements all over the world is fairly consistent and the negotiations typically involve specific commercial terms. Perhaps one might say that the partner has not given clear instructions. But if the junior associate had been a bit more agile and self aware, he would have asked the partner for her expectations in terms of the deliverable and the deadline.

Finally, **Team Player**. Most organisations state that they want team players. While it sounds a bit cliché, it is an important attribute for corporate lawyers, and I believe, it is equally important for our colleagues practising in the dispute teams too. Based on the typical team structure, we work in different combinations of partners, associates and trainees for different matters. Regardless of how the matter is done, the responsibility for the work rests with the partner overseeing that matter. If someone is assigned to handle research or to draft an advice, and the piece of work is badly done, the person who has to “clean up the mess” is the partner. And if the work is handed in late or very close to the deadline, then the partner who

holds the last baton in the relay is left with little time to react. Therefore, as an NQL, it is important that you take clear instructions on the task that has been assigned and be clear about the deliverable expected of you. Whenever your partner briefs you, have the habit of writing the instructions on your note pad. As there is a high likelihood that your partner would have handled something similar before, try to ask sensible questions as you are being briefed to tap on their experience and guidance on how you should approach the assignment. Then, use all the resources available to you and exercise your initiative when handling any assignment. Leave no stone unturned.

Parting Shot

As a partner, we act like a coach. Our job is to make the best of each associate who works for us. In my view, it is in my interest to train them well. For NQLs, you will be joining different firms or different organisations. Learn as much as possible. As Confucius says, if I am walking with two other men, each of them will serve as my teacher. I will pick out the good points of one and imitate them, and the bad points of the other and correct them in myself.

Wishing you all the best in your journey.



RACHEL ENG
Managing Director
Eng and Co. LLC





LETTER FROM A LITIGATION LAWYER

Dear Siraj,

It's hard to believe that four years of law school and an intense pupillage have flown by. Tomorrow, you will be called to the Bar.

This may feel like just another qualification at this point. But in the years to come, you will learn and appreciate the weight of this title and the privilege that comes with it. You will stand in awe of those who have come before you and have stood before the Court and advanced arguments with wit and flair. You will come to appreciate that being an advocate and solicitor is a vocation, not merely an occupation. And you will join a group of colleagues and confidantes who will see you through some significant milestones.

Your first few years in practice will be challenging. You are acquiring new skills in a short timeframe and working in an intense, highly stressful environment. But if you stay the course, you will gain far more than you can imagine today. Your career will take a trajectory that you would not have anticipated or planned.

I am writing this letter to you to share some of the lessons I have gleaned from more than 20 years of practice. Keep these tenets in mind as you embark on this new and exciting adventure.

1. Your Reputation is Your Most Valuable Asset

This should underpin every professional relationship that you

have, be it with your client, fellow lawyers or the Court. Your reputation is the one thing you will carry with you throughout your career. Make sure it is a good one.

Always be candid with your client on the merits of his case. Over-selling the case (or your abilities) in order to drag out the matter may earn you extra fees, but that client will most likely never come back to you. Worse, you will earn a reputation as an over-promisor, which is not the way to attract clients or build a practice.

Always treat your fellow lawyers with courtesy. You are not a hired gun, but an officer of the Court. Advance your case firmly and robustly, but understand and expect that your opponent will do the same. This may be personal between the clients, but it should always remain courteous and professional between lawyers. Keep that in mind whenever you speak or write to your opponent, and resist the temptation to be rude, condescending or sarcastic. Even if your opponent crosses the line, you should not do the same.



While you owe a duty to your client, always remember that your overriding duty is to the Court. Never blindly act on your client's instructions without asking whether those instructions conflict with your higher duty to the Court. It is not your role to win at all costs. Ensure that any argument or submission you make is rooted in fact and is accurate. The last thing you want is to be known as someone who plays fast and loose with the facts.

2. Keep Your Clients' Perspective in Mind

From tomorrow, you will start dealing with clients with a whole range of problems. You will also receive calls from aunts, uncles and friends of your parents whose "friend" has a legal problem.

Some of these questions may appear frivolous or mundane, and you may be tempted to be dismissive when speaking to them. Resist this temptation. Remember that the matter is important to the client, and probably the first time he has encountered such a problem. He has come to you for counsel, and it is your duty to accord that matter the same degree of importance.

This applies regardless of the number of files you may be managing at that time. There is only one file that matters to each of your clients. Your job is to hear them out, consider the matter carefully and provide your advice. Every client should be treated as though he is the only client you have.

3. Clients Pay for Your Judgment, Not a Summary of the Law

Having been through the rigour of law school, you will be tempted to think that you are a repository of the law. You are not. When drafting an opinion or providing advice, resist the temptation to explain in excruciating detail what each Judge said in each case. Your client is not interested (and, more importantly, is not paying) for a lesson in the law.

Your client is paying for your judgment, as is the partner who has assigned you that piece of work. Your client has a problem, and he needs a solution. It is for you to apply your knowledge of the law to find him that solution. If a solution cannot be found, then your job is to explain why to your client in simple, uncomplicated English.

In short, you need to make a judgment call. This will be daunting at the start, but it is only by going through this process that you will grow as a lawyer. If you do not practice making judgment calls as an associate when you have the safety net of a supervising partner, you will not be able to do so as a partner.

4. Ask Questions

In order to make judgment calls, you will need to ensure that you fully understand all the facts. In order to ensure that you do have all the facts, you need to ask questions.

As a young lawyer, you might feel the need to avoid looking stupid by asking "silly" questions. After all, you are a lawyer and lawyers are expected to know everything, right? This need will rear its ugly head at the most inopportune times - when a client is trying to explain something difficult to you, when your boss is giving you a piece of work or when opposing counsel (often many years your senior) is trying to get you to agree to something you do not quite understand.

When you find yourself wading into waters that are beginning to feel too deep, stop! Ask questions. Ask as many questions as you need to get comfortable. If you need time to think, take that time. It is often the "silly" questions that need to be asked in order to get the full picture.

5. Take Ownership of Your Work

Never cut corners. This harks back to the importance of protecting your reputation. Make sure every



single piece of work that leaves your desk (whether an e-mail, a letter, an affidavit or draft submissions) is the very best you can do. That applies right down to making sure the document is carefully proofread and properly formatted.

This is especially important when you are a junior associate having to manage several active files at the same time. You will be tempted to simply fire off a draft and rely on the senior associate or partner to clean it up. Do not do so. Your work reflects on you. If it is tardy, that is what people will think of you as well.

As you become more senior, you may have the good fortune of having younger lawyers assisting you. Their work is not yours. Make sure you read the cases cited to ensure that it says what your associate thinks it says. Ultimately, when it leaves your desk, it needs to be the best that *you* could have done.

6. Take Ownership of Your Career

The years will fly by. Soon you will be a first year associate drowning in documents to be reviewed, but before you know it you will be close to

partnership (or whatever other path you choose). Take charge of your career. Far too often, we end up in a job because that's where the tide brought us. Do not sit back and rely on your firm or your boss to get you to where you want to be.

Think about where you want to be and take control of what you need to do to get there. Seek out senior lawyers, teachers and friends to understand the skills that you need to equip yourself with to reach your goals. Actively develop these skills. Seek out mentors to guide you. Take stock of where you are in that journey every year and if you are not where you had planned to be, make the necessary changes to get back on track.

7. Move With the Times

The practice of law will change in ways and at a pace that will bewilder you. There will be terms and acronyms that you will struggle to remember. Technology will feature prominently in a few years. Clients will have a global marketplace to procure legal services and your competitors will come from as far as the US and Europe.



These changes will be stressful. Your mentors and bosses experienced a different world from you and it might feel daunting facing these changes without a blueprint. Have the courage to move with the times. The practice of law, like many other professions, will change and you must change with it.

Change is inevitable – brace yourself and constantly evaluate what you need to do to adapt to changes as they occur. Keep an open mind – focus on how you can use the changes to further your career instead of moping and moaning about having to change.

8. Maintain Relationships

The law is a small profession. It is also a sociable one.

Your buddies from Law School and those with whom you slogged through your training contract will soon be pulled in different directions. Some will leave the profession, others will leave the country. Make the effort to stay in touch.

Remember to also make new friends. Work must not simply involve spending a day in the office and then heading straight home. Make the effort to join friends for dinner or drinks. The bonds forged over these late night gatherings, commiserating on life as a junior associate, will last a lifetime.

Your friends will celebrate in your successes and be there for you when times are tough. There is something special about looking back fondly with friends over a dinner or after-work drinks. I guarantee that you will have endless hours of laughter, lots of drinks and a lifetime of memories.

One final thing – remember to celebrate this milestone with your family. You may not understand the fuss right now, but indulge them. It is their celebration too. Someday you will understand the pride of your achievements through your parents' eyes. Until then, let them brag a little and accumulate keepsakes from your career.

All the very best, and welcome to the Bar!



SIRAJ OMAR

Director, Dispute Resolution
Drew & Napier LLC



PUPILLAGE, THEN AND NOW

Three practitioners of varying vintage share their experiences of what it was like when they first started out. How do their experiences compare with yours?

Dr Michael Hwang, SC

Year of Call: 1968

I served as a pupil from January 1968 to November 1968.

Pupillage in 1968 reflected the technology of the period (or rather the lack thereof). I served my pupillage in Allen & Gledhill, which was then the fourth largest Singapore law firm. When I joined the firm, it had relatively recently purchased a photocopying machine, and the lawyers were still not used to the machine which was relatively expensive to operate and the recommended charge to clients approved by the Law Society was then \$1 per page. I therefore saw many lawyers in the firm still using the traditional practice of communicating with clients to discuss correspondence received from other lawyers. A typical letter would run as follows:

"Dear Sir / Madam

We have today received a letter from Messrs XYZ, which reads:

(Here, the entire text of the letter received from the other party was reproduced in full, having been painfully copy-typed by the secretary)

Please let us have your instructions.

Yours faithfully"

Fax and telex were then unknown in Singapore, and all conveyancing and corporate documents had to be proof read by the typist to another typist. Courier services had not yet started operations, and overseas telephone calls were pretty expensive by today's standards, so everything proceeded at a certain pace, especially if there was correspondence with someone overseas. Working life was therefore somewhat leisurely, which meant that working late was not usually required. I was therefore able to enjoy a reasonable social life after work, although much of that time was spent by me in teaching part time at the Law School.

But the lack of technology in one aspect produced an office procedure which was of great educational



value to pupils. This was the “Letter Book” which was the standard office practice (at least in the larger firms). The Letter Book was essentially a third carbon copy of every letter sent out by the law firm. The first copy was of course despatched to the addressee. The first carbon copy would be for the office file. The second carbon copy was usually a carbon copy for the clients or the other parties. The third (or final) carbon copy would then go into the Letter Book, which was a collection of every letter despatched by the firm on a particular day, which were then bundled together and bound on a weekly basis. If, therefore, a file was lost, there would still be another copy of the correspondence on that file available by going through the letter book to recreate a new office file (at least with regard to outgoing correspondence). When I reported for work on my first day, I was given a couple of closed files to read as well as the Letter Book for the previous week. I quickly found the Letter Book of much greater interest than the closed files. It was fascinating to see real law in action immediately

from perusing all the correspondence in the firm on every matter which was current at the time. I got a snapshot of how to write simple business correspondence in terms of acknowledgement, attaching enclosures, letters of demand, letters denying liability and reserving all rights, and (especially beneficial) letters of advice on legal matters to the firm’s clients. It is difficult today to imagine a situation today where a pupil, not even a formal employee of the firm, could be given access to such secrets, but I suppose that pupillage was then considered a position of honour, and pupils were expected to be worthy of the trust placed in them by the firm.

I was then the only pupil in a firm of eight lawyers. In those days, Allen & Gledhill (and other law firms) did not automatically take pupils every year. So I was a bit of an oddity. There was a small group of lawyers within the firm who got together for lunch every day simply because they were fond of local food, and I was always invited to accompany them. Under the guidance of these gourmets, I quickly became an expert in knowing where the best local food was to be found in the town area. More important, I was keen to learn as much about legal practice as I could. While my main source of work came from the then Senior Partner, Robert Booker, who was one of the leading experts on Company Law, I also made it my business to learn about litigation and conveyancing from the other partners in my lunch group, and quickly formed a bond with these senior lawyers, who went out of their way to make me feel not so much as a pupil, but almost an equal in their eyes. The GH Cafe in Battery Road next to the Standard Chartered Bank was the standard hangout for lawyers, as it was conveniently situated on the way from Raffles Place to the High Court and back. More important, there was a table which was reserved for any lawyers who wished to lunch with other lawyers, so my Allen & Gledhill colleagues would often bring me to this table, and I was greeted as a junior equal by such giants of the Singapore Bar as David Chelliah and



Sachi Saurajen (Drew & Napier), K C Chan (Braddell Brothers), Tan Wee Kian (Registrar of the Supreme Court), and Koh Eng Tian (Attorney-General's Chambers).

While I followed the litigation lawyers to court, and learnt the art of mentioning cases in open court and in Chambers, the bulk of my work was in Company Law, as this was in 1968, immediately after the introduction of the Companies Act 1967, which was a major reform in Company Law and practice in Singapore. This meant that I had to learn all the important parts of the new Act, and was then assigned the task of re-writing all of Allen & Gledhill's clients Memoranda and Articles of Association to comply with the new Companies Act. I therefore developed an early expertise in the "nuts and bolts" of Company Law, and along with the skill (which indeed it was) of proof-reading which was one thing drummed into me by the best proof reader in the firm, Robert Booker, which is an art that I have drummed into my own pupils and interns to this day.

1968 was a year that I will never forget, and I often reflect on it, comparing what pupillage was then and what it is now. The Bar was then small (when I was called, my seniority on the Roll of Advocates and Solicitors was about No 265), and the relatively leisurely pace of practice made for a more gracious atmosphere between lawyers, whatever the difference in seniority. I learnt about the unwritten customs of the Bar, such as lawyers not charging other lawyers for conveyancing work and being available to advise junior lawyers on points of law or practice or ethics without charge. The profession has come a long way since that time, but I sometimes wonder whether I would have had happier memories of my pupillage if I had done it now compared to then. I do have fond memories of my life in 1968, and I sometimes feel sorry for the pupils of this generation with the pressures that they take on so early in their career, and over specialization in narrow areas of the law before

they have had a chance to learn more about all aspects of legal practice, something which Robert Booker cautioned me against by saying "Don't be too left-handed".



DR MICHAEL HWANG, SC

Michael Hwang Chambers LLC

Rajan Chettiar

Year of Call: 1997

It was 1996 when I did my pupillage (now known as training contract) in one of the largest law firms. As a busy senior partner, my pupil master (now known as supervising solicitor) had no time to train me. It was only years later that I came to appreciate the deep impact he made on my work values by his innocuous statement one day during my pupillage: "Life is all about working hard". He was not referring to working hard in law practice only but in other aspects of life as well.

In March 1997, I started work as a legal assistant (now known as legal associate) in the same firm, thinking that I was going to quit after three years. Six years later in December 2002 I quit, burnt out, disillusioned and without a job.

During the six years, not only was I dissatisfied with my work, my personal life was not working out. I got married two months before I was called to the Bar and during the first year of practice, the marriage

broke down. I then focussed all my energy in my law practice, not realising I needed help to work out the issues in my personal life. I did not know then that to be a good lawyer, my personal and professional life must function well. Being a legal assistant in a top law firm gave me a lot of financial perks and allowed me to enjoy a good lifestyle - clubbing, fine dining and travel. I never had an opportunity to go to the bank to update my bank passbook (there was no internet banking then). I just used ATM cards and credit cards. After a long while, I started to question the meaning of such a lifestyle.

I travelled around India alone to be with myself and do soul searching in 2003. I was 37 then. During the last leg of my travels in India, I realised why I wanted to become a lawyer - to help people. I was unhappy in my first job because I was working for corporates. I came home and set up my own law firm in April 2003 to help people and do what I have been passionate about since I was 14 - family law.

Going solo is not any harder (I still work 12 hour days) or more draining or difficult. One major difference - I do what I love. This inspires me to look forward to work every day up to today - my 22nd year of law practice.



I appreciate work fatigue and burn out (I suffered two major episodes of burn out in the last three years). I appreciate the difficulty and even brutal initial years of practice.

What helped me was going back at many points of the last 22 years to constantly examine why I am a lawyer. When I am very clear about the why, the how of practice becomes easier. I see the trend of young lawyers moving from one law firm to another after spending about a year or two in each firm. The young lawyers I speak to share about a need for a change and to acquire new experiences. Whilst I have tried to understand the young and restless mind, I do not think law firms are very much different from one another.

Finding a mentor and being in regular contact with him is useful. The Law Society runs mentor schemes which young lawyers can tap on. I did not have mentors during my practice but I was in the presence of legal giants who inspire me - the late Pala, SC who I still think of for inspiration; Francis Xavier, SC for his high energy, positivity and equal zeal for work and life; Ronnie Quek, my pupil master and many others. The individuals I surround myself with do not just practice law and have a family life. They engage in volunteer causes, do pro bono work, involve themselves in committees and organisations, locally and abroad. They live very full lives. They continue to inspire me to do more than lawyering and often a lot more than is possible. They inspire me to be a better lawyer and human being every day.

Self-care is important. We have to learn how to care for ourselves. I do not mean work-life balance because there is no such thing in law practice. My alternative to work-life balance or integration is "finding life in work". Many first year associates work very long hours, experience burn out and quit law. Others move to other law firms and the cycle continues. We cannot shelve away life whilst being a lawyer. Live life and work, at the same time. It is

possible. We just have to find a way to do it. There are no strategies except for individual creativity and fine tuning your personal strategy until it works.

When interviewing for an associate position, find out about the work culture of the firm and enquire about the expectations of the firm and the boss you are going to work with. With legal technology, work can be done outside of the office and at any time. Obtain the support of the boss when carving out your professional life. As bosses, we do want to support good legal associates and keep them with us.

Support from is family crucial. Family and significant others need to understand the work pressures and demands faced by young lawyers. Like marriage, law practice is a partnership between the lawyer and his family.

Spending four years in a local law school, a gruelling year doing the Part A training for overseas law students, and another year doing the Part B training is a heavy investment to just give up after two years or so of law practice. Feelings and emotions can take over us during law practice, and not only in the initial years. It is how we deal with them and being very clear on why we embark on this lifelong marathon – law practice – that keeps us going for the long haul.



RAJAN CHETTIAR

Rajan Chettiar LLC

Wong Yi

Year of Call: 2011

The legal profession is a “profession” for a reason - beyond merely an occupation, a profession requires extensive training and specialised skill sets. It is thus imperative that the training is lifelong, ongoing, on the job, and importantly, the mind set of any lawyer, junior, mid-level or senior should always be that as well.

My own training experience begin at an interesting time - it was the crossover between the old regime known as the PLC/Pupillage, and the new (relative then) “Part B” of the Singapore Bar Examinations. A mere 10 years on, there are serious talks now to extend training contracts’ duration, and to radically alter the whole training landscape. This shows the recognised pressing need to tailor legal professional training to adapt nimbly to an ever changing landscape, both in terms of hard skills and soft skills.

Being at the crossroads of a “regime change” back then, however calibrated it was as compared to what is being discussed now, it married both the traditional aspects of “pupillage” as it was known back then, and “training contract” as UK law firms would have structured it as. Pupillage was literally job shadowing your pupil master, doing anything from mundane setting up of meetings, to the actual drafting of opinions and taking meeting minutes and interview notes. The drive behind training contracts appeared to be a little different, in the sense that the purpose was more to learn the technical hard skills in an institutionalised sense (at least for me doing my TC in a large law firm), with the soft skills (which you are meant to pick up from your pupil master personally) training conducted at lunch time centralised seminar/training sessions conducted for all trainees (client etiquette, drafting emails professionally), instead of individual pupil masters who would have expected you to treat clients the way they did, or draft e-mails in the tone they did.



experienced a little of both and having moved in-house as well, I have come to appreciate that what should remain constant is the quest for knowledge and keeping one's mind inquisitive - inquisitive enough to at least want to know why some clients will swear by a certain lawyer even though he or she is known to be extremely temperamental and moody (even towards them!), or why some lawyers are so feared in court but such a joy to chat with in the bar room. A lot of it then goes to your own personality and what works for you both intrinsically and extrinsically. Intrinsically, you cannot upkeep an image of who you are really not. Extrinsically, you have to be aware of your clients, your practice

Also, the rotational two or four seats in various departments of a law firm were introduced, and being a short six weeks one had in each department, little could be learnt but I felt the more vital aspect was the networking and knowing the other team members in the firm which proved invaluable as you progress in your career. For structured training contracts going forward, it is proposed to have three or six months per seat of practice area - and much more substantive learning on a technical level can take place under such regime it is hoped. Some may say it makes no difference ultimately - you only want to focus on your practice area. Knowing more practice areas could be useful in a very superficial sense, but whether it really translates to being a more all rounded lawyer, the jury is still out.

As there is no real basis for comparison (unless you repeated your training contract under both regimes), there is no right or wrong to the approaches. Very strong client relationships could be forged at the cricket club or the bar room more intimately, or could be forged at networking events after work in more formal settings with less "old boys' club" vibes. For me personally, having

area, and the bigger macro environment in general (for example, these days clients come to you having already lawyer-shopped and googled extensively what they are asking - how do you add value or convince them you are better than their research?)

All in all, keep curious and keep learning - with legal technology the new paradigm, it is even more important that one remains open minded and ever agile to the changing landscape.



WONG YI

Member, Young Lawyers' Committee



BEYOND THE BAR

Lawyers leaving the legal profession to pursue interests in other fields is not an uncommon trend. Statistics by the Law Society of Singapore in 2017 reveal that about eight per cent of lawyers do not renew their practising certificates every year. Many get burnt out or tire of the workloads and pressures of the industry and decide to roam seemingly greener pastures.

There is, however, a growing phenomenon of our learned friends who enjoy both – the practice of law and their other interests – and who demonstrate that the two don't have to be mutually exclusive. Many lawyers are into music, writing, collecting, technology and sports – not just law. These featured lawyers show that juggling both the practice of law and their interests can indeed be a reality.



TAN BOON WAH

Partner at Allen and Gledhill LLP, Real Estate.
Music Writer.

Tell us about an interest you have? I write Chinese pop music during my free time. Some of my works have been published and performed by artistes who include Stefanie Sun, Tanya Chua, A-Mei, Andy Lau and Jolin Tsai.

How did you start getting interested in writing music? It started when I was serving national service around the late nineties. At that time, there was a growing shift of interest towards Chinese pop music and I, together with some like-minded friends, spent quite a bit of our time learning how to sing and play the popular Chinese songs back then. I started thinking about what it would be like hearing my own compositions being performed by my favourite singers and that got me motivated to start writing my own music.

Is it possible to juggle both practice and writing music? To be honest, when I started practice, it was quite difficult as I had to start learning the ropes from scratch and there was not much “creative energy” left after dealing with legal matters during the course of my work. But it got better as time progressed. These days, I try to set aside maybe a week or two every year to go on a “music retreat” where I would travel to KL or Taipei (where my fellow music collaborators are based) to work on collaborations together.

Any rewarding moments you recall? Just last year, one of my songs <https://www.youtube.com/watch?v=FxhgY8GVwJ8> won the “Best Musical Arrangement” at the Golden Melody Awards held in Taipei, which is the Chinese equivalent of the Grammys.

Were there situations where you had to give more time to one than the other? For me, it's always work and clients first. Music is good for the soul but ultimately one still has to prioritise.

Any support from your colleagues and family? Sometimes, it seems like the entire firm (and even

clients and some partners and associates from other firms) know about what I do during my free time. Everyone I have met during the course of my work has been very supportive and encouraging and I am grateful for that.

What keeps you in practice? The belief that I am making a difference to clients, the strong relationships with clients built steadily over the years, a sense of duty when it comes to mentoring the younger lawyers and sometimes, the thrill when I read in the news about the transactions that I am involved in and knowing that I had a part to play in those deals.

Advice for other young lawyers on how to continue with their interests while still being in practice? I would say continue to keep in contact with support groups and friends who are also pursuing the same interest/passion, share with your bosses and co-workers what you do during your free time and slowly have them appreciate and support you in your pursuits after work.

Are there other dreams you want to pursue in writing music? Yes certainly, there are so many well-known local musicians and producers who are amazingly talented and accomplished and I really hope to work with them one day!



KOH KOK KWANG

Director at CTLC Law Corporation, Civil Litigation.
Owner of Impact MMA gym.

Tell us about an interest you have? Martial Arts, specifically Mixed Martial Arts related martial arts (**MAA**).

How did you start getting interested in MMA?

Back in the early 90's, I happened to watch some early Ultimate Fighting Championship (**UFC**) events. As a kid growing up with a healthy staple of Chinese Kungfu movies, martial arts was always interesting to me. A lot of the movies I watched in the 80's involved "style vs style" showdowns, where, say, a Kung Fu exponent would face off against a Karate black belt. So I was always very intrigued as to what *really* worked. The movements and techniques in Tae Kwan Do are quite different from that of Muay Thai. Many of the Chinese traditional martial arts had very unique moves. So what actually worked? The early UFC events were a prayer answered. Essentially, the UFC pitted top exponents from various different martial arts against each other. The proof, as they say, is in the pudding. I was shocked to see that the winner of the early UFC events was a smallish guy wearing a *gi* using moves which I had never seen before. It was a revelation and I immediately wanted to learn more. I was hooked.

Is it possible to juggle both practice and MMA?

Yes. It's all about striking the right balance and keeping a firm eye on what's important in your life. I think it's quite easy to get caught up in one or the other.

How has being in practice helped you in MMA?

I learnt that MMA is really a very intellectual game. Brazilian Jiu Jitsu (**BJJ**) is one of the key martial arts which is used in or influences MMA. One of the leading BJJ teams in the world is known as "Checkmat". BJJ is fought on a "mat" and obviously there's a Chess metaphor in there. So it's highly strategic. In MMA, so many weapons are available. You can punch, kick, elbow, throw, grapple, submit. The more options you have, the more strategic the game. So I believe that strategic mindset is

something that is common to both litigation as well as MMA.

Any rewarding moments you recall? In the MMA world, the UFC is the largest and most prestigious organisation. It's like what the National Basketball Association is to basketball. We always dreamed that one day, we would produce a homegrown Singaporean fighter who could compete in the UFC. In 2014, that dream came true when Royston Wee was signed by the UFC. There was scepticism when the UFC signed him because he was, at that time, not experienced in fighting on the big stage. His first fight was against the reigning champion of the Universal Reality Combat Championship and he was the heavy underdog. Royston rose to the occasion and won. He fought three fights in total in the UFC and left with a 2 win, 1 loss record. So not only did we get the first (and still the only) Singaporean into the UFC, but he actually proved himself worthy by leaving with a winning record.

How do you balance between legal practice and MMA? Most of my time is still spent on legal practice. I have a very good team at Impact MMA who has been with me for a long time, so the day to day running is left in their hands.

Were there situations where you had to give more time to one than the other? Well, by default, law takes up most of my time, but when we first started Impact MMA in 2010, naturally the business needed a lot of attention. Fortunately, I was younger with a bit more stamina!

Any support from your colleagues and family? Yes, it could not be done without them! I am very blessed.

What keeps you in practice? The law is still my first love! I am motivated by helping people. I know it sounds cliché, but honestly, at the end of the day, that's the most rewarding part of practice.



Advice for other young lawyers on how to continue with their interests while still being in practice? Always be clear about what is important in your life. It's useful to do a stock take from time to time. Time flies. In the blink of an eye, you'll be a senior lawyer. When you look back, be sure to have no regrets.

Are there other dreams you want to pursue in MMA? My dreams are still being met. We are still producing homegrown fighters fighting in the



biggest organisations, so every individual trainee who develops, whether they end up competing or whether they are just training to improve themselves, is a success story in my eyes. We also work with underprivileged youths as I believe the ecosystem we have at Impact MMA is nurturing and character building. So, broadly speaking, I guess I can say that my dream continues to make a difference in each of our trainee's lives and it will be a never-ending pursuit.



DAREN SHIAU

Partner at Allen & Gledhill LLP, Co-Head of Corporate & Commercial and Competition & Antitrust.
Published Writer and Poet.

Tell us about an interest you have? I collect independent music vinyls and volunteer in the special needs, low-income and nature conservation sectors. I also write fiction and poetry.

How did you start getting interested in writing? I was inspired by writers I admire, such as Milan Kundera, Albert Camus, Wislawa Symborska and Goh Poh Seng.

Is it possible to juggle both practice and writing? Yes, I believe it is, as long as one is disciplined about time management. I am not a big fan of unwinding by doing nothing. <laughs>

How has being in practice helped you in writing? Although literature and legal practice both involve writing, the two processes are actually very different. As a corporate lawyer, drafting is all about precision. If a particular clause is capable of more than one interpretation, disputes can follow when the contractual parties are no longer amicable. Whereas in fiction and poetry, ambiguity is often a virtue; adopted to allow readers to arrive at their own conclusions.

Any rewarding moments you recall? Meeting Goh Poh Seng when he finally returned to Singapore. I helped Poh Seng's estate when he eventually



passed on and his family kindly gifted me an unpublished piece of writing which I included as a posthumous contribution to an anthology I was co-editing. Also, running into, and speaking with, JM Coetzee at a literary conference in Canberra. Finally, seeing “O”-Level literature questions months ahead of time (my first book is an “O”- and “N”-Level literature textbook)!

How do you balance between legal practice and writing? No, because work, for me, is always a priority. That is not to say that an individual cannot prioritise other pursuits; it is a personal choice – but I would say that it is good to focus on practice for at least the first 10 years.

Were there situations where you had to give more time to one than the other? No, because work, for me, is always a priority.

Any support from your colleagues and family? Everyone has been very supportive. My former Chairman, the Honourable Attorney-General Lucien Wong, gifted me a Mont Blanc pen from the firm when I received the Singapore Literature Prize Commendation Award in 1999, which I still use till this day.

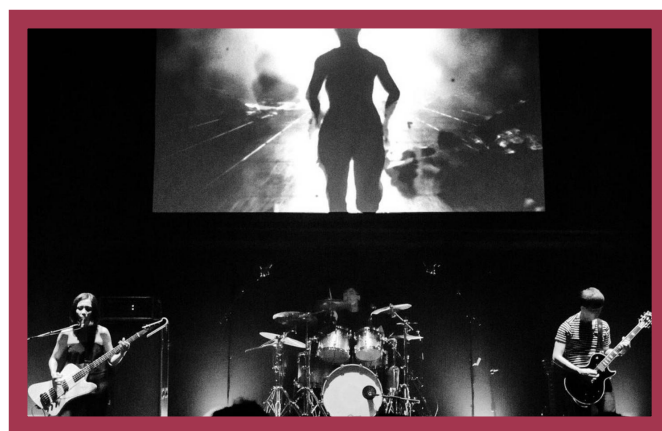
What keeps you in practice? Genuinely enjoying the practice of antitrust law, and my talented and fantastic colleagues.

Advice for other young lawyers on how to continue with their interests while still being in practice?

Read widely, manage your time, prioritise.

Are there other dreams you want to pursue in writing?

I recently contributed to a writing workshop programme for prison inmates, which was very fulfilling; I intend to do it again. On the personal front, it would be my next book, which has been years in the making. Wish me luck!



LINDA ONG

Director, Engelin Teh Practice LLC, Litigation, Family Law.

Performs in *Lunarin* band

Tell us about an interest you have? I play bass and sing in an alternative rock band, *Lunarin*.

How did you start getting interested in it? I started the band with two of my secondary school classmates back in 1994.

Is it possible to juggle both practice and music? Yes, but it requires discipline and good time management.

How has being in practice helped you in music? Because I have been playing since 17, I am hardly nervous when I go to court.

Any rewarding moments you recall? So many – playing to a full house in Bar None on Monday nights, huge crowds at the Esplanade during Baybeats festival, forming relationships with fellow musicians and music lovers. I have more friends in the music scene than in the legal fraternity. Also, the rush I get playing live can never be replicated elsewhere. It is very addictive.

How do you balance between your legal practice and music? Discipline and good time management.

Were there situations where you had to give more time to one than the other? Yes when the kids arrived.

Any support from your colleagues and family? Support from family – they help to watch the kids while I jam.

Advice for other young lawyers on how to continue with their interests while still being in practice? So long as you are prepared to work hard, are focused and disciplined, you can always find time.

Are there other dreams you want to pursue in music? Release another album and play more shows.



TAN CHEOW HUNG

Director, Beacon Law Corporation.
Performs in *Chain Reaction* band.

Tell us about an interest you have? Other than the practice of law, which I am still rather passionate about, my other passions are singing and cooking.

How did you start getting interested in it? About three and a half years ago, a group of friends got together to organise a fund-raising concert for “Daughters of Tomorrow” (DOT), a charity with a mission to empower underprivileged women, with volunteer performers. I asked Sharon Wong of EN Films if she could also perform with her band members. Sharon agreed to perform and suggested that I should also sing with her band, *Chain Reaction*. It was really tough at first, getting used to singing in a band, having previously only sung at karaoke and in the privacy of the bathroom. The band musicians were exceedingly patient in teaching me the ropes and we managed to pull it off. My friends were incredibly supportive and I managed to sell S\$10,000 worth of tickets and together, we raised almost S\$30,000 for DOT. Two months after that, the band had a gig at the Sundown Marathon and I was invited to stay with the band. I have stayed on ever since as one of the vocalists even though some of the original musicians are no longer playing with us.

Is it possible to juggle both practice and music? I think it’s definitely possible. It depends on how much you want it, I believe.

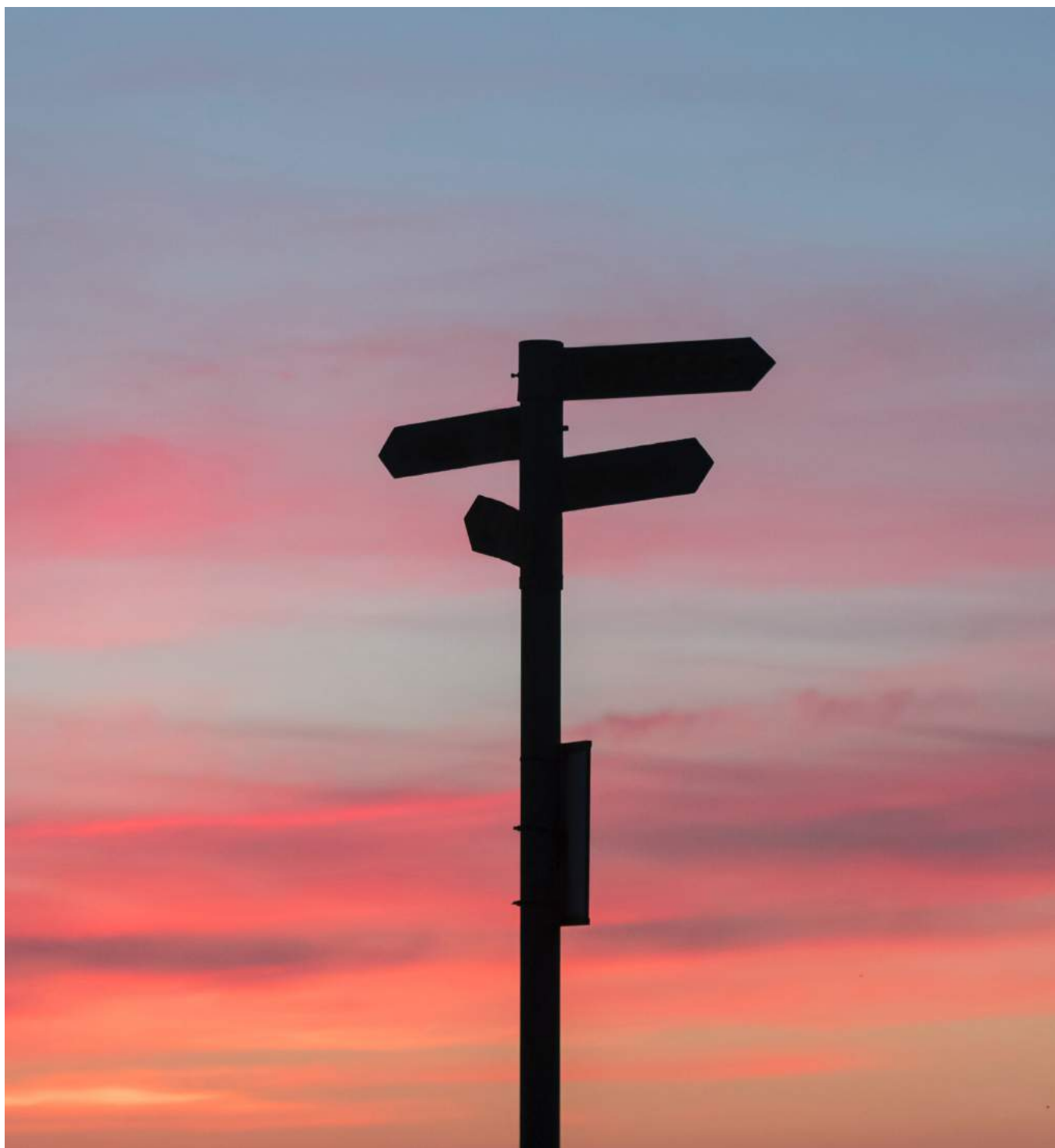
Any rewarding moments that you can recall? Almost every performance has been a rewarding one for me. Whether it’s performing at a dear friend’s wedding, performing at charity events or entertaining a senior audience, it has been a very meaningful journey. As our band performs many old favourites from the 1950s to the 1970s, whenever we perform for an older audience, watching their faces light up with pleasure in recognition of the songs we play and watching them dance or sing along, is an especially heart-warming experience.

How do you balance your legal practice with music? I think it’s probably easier for me because I

run a humble legal practice that allows me to have some flexibility. I think it also helps that I am single and don't have to answer to anyone.

Were there situations where you had to give more time to one than the other? Certainly. Sometimes urgent work beckons or there are hearings to

prepare for and music has to take a backseat for a while. When we have a gig coming up, we tend to intensify rehearsals, so sometimes work may be affected. On my part, I try my best to keep the week of an upcoming gig clear of any demanding hearings.



Any support from your colleagues and family? My parents used to attend the gigs when they were open to the public. Unfortunately, my mum, who introduced me to the music that we play when I was growing up, passed away earlier this year and can no longer support me. She was profoundly missed at the *Just Makan* fund-raising dinner organised by LSPBS; she would have loved both our music and the unique culinary creations at the event; she used to hum to some of the tunes and she was an amazing cook, whom I draw inspiration from. My colleagues have been very supportive too, not only attending the gigs but also helping out whenever they can. For our first charity concert, even our former interns volunteered to help out backstage.

What keeps you going in practice? As long as I feel I can still make a meaningful difference, I would continue. I still feel I do.

Advice for other young lawyers on how to continue with their interests while still being in practice? We all have 24 hours a day and seven days a week. If you want to pursue a passion, then something's got to give. Don't neglect the bread and butter issues, but remember to be kind to yourself and also do what makes you happy or gives you meaning in life.

Are there other dreams you wish to pursue other than your current interest? With *Chain Reaction*, we hope to do a ticketed gig at the Esplanade one day. Recording something at a recording studio would be wonderful too; something to listen to and remember fondly when I'm old and toothless! A dream (or daydream) I would love to pursue is to be a home or private chef of sorts, creating home-made dishes that ma would have been proud of. Maybe, I'll take up oil-painting again too ... oh well ... you may say I'm a dreamer, but I'm not the only one ...



LUKE LEE

Associate, BR Law Corporation, Civil Litigation.
Actor and Presenter.

Tell us about an interest you have? My passions are acting in film and television and presenting.

How did you start getting interested in acting and media work? My first time on a film set was for Jack Neo's army movies *Ah Boys to Men 1* and *2*, so you can say I was thrown into the deep end! What I found when I was involved on set was a great joy from being able to bring characters to life on screen and bring joy to moviegoers who reminisce about their army days. Since then, I knew that acting was definitely a passion of mine.

Is it possible to juggle both practice and your media work? Absolutely. I believe that if you want something enough, you will be able to find a way to take action to make that dream or passion a reality.

How has being in practice helped you in media work? Interestingly enough, I find that acting for films and being a lawyer actually complement each other very well. There are a great many similarities. Being a lawyer involves a great deal of convincing. You have to convince judges, you have to convince lawyers, sometimes more often than not, you have to convince clients that a certain course of action is not in their best interests. The same applies with acting; you have to convince the audience that there is a very real person behind the camera

whose life you are portraying. As a litigator in the courtroom, you have the judge listening intently to your submissions while on a film set, you have the director listening to you fervently deliver your lines to make sure that they resonate emotionally. Being in practice has taught me that advocacy and the ability to convey your argument cogently and in a lucid manner is paramount. The same applies for acting, you have to be acutely aware of how you present yourself and deliver your lines clearly.

Any rewarding moments you recall? I had a Summons hearing where my opposing counsel vehemently objected to my application and I had to be on my toes making submissions for an hour, after which my application was granted. I remember thinking that if I had not had my experience in acting and hosting, it would have been all too easy to have lost that application as the opposing counsel was far more senior. I think being a litigator is exciting and rewarding in that sense, you literally have to sing for your supper and ensure that your client's rights and interests are protected.

How do you balance between your legal practice and media work? I believe it comes down to prioritising what is important - and in that sense, sacrifices will have to be made. Sometimes you have to know when to say "no". If I have a trial coming up, I know I need to factor in time for getting-up and drafting of submissions and opening/closing statements, therefore I will turn down film/television projects scheduled during that period. Being selective actually gives you more power over your time, instead of saying yes to everything.

Any support from your colleagues and family? I have been very fortunate in that my family has always been supportive of whatever I pursue.

What keeps you in practice? I enjoy going to court and helping people who are unable to help themselves. A mathematician solves problems using equations. Lawyers are at heart, problem-

solvers too. We solve life problems and help people to find closure and move on with their lives.

Advice for other young lawyers on how to continue with their interests while still being in practice? I would tell them that it does not have to be all or nothing. You do not have to give up on your passion to practise law and vice versa. Instead, devote a small amount of time every day to work on and improve yourself in the area of your passion. It all adds up and you have the added benefit of keeping your dreams alive.

Are there other dreams you want to pursue in your current interest? I would love to do more films in the action genre as I am mainly known for comedic roles. I believe it will not be easy, but it is important to keep challenging yourself and pushing the status quo, otherwise as a human being, you will stagnate.



KARIN LEE

CTLC Law Corporation

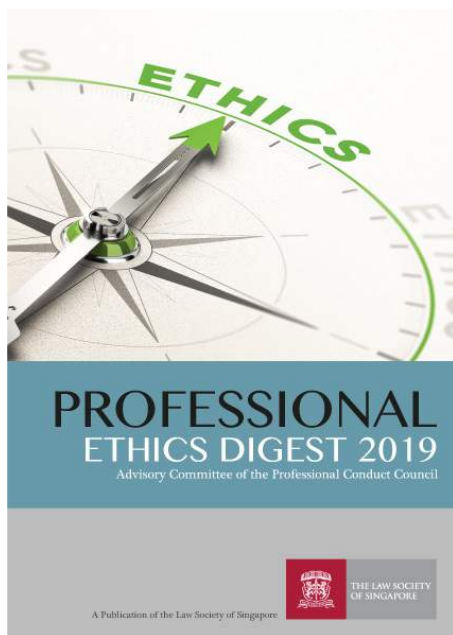
Member, Publications Committee



DEVELOPING THE INNER ART OF LAWYERING

By the time you read this article, the law practice that you are or will be practising in would have received a complimentary copy of the *Professional Ethics Digest 2019 (the Digest)*, published by the Law Society. The *Digest* compiles relevant illustrations of the application of the Legal Profession (Professional Conduct) Rules 2015 (PCR) based on actual queries submitted by lawyers to the Advisory Committee of the Professional Conduct Council.

As a newly admitted lawyer, the *Digest* is an important resource for you to understand better the ethical terrain of legal practice that you are or will soon be navigating in. In addition, the *Digest* is a critical step to developing the inner art of lawyering.

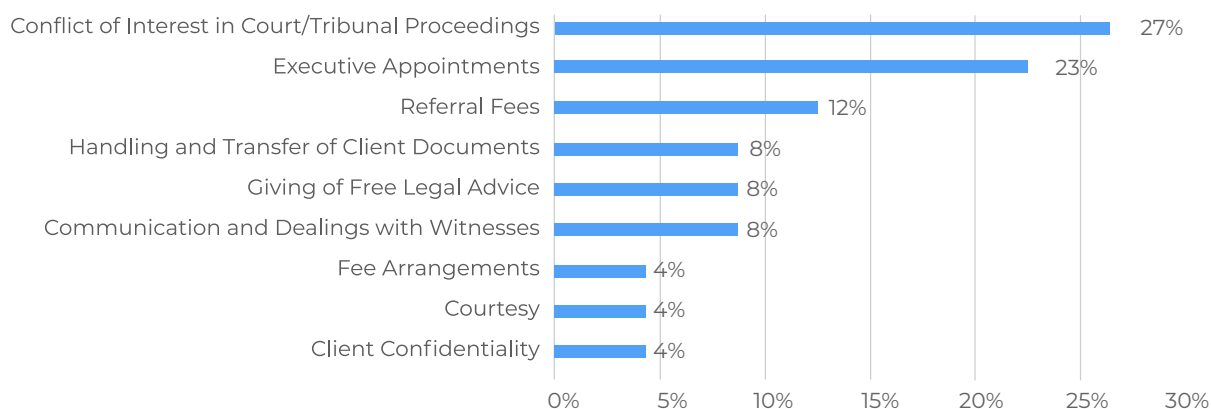


What is the inner art of lawyering, you may ask? For much of your legal education so far, the focus has been spent on developing the *external* art of lawyering, which includes advocacy techniques, drafting skills and substantive law expertise. These are necessary building blocks to shaping you as a lawyer who is able to advise and represent your clients competently. Equally important is to develop your internal ethical decision-making processes so that you can make optimal ethical decisions. Just as you will need to continually update and upgrade your legal knowledge and skills throughout your legal career, the inner art of lawyering is for the long haul and needs

to be regularly refreshed.

Using the *Digest* as a starting point, let's look at some of the common ethical issues that you are likely to encounter in your early years of practice. In total, the *Digest* provides 26 illustrations, which are categorised according to subject-matter as shown in the diagram below:

Illustrations in the *Digest* - Most cited subject-matter



At a glance, the most common ethics query cited in the *Digest* concerns conflict of interest in court/tribunal proceedings, which is followed closely by queries on executive appointments and referral fees. Though by no means representative of the frequency or importance of ethical issues encountered in practice, the *Digest* provides a rough gauge of the more difficult ethical issues that you or your law practice is likely to face. We will look at four issues which will probably crop up more regularly in your early years of practice: conflict of interest, giving of free legal advice, client confidentiality and courtesy.

Conflict of Interest

For those of you in litigation practice, it pays to study Illustrations 3 to 9 in the *Digest* carefully. They include several cases involving possible former client conflicts under rule 21 of the PCR, when a lawyer or law practice acts or intends to act for a client whose interests are adverse to those of the law practice's former client. Former client conflicts may also feature when a lawyer moves to another law practice (see Illustration 5).

At the heart of such conflicts is the fear of disclosure of the former client's confidential information to the current client. Such conflicts may also trigger consideration of other ethical rules, such as the prohibition against being a witness on material issues in proceedings under rule 11(3) of the PCR (see Illustrations 6, 7 and 8).

If you are faced with a potential former client conflict, you should take a step-by-step approach in analysing your ethical obligations as outlined by the Advisory Committee (see e.g. Illustration 5). In particular, the Advisory Committee has helpfully observed that whether a party alleged to be in conflict possesses material confidential information belonging to the former client is a question of fact and a lack of supporting particulars in this regard would be considered in ascertaining whether a

conflict of interest exists (see Illustration 8, para (a) under "Guidance").

Apart from the Illustrations in the *Digest*, you should also be mindful that the Court of Three Judges had, in a recent disciplinary case, highlighted the potential sanctions for breaches of different categories of conflict of interest rules.¹

Giving of Free Legal Advice

If you are involved in *pro bono* work in legal clinics, you would be aware that rule 47(3)(b) of the PCR provides that you cannot act for any person to whom you have given free legal advice, unless you act for that person in a *pro bono* capacity. You are also required to take reasonable steps under rule 47(2) of the PCR to ensure that if any information is publicised to the *pro bono* client, only your name, the fact that you are a legal practitioner and the name of your law practice can be disclosed. Business cards or marketing collaterals relating to your law practice cannot be distributed in the course of giving free legal advice at legal clinics.²

The *Digest* highlights a typical ethical problem posed by a *pro bono* client seeking to retain the lawyer's services on a paid basis following a consultation at a *pro bono* legal clinic. As the Advisory Committee observed, the broad principle underlying Rule 47 of the PCR is that lawyers should not be permitted to unfairly attract paid work through *pro bono* work in legal clinics (see Illustrations 16 and 17). In one query, the issue was whether a lawyer who gave free legal advice to a *pro bono* client could refer that client to another member of the lawyer's law practice to act in the same matter. The Advisory Committee opined that based on the broad principle, such an arrangement would be prohibited. However, as the scope of rule 47(3) of the PCR had yet to be decided by the

¹ *Law Society of Singapore v Ezekiel Peter Latimer* [2019] SGHC 92.

² See rule 47(3)(a) of the PCR.



Courts, the Advisory Committee opined that the lawyer would have to make a judgment call on this (see Illustration 16).

Client Confidentiality

In an age where data protection and cybersecurity concerns are paramount, a lawyer's duty of client confidentiality takes on added importance. As a newly admitted lawyer who has just started working in a law practice environment, you may not be finely attuned to the need for client confidentiality. However, the duty of confidentiality is a strict one and there is no excuse for breaching it unless any of the exceptions in rule 6(3) of the PCR applies. Hence, you should be vigilant that you do not inadvertently disclose client confidences through causal lapses e.g. discussing your client's case in public places or revealing a client's confidential

information to friends, significant others or perhaps even spouses.³

The *Digest* examines a different facet of client confidentiality regarding disclosure of a client's confidential information to enforcement agencies for the purposes of their investigations (see Illustration 1). This is another common scenario that arises in practice and you should be mindful of the competing tensions to cooperate with enforcement agencies and to avoid breaching your duty of confidentiality to your client. In particular, the question whether you are "required by law" under rule 6(3)(b) of the PCR to disclose confidential

³ See Alvin Chen, "Disclosing Client Confidences to Your Spouse or Significant Other" (Singapore Law Gazette, February 2019) <<https://lawgazette.com.sg/practice/ethics-in-practice/disclosing-client-confidences-to-your-spouse-or-significant-other/>>.

information to the enforcement agency needs to be carefully considered.

Courtesy

Last but not least, courtesy and fairness between fellow practitioners is a long-standing tradition of the Bar. At all times, you should bear in mind the principles set out in rule 7(1) of the PCR, namely:

- Accord proper respect due to your fellow practitioner as a member of a noble and honourable profession;
- Deal with your fellow practitioner in good faith and in a manner which is dignified and courteous, so as to properly and satisfactorily conclude or resolve the matters in the best interests of your respective clients; and
- Not to deal with your fellow practitioner in any manner that may adversely affect the reputation and good standing of the legal profession or the practice of law in Singapore.

Illustration 2 in the *Digest* raises an interesting issue of whether a law practice currently acting for a party to legal proceedings may disclose to the Court the law practice's correspondence with that party's *former* practitioner. The Advisory Committee opined that rule 31 of the PCR, which deals with communications between practitioners *currently* acting for their respective clients in a matter, did not apply to the scenario presented. However, given the responsibility of a legal practitioner to treat another with "courtesy and fairness" under rule 7(2) of the PCR, the Advisory Committee opined that the consent of the party's former practitioner should be sought before any such disclosure was made to the Court.

Conclusion

There are many other useful illustrations in the *Digest* which will help newly admitted lawyers resolve knotty ethical issues encountered in

practice. But even based on the few illustrations from the *Digest* that are cited in this article, some useful take-aways are:

- Take an analytical approach in approaching your ethical obligations.
- Understand the broad principle underlying the ethical rule in question.
- Be mindful of competing tensions when construing your ethical obligations in the context of wider legal obligations.
- Where a specific ethical rule is not applicable to your scenario, consider whether there are other wider ethical obligations that you owe to the other party.

Ethical lawyering is therefore not a mechanical process of citing and applying a specific ethical rule, but requires a considered and informed analysis and application of the principles and obligations in the entire PCR. It is only when the external art of lawyering is aligned with its inner art that one can truly say that one is on the road to becoming a successful lawyer.



ALVIN CHEN

Director, Legal Research & Development
The Law Society of Singapore



TIPS FOR ROOKIE LAWYERS

As a “rookie” lawyer, there will be many articles you can find on how to ‘learn the business’ of lawyering, demonstrate your value to clients, even future-proofing yourself to be AI-ready. This article takes a different focus, being reflections on how to invest in sustainability for the newly-called lawyer.

1. The Emotionally Intelligent Lawyer

Grades, good ones, are key to distinguishing law students. What I wish I knew at the start of my legal career is: even if one is not a scholar, EQ can differentiate the imprints we leave on others: colleagues, opposing counsel, judges, clients. My current boss has extremely high EQ: it often takes me hours, sometimes days, before it dawns on me what she was trying to tell me in a non-offensive/provocative way. One example was when I simply forwarded a letter from opposing counsel to the client without any input on its relevance. Shortly after, my boss e-mailed me to ask what would be my proposed response to the letter? Added in parentheses, like a gentle explanatory whisper, were the words “for your training”. There were many such examples where I initially took the face value interpretation; realizing later her effort to convey learning points with the most diplomatic of manners, the lesson was indelibly imprinted.

High EQ is also one of the hallmarks of the most successful lawyers I have worked for. For a period of time, my previous office had as its leaders individuals from the very pinnacle of eminent firms: their polished manner of speech often left me wondering, at that time, why the best lawyers spoke in such a “roundabout” way instead of taking the bluntest route which would surely get the point

across? Years later, I too have become someone who sandwiches tough messages between many layers of “love”. Lawyering is as much about managing risk as it is about selling hope. While there is value in candour and application of the truth as is, sometimes there is equal or more merit in employing soft skills to explore a middle ground that can keep the relationship amicable.

A tangential application is in litigation, where there is usually a “winner” and a “loser”. To some extent, one does need that “fire in the belly” to go “all out” to achieve the objective for that case. But what is the objective? In my previous life, the different Attorney-Generals that passed through the doors of Chambers reminded that the goal was not a conviction at all cost but the public interest. In my current life, I am reminded that without compromising our client’s best interest, it is not always necessary to “kill off” the opponent’s client because one day, we may have the shorter end of the stick with the same opponent. A satisfactory outcome is sometimes possible without overkill – leave the other party a way out.

2. Managing Downwards and Upwards

One of my first work buddy dispensed what turned out to be some of the most valuable advice: your legal executive/secretary is the most important person after your boss. The staff that perform seemingly less important administrative work are akin to oil that smoothens the running of an engine. This is especially the case for legal work, where it is not practicable to work in a silo. For billing purposes, segregate what work can be farmed out to qualified paralegals or able secretaries.

A seamless relationship with the administrators responsible for different tasks related to your legal work will help keep you afloat, even if bigger things (eg promotions, pay) are not aligned with expectations.

A former leader I worked under described persons who only managed their superiors as “brown-nosed”. In his first few weeks of work, he prowled the corridors one night and found a handful of junior colleagues still at work. He gathered that group and spent half an hour at 10pm finding out about each of us, our backgrounds: he said he wanted to know the people that “dig the trenches”. I learnt the importance of managing downwards as much as it is expedient to manage upwards.

3. Staying Principled in Practice

Many situations will arise in which difficult choices have to be made between adherence to principles and potentially offending a client or even bosses. Identify your core principles, and assess whether they are aligned to those of your practice. The line between doing one’s all to achieve the best outcome for clients, versus actions that in effect “bend backwards” can be a fine one. Unlike the civil service, there are no instruction manuals and the ultimate guidelines on how to interpret legal professional rules and ethics are your own principles.

One of many examples is the thorny issue of gifts from clients. Rule 25 LPR talks about “significant” gifts. What about expensive meals or thank you gifts? These may not amount to millions or thousands in value but, when is it appropriate to accept on a personal basis items costing hundreds of dollars? How to say “no” sensibly? A wise counsel shared that his litmus test included: (a) the likely intent and purpose of the gift; and (b) whether the firm would be “worse off” by not getting its due compensation (in legal fees).

Encountering these grey areas felt like being brought to a high mountain and being shown the world, together with all its pleasures. I then revisited my role as a criminal defence lawyer: I need not pretend I was a “public defender” with some “Superman cloak” bearing last vestiges of deference from my prosecutor days. There is much scope for principled lawyers to work goodness in the dark worlds of society who have fallen on the wrong side of the law. Some examples: offering fair fee costs; not according preferential treatment to clients according to the depth of their pockets; lending a listening ear to a client who is unable to pay hourly rates; resisting the urge to use confidential information acquired in the course of practice; towards other members of the profession, should



one hear a “bad review” about another practitioner from a prospective client, resist concurring to “net” the prospect: in due course, who is “good” and who is “not that good” will be revealed.

4. It is Often About Perceptions, Less About Right and Wrong

Lawyers are naturally opinionated, bifurcating between right and wrong; sometimes, this occupational trait may spill over into interactions. Yet sometimes in the course of proving one’s point irreparable damage is caused to relationships, including work ones. My younger self had been brusque, offensive to egos and in some cases knocked too persistently on doors that had no

intention of opening. I did not know how to “take the cue” from the Court and understand the purpose behind questions fast enough. While tenacity is an important trait of a good litigator, one must also have situational awareness – when it is time to give up one’s “point” that finds no favour with the hearing judge however meritorious we may think it, sit down or walk away?

5. Handling Challenging Clients

Early on as a defence counsel, I met V, an expatriate banker who got off with a fine for an offence where imprisonment was the norm. He told me I sounded “prosecutorial” in my advice. Your personal and professional background will invariably shape your lawyer personality.

V pointed out many things that had the ring of truth, yet we were too proud to admit them. But I learnt most from V, not the clients that highlighted only good things.

There is no single way to win over challenging clients. The retainer with V almost ended on a contentious note over disagreement on fees. Happily, in V’s case, both sides took a step back, had a candid airing about the nub of the dispute, and arrived at a middle ground. Identifying “root causes”, with an open mind, is often key to mediating resolutions.

6. Be Kind, Show Mercy

After resigning from a decade-long career, I remember most the kindness of my ex-bosses: those who listened to my incessant complaints for hours and thereby had less time for themselves and their work; they made working life more bearable.

On the quality of mercy, I learnt it is not always necessary to pinpoint someone’s wrongdoing. When in a position of authority, one must always be mindful to exercise the reaches of our power in a judicious manner – even if we are not in fact judges but decision-makers in our respective roles. When a subordinate has made a mistake, consider gentle correction rather than shaming in a manner that hurts his/her future.

Lawyers have great power to be influencers in the lives of those that we deal with, be they clients, stakeholders or the public who cross our paths. To the extent that your billing targets allow, squeeze in time for pro bono work for that effects some degree of social justice.

7. The Fulfilment of Mentorship

A person only has about three decades of working life. In a good organisation, no individual should be indispensable. True legacy prepares for smooth succession. This is especially important in a profession with high attrition rates, particularly between years five to 10. The value of having someone who has been through the same overnights at work, who understands the same pressures non-lawyers may not comprehend, can make the difference between staying or leaving.



“Mentorship” should be interpreted broadly: persons within the same sphere are of course best-suited to mentor each other (eg senior/junior practitioners). At the same time, carrying out one’s duties in an exemplary manner can mentor others who look up to us. Regardless of which side of the Bar I appear on, I learn from judges who are at the top of their game (usually those who ask the most probing questions). As a DPP, I was given to understand that my reputation preceded me in terms of exacting standards for investigations.

In my current capacity, I am blessed to know a wallflower, A, who spent two years helping refugees in between graduation and legal training. A appeared so quiet at first blush that the true strength of her opinions floored me. You will find that the best mentees expand your mind and clarify your thinking, as you see legal practice through their millennial eyes.

8. What Goes Around Comes Around

When I started out as a bright-eyed prosecutor, I never expected to end up working for one of the defence counsel I met in my first year of work. She

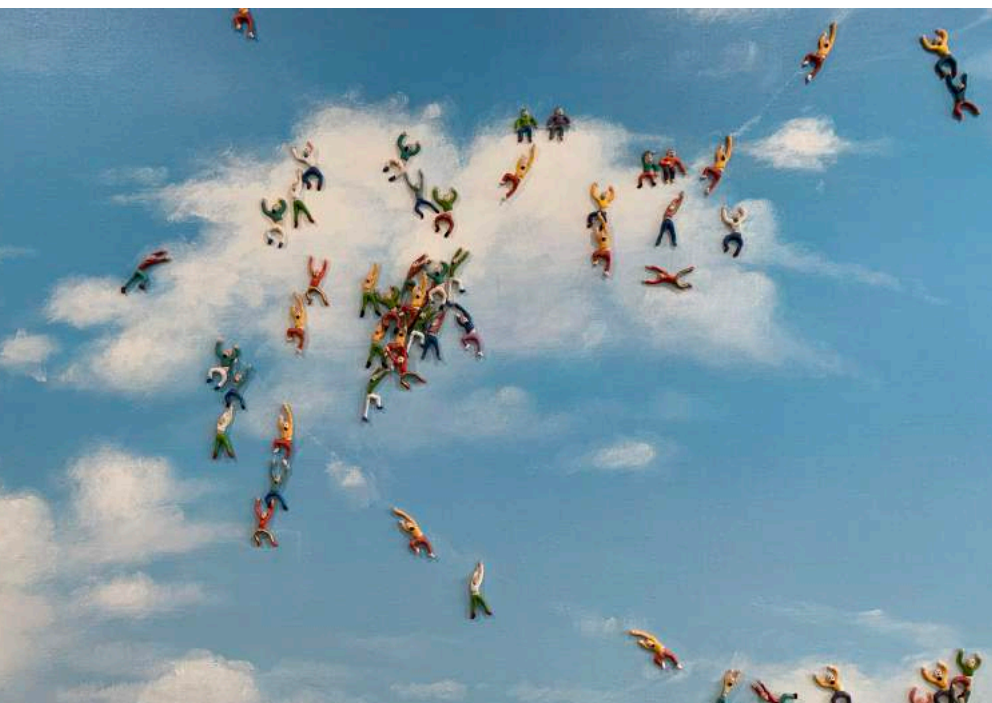
impressed me as someone very “nice”, and over the years I never heard a bad word about her in the corridors of my former office.

To the extent that it is possible in a saturated market: choose well who you work/pupil for, for their standing and networks are not unconnected to your own.

The legal sphere and its stakeholders are a tight community: be your best possible face, for your personal reputation cannot be meaningfully separated from your professional one.

9. Patrons Change, Priorities Shift

In the civil service, I thought it integral to promotion prospects to have a “patron” – someone to distinguish you at annual promotion panels and give opportunities to shine. It made me immensely disgruntled every March, when promotion results were announced. I later learnt that rather than being gripped by comparisons, one can prove good stewardship by excelling in small things, because a person who cannot handle a little will not be able to handle bigger tasks.



Deciding to resign from a cherished vocation showed me priorities truly shift across life: at the start of one’s law career, especially in the public service, ideals and the excitement of practising what you learnt from law school likely drives one for a significant distance. Thereafter, even if the lustre has waned, one is likely at senior associate level and the corollary salary comfortable enough to mitigate small injustices. When the push comes to the shove, it is often because money is no longer adequate compensation for other push factors.

No one likes admitting to being a workaholic, but most lawyers are in fact so. Burnout starts to set in when the initial sense of purpose gets outweighed by practical unpleasantness of everyday life as a lawyer – somewhat analogous to the humdrum of married life after the honeymoon rush of emotions.

It is important to know from an early stage what are the factors in your own work life balance, and how you intend to balance them. *“Where your treasure lies there your heart will be also”*: plan the pace of your legal career as with a marathon – set five, 10, 15-year goals and corresponding “reward” breaks – rather than combusting yourself sprinting beyond what your capacity allows.

Anchor your identity to other areas in life other than just being a lawyer, and apportion your time accordingly.

10. Where Do You See Yourself at Retirement, and How Do You Plan to Get There?

This is probably one of the first questions any lawyer starting their career should ask themselves. It is so easy to get caught up with securing a training contract, getting retained, climbing from associate to senior associate to junior partner, etc. People are often contented in the early years, until they learn to look around at their peers, for comparison is a robber of joy.

In the civil service, there is a concept known as Current Estimated Potential (**CEP**). A person’s CEP is assessed based on his superiors’ assessment of the highest position he can reach at the end of his career. CEP would invariably be connected to the speed of one’s promotion over the course of one’s career, in the same way a person who is to travel to a further destination within the same time might take an airplane and not a train. CEP is determined by our bosses, but we can also plan our intended “endpoint” and the roadmap, rather than being “overtaken by events”.

I never imagined myself in a small firm, nor that “small firm culture” could be enjoyable. But the real rub about immersing in “small firm culture” is the community, a place where one can know others and be known. When I met my current boss, I told her I was looking for a place to roost. A roosting place is where birds go to rest. My current firm has a family-like environment, as it is run by a husband-wife team. While at the beginning I resented having to be “known” by others to an extent that was very different from a large organisation, there are manifold benefits to having “mirrors” at work: one can view one’s reflection from many angles, even unflattering ones, and improve on blind spots. This is especially important in lawyering, a calling but also a business selling a service amidst increasingly stiff competition. No place is perfect, yet it seems I had unexpectedly stumbled on my second calling after leaving my previous job; for the first time in a long time, I have found meaning again at work.



CHRISTINE LIU YIWEN

Christine Liu spent the first 10 years of her career as a public prosecutor in the Attorney-General’s Chambers. After taking a one-year sabbatical to pursue graduate studies in public administration, she unexpectedly made a career switch to the private sector. She currently practises in a boutique law firm, where she dabbles in family law, protection from harassment cases and criminal litigation that pays little but sows much into the lives of others.



DO I GO IN-HOUSE AND WHEN?

Congratulations on your Call. Some might be wondering already when they should move into in-house practice while others might not consider it until later. This piece gives you some factors to take into account without meaning to set down any hard and fast rules. Practising in-house is quite different from being in a firm, involves a different type of legal work, is in a different working environment and takes different skills.

Less Legalistic Legal Work

In-house practice is generally less purely legalistic and involves more commercial considerations. The business you are serving expects legal solutions tailored not only to their operations but to the particular transaction on which you are advising. Rarely will it be acceptable to give a purely legal answer, particularly if that answer is no. You will be expected to find a legal way to conduct the transaction if at all possible and to make a realistic assessment of the risks. For lawyers, any possibility of a risk eventuating often means that the transaction is barred. For business people, the acceptability of risk is determined by the likelihood and the consequences of the eventuality. An event that is highly likely to happen but with mild consequences will often be an acceptable risk, as might one that has extreme consequences but is very unlikely to happen. Most businesses will not find it useful if their in-house lawyer merely tells them there is a risk without helping them assess these factors, including potential financial consequences. In-house lawyers cannot shelter behind the well-worn phrase “but this is a commercial decision for you”.

Immediate Answers – Usually

You will not have the time to research questions as you did in private practice, and nor will you usually have the budget to obtain external legal advice. You will be expected to know most answers relatively quickly – often immediately – even if you caveat that you are not 100 per cent sure. Such reservations are usually ignored and your view will be taken as the concluded position unless you make yourself very clear. The upshot of this is that you will be expected to advise on-the-go and be right much more often than not.

Know Limitations

A corollary of that last point is that you need to know your limitations and when you really do need either time or external advice on serious questions. The business will not always appreciate which questions are serious and which are not, and you will need to be able to educate your instructors when you need assistance. Be aware that you might be called upon to justify your own existence if you are suggesting seeking external advice.

Courage Under Fire

You will need the courage to be politely firm – sometimes very firm – with business people determined on a particular course where you think caution or external advice is necessary. At the same time, you will remember that these people usually will have a say in your bonus, your career and sometimes your employment itself. Although similar might be said of clients of a firm, it is more immediate with colleagues in a business who have

the ear of your boss and whom your boss must also keep happy.

Little Supervision

Legal departments in businesses are usually organised very differently from a firm. Mostly the structure is quite flat even in large companies, with only two or three layers of seniority. In many

the vital training and discipline one gets in a firm. As tough as it can be, everyone looks back with appreciation at their early days of training in a firm under demanding but experienced partners. We realise that those lessons were necessary to produce the intellectual rigour, mental discipline and discerning thought process to practise law properly.

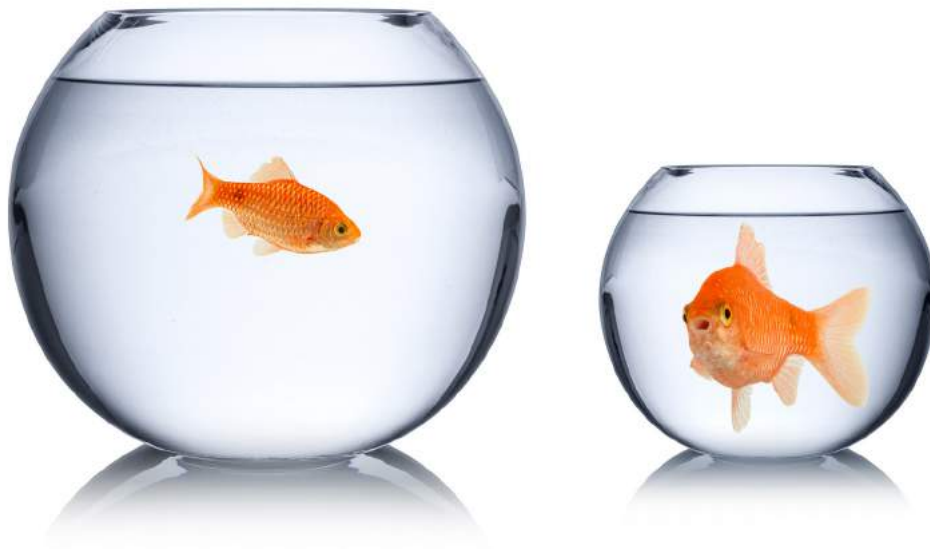
Lower Prospects

As a result of the flat corporate structure, promotion can be less certain and more difficult in a company than in a firm. In most firms the progression from graduate to associate and senior associate is fairly certain, and mostly there is no bar to appointing another partner if she can bring in the work. Companies usually only have one General Counsel or Head of Legal either for the whole company or for large parts of the business. Additional General

Counsel or Head of Legal positions are not created merely for worthy senior lawyers, and there will usually be many internal and external applicants for those roles when vacant. I realised some time after going in-house that I had swapped a career for a job, merely exchanging time for money. To deal with this lack of promotion, some lawyers leave Legal and “go into the business”, becoming one of the commercial people with a legal background which then seems to become less and less relevant.

Lower Salaries

Salaries in-house are lower than in private practice although there are some General Counsel or Heads of Legal who earn decent amounts. Bonuses paid to Legal can also be lower than those paid to commercial people in the business, with Legal



small and medium enterprises you will be the sole lawyer even if grandly titled General Counsel. In-house counsel generally do not have the same level of supervision as in a firm and usually serve their business directly rather than through a more senior lawyer. They might copy their supervisor on e-mails or have a weekly reporting, but the usual expectation is that they operate with minimal supervision and then only when they request. Some large departments operate differently in certain industries but most corporate counsel are expected to be set-and-forget lawyers: given a particular position and clients, and then left to deal with them with guidance and supervision on request.

Little Legal Training

This structure means that there is little scope for

being seen only as a “cost centre” – in other words, as a leech on the business. This gives some lawyers another reason to go into the business where salaries and bonuses are often higher.

Repetitive or Varied Work

Roles in corporate practice vary considerably depending on the nature of the company. Some roles involve highly repetitive work of the same type leading to proficiency but boredom. Others, particularly where you are the sole counsel, can involve wildly varied work, being very interesting but also stressful and busy. Either extreme can be unattractive over time and it is worth researching the position and the company thoroughly before applying or accepting.

Shorter Working Hours

Working hours are usually shorter in-house than in private practice. Shortly after I left private practice and moved into a bank, I met my former barrister colleagues from chambers and was telling them how I now left work soon after 5pm and found I had a whole extra “day” to myself until around midnight. Their look was beyond incredulity – they could not comprehend how such a thing was possible, only knowing a private lawyer’s life. This will be important to those seeking work-life balance or wanting to concentrate on family or other interests but it has to be weighed against some of the less appealing aspects mentioned here – potential boredom, meaninglessness, no career, lower pay, lack of respect, and less legal work.

Less Respect

Lawyers in-house are often not given the same respect by the business as when they were in private practice. One commercial colleague asked a corporate lawyer newly joined from a top tier firm “*How does it feel being a second rate lawyer now?*” While everyone – judges, private practitioners

and commercial people alike – pretend they view in-house counsel on the same level as their private colleagues, in truth they do not. External lawyers will be polite because they want your work but that can be the extent of the respect. A friend who left the partnership of a highly regarded firm to go in-house at his major client said soon after that he had gone from someone the business listened to, to being a mid-level functionary. Internal lawyers are often seen as merely another impediment to doing business, or at best another tradesperson necessary to make the transaction happen. This might seem unimportant at your stage if you feel people already see you that way, but later it can have an effect on the satisfaction and fulfilment you derive from your work.

Affinity for Employer

Depending on your company, its industry, size and corporate values, it might be difficult at times to identify with your employer, to champion its cause and, as a result, to feel you are doing something useful. In a firm, one can usually be proud of the firm itself and its approach to clients. Most of the time one can also be proud of the lawyer’s duty to act for any clients regardless of your disagreement with them or their cause. The connection an in-house counsel has with her corporate employer is much more immediate than between private practitioner and client. It is also usually more lasting. If it is difficult to espouse or even be identified with your employer’s industry or values, one’s work can lack meaning, or worse.

Professionalism

Corporate culture is different from the professional culture at a firm. Corporations, although they may be professionally run, are not professionals and do not have the same ethos as a firm, regardless of how high their business ethics or professionalism. The consciousness of the honourable profession to which we have been “called” does not exist in a

corporation. A lawyer would most likely be privately or publicly derided in a company for suggesting she had some mystical calling that placed her professionalism above that of her colleagues. Our higher duties are unknown to most and would be seen as quaint, self-serving, self-important anachronisms to anyone who learned them. The feeling in-house is much more of being a tradesperson than of a professional.

Professional Strains

Another perspective of corporate culture is that some might put strains on the lawyer's professionalism and sense of duty. It can be more difficult to disassociate oneself from activities within a company where the only equivalent to ceasing to act is to resign.

Corporate Environment

In a firm one is surrounded by lawyers, for better or worse, and the thinking is generally similar. In a company, the lawyers are vastly outnumbered and are surrounded, usually in open plan, by commercial people whose thinking can be quite different from lawyers'. This is not necessarily a negative but is something to take into account as a reality. It can be refreshing to have different ways of looking at things and for quite different levels of importance given to considerations. In particular, there can be different views on how important the law is ranging from necessary to irrelevant. Commercial language can be challenging for lawyers, as can lawyers' ways of explaining things to the business. For some lawyers who have a real interest in business, this environment can be enlivening. Others who are more into the law can miss their legal colleagues and the atmosphere in a firm.

Lower or Different Stress

Stress is usually lower in-house than in a firm. There is generally less work, there are no billing or time

targets, business development is not necessary, and the clients are internal rather than external – although this can produce a different type of pressure.

Wrap Up

In-house practice can be perceived as being generally easier than private practice because of the lower hours, risk, client pressures and business development but there are trade-offs in lower salaries, prospects, fulfilment and purpose. Some lawyers love practising in-house while others miss the more academic parts of the law. The expectations of the business and the usual structure of corporate legal departments mean that you will benefit from a few solid years of discipline, training and general experience in a firm before being relatively cut loose in-house. You will also appreciate the networks you build in your early years to draw on in the many judgment calls you have to make in-house.



CAMERON FORD

Partner

Squire Patton Boggs

Advisor, Publications Committee



PRO BONO: SHOULD I DO IT?

When I was asked to write this article, I thought to myself that it really would not take too much time to write given the amount of pro bono experience I have had since I started practice. I trained at a pro bono legal clinic in Sydney Australia before going into corporate practice where I continued to participate in pro bono initiatives both in Australia and in Singapore when I finally returned home.

Now I must clarify at this point that where I mention pro bono work in this article, I am referring to volunteering at the community legal clinics.

How Did I Pick Up Pro Bono Work in the First Place

The simple answer was that it was my first job and I had no choice in the matter. The legal clinic was government funded and as long as our clientele passed the means test, we would act for and help anyone who came through the door. When I moved into corporate practice, I did find that I missed pro bono work.

People in our line of work often forget that not everyone knows that the law is meant to provide safeguards to people regardless of their social status and/or means. Volunteering at a legal clinic let me help people with very little knowledge of their rights gain some clarity on their situation.

To us, the matters may be small and/or trivial, but for these persons who really in most cases have nowhere else to go, the 15 minutes you spend with them advising them on their rights and options will make all the difference to them.

So while I had little choice in how I started pro bono work, the experience and personal satisfaction I

derived from using the skills I have obtained over time to help people kept me going.

What Do Legal Clinic Sessions Entail?

Depending on which legal clinic you go to, you may get a summary of the matters that will be coming in that day. This lets you do some background research on the relevant areas of law that you may need to cover. If you see primarily corporate matters at work, the summary would be very useful to you as opposed to someone who primarily sees family law and/or probate matters at work.

If you do not get a summary, do not worry too much. Law Society Pro Bono Services (**LSPBS**) has a handy volunteer manual that covers the basic knowledge needed to deal with most of the queries that come up at legal clinics.



Regardless of whether you get to prepare or not, legal clinic sessions generally follow a set format: the person attending the clinic will come in, introduce him or herself, tell you what issue they require help with and then ask you for your advice.

Volunteers at legal clinics generally do not assist with court appearances or take on the matters of persons attending legal clinics. More often than not, you will be the first step in explaining the potential options available to attendees, or explaining the general principles that they should consider when deciding to take the next steps, whether it be how to draft a will, filling in a lasting power of attorney, what to do if they want to file for divorce or what are the options available to someone who has been terminated from their job.

It is also important to keep in mind that not everyone who walks in the door will speak English. While most will be able to converse in basic English, there are instances where the person sitting across from you will only speak dialect and/or Mandarin. In those instances, you should be prepared to tell them that you will need an interpreter (from the legal clinic) or that they may have to wait till another volunteer lawyer who can converse with them becomes available.

Time keeping is also something important given that each person that sees you is there because they have a problem and they will be anxious for you to help them solve it. As such, they will bring documents, recount to you the entire history of the matter as well as the advice that their friends and relatives have given them.

Often, it is up to you to guide them with questions that will help you understand the core issues, as the person will not know what is important and what is not. However, when trying to parse

the important issues, you must also understand that while you will likely see multiple people in one evening, the person has been waiting all night just to see you and will want to give you all the information they think you need (relevant or not) to help them resolve the matter.

Following from that, patience is also key as legal clinic attendees can get emotional during their sessions. Try not to react even if they seem upset that you are not telling them what they want to hear. If there is no easy answer or it is fairly clear that they have no recourse in the matter, you should be prepared to deal with some level of frustration.

What is the Level of Commitment?

The level of commitment depends on the individual. There are clinics that operate once or twice a month at one or multiple locations. A volunteer is not limited to just volunteering at a single clinic and if the mood strikes, you are more than welcome to register at multiple clinics.

What are the Rewards of Volunteering at Legal Clinics?

Honestly speaking, the rewards of volunteering will vary depending on the individual; some sessions are tiring, some are rewarding, but ultimately, I believe that most volunteers will derive some satisfaction from using their hard-earned skills to help someone who likely has nowhere else to turn to.

Every lawyer grows up having watched at least one legal drama. *Matlock*, *Ally McBeal*, *Boston Legal*, *Suits* or even *Code of Law*. While all of them at some point do touch on pro bono work involving the disenfranchised and downtrodden, the truth of the matter is that you never know what it feels like until you start doing it.

In my time doing pro bono work both overseas and



in Singapore, I can say that most legal dramas do not do pro bono work justice. While the majority of the matters you will encounter are the run of the mill probate, family, employment and minor criminal matters, I have run into situations which were challenging to say the least. Dealing with persons who are verbally abusive, utterly unlikeable, self-entitled, or in some situations, high, are not things that a freshly minted lawyer will have to deal with; however, these are skills that are important to have and develop.

Most times, the people you help will never ask your name, nor will they care whether you're a partner, senior associate or trainee. However, what they will care about, is whether you can help them, and if you cannot, whether you can point them in the right direction as to where they can get help.

As your career progresses, particularly in practices that focus on commercial and/or corporate work, volunteering at legal clinics is something that I believe is important as it will help keep you grounded through exposure to the very real problems that everyday Singaporeans face. Dealing with pro bono cases, especially at free legal clinics, teaches you that not everything can be solved neatly or nicely at the end of the session. It also hones the soft skills that many in the legal profession do not exercise on a regular basis. It is very easy to tell a client what you can or cannot do in court or what rights someone has in their contract; however, explaining it in a way that the client can understand and accept is almost a whole different skillset.

How to Balance Work and Pro Bono Work

As I mentioned above, I thought this article would be easy to write. However, finding the time to sit down and write this was an ordeal in itself. In a nutshell, balancing pro bono work and work is similar. I have been lucky for the majority of my career to have had the freedom to be able to plan ahead so that I would be available to attend the

evening sessions I volunteer for; however, not all workplaces will give you that luxury.

There have been times when I have had to choose between work and my volunteer sessions. How someone manages this is up to the individual. However, I would say that if volunteering is important to you, then you should make the time for it. Speak to your seniors and bosses and let them know that pro bono work is important to you and that you have commitments in relation to the same.

More often than not, I doubt there would be major resistance in you leaving early that one evening a week. As an aside, if you find yourself unable to leave early once a week, you may want to consider if you are in the right place.

So How Can I Volunteer?

If after reading this article, you are struck with inspiration to volunteer or have an interest to see what it is like (but do not know where to start), please contact LSPBS at volunteer@lawsocprobono.org to register and the good folks there will be in touch!



WAYNE TAN

Selvam LLC

(in joint law venture with Duane Morris LLP)



BOOK SHELF: SELECTED ESSAYS ON DISPUTE RESOLUTION

When Michael Hwang SC decided to retire from the partnership of the significant law firm he had spent his entire practising career at to practice as an arbitrator, he was generous in his comments to those he had worked with and modest in his desire to do more directly himself. Some 15 years later, the output of that more direct personal involvement is indisputably extensive, with the visible parts being acclaim as an internationally recognised arbitrator, the chief justice of the Dubai International Financial Centre Courts and counsel, on a selective basis, in cases of importance in the courts of Singapore. The last illustrates the qualities of rigour and respect for values, including values extending beyond the law, that accomplished lawyers such as Davinder Singh SC and Gary Born have paid tribute to – see for example *BOK v BOL* [2017] SGHC 216 (on appeal *BOM v BOK* [2018] SGCA 83) which is now the leading case on the doctrine of undue influence in Singapore contract law.

The less visible parts of the involvement will have at least an equally long effect. Hwang, in his words, in his second life as a practitioner engaged “... *bright and promising young lawyers at or near the beginning of their professional lives ... They have had the opportunity to work in a small office, with direct access to me on a daily basis ...*”. The opportunity meant work on awards, judgments, submissions, articles, commentaries and speeches, each piece researched, considered, reasoned, drafted, re-drafted, reviewed and then, finally, signed off. The subject matter would have varied, largely contractual but not so confined – see *Lassiter Ann Masters v To Keng Lam* [2005] 2 SLR(R) 8 a case on damages for wrongful death and the eventual law reform in the Civil Law (Amendment) Act 2009 to allow claims for “loss of inheritance”



Selected Essays on Dispute Resolution

DR MICHAEL HWANG S.C.

(now section 22(1A) Civil Law Act (Cap. 43). There would have been discussions, debates, reviews and regular reflections. In 1992, Hwang decided, as judicial commissioner sitting in the High Court of Singapore, a case concerning the sale and purchase of land where the land was compulsorily acquired between the date of the contract and before completion: *Sheriffa Taibah v Lim Kim Som* [1992] 1 SLR(R) 375. The Court of Appeal reversed his decision ([1994] 1 SLR(R) 233) and he continued to follow the jurisprudence on the subject, eventually

writing an article in 2000 after the Privy Council (*E Johnson & Co (Barbados) Ltd v NSR Ltd* [1997] AC 400) reasoned differently from the Court of Appeal in *Lim Kim Som*.

The collection of material in *Selected Essays on Dispute Resolution* addresses issues that were and are of particular interest to Hwang. They range from the conceptual (*The Chimera of Admissibility*

in International Arbitration) to the practical (*Two Failed Mediations and the Lessons Learnt from Them*). They explain the thinking of tribunals on some aspects that cut across all proceedings which repay reading no matter how long in the tooth one thinks of oneself (*Effective Cross Examination in Asian Arbitrations*; *How May the Quantum of Legal Costs Claimed by a Winning Party Be Controlled*). They are a resource for an independent



view on issues that disputes lawyers will come across during their careers and are relevant for a wider audience than just arbitration lawyers. More than a setting out of Hwang's views, the materials demonstrate the value of sound first principles. In a discussion on the control, by an arbitral tribunal or an arbitral institution, of the legal costs which a winning party may claim in arbitration proceedings, we are reminded that costs are a function of time and time is in turn, largely, linked to the monetary amounts at stake. We are then challenged to consider, among other factors, the choice of law firm and lawyers given the level of difficulty and complexity presented by the case, and what were the reasonable market charge out rates of the lawyers concerned, preferably in comparison with the charge-out rates of comparable law firms. This last-mentioned point acknowledges that practice functions in the market place and legal services are provided in the context of a market economy. And the discussion reminds us that the considerations that apply to controlling the claimable costs do not apply to the fees lawyers may charge their own clients as that depends on the instructions given by and the legal strategy adopted by, assuming proper legal advice, the clients.

The collection covers more than legal and practice issues. They help us understand the values of our profession. Rule 29 of the Legal Profession (Professional Conduct) Rules 2015 should be familiar to all litigation lawyers – to not permit an allegation to be made against another legal practitioner in any document filed in court proceedings unless the other practitioner is given an opportunity to respond to the allegation. Hwang writes of a time when he was asked to sue a law firm for helping to commit a fraud on his client. A lawyer in that firm had witnessed a signature on a mortgage deed that had been forged. Prior to filing the writ, Hwang met the senior partner and other partners to explain his client's instructions. He heard out their explanation and explained that while he did not think the firm had conspired with the fraudster,



they had acted negligently. Hwang writes “... *I did not learn this from the books because I had seen this done when I was a young lawyer – the courtesies exchanged between very senior lawyers and the proper way to further your client's interests while giving due consideration to the interests of our fellow practitioners had left a lasting impression on me ...*”. These words were written some 40 years into legal practice. They put the depth of the printed words of Rule 29 and, to use an old fashioned word, the traditions of our profession into perspective.

Values, consistency of first principles, intellectual rigour and intellectual honesty, and an abiding interest in the law and the profession run through the essays in this collection. They are a valuable record and resource for all lawyers, though particularly disputes lawyers, of varying ages and experience. They enable the reader to access some of the lessons learnt by those who have had the benefit of working with Hwang. They are not and cannot be a substitute for that privilege in the way that the printed word cannot replicate interaction and experiences that make up the intangible things that shape each of us.

TAN CHUAN THYE, SC

Partner

Rajah & Tann Singapore LLP



AMICUS AGONY

Dear Amicus Agony,

I'm often caught in a dilemma trying to balance my billable and non-billable work. As we work in a pool system in our firm, I can sometimes get billable work from one partner and non-billable work from another, and it can be quite difficult to meet both their deadlines. Even my friends who don't work in a pool system sometimes also have to juggle billable and non-billable work from the same partner. What can we do in such a situation?

Sincerely,

Torn-In-Two (Or More)

Dear Torn-In-Two (Or More),

You are in a very unenviable position, but this is not an uncommon issue for junior lawyers, especially for those working in larger firms. In fact, this dilemma is unlikely to subside as you climb up in the legal industry, but is likely to intensify, given that the non-billable work will probably be important for you to raise your own visibility as a practitioner and market yourself within and outside of the firm.

So, it is important to start learning to deal with this issue head-on. As a junior, however, your options will be limited. It is important not to automatically treat non-billable work as being less important than

billable work, since it might well mean more to the partners than those few extra case authorities for the upcoming hearing, or the half-a-day quicker that you turn the client's documents. In the same way that you deconflict excessive billable work when the timelines get rough, do the same thing for non-billable work. Be extra sensitive when multiple partners are involved – you don't want to be a victim of office politics while a junior.

All the same, since your billable hours determine your "contribution" to the firm's earnings (and therefore your bonus!), don't end up sacrificing billable hours just to please the partners. You were hired for your legal prowess after all, not for your skill in organising events or in writing case notes.

Of course, try not to keep using billable work as an excuse to delay your timelines for non-billable work (or vice versa). If you are getting too much work, then you should sound off immediately when new



work which exceeds your capacity comes in, not when you realise that you can't meet the deadlines. Hang in there long enough, and perhaps one day, you'll be the one issuing the non-billable work to your subordinates.

Keep it together,
Amicus Agony

Dear Amicus Agony,

As a young lawyer, is it better to specialise in a field very early on in a big firm or be a generalist in a smaller firm being exposed to more areas of legal work?

Eager Beaver

Dear Eager Beaver,

Thank you for raising this age old debate again in the present circumstances. The conundrum is not new - since a long while ago, there always existed a debate on whether lawyers who stay in very silo-ed practices are better or those who deal with a wider range of legal issues but without the specialization, make better lawyers. From an in-house perspective, it might arguably be better to be an all-rounder and to have done many facets of corporate work, or even litigation (as many in-house counsel deal with litigation management too). However, the flip side of the argument could be that staying in private practice in the long run, and specialising is good because you build your practice and become an expert in your field, and clients will turn to you for specific domain expertise.

If you are in a bigger firm that is very pigeon-holed, you might tactfully suggest a change of department after two or three years to expand your practice experience. If you are in a smaller firm, you might get exposure to many sorts of general areas of law, but might not have done the

chunky technical aspects that come with the more complex and bigger deals, so again from a work place perspective, you need to adjust and make the best of your environment for yourself and seize all opportunities that come your way. Good luck!

Sincerely,
Amicus Agony

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

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