

Surviving the Associate Years



Thio Shen Yi, Senior Counsel
 TSMP Law Corporation
 Vice President
 The Law Society of Singapore

Congratulations. You have been called to the Bar and are now an associate. You have moved up the food chain in the legal ecosystem, and have taken the first step to what one hopes will be a long and fulfilling professional career in the law.

There are some who think that the idea of a career is a quaint and antiquated notion in today's world, where change is the only constant, where job mobility across industries is common, where a young man or woman's idea of the long-term is a three year plan.

The statistics are sobering. If history is any guide, a large chunk of you, after seven to 12 years (defined by the Law Society as the "Middle Category"), will have left the profession. Only one-quarter of your cohort will remain. Of course, some leave for real, or perceived, greener pastures; and others while ceasing to be practising lawyers, stay within the larger legal community as foreign solicitors, in-house counsel, or government lawyers. Frankly, some, like the ex-lawyers behind Wild Rocket restaurant or Awfully Chocolate probably contribute far more to Singapore's Gross Domestic Happiness than any lawyer ever could! But others, for a variety of reasons, get burnt out, lose interest, get disillusioned, or are simply unfulfilled.

The attrition rate is a demographic problem for the industry as a whole. Lawyers between seven to 12 years PQE, on the cusp of full partnership, are at their most productive, in that they are experienced enough to run their own briefs, but young enough so that they are relatively less expensive than their partners. But the loss is not confined to the industry. I believe that those who leave the profession early lose something as well. To put it simply, and perhaps even simplistically, being a lawyer becomes more fun the longer one stays in the profession. You get to be lead counsel and engage in the sharp end of advocacy, strategise and structure corporate transactions, engage in business development and build networks, truly understand the law and its centrality in our economy and society, and find yourself in a position to use these skills to meaningfully give back to the community.

However, to an associate, I understand that there seems to be no line on the horizon. The days and nights of interminable discovery or proofreading stretch before you *ad infinitum*, and with your smartphone connectivity, even weekends do not offer respite from the unremitting pressure you endure from your bosses,



clients, Courts, regulators, opponents and counterparties. It's not difficult to become disenfranchised, burnt out and frustrated. Being a young lawyer in Singapore is tough. It does, however, get better, more fulfilling, more interesting. You just have to survive the associate years.

How? It's fashionable amongst more senior lawyers to say that this "strawberry generation" must be tougher, must build up their "adversity quotient". Easier said than done, and too much of a motherhood statement to be of any utility. As a survivor of just over 20 non-stop years in this profession without burning out (and I still, as a rule, look forward to going to work every day), let me offer some modest proposals for survival beyond "outwit, outplay, outlast".

If you see practice as "just a job", you will not survive, or even if you do, you will be unhappy. Cut your losses now. The practice of law has to interest you. It may not necessarily be an academic interest in the law. It could be an interest in people, human psychology, because the law deals with and impacts human beings. It could be an interest in business, and how the law can be used to regulate, encourage and shape deals or enterprise. The law is a wide and varied endeavour. There must be something out there that gets you out of bed in the morning.

Be curious. Read around the subject or issue that you need to research. Knowledge acquired in the course of solving a specific problem is retained better than information acquired without a specific context. Get to grips with the specific industry knowledge required for the specific case. Legal practice is often a doorway to understanding other fields of knowledge, be it medicine, engineering, corporate finance, technology, design and psychology. Part of the thrill of practice is the constant and

continuing learning, which both edifies and enriches us as human beings. Aspire to understand the law. This is different from mere knowledge. Chief Justice Chan Sek Keong (as he then was), had this to say on knowledge and understanding in an interview in 2012:

To acquire knowledge of a particular area of the law, you need to read everything that has been written on the subject. That is why academics who specialise in a particular subject know more about that area of law than judges. The same reasoning applies to counsel in a particular case, especially counsel who specialise in that area of law. His practical experience makes his knowledge even more useful to his clients. As for understanding the law, you need more than knowledge and experience. You need to know something about the vast body of knowledge of human endeavour, especially politics, economics, history, social science and maybe literature.

The simple point is this: Embrace lifelong learning.

Be engaged. No man is an island. You are part of a larger community of what I hope are like minded fellow professionals. If you silo yourself, and just bury your head and generate work product, your boss may be happy, but then you become a legal zombie. The job becomes a chore, albeit a challenging, difficult and relatively well paid one. Being engaged in the legal community gives one a more holistic perspective of the law and its significance in all aspects of our lives. How does one get engaged? Get involved in the Law Society, the Academy of Law, or a charity. Get involved in something beyond your immediate and direct interests as an associate. Make friends, build a support system of fellow professionals, inspire and be inspired. Build relationships and connectivity in the legal community. Find a mentor, someone who has walked the walk, who has been there and done that. It may or may not be your boss. There are a lot of senior lawyers out there who are willing to impart their experience, wisdom, war stories and passion to younger members of the profession. They will help you see the law as more than the sum total of the briefs that you earn fees from.

Be a volunteer. Sometimes it seems that the call to participate in *pro bono* work is in danger of being overused. But that doesn't make it any less true or important. Being a lawyer is a privilege. Give back. Do good. That's a moral imperative. Take advantage of the extensive *pro bono* schemes that the Law Society's Pro Bono Services Office supports. Dealing with regular people with real problems will remind many of you why you went to law school in the first place. In many ways, it is the sharp end of the law. And it is where the noble calling of the law lies. As far as I know, nobody who undertakes *pro bono* work ever regrets it. It may not always be as intellectually challenging or financially rewarding as complex litigation or high end transactional work, but there is real satisfaction and real meaning in helping the poor and vulnerable, the widows and orphans. It makes you stick around, because you then realise just how much good your skill sets allow you to contribute. You just have to take the first step. Find a firm or find a boss that allows you to do this.

Be ethical. For obvious reasons. Getting into trouble is not fun. But there's a bigger picture. Earl Warren, the Chief Justice of the US Supreme Court said that "in civilised life, law floats on a sea of ethics". As lawyers, as professionals, as good human beings, ethics must become hardwired in us, a part of our DNA. Closer to home, our Court of Appeal in *Lim Mey Lee Susan v Singapore Medical Council* was emphatic: "To be a member of a profession is to declare oneself to be someone of whom more than ordinary good conduct may properly be expected". Take pride in your professionalism. Just as importantly, be courteous and collegiate. This makes sense. Today's opponent is tomorrow's ally. If you never give your learned friend a break, you are never going to get one yourself. Ok, so you feel that you are tough, you don't need a break, you don't need that extension of time as requesting one will be seen as weakness. Suit yourself, you'll get old and grumpy quickly. You need friends in the profession. It reduces friction in transactions and in the Courtroom. It allows you to treat your opponents as friendly competitors, exhibit magnanimity when things go your way, and grace when things work against you. Your professional life doesn't become a series of unremitting conflicts. Some thrive in that environment, but not many. It doesn't have to get personal. It doesn't have to get ugly. While competitive, it remains collegiate. As a litigator, my acid test is this. After a trial, despite fighting hard, can I still meet my learned friend for a coffee or beer?

Beer ... Which brings me to my next point – "work life balance" – a phrase dreaded by most law firm partners, especially from the mouths of associates. Forget about work life balance. Sheryl Sandberg famously said, "There's no such thing as work life balance. There's work, and there's life, and there's no balance". The associate years are hectic, even frenetic. My advice to my own associates is not about finding balance, but finding a way to decompress (or as my son puts it, to "chillax"). And to decompress quickly. Running, reading, diving, family, drinking, travel, baking, whatever does the trick. Something that can be done intensely, passionately ... and legally. Something that takes you away from your job. Something that reboots the brain.

And last ...

Be focused. Have a plan, have a vision. It may be an aspiration to partnership, excellence and recognition in a specific area of practice, domination within an industry or client sector. Or work out a series of sequential professional goals you want to reach. Lead counsel in your first High Court trial, leading the deal team for the first time, bringing in your first client all by yourself. Having a definable reachable target helps to keep you in the game, to separate signal from noise, the important from the urgent. Find something that will keep you going, keep you motivated, and ultimately, keep you in the profession.

Of course, none of the above is foolproof. And the practice of law may still not suit everyone for a variety of legitimate reasons. Nevertheless, here's to all of you surviving the associate years and making it into the middle category! I look forward to seeing you in Court, meeting you at a *pro bono* event, or working with you under the umbrella of the Law Society in the course of your careers.