

THE LAW SOCIETY OF SINGAPORE

GUIDANCE NOTE 8.9.1

SUSTAINABLE PRACTICE INITIATIVE

1. The Law Society is committed to preserving the mental and social well-being of its member-practitioners and their corresponding ability to remain in legal practice sustainably.
2. To that end, the Law Society:
 - (a) has been, and will remain, in close engagement with the Supreme Court, the State Courts and the Family Justice Courts (collectively, “**Court**”, and each a “**Court**”), to seek their co-operation and understanding in the administration and reasonable scheduling of cases under their management; and
 - (b) has released this Guidance Note to guide and assist member-practitioners representing clients in civil, criminal and family litigation in the above Courts (collectively, “**Practitioners**”, and each a “**Practitioner**”), aimed at achieving the following broad objectives, at all times respecting that the Courts hold the position of decision-maker in the administration of cases:
 - (1) to preserve the mental and social well-being of member-practitioners, and their corresponding ability to remain in legal practice sustainably, in the long-term, in particular re-emphasising the importance of work-life balance; and
 - (2) to promote more thoughtful forward-planning by member-practitioners in the conduct of their cases, in particular when taking directions (e.g. filing deadlines) and hearing/trial dates, so as to achieve greater efficiency and predictability in the progress of cases, thereby minimising the need to seek extensions of time.
3. Practitioners are strongly encouraged to abide by the following Principles in addition to any relevant procedural rules:
 - 3.1 Principle 1: When taking hearing or trial dates and/or obtaining directions on the progress of their cases – Practitioners should consider the matters stated below (collectively “**Relevant Matters**”, and each a “**Relevant Matter**”), stated in no order of preference, including whether any Relevant Matters might make certain hearing dates, trial dates and/or directions unworkable or unreasonable in the circumstances of the case:
 - (a) there must be a reasonable amount of time for the Practitioner to take sufficient instructions from his/her client, as well as to take all necessary steps to prepare for the hearing/trial, or to comply with the directions of the Court (as the case may be) to the professional standard expected of him/her in the circumstances of the case;
 - (b) any upcoming family commitments;
 - (c) any upcoming medical appointments and/or periods of medical leave, or other matters involving the health or medical condition of the Practitioner or his/her family members;
 - (d) the imminent birth or death of a family member of the Practitioner;

- (e) the Practitioner's upcoming involvement in another matter in court, arbitration, mediation, or other dispute resolution/alternate dispute resolution process;
- (f) the Practitioner's upcoming involvement in a client/witness meeting or other work-related engagements (including attendance and/or speaking engagements at conferences or courses);
- (g) the Practitioner's upcoming travel plans or commitments, whether for work, personal or family matters;
- (h) the Practitioner's upcoming religious commitments;
- (i) the Practitioner's leave plans; and
- (j) weekends and Singapore public holidays.

3.2 Principle 2: Practitioners on opposing sides should make every reasonable effort to agree on (1) dates on which an upcoming hearing or trial may be fixed and/or should not be fixed, and (2) dates/deadlines for as many procedural steps going forward as may be foreseeable, at all times having due regard to Relevant Matters and any relevant procedural rules (e.g. the Ideals set out in Order 3, Rule 1(2) of the Rules of Court 2021, where applicable). The Practitioners should thereafter jointly (i) communicate all agreed dates/deadlines to the court as soon as practicable and (ii) make all reasonable efforts (whether by correspondence, submissions or otherwise) to secure the court's adoption of the agreed dates/deadlines, or failing that, as many of the agreed dates/deadlines as possible. To that end:-

- (a) Practitioners on opposing sides should pro-actively and openly communicate and consult with one another with a view to securing agreement between the parties to the litigation as to the dates/deadlines stated above; and
- (b) the said communications and consultations should take place a reasonable time before any juncture in the case (including but not limited to a case management hearing, whatever it may be called under the relevant procedural rules) at which the court may fix hearing or trial dates and/or give directions for the progress of the case.

3.3 Principle 3: Regardless of whether an agreement is reached under Principle 2, but especially if no agreement has been reached, Practitioners should pro-actively and candidly inform the Court of all Relevant Matters, and politely seek that the court take such Relevant Matters into account, when taking hearing or trial dates and/or obtaining directions on the progress of their cases.

Illustration A: Practitioner X has scheduled an overseas family holiday over 20 December 2023 to 7 January 2024. He should pro-actively and candidly inform the Court of this, and politely request that a trial or hearing not be scheduled within the above period *and also not immediately after it* e.g. 8–9 January 2024 so that there is sufficient time for him/her to prepare for the trial or hearing upon his/her return to Singapore.

3.4 Principle 4: Practitioners who are on the opposing side should – unless their client's case may be irreparably prejudiced or prejudiced in such a manner that costs would not be an adequate remedy – demonstrate professional courtesy by not objecting to any

request made by a Practitioner pursuant to Principle 3, and they should so inform the court.

Illustration B: Following from Illustration A, Practitioner Y on the opposing side should – unless his/her client’s case may be irreparably prejudiced or prejudiced in such a manner that costs would not be an adequate remedy to his/her client – readily inform the Court that he/she does not object to Practitioner X’s request.

- 3.5 Principle 5: Practitioners should – unless their client’s case may be irreparably prejudiced or prejudiced in such a manner that costs would not be an adequate remedy OR unless required by any Order of Court or the express direction of any court – demonstrate professional courtesy by not requesting (whether by way of correspondence, or orally in a hearing) that a Practitioner on the opposing side should provide a substantive response on any question, request, matter, issue and/or demand within an unreasonable period of time. For purposes of this Principle, a period of more than 7 working days will *prima facie* be considered reasonable, and any period shorter than 2 working days will *prima facie* be considered unreasonable. “Working day” means any day other than a Saturday, Sunday or Singapore public holiday.
- 3.6 Principle 6: Practitioners are strongly encouraged to bring this Guidance Note to the attention of their clients.
- 3.7 Principle 7: Without limiting the generality of the phrase “unworkable or unreasonable” in Principle 1, hearing dates, trial dates and/or directions are “unworkable or unreasonable” for purposes of this Guidance Note if they clash/conflict with a Relevant Matter and/or are so proximate in time to the Relevant Matter such that they are likely to hinder or restrict the Practitioner’s meaningful participation in, or attendance at, the Relevant Matter.

Illustration C: Following from Illustration A, Practitioner X may request the court not to fix a trial or hearing *immediately after* the period of his/her family holiday (e.g. on 8 or 9 January 2024) so as to allow Practitioner X sufficient time to prepare for the trial or hearing upon his/her return to the office; otherwise, Practitioner X may have to prepare for the trial or hearing while he is away on his/her family holiday. Practitioner Y should not object to Practitioner X’s request unless his/her client’s case may be irreparably prejudiced or prejudiced in such a manner that costs would not be an adequate remedy to his/her client.

4. For the avoidance of doubt, nothing herein limits or removes any obligations on Practitioners by reason of any applicable Orders of Court, directions of any Court, legislation, subsidiary legislation, case law or Practice Directions/Guidance Notes issued by the Council of the Law Society.

Date: 20 August 2024

THE COUNCIL OF THE LAW SOCIETY OF SINGAPORE