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Just Sing

Last year, an Indian national CLAS client was charged with voluntarily causing hurt with a dangerous weapon. He faced a possible sentence of up to seven years. One of our CLAS Fellows made representations, and the charge was reduced to voluntarily causing hurt. However, the client ran out of money to live on, had no food, and in desperation, slashed his own wrists. Our CLAS Fellow secured counselling and social assistance for the client, and subsequently, managed to get the offence compounded – a discharge amounting to an acquittal, just in time for the client to return to India and spend Deepavali with his mother.

Another CLAS client was charged with consuming morphine. He claimed trial on the basis that he had not consumed morphine but had in fact been prescribed medication from a clinic which had therefore resulted in a false positive. Another one of our CLAS Fellows did some intrepid private investigation, managed to find the exact clinic, and got them to provide a report confirming that they had indeed prescribed the specific medicine. A toxicology expert confirmed that this medication would metabolise into morphine in the body. The CLAS Fellow secured a discharge amounting to an acquittal.

On the civil side, under our Ad Hoc Pro Bono Referral Scheme, a law firm partner assisted a foreign spouse who gave birth to triplets last year. Her Singaporean husband disavowed and removed himself from the family, and the triplets were rendered stateless. After representations to the ICA, Singapore citizenship was given to babies Ruth, Mary and Esther, which means that we now have three more SG50 babies!

We do have a privileged status. And more is expected of us because we are professionals. We are meant to be the honest intermediaries between the common man and the justice system.

We lawyers have delivered. The pro bono culture is getting more embedded in our collective DNA. While a disproportionate burden of the pro bono effort was once borne by the sole proprietorships and small firms (and they continue to “punch above their weight”), the large firms have stepped up significantly in their wholehearted support of the CLAS Fellowship scheme, and in the many MOUs signed with the Law Society pledging to accept a minimum number of cases per annum. There are more and more pro bono heroes from every sector of our profession, too many and too invidious to identify seriatim, as space would prevent me naming them all. With this momentum, perhaps one day the heroic will become commonplace.
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A larger and larger percentage of our profession contribute to the pro bono effort. That energy has to be coordinated, cases need to be properly assigned, means testing has to be carried out, volunteers need to be supported, capacity has to be built by training our lawyers, and expert and Court fees have to be paid. That is where the dedicated men and women of the Law Society’s Pro Bono Service Office (“PBSO”) come in.

The PBSO is a charity, and it has IPC status. They are the platform from which we conceptualise, manage, and launch our pro bono initiatives. They help us deliver help to the right people. Without them, our delivery of pro bono services would be ad hoc, unfocused, and hit a natural ceiling. Through the generosity of the Ministry of Law who has been a major partner, our own members, the SAL and other stakeholders, we have built up and professionalised the PBSO. I said in my Opening of Legal Year speech last year that the challenge would be to make it sustainable. Building sustainability inevitably means fund-raising. But it also gives us as a profession, not all of whom are directly involved in pro bono, the ability to pay it forward in a tangible and critical way. Fund-raising activities are also designed to build awareness in the wider community, both in the heartlands and the CBD. This is because access to justice is not just about lawyers. It is ultimately about fairness in society, about how we make our first world legal system available to everyone. Justice should not be rationed only to those who can afford lawyers.

Last year we had Just Walk – a part of our Justice for All Project. This year, on 6 May 2016, we will have Just Sing – Justice in the Groove. This is a concert at the Esplanade where professional musicians Rani Singam and Jimmy Ye, along with their friends Chok Kerong, Donovan Loh and Wang Renyi will perform. The common thread is that they all have a law degree. I have reached out to all our law firms to support this through donations or buying tickets to attend the concert. My hope is that this will be a vivid, visible and visceral expression of the wider legal profession uniting to promote our common access to justice mission. I ask my friends, colleagues and fellow members out there: Just show up and be a part of Just Sing. And don’t worry, I’m not part of the entertainment!

This year, we made a concerted effort to also engage the wider corporate community. We want to develop a wider awareness that access to justice is a public good, a positive externality. It contributes to building an inclusive mentality in Singapore. The converse is public disconnectedness from the justice system. This is what we need to guard against.

I leave you with a point that Chief Justice Sundaresh Menon made on the importance of pro bono work at the 2013 Mass Call ceremony for new advocates and solicitors: “A visceral sense of distress sets in when society perceives that the scales of justice do not balance evenly between those who can and those who cannot access suitable legal representation … As members of the profession dedicated to justice, it is incumbent upon us to do what we can to ensure that this does not happen”.

See you on Friday, 6 May 2016!

► Thio Shen Yi, Senior Counsel
President
The Law Society of Singapore
Diary

1-3 February 2016
Parenting Coordination Training Programme
Jointly organised by the Law Society of Singapore and Family Justice Courts
9.00am-5.00pm
Family Justice Courts

3-4 February 2016
Legal Practice Management Course (18th Run)
Organised by the Continuing Professional Development Department
9.30am-3.00pm
55 Market Street

15 February 2016
Lunar New Year Luncheon
12.30pm-2.30pm
State Courts Bar Room

23 February 2016
Seminar on Competition Law
Organised by the Continuing Professional Development Department
2.30pm-5.30pm
137 Cecil Street

25 February 2016
Small Law Firms and State Courts & Family Justice Courts Committees’ Luncheon
Organised by the Small Law Firms and State Courts & Family Justice Courts Committees
12.30pm-2.30pm
State Courts Bar Room

Upcoming Events

7 - 8 April 2016
Litigation Conference Workshop 2016

29 April - 1 May 2016
Annual Malaysia/Singapore Bench & Bar Games 2016

6 May 2016
Just Sing “Justice in the Groove”

20 May 2016
Mediation Symposium 2016

14 and 15 July 2016
3rd Criminal Law Conference
Dear Member,

By the time this issue goes to print, I would have stepped down from my role as the CEO of the Law Society. In this message, I would like to pay tribute to all those who have made a difference in my time at the Law Society.

Firstly, I would like to thank all members for welcoming me into the legal fraternity more than four years ago, and making my journey at the Law Society such a memorable one. It has been an exciting experience being a part of the Law Society, as the role of the Society continues to evolve with the changes in the legal environment. Under the leadership of Council, I am confident that the Society will continue to grow from strength to strength.

I have learnt much from the many volunteer lawyers I have interacted with, particularly the members of Council and members of certain Committees with whom I have interacted with more extensively. What continues to amaze me is the sheer passion that members display in giving back to the profession, with no expectation of personal gain. This has impressed me as one of the key hallmarks which will keep the legal fraternity strong as the profession grows and expands.

Additionally, I would like to pay tribute to the work of my Secretariat team. They have been an extremely tight and supportive group which has been unfazed by the evolution of the roles of the Secretariat over the years. As the membership has grown, and as sweeping changes have been made in the legislation and environment impacting the profession, the Secretariat has remained agile to change and has taken on the new responsibilities without complaint, often double-decking these with existing portfolios.

In particular, I would like to acknowledge the efforts of the Secretariat directors, who have individually provided me their unstinting support over the last few years. It has not always been a smooth journey for the Secretariat directors, as we not only primarily serve and support the membership, but need to concurrently balance the demands of the other stakeholders in the legal profession. However, the Secretariat directors have more than met all challenges head on, and have remained extremely positive despite often challenging situations and tight deadlines. The directors I have worked with are no longer mere colleagues, but are now good friends. My time at the Law Society has been made extremely memorable and enriching by the friendships forged and experiences shared.

Thank you once again for the support of the Law Society’s work and initiatives. I wish you all the best.

From the Desk of the CEO

Tan Su-Yin
Chief Executive Officer
The Law Society of Singapore
Invitation
for Contribution of Articles

The Singapore Law Gazette (“SLG”), an official publication of the Law Society, aims to be an educational resource for both practising lawyers and in-house counsel, a forum for debate, and a useful reference of high quality commissioned articles covering all legal specialties.

Members of the Law Society, non-practising legal professionals and professionals in related fields are welcome to submit well-researched manuscripts that are of educational merit and likely to be of interest to a wide-ranging legal audience.

Submissions are welcome throughout the year. All submissions should be unpublished works between 1,500 to 2,500 words and are subject to the Law Society’s review.

The SLG is the premier legal journal for all lawyers and other related professionals practising in Singapore. Our articles are read by 5,000 readers including practitioners, the judiciary, the legal service, the academia, libraries, overseas bar associations and a significant number of in-house counsel in Singapore.

We look forward to hearing from you!

Please e-mail all enquiries, suggestions and submissions to Chandranie at chandranie@lexisnexis.com
Remembering Arthur

Here we carry some tributes from members who fondly remember Arthur.

“Proud to have known you, Arthur. I still see your smiles! We’ll meet again!”

**Peter Wong**
Lim Soo Peng & Co LLP

“Dearest Arthur,
I will miss your oats ‘without egg’. Peace be with your soul and may His perpetual light shine upon you!”

**Edwin Sim**
Lexton Law

“To the family of Mr Arthur Foo,
May this provide comfort to you as a token for the love and affection which we had for Arthur. I will always remember Arthur and will miss him deeply.”

**Joseph Liow**
Straits Law Practice LLC

“Dear Arthur,
The Bar Room will not be the same again without you. Thank you for all the drinks!”

**Vincent Wong**
Wong & Yian LLC

“Dear Uncle Arthur,
Thank you for everything. You will be dearly missed.”

**Pravin Shanmugaraj Thevar**
Gabriel Law Corporation

Following the announcement of the passing of Mr Arthur Foo, our Bar room attendant at the State Courts on 12 December 2015, the Law Society set up an “Arthur Appreciation” box at the Bar room for members’ contributions as well as opened a condolence book. The collection from members totalled $4,695.30. Together with personal contributions from ExCo members and an ex-gratia payment from the Society, the total contributions amounted to $8,215. The funds raised, together with the condolence book, were presented to Arthur’s family on 15 February 2016.
“Once in your life you find him
Someone that warms your heart all round
And next thing you know you’re caught up with
his charm
Wake up and it’s still with you
Even though you’re halfway to your firm
Wondering to yourself ‘Hey, what’ve I found?’
When you get caught in the State Courts in Lion City
I know it’s crazy but it’s true
If you get caught in the State Courts in Lion City
The best place you go to
The best place you go to
Is the Bar Room
Arthur –
his cares and he pleases
All of the time, he knows your choice
From drinks to a bite, you’ll hear his cheery voice
Living his life one day at a time
And showing us all what life is about
Laughter and friendship are his legacy”

(Arthur’s Theme)
Anonymous

“Dear Uncle Arthur,
Will miss your good cheer and all our little chats.”

Amy Lim
Island Law LLC

“To the family,
We will miss Uncle Arthur. He was a part of our lives and he took care of us.
Take care.”

Wendell Wong
Drew & Napier LLC
Farewell, Arthur

Michael S. Chia penned this post on Facebook on the day he learnt of the demise of Arthur Foo, the Law Society’s Bar Room Attendant at the State Courts. Arthur had faithfully served members their daily sustenance of coffee, tea and snacks for 30 years before passing from a short illness.

Learnt from fellow lawyers over WhatsApp that Arthur, our State Courts Bar Room attendant, passed on this morning at 5.56am. 😥

First made friends with Arthur in 1996 when I worked as a paralegal in SK Kumar & Associates during my summer vacation after LLB.

Since about 1985, Arthur had been an independent contractor whom Law Soc paid a small stipend to run the then Subordinate Courts Bar Room. He ran a thriving business running a coffee and snack bar in the Bar Room. He was an industrious fella who would sell all manner of Lunar New Year goodies during the festivities to earn extra income. He was a jolly fellow and lawyers treasured his friendship and were always happy to tip him generously. We would sometimes even keep monies with him on account and make deductions against our orders.

Arthur was such a permanent feature in the Bar Room that I fought to keep him on as a Law Soc staff, during my tenure as Assistant Treasurer in 2005, when the Courts informed the Law Soc that commercial activities in the Bar Room had to cease unless we wanted to pay rent. I argued to keep him for fear that lawyers would miss him sorely. After Arthur became a staff member, Law Soc remunerated him and provided beverages to lawyers for free. However, Arthur could no longer sell stuff or receive tips. It wasn’t the

“Dear Arthur,
Thanks for all the memories. It is as if a bit of my youth has died.”

Lye Kah Cheong
Norton Rose Fulbright (Asia) LLP

“Dear Arthur
Going to miss your Greet and Smile
Always loved opening the door to greet you.
Our constant, you were RIP, Arthur.”

Prasanna Devi
Prasanna Devi LLC
Remembering Arthur

Arthur (standing, 5th from left) at his son Kelvin’s wedding with Michael S. Chia (standing, 2nd from right)

perfect situation but it allowed the friendship between him and lawyers practising at the State Courts Bar to continue. In this way, Arthur and I have been friends for the last 20 years.

About two months back, Arthur was admitted in SGH after losing his appetite for some time. During his stay in hospital, Arthur received a 10 year long service award from Law Soc.

We learnt recently that Arthur was diagnosed with end stage liver cancer and he succumbed this morning.

I will miss him and the kopi “pua sio” he makes for me on mornings I have to rush for Court mentions as well as the long conversations we have in Mandarin about Chinese schools and our families.

I love his honey lemon drinks too but after he became a Law Soc staff for some years, it was thought that real lemons were really too expensive for Law Soc to be serving in the beverage for free, at the rate the drinks were being served, so Arthur switched to using commercial lemon juice. I thought the honey lemon made with commercial juice tasted funny so I switched to just having honey drinks. Whenever I asked for “honey”, Arthur would ask in jest: “Me ah?” 😊

I am dismayed at the sudden realisation that I do not have a picture with Arthur (except perhaps the one taken at the wedding of one of his sons at Hyatt but he didn’t give me one)! I managed only to find one of a kopi he made me on a rainy morning on 5 September 2013. Now I will have to remember his face in my mind.

(Postscript: Arthur’s son Kelvin later sent me the wedding photo which is published here.)

Arthur is survived by Mrs Foo, his children (one daughter and two sons), and grandchildren.

RIP Arthur. We will miss you dearly.

► Michael S. Chia
MSC Law Corporation
Supreme Court Practice Directions (Amendment No. 1 of 2016): A Significant Step in Further Incorporating ADR into the Civil Justice Process

The Supreme Court Practice Directions were amended in January to introduce several changes concerning the use of Alternative Dispute Resolution ("ADR") in resolving Supreme Court civil cases. These amendments represent a significant shift in the Judiciary's encouragement of the legal profession to routinely consider the use of ADR.

Background

The Supreme Court's Judges and Registrars have been encouraging parties in appropriate cases to attempt mediation and other forms of ADR. In 2013, the Supreme Court Practice Directions highlighted the need to consider ADR at the earliest possible stage, and directed lawyers' attention to the possibility of adverse costs sanctions under O 59 r 5(1)(c) of the Rules of Court (Cap 322, R 5), in the event that any one party unreasonably declined to attempt ADR. This order provides:

The Court in exercising its discretion as to costs shall, to such extent, if any, as may be appropriate in the circumstances, take into account — ... the parties' conduct in relation to any attempt at resolving the cause or matter by mediation or any other means of dispute resolution...

The 2013 Practice Directions amendments also introduced an innovative mechanism comprising an "ADR Offer" and a "Response to ADR Offer". The former can be served by any party who wishes to attempt ADR, after which the opposing party has to serve a Response within 14 days of receiving the ADR Offer, stating whether he or she is willing to attempt ADR and elaborating on any reasons for declining the offer. The Court may grant an adjournment when all the parties have agreed to attempt ADR. A failure to serve a response will be deemed as unwillingness to attempt ADR without providing any reasons. Furthermore, in exercising its discretion to award costs, the Court may consider the parties' conduct as reflected in the ADR Offer and Response to ADR Offer.

This process is similar to Hong Kong's Practice Directions, in which a party may initiate mediation by filing a Mediation Notice, and the respondents are then obliged to file a Mediation Response. The mechanism assists parties who are keen to use ADR, by providing a basis to request for adverse costs sanctions in the event that their offer is rebuffed for no valid reason. While there has been no local reported decision meting out costs sanctions premised on the ADR Offer and Response to ADR Offer, it is highly likely that the Supreme Court in appropriate cases will make such costs awards in the future.

The Court of Appeal in HSBC Institutional Trust Services (Singapore) Ltd (trustee of Starhill Global Real Estate Investment Trust) v Toshin Development Singapore Pte Ltd ordered the parties to bear their own costs, as it took the view that the matter should have been resolved in good faith through the mediation process instead of the adversarial process. While no ADR Offer was filed in this dispute, the Court did not refrain from making a robust costs award taking into account the parties' conduct in resolving their dispute.

The Changes

The recent amendments have broadened and strengthened the Court's active endorsement of the appropriate use of ADR. The primary changes may be summarised as follows:

1. The Supreme Court has highlighted that it is the "professional duty" of lawyers to advise on the different ways of resolving a dispute using an appropriate ADR process;
2. Guidelines have been provided to assist lawyers and parties in choosing the most suitable mode of ADR, and in deciding when ADR is appropriate;
3. The "Response to ADR Offer" form has been modified by requiring both the lawyer and client to certify that...
ADR options and their benefits have been explained to the client, and that the client is aware of possible adverse costs sanctions in the event of unreasonable refusal to use ADR.

The Duty of Lawyers toAdvise on ADR

Amongst the other amendments introduced, this is probably the most far-reaching change. Rule 5 of the current Legal Profession (Professional Conduct) Rules 2015 (Cap 161) provides that a legal practitioner must be honest in all dealings with the client, and “when advising the client, inform the client of all information known to the legal practitioner that may reasonably affect the interests of the client in the matter”. The Practice Directions amendments suggest that legal advice concerning all matters affecting the client’s interests must include advice concerning the use of ADR processes. The Supreme Court has indicated that the lawyer’s obligation to apprise the client on ADR is a positive duty, not an option.

This development is consistent with the Honourable The Chief Justice Sundaresh Menon’s observations concerning ADR, notably the Chief Justice’s call to lawyers to be familiar with the various ADR mechanisms that are an integral part of our legal landscape, and to “examine the case for using mediation more vigorously than hitherto and to incorporate this as part of the standard menu when counselling clients”.

The articulation of a positive duty to advise on ADR is not new in other jurisdictions. In England, both barristers and solicitors are required by the relevant professional rules to act in the best interest of their clients without regard to their own interests. Several Court guides – such as the Chancery Guide and Admiralty and Commercial Court Guide – have expanded on this duty by stating that legal representatives should consider with their clients the possibility of attempting to resolve the dispute by ADR and "should ensure that their clients are fully informed as to the most cost effective means of resolving their dispute".

Several judicial pronouncements have in turn reinforced this duty. The English Court of Appeal has pointed out that it had given its stamp of approval to mediation and it was now the legal profession which had to become fully aware of and acknowledge its value. Lord Woolf CJ in another decision criticised the failure to use ADR in a dispute involving public authorities, emphasising that lawyers were under a heavy obligation to resort to litigation only if it was unavoidable and should resolve the dispute as far as practicable without involving litigation.

While the English legal practitioner professional conduct rules have not expressly set out the duty to advise on ADR, professional rules in the New South Wales, South Australia and some states in the USA have not refrained from explicitly stating so. It is probable that Singapore’s legal profession rules may be amended in the future to be consistent with the position set out by the Supreme Court. The implications of these developments are wide-ranging. A failure to exercise the professional duty to properly advise on ADR may expose a lawyer to personal liability for the Court’s adverse costs order, disciplinary action or even a professional negligence action being brought against him or her.

Guidelines on the Use of ADR

It appears that the Court will take a nuanced approach when deciding whether a party and his or her lawyer have unreasonably rejected the use of ADR. The guidelines at Appendix I of the Practice Directions acknowledge that mediation may not be suitable when a case is a test case, or likely to set a judicial precedent for future cases. This statement is similar to the State Courts’ ADR Form, which stipulates that a valid reason for opting out of ADR (in MC disputes) is when the dispute involves questions of law or adjudication is necessary to establish legal precedence. Hence, the judiciary’s stance should not be taken to mean that ADR is a panacea and must be resorted to in all circumstances. It remains open to any party to make arguments as to why a trial is more appropriate than an ADR process in the specific circumstances.

Nevertheless, the overall tenor of the guidelines suggests that it will be rather challenging to advance arguments in most cases that ADR is not appropriate. The guidelines outline the different ADR options, including mediation and neutral evaluation, to fit the specific contours of each dispute. In relation to mediation, a wide range of disputes are specified as being eminently suitable for mediation, such as commercial, construction and partnership disputes, as well as employment cases and medical negligence claims. The final category – “all types of claims where the costs of any proceedings are likely to equal or exceed the value of the claim” – would easily apply to many disputes.

In addition, the common objections to using mediation are addressed, with suggested ways in which mediation can overcome these obstacles. For instance, the guidelines explain that in a situation involving fraud, mediation may still be useful since confidential discussions within mediation may often diffuse fraud allegations, and withdrawal of such allegations may be made a term of the settlement.
agreement. Another common reason to litigate is due to “a matter of principles”. The guidelines highlight in this regard that principles are expensive to enforce, and few litigants will be satisfied even after the trial is completed.

Paragraph 4.1 of the guidelines also acknowledges the concern about attempting ADR at the appropriate timing with sufficient disclosure of the relevant documents. While the guidelines state that there is no “right” time for mediation, they recognise the need for all the parties concerned to know their respective cases well enough for the lawyers to render proper advice and to assist the mediator. The guidelines remind the parties to seek the Court’s guidance and directions when in doubt or when there is disagreement about what should be disclosed. It will be useful to heed this advice and ask for the Court’s directions when, for instance, one feels that mediation would only be useful if the other party would disclose certain key documents.

The holistic approach used in English decisions is instructive in deciding on when ADR is appropriate. While the Court of Appeal in Halsey v Milton Keynes General NHS Trust\textsuperscript{12} listed several factors that help in determining reasonableness of not using ADR – including the nature of the dispute; the extent to which other settlement methods have been attempted; and whether a party reasonably believes that he has a strong case – subsequent English decisions show that the Court makes a rigorous assessment of all the circumstances and factors, and does not place undue weight on any one factor alone. The Court in Burchell v Bullard\textsuperscript{13} did not accept the defendant’s claim that their case was too watertight or complex for mediation, noting that this was a small building dispute and the costs of ADR would be much lower than the cost of litigation.\textsuperscript{14} Another argument in Ghaith v Indesit Company UK Ltd\textsuperscript{15} that the parties’ positions were too far apart was not accepted as a reason for rejecting mediation. Lord Justice Ward observed that while opening offers are usually far apart, an experienced mediator is able to “transform the intractable into the possible”.\textsuperscript{16} A similar submission in Rolf v De Guerin\textsuperscript{17} about wanting one’s day in Court was also soundly rejected as an inadequate response to a proper judicial concern that parties should respond reasonably to offers to mediate.\textsuperscript{18}

In sum, if the guidelines are to be applied with the same strictness as the English Courts, it is likely that the Singapore Courts would adopt a rigorous approach in deciding on the reasonableness of choosing litigation over ADR. It will probably be the rare case, coupled with very cogent reasons, in which the Court would decide that it is reasonable not to attempt ADR as a first resort. Further, given the statement concerning the lawyer’s professional duty to advise on ADR, the Court may make adverse costs orders not only in situations when the ADR Offer and Response to ADR Offer have been used by the parties, but also when the Court has on its own initiative suggested that the parties attempt ADR, and one or more parties has rejected the suggestion. It would thus be prudent for practitioners to assess with clients at the earliest possible stage the suitability of their dispute for ADR, and to be ready with arguments, with reference to the guidelines and relevant authorities, for or against the use of ADR in their particular case.

**Modifications to the “Response to ADR Offer” Form**

In addition, a party who is keen to use ADR at an early stage will benefit from using the ADR Offer at an early stage. The “Response to ADR Offer” has been modified to require the client to certify that his or her lawyer has explained the available ADR options, that he is aware of the benefits of using ADR and that he has been advised that any unreasonable refusal to use ADR might expose him to adverse costs consequences.\textsuperscript{19} These additions cumulatively reinforce the message that the lawyer is obliged to discuss ADR options with the client.

In practical terms, the person who serves an ADR offer now has greater assurance that the respondent will have to consider the implications of rejecting the offer very thoroughly with his or her counsel before doing so. For the Court is likely to scrutinise the reasons stated in the Response to ADR Offer, in light of the respondent’s confirmation that he is aware of all the potential benefits of using ADR, and conversely, the potential adverse cost implications of not attempting ADR.

**The Singapore Mediation Centre**

Many of the disputants who are encouraged by the Supreme Court to attempt ADR have been approaching the Singapore Mediation Centre for its ADR services. Set up in 1997, SMC has handled more than 2,600 disputes involving more than S$3.2 billion, with a panel of more than 100 Principal Mediators.\textsuperscript{17} While most of these disputes are commercial matters, the centre in partnership with other agencies has developed diverse mediation schemes for a wide range of disputes, including matrimonial cases, medical and healthcare disputes, tenancy matters and cases involving estate agencies. SMC’s panel of mediators also has differing areas of specialisation.\textsuperscript{18}

More than 70 per cent of matters mediated in SMC were settled, and more than 90 per cent were resolved within one working day.\textsuperscript{19} Mediation fees are tiered according to the quantum of dispute. A special scheme for claims below
S$60,000 provides for free mediation services for the first two hours. Higher claims incur mediation fees from S$963 per party onwards.20

Conclusion

Mediation and other ADR processes have been increasingly incorporated into Singapore’s Court processes. The Supreme Court has, however, signalled through these recent Practice Directions amendments that the use of ADR has much more room to grow, with the support of the legal profession. It is noteworthy that both the Supreme Court and the State Courts have made prominent reference to the spectre of adverse costs consequences if ADR is unreasonably refused, sending the clear message that ADR is to be the first and not the last resort in many disputes. It will probably be a matter of time before local jurisprudence develops concerning what amounts to unreasonable refusal to attempt ADR.

Notes

1 Supreme Court Practice Directions Amendment No. 1 of 2016, Supreme Court website <http://www.supremecourt.gov.sg> (Rules > Practice Directions > Supreme Court Practice Directions > Amendments 2016) (accessed 29 January 2016).

2 Supreme Court Practice Directions Amendment No. 6 of 2013, ibid, paras 35B, 35C, Form 28 and Form 29.


4 [2012] 4 SLR 738 at [68] to [72].


6 The Bar Standards Board Code of Conduct, Core Duty 2 and r C3.R1; Solicitors Regulation Authority’s Code of Conduct, Principle 4.

7 Chancery Guide, para 17.4; Admiralty and Commercial Court Guide, paragraph G1.4.

8 Burchell v Ballard [2005] EWCA Civ 358 at [43].

9 Cowel v Plymouth City Council [2001] EWCA Civ 1935, at [27].

10 New South Wales Barristers’ Rules, r 38: “A barrister must inform the client … about the alternatives to fully contested adjudication of the case which are reasonably available to the client, unless the barrister believes on reasonable grounds that the client already has such an understanding of those alternatives as to permit the client to make decisions about the client’s best interests in relation to the litigation”; Law Society of South Australia’s Solicitors’ Conduct Rules, r 7.2 (similar provision); Virginia State Bar’s Rules of Professional Conduct comment to r 1.2: “a lawyer shall advise the client about the advantages, disadvantages, and availability of dispute resolution processes”; Colorado Rules of Professional Conduct, r 2.1: “In a matter involving or expected to involve litigation, a lawyer should advise the client of alternative forms of dispute resolution that might reasonably be pursued to attempt to resolve the legal dispute or to reach the legal objective sought”.


13 Supra (note 8 above) at [41].

14 [2012] EWCA Civ 642 at [29].

15 [2011] EWCA Civ 78 at [32] and [41].

16 Similar statements are included in the State Courts’ ADR Form (Form 7), which parties have to file prior to summons for directions, case management conferences (for matters in the Magistrate’s Court jurisdiction) and pre-trial conferences convened for District Court claims four months after the writ is filed.


20 Singapore Mediation Centre’s website, supra (note 18 above).
Friends at (BABSEA CLE), supporting organisations, universities, law students, lawyers, law academics, foreign delegates, ladies and gentlemen.

It is my honour and pleasure to participate in this Conference.

It’s That Tree Again

Three years ago to the month, I stood in a room similar to this at the Inaugural Southeast Asia Pro Bono Conference in Vientiane, Laos and asked the question:

“If a tree falls in a forest and no one hears it, does it make a sound?”

The sound that the tree makes in an empty forest was a metaphor for the unmet need of the wider community for access to justice. The fact that some may hear it and heed the call, does not absolve the multitude of others who either are not there to hear it or even if they did, do nothing or hardly anything to help.

Unfortunately, I missed the 2nd Pro Bono Conference held in Vietnam the following year. By this time, the Conference had morphed into the South East Asia/Asia Pro Bono Conference. Last year, I was moderator at the 3rd Conference hosted in my home country, Singapore. By then the Conference had expanded into a full-fledged Asia Pro Bono Conference. There, we examined the synergy of Public Private People Partnerships in creating a vibrant pro bono ecosystem.

This year, we continue the journey by examining the interplay of Legal Ethics in Pro Bono and I’m delighted to be able to share some thoughts about how we could further develop pro bono culture and structure in the Asian region.

The Challenge Today

You may wonder why I have set out the historical context of this Conference. For me, it has been exciting to see how this annual Conference has not only sustained its presence, but has also grown from strength to strength and evolved into a dynamic and organic project that has continued to build upon itself stage by stage, step by step by not just spreading out in scope, but also in digging in depth into the real heart and soul of legal pro bono work. It has in fact been the inspiration for my Keynote today.

I could address the topic given to me by starting with just talking about culture or structure. However, I am going to start by talking about values. That is because whatever our culture and however well-formed a pro bono structure we have, it really all begins with values that are rooted in the individuals within that structure.

The challenge before the legal profession today the world over is to resolve the basic paradoxes which it faces:

1. Nurture: To preserve and, where necessary, to defend the best of the traditional values requiring honesty, fidelity, loyalty, diligence, competence and dispassion in the service of clients above mere self-interest and, specifically, above commercial self-advantage.

2. Structure: To re-organise itself in such a way as to provide more effective, real and affordable access to legal advice and representation by ordinary citizens.

3. Culture: To adapt to changing social values and revolutionary technology.
Yet we need:

• to move with the changing direction of legal services in a global, regional and national market;

• to adapt to the growth and changing composition of our society and of the legal profession beyond structure and culture; and

• to ready ourselves and nurture our young for the fast changing content and complexity of substantive and procedural law.

It is a tall order. Are we up to it?

The Pro Bono Tree

In what I would call the Pro Bono Tree, the tree is rooted in nurturing the right values and ethics, the trunk of the tree represents its structure and the branches and leaves of the tree represent the pro bono culture and environment within which it thrives and how it is able to.

So I’m going to spend some of the time given to me talking about ethics and values. Then, I’d like to talk about Singapore’s experience in putting in place structure and resources and finally round off the discussion on culture.

Ethics and Values

In my Address, I submit that there are three basic values which merge in a good lawyer: a commitment to competence, which is about skills; a commitment to ethics, which is about decency; and a commitment to professionalism, which transfuses the public interest into the two other values.

The basic ideal of the legal profession, as one of faithful service beyond pure economic self-interest, must survive. But whether it survives or not is up to the lawyers of today. We must be able to “hear” the sources of society’s deepest concerns and do what we can, whilst moving with the times.

We must revive and reinforce the best of our professional ideals, teach them rigorously and insistently to new recruits and to enforce them strictly where there is default.

When I started practice, there was no codified Professional Conduct Rules. We had a blue file, so called because it was a blue ring folder containing rulings and guidance notes from the Law Society about what a lawyer can or cannot do. The one reported case that everybody knew about then which related to not pursuing a concurrent occupation had to do with a lawyer who had sold underwear from his hotel room. I promise you it is an actual case!

Back then, there was a tacit consensus about what it meant to be a lawyer. It meant being a professional, which meant all of those romantic notions about decency, civility, trustworthiness, and fairness, to name a few. The lawyers
who had good reputations were the lawyers who practised law with just these adjectives as conduct guides.

Some of them made a lot of money, which no one begrudged them or presumed. And quite a few of them were very smart. But they were also mainly male, able-bodied, and socially advantaged. Diversity was a word we used to describe the variety of cases we handled, not our consumer or collegial environments. We have come a long way since. When I was called to the Bar, there were no women Supreme Court Judges, although our one female Judicial Commissioner was made Judge one year later. Today, we have three women Supreme Court Justices and four Judicial Commissioners.

Two weekends ago in Singapore, one of our largest mass call of lawyers – 535 in all – was held not in a courthouse but in an exhibition hall at the Singapore Expo. Large in numbers, these young lawyers are coming into a very different professional environment from mine two decades ago. It is bursting with diversity, far better educated about ethics, far better paid, and far more stressful. But it is also a professional environment where the consensus about what it means to be a professional is being eroded, as has the consensus about what the criteria should be for awarding good reputations.

What is worrying about this is not so much the absence of a consensus, although this is without doubt an unsettling reality, it is the threat I fear to the very legitimacy of the profession, and to the professionals and institutions in it. Whilst this is not a new issue, there is a sense of urgency to do something about this when the economic situation we are headed into is going to make the bottom-line even more frenzied.

There is undoubtedly a crisis of professionalism generally, and that crisis in turn is having a supply-side impact on everyone, including lawyers. It should surprise no one that lawyers are affected by the spirit of the times, but neither should it surprise lawyers that the public expects them to rise above it.

This is how, in large part, through pro bono work, that we discharge our accountability to the public without compromising our independence: through an empathetic hearing of its concerns, being open to the possibility that its concerns may be valid, and responding as effectively and quickly as possible when they are.

For pro bono work, the values of crucial importance include a dedication to justice for the public good. These are high-sounding and high-minded ideals, but they are for me not mere rhetorical flourishes – they are bedrock aspirations. They are how we should be seeing ourselves, how we should be seen by others, and how we should continually strive to be seen. Professionalism is more than about being a lawyer – it is about why we are lawyers.

One of the headwinds polluting or at least threatening to pollute, the ideal professional environment, and, therefore, the centrality of our relationship with the public is economic pressure. This creates a kind of turbulence in our pursuit to narrow the gap between our professional ideals and the competing realities.

Lawyers, like everyone else, relished the boon economy of the 80’s, and raised their financial aspirations and expectations accordingly. Many people got rich in the 80’s, including many lawyers, and, understandably, no one was eager to give any of it up. When it looked as if they might have to, fear of loss took over. It was, I think, this intense fear of losing the economic benefits so intensely accumulated in the 80’s that largely sedated people’s impulse for generosity.

The fear of economic loss played out in different ways for different groups, but among lawyers it played out in rigid billing requirements, increased competition, and an unrealistic demand for work life balance that did not include living a life.

But to me, the most worrying repercussion of the economic forces at work is when the public thinks that lawyers have become businessmen and no longer professionals. When the public starts thinking of the practice of law as a business like any other business, it may well start asking itself why the practice of law should not be treated like a business. Why, for example, if lawyers are going to behave like a business, should they be self-governing? Or why is a lawyer needed at all if lawyering is simply a matter of skill and not professionalism.

The economic amenities lawyers pursue must be seen as the earned rewards of the primary pursuit of serving the public. If they are, no one will begrudge their fair, and even generous, accumulation. If, on the other hand, they are seen as the object of the exercise, we risk ultimately being judged unworthy of the presumption of professional independence.

On the other hand, sometimes the economic pressures lawyers face, especially lawyers in small or sole practitioner firms, arise from not being able to keep up with the extraordinary costs – technological and otherwise – of doing business today. Pressure from clients to do
more faster and for less, competition from non-lawyers, the relentless pace and face of change, reduced legal aid work at staggeringly stagnant honoraria – all these and more impose enormous tensions which should be acknowledged.

But in my view, economic pressures, while generating inevitable stress for lawyers which may require responsive policy measures from a governing body, cannot be seen as a legitimate excuse to avoid practising in a professional way.

Nothing justifies the absence of professionalism for a lawyer, at either end of the economic continuum.

I now move onto the issue of structure.

The Structure
The fact remains that an alarming gap exists between the poor’s legal needs and lawyers being willing and able to help.

The “cultural” basis of pro bono practice – motivated by the personal preference of lawyers – and the lack of “structural” enforcement for ethical obligations will end up leaving access to justice coincidental, haphazard and optional.

Basic economic analysis reveals more efficiency as access increases. Exclusion increases disorder and costs. Access is, therefore, a mandatory constitutive element of the legal system. Why don’t lawyers provide enough of it? Data from surveys and interviews predict no reliable behaviour, but indicate that structural support may increase pro bono practice.

I can speak to this from personal experience in Singapore. We are now in 2015, where we have a designated and dedicated Pro Bono Services Office, which also acts a clearing house for different types of pro bono requests. We have run community legal clinics as well as projects to raise awareness in our schools. We have a thriving pro bono culture in our law schools. Our NGOs support and run legal clinics. We have also started to work on training our pro bono lawyers. In a new programme, law firms second their lawyers to our Criminal Legal Aid Scheme.

In short, no lawyer is left behind if he or she is prepared to offer some kind of pro bono work, be it the giving of advice, talks, representing a party or vetting materials. We have also lobbied for and now receive a steady stream of funding from government, the public and private sectors.

The scene was not quite so organised in 2006 when another Council member, Jimmy Yim and I were tasked to study the pro bono landscape in Singapore. Many of our younger lawyers in Singapore are probably not aware of the Report we produced and many of our older ones would have already forgotten it. It is only now and then when someone is tasked to do some research, that I get a request for a copy.

That’s fine by me. What it means is that pro bono has evolved into such a part of our legal DNA in Singapore that we no longer need to hark back to old reports. Instead, the challenge now is to ensure no person who requires access to justice is left behind.

In Singapore, the structure has already been put in place and it is the culture that continues to be work in progress.

I would venture to say that whilst I do not advocate mandatory pro bono, I do believe in mandatory access to justice.

Culture – Write Your Own Ending
I do realise that I’m probably preaching to the converted here. Many of you here are already active in organised pro bono legal work, in your local community, with your law firm or with your children and their activities.

Maybe you have done pro bono in the past, in law school or maybe you never have handled a pro bono matter.

As great as the demands are on your time, so, too, are the needs of the many poor and underrepresented individuals, families, and communities. But perhaps even greater is the impact that you can have on the client you help. As lawyers, we are the only ones who can make this difference in the lives of our pro bono clients.

So why have I spent the last 40 minutes or so saying things that all of us already know. It’s because we are human, we make mistakes, we get tired, we get demands placed on our time by family, friends, paying clients and the public at large.

That’s fine.

But it bears remembering that those facing legal issues who cannot afford a lawyer usually have many more challenges than simply the one legal case.
As much as I would like to see an end to poverty, homelessness, diseases, disabilities, and discrimination, I realise these hopes are often out of my reach. But I know I can help with the legal issue that faces them.

So having an ingrained *pro bono* value is important.

Looking for the right opportunity? From transactional work to dispute resolution and litigation, from matters that will require a significant time commitment to short-term projects, from matters that require experience to those that you can handle with little experience thanks to the support and training of a structured *pro bono* programme, there is something for every willing *pro bono* lawyer.

Talk to your local bar association or law society or legal clinic – they would often know well the need and the opportunities in your community. If not, contact the good people at BABSEA CLE. I can guarantee you they’ll have something for you.

**Conclusion**

So “*If a tree falls in a forest and no one hears it, does it make a sound?*”

If we are unaware of somebody’s suffering, does it exist? The easy option would be to say that we will only be aware of it if they tell us.

Or we can choose to infer it from our common humanity.

*Pro bono* legal work is the tangible manifestation of the legal profession’s humanity. The alternative, of being not just deaf, but blind and dumb, is just not an option.

We must focus on what is necessary to maintain the whole system – the roots, the trunk and the branches and leaves, and not just the parts which are preferred by the profession.

And finally, how will we define success in this profession? By money? By partnership? By hard work? Of course.

But also by integrity, by decency, by compassion, by wisdom, by courage, by vision, by innovation, and by idealism.

If we venerate these qualities and reward those who have them with our respect, we signal to the profession that our shared values and expectations exceed the tangible economic consequences of the expertise we enjoy.

Lawyers have many contributions to make in many different ways. And we should feel pride, despite the reality of our fears and the tensions and challenges we face, in what we do, who we do it for, and how we do it.

And this is what developing a *pro bono* culture and structure and nurturing it will do best – promote that sense of pride, repair it when it suffers injury, and satisfy the public that we have earned the right to have them share in that sense of pride.

Access to justice must not be viewed as optional charity.

With that, a thriving *pro bono* legal culture is well within reach of every country represented here.

So go out and become part of your own *pro bono* story.

And make sure the Pro Bono Tree never falls.

► Malathi Das  
Immediate Past President LAWASIA  
Joyce A Tan and Partners
While most young lawyers’ monthly salaries increase over their first few years practising as an associate, I only saw mine shrinking by at least 10 per cent each year for the last two years. What I gained, however, was something which cannot be measured in monetary terms.

I was one of the five CLAS (Criminal Legal Aid Scheme) Fellows for the year 2015, lawyers working full-time in the Pro Bono Services Office acting exclusively for CLAS applicants who have qualified for legal aid. It was a truly inspiring and memorable experience.

Having been called to the Singapore Bar only in August 2014, joining the CLAS Fellowship with less than one year of Post Qualification Experience initially gave me the jitters. Initially, I was fearful. I felt that for every one thing I did right, I probably made nine other mistakes. However, with the support we CLAS Fellows got from not only the mentors and senior criminal law practitioners, but also from the Bench itself, we became more confident and pulled through the initial teething phase.

As any young lawyer would know, it is only in very rare (and usually only “low risk”) cases that first and second year lawyers get the opportunity to argue a case, be it in chambers or in open Court, with the latter being obviously even less common than the former. However, being a CLAS Fellow really took the requirement of being able to “work independently” to the next level. Each of us had the opportunity to manage and control the flow of our individual cases, conduct interviews, do our own investigations, and ultimately, make oral submissions in open Court. Some of us, myself included, even had the opportunity to have conduct of a trial – yes that means that I not only got to prepare the questions, but actually also conducted the cross-examination of the prosecution’s witnesses. Opportunities like these are probably far and few between for young lawyers in private practice, but they were what gave me the confidence I now have when it comes to speaking in open Court. I daresay that I speak for the other CLAS Fellows as well.

Being a CLAS Fellow also exposed me to the different types of challenges that many accused persons actually face, especially if the accused person is a vulnerable person (ie young and/or suffering from psychiatric conditions).

I recall a case which I took up concerning a 40-year-old man (“L”), who had allegedly stolen a handphone from a young boy aged around 15. Looking at the charge sheet alone, it looked like a fairly straightforward case of a grown adult preying on a young boy, in a HDB lift no less. Any prosecutor reading the charge would almost surely have a list of “aggravating factors” already prepared to be presented to the Court upon a guilty plea being taken. However, when I first interviewed L, who came down to the CLAS office with his elderly mother, I found out what really happened.

I was told by L’s mother that L suffers from mental retardation. Of course this was initially taken with a (huge) pinch of salt, but my interaction with L later proved what L’s mother said. L was observably slow in answering the questions I posed to him. He would stammer, look around nervously, and his whole body would even tremble and twitch. He would give me very short simple replies in Chinese, usually only after L’s mother repeats my question to him, and he hears the question from his mother.

The first thought that came to my mind was, “how did the Investigation Officers even manage to explain his charge to him, let alone get him to write and sign his long and cautioned statements?”

Further questioning gave me the following information. On the day of the alleged offence (10 July 2014), L was seated at a bench near a playground below his block. His mother told me that he would occasionally sit there to watch the other children play. L told me that he noticed a young boy walking towards him. When the young boy came up to him, the young boy suddenly stomped on L’s foot, began laughing, and walked away. Feeling bullied, L ran down a few flights of stairs, entered a lift with him, and eventually entered a lift with him. As the lift was heading upwards, L inched towards the young boy. He asked the young boy in Chinese “why did you step on my foot”. The young boy did not reply. Just as the lift door opened and the both of them stepped out, L grabbed whatever the young boy was holding in his hand, and immediately threw it on the ground. The young boy began shouting, and his mother, who heard his screams, came running out of the house and began screaming at L. In panic, L ran down a few flights of stairs, entered the lift, and headed home. L’s mother told
me that apart from noticing a small limp in L’s movements, nothing else was out of the ordinary. That was, until later that evening, when the police came knocking on her door and arrested L, on suspicion of having committed an act of robbery.

L then spent the next four days locked up at the Institute of Mental Health, and a psychiatric report was prepared. I had sight of this report and it states in no uncertain terms that L was “diagnosed with Mild Intellectual Disability”, had a “history of neurological problems such as Miniplymyoclonus (an epileptic condition) and cerebellar atrophy (causing trembling hands while doing something’). Furthermore, it was reported that L had a “full scale IQ of 56”, and that “his social maturity was assessed to be approximately 10 years of age”. L did not answer any of the psychiatrist’s questions pertaining to the alleged offence.

If a psychiatrist, trained to handle such persons, was unable to obtain answers from L, it is curious how, on the other hand, L’s statement to the Investigation Officers were all positive admissions, pleading for leniency.

L’s mother was visibly distraught, and told me that she herself had been seeing a counsellor. She was at some time diagnosed as suffering from “caregiver’s stress syndrome”, and seeing L get arrested in their own home only made things worse. She told me that she felt that it was all her fault for letting L go out to play, when she should have just kept him at home to watch television. Seeing the state that both she and L were in, I did what I could to refer them to the Community Justice Centre, and even accompanied them to a Family Service Centre in their neighbourhood. I had to make sure that L’s mother stayed strong and could hold herself together, and also wanted Social Services to help L find a simple job to properly occupy his time.

Ultimately, a Letter of Representations was sent to the prosecution to explain the events of 10 July 2014, and which also enclosed all the relevant supporting documents evidencing that L, even though intellectually disabled, was now gainfully employed. From a legal perspective, it was clear to me that the mens rea of having intended to take “dishonestly” was not even present in the case to satisfy the charge of theft. This was of course also highlighted to the prosecution.

A discharge amounting to an acquittal followed my Letter of Representations. When L’s mother heard the news, she began crying over the phone. She thanked me non-stop for the effort I had put in to help her son. On the day of the DATA (discharge amounting to acquittal) itself, again L’s mother was in tears as she shook my hand outside the Court. L, on the other hand, looked as confused as the first day I met him – sometimes I still wonder if he understood what actually went on.

To me, when a case like this slips through the cracks in the system and leads to a charge being tendered against a vulnerable person, it is one case too many. This case was one of the many which I handled during my CLAS Fellowship which fuelled my drive to continue representing the less fortunate. Now, even after my one-year contract with the Law Society of Singapore has concluded, I am still handling at least 30 active CLAS files at any one time. This of course, could not have been done without the support of my boss, or without what my experience as a CLAS Fellow had taught me.

I had chosen a path not many young and newly-called lawyers would have chosen – to do the kind of cases that got me interested in the study of law to begin with, instead of climbing up the career ladder which would have promised a steady increase in salary. And this is most likely the path that I am intending to stay on for some time to come.

► Foo Juyuan
CLAS Fellow 2015
Associate
A C Fergusson Law Corporation
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A Profession Like No Other

The Law Society's Pro Bono Ambassador for 2015/2016, R. Thrumurgan @ Thiru, tells us why pro bono work is second nature to him, or indeed, to many lawyers.

I don’t remember my first pro bono case or even the first few pro bono matters that I was involved in. For the record, it is not because I have done so many of such matters that I struggle to recall! The reason is far more simple and yet, far more significant.

When I was privileged enough to become a member of our honourable profession, it was a given that you helped those not privileged enough. For my learned seniors at the Criminal Bar, it was just that. Doing pro bono cases was a non-event. Simply put, it was no biggie.

With due respect to all the other professions, I don’t think there is any single profession that comes close to ours in terms of commitment to pro bono. This is not to say that we are the only profession that is committed to pro bono. I know of several instances where doctors have waived their professional fees for needy patients and of architects or engineers who have similarly rendered their services gratis for worthy projects and causes.

However, in my view, what we as a profession do is on a different scale altogether. Each day, the number of lawyers who do pro bono work – both at institutional and ad-hoc levels – is staggering. And this is not a recent phenomenon. The senior members – or our Pioneer Generation of lawyers – have been doing this for decades.

I think that there cannot be any argument that pro bono is the most well-known Latin phrase in Singapore. I suggest that much of the credit for making it so must go to our profession, especially the senior lawyers who have been championing the pro bono cause from all those years ago.

It is both encouraging and heartening to note that despite the changing demographic in Singapore, our profession has continued not only to stay true to the pro bono cause but has in fact strengthened its commitment.

A couple of years ago, before the introduction of honorarium payments, the CLAS (Criminal Legal Aid Scheme) office used to send out e-mail blasts inviting lawyers to take on CLAS cases. And as though prizes were on offer, the responses from lawyers were fast and furious as the invitations were very quickly followed with another e-mail from the CLAS office to say that a volunteer lawyer had already taken up the case. To me, if any evidence was ever needed to demonstrate the continuing commitment of lawyers to pro bono, that was it. Without broad-based buy-in from both young and less young lawyers, such overwhelming responses to take on pro bono cases would be unthinkable in today’s world.

The younger members of our profession give much confidence that the collective commitment of our profession to pro bono will not wane, even (or especially) in more materialistic times. We can all be very proud to be members of a truly honourable and special profession. Our senior lawyers who made pro bono a part of the DNA of our profession deserve much of the credit. Their efforts back then – when there was no real recognition for doing pro bono cases (or at least not as much as there is now) – remain remarkable. Their silent and steady commitment to pro bono has led many of us, privileged to practice, to assist the less privileged amongst us.

R. Thrumurgan @ Thiru
Pro Bono Ambassador 2015/2016
Principal/Managing Director
Trident Law Corporation
Community Legal Clinics

The Law Society of Singapore runs the Community Legal Clinics ("clinics"), which assist needy Singaporeans and Permanent Residents facing legal issues on personal matters where they are not represented by a lawyer. At the clinics, applicants will be able to consult a qualified lawyer in a one-off, 20-minute session for basic legal advice and guidance.

The clinics take place every Mondays to Thursdays, 7pm to 9pm (excluding public holidays and eve of public holidays), at the following locations respectively:

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<th>Day</th>
<th>District</th>
<th>Location</th>
<th>Address</th>
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<tbody>
<tr>
<td>Monday</td>
<td>North West</td>
<td>Woodlands Civic Centre #06-13</td>
<td>900 South Woodlands Drive</td>
</tr>
<tr>
<td></td>
<td>District</td>
<td></td>
<td>Singapore 730900</td>
</tr>
<tr>
<td>Tuesday</td>
<td>South East</td>
<td>Singapore Post Centre #12-02</td>
<td>10 Eunos Road 8</td>
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<tr>
<td></td>
<td>District</td>
<td></td>
<td>Singapore 408600</td>
</tr>
<tr>
<td>Wednesday</td>
<td>South West</td>
<td>The JTC Summit #03-11</td>
<td>8 Jurong Town Hall Road</td>
</tr>
<tr>
<td></td>
<td>District</td>
<td></td>
<td>Singapore 609434</td>
</tr>
<tr>
<td>Thursday</td>
<td>Central Singapore</td>
<td>HDB Hub Via Biz Three Lift Lobby 1</td>
<td>490 Lorong 6 Toa Payoh</td>
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<td></td>
<td>District</td>
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<td>Singapore 310490</td>
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An applicant must register with the Pro Bono Service Office ("PBSO") before an appointment is made for one of the above clinics. During the registration, which is usually conducted over the telephone, the applicant will be screened for eligibility. If the applicant qualifies for assistance, his or her particulars will then be taken down. A preliminary interview will also be conducted to obtain the salient facts of the case and the queries of the applicant. All this information will be compiled into case lists, which are provided to the volunteer lawyers prior to the clinic sessions so that they may conduct conflict checks as well as prepare accordingly.

Community Legal Clinic Network

Following the signing of a Memorandum of Understanding ("MOU") with the Mayors of the North West, South West, South East and Central Community Development Councils ("CDCs") on 12 September 2014, PBSO is expanding its Community Legal Clinic Network (the “Network”) by inviting non-PBSO administered clinics ("independent clinics") to join the Network. Currently, there are over 50 independent clinics operating across the island.

By joining the Network, volunteer lawyers would be afforded professional indemnity insurance coverage when conducting pro bono legal clinics within the community. In addition, we have put in place an improved support structure for lawyers who are running the clinics within our Network. Other benefits for Network members include:

1. Access to a larger resource pool of volunteers where PBSO helps with recruitment whilst clinics retain discretion to accept/reject proposed volunteers.
2. Capacity building materials and reference guides such as the Community Legal Clinic Network manual, English to Malay/Mandarin Legal Glossary and pro bono practice newsletter.
3. Paralegal support from law students (there is greater interest among students if the clinic is registered with the Singapore Institute of Legal Education ("SILE") so they receive hours accredited).
4. Training for clinic managers and call centre based on our current model.
5. Standard Operating Procedures and disclaimer of liability forms and feedback form.
6. Freedom to continue with current mode of operations and systems in place.
7. IT system to help track appointments and flag applicants who have sought legal advice elsewhere in the network.
8. Volunteer Clinic Managers.
9. Onward referrals to sources of legal aid and social service support.

Mr Cyril Chua, Chairperson of the Community Legal Clinic Committee ("CLC Committee") which Oversees the Community Legal Clinic initiative, shared that one of the main obstacles in setting up the Network is that many of the existing independent clinics are an extension of the services offered by community centres. These independent
clinics report to the management committees of the respective community centres and would require the latter’s permission to join the Network. In order to overcome this, the CLC Committee has engaged in dialogues with various stakeholders, including the mayor’s representatives as well as the management committee of the community centres.

As a result of the CLC Committee’s efforts, to date, around 10 clinics have signed MOU to be in the Network. We are confident that with more clinics joining the Network, we will be able to better reach out to deserving and needy individuals in the community requiring legal advice and guidance.

Clinics that are interested to be part of this Network or who wish to find out more, may e-mail us at volunteer_pbso@lawsoc.org.sg with the subject header “NETWORK”.

**Mentoring Programme**

The CLC Committee plans to conduct outreach to new members of the Bar to get more lawyers involved in the community legal clinics. In order to nurture new volunteer lawyers, the CLC Committee will also be introducing a mentoring programme for junior lawyers. This could take the form of on-site monitoring of junior lawyers by senior practitioners, or a roster of senior practitioners that junior lawyers can call during clinic sessions for guidance. In addition, the CLC Committee is also looking at establishing Centres of Mentoring, which are clinics with senior volunteers who are willing to take new volunteer lawyers as understudies.

**Volunteer Clinic Management Programme**

Under the Volunteer Clinic Management programme, volunteers will receive training on clinic operations, including setting up of premises, managing volunteer students, lawyers and applicants, ensuring compliance with standard operating procedures, as well as other administrative duties. Once they have completed the training and assessment, these volunteer clinic managers will be equipped to run clinic operations independently and can then be deployed to assist at legal clinics across the island.

Potential volunteers include law students, administrators of non-PBSO clinics and paralegals. This programme is not open to the general public due to the sensitive and confidential nature of the information accessible to the clinic manager, in particular the case lists.

Volunteer clinic managers will be exposed to the various legal issues faced by the man on the street, thereby gaining a more holistic understanding of the legal landscape in Singapore. At the same time, they will also develop soft skills, such as time and crisis management, service recovery and leadership.

Law firms and in-house counsel teams who wish to include their support staff in pro bono work may wish to sign up for this programme. The in-house legal team at Hewlett Packard Enterprise, for example, is one of the pioneers of this programme.

**Clinic Volunteer Lawyers Referral Directory**

After receiving legal advice at the clinics, applicants often require further assistance. In such cases, the clinic lawyers would usually refer the applicants to the Criminal Legal Aid Scheme, Legal Aid Bureau or the Primary Justice Project, depending on the nature of their case. However, it has been noted that the clinics are seeing a large number of applicants in the “sandwich class”, who are not able to afford legal services but yet do not qualify for assistance under these schemes.

To address this issue, the CLC Committee is working on compiling a referral directory, which would contain a list of law firms and/or lawyers, categorised by the various areas of specialty, who are willing to charge lower fees for deserving applicants. The list may then be provided to needy applicants who require further assistance but are unable to engage a lawyer at the full market rate.

**Conclusion**

The CLC Committee’s goal for 2016 is to have at least 70 per cent of all lawyers providing pro bono legal advice in the community to be working under the umbrella of the Law Society’s Clinic Network by the end of the year. To achieve this, members of the CLC Committee will be stepping up their efforts to reach out to more independent clinics.

Moving forward, the CLC Committee hopes to set up centres of excellence where specialised clinics covering matrimonial and employment issues will be held.

Ultimately, Cyril sees the Community Legal Clinic initiative as an opportunity for all stakeholders involved to journey together to strengthen our community.
Community organisations – namely, charities, voluntary welfare organisations and social enterprises – play increasingly significant roles in our society. Many of them have lofty aspirations and excellent ideas to address prevalent social issues. Consequently, it is critical that they perform effectively. However, they may overlook the importance of having a solid legal framework to support their operations. In some cases, they are simply unable to afford legal assistance.

This article describes some of the ways the Law Society, through its Pro Bono Services Office (“PBSO”), seeks to bridge the gap. These initiatives give Singapore lawyers, both individually and on a firm basis, an opportunity for greater involvement in pro bono work. They provide non-litigation legal assistance to help community organisations avoid serious problems that might otherwise arise from lack of legal support and severely undermine their social impact.

A community organisation is eligible for assistance if its activities are beneficial to the community in Singapore as a whole and not confined to sectional interests or groups of persons based on race, creed, belief or religion.

Community Organisation Clinics

The Law Society conducts Community Organisation Clinics (“COCs”) which provide general legal guidance.

An eligible community organisation may attend one 45-minute COC session with a volunteer lawyer. The COCs are aimed at community organisations that are looking for basic legal advice and would like to speak to a lawyer, but do not need anything drafted and do not need legal representation.

Feedback from community organisations that have attended the COCs has been very favourable. They have found it extremely useful as preliminary guidance on issues faced by them. The COC has helped them decide what to do next. Common queries include compliance with personal data protection laws, protection of intellectual property and governance issues.

Following the enactment of the Legal Profession (Pro Bono Legal Services) Rules 2013, any individual who is called to the Singapore Bar is eligible to give pro bono legal advice under any scheme administered by the Law Society. In other words, Singapore qualified lawyers without a current practising certificate can volunteer for COCs.

COC requests are circulated to the volunteers through e-mail and allocated on a first-come-first-served basis. The sessions are then scheduled based on the availability of the applicants and the volunteer lawyers. The COCs take place during office hours at PBSO’s Golden Shoe Car Park branch office, located at the heart of Raffles Place. The flexibility of the timings and the convenient location allow volunteer lawyers to fit the sessions into their busy schedules.
Project Law Help

In addition to the legal advice slots offered by COCs, the Law Society encourages law firms to register their willingness to offer pro bono non-litigation commercial legal services to community organisations under Project Law Help ("PLH"). In their application, community organisations are required to provide information about themselves and the legal issues or matters on which they are seeking assistance, including the likely duration for which they need assistance.

If the application is successful, PLH then “matches” a law firm with the community organisation in the sense that the community organisation’s request for assistance is circulated to all registered law firms. Law firms volunteer to assist where they are interested in doing so. PLH “assigns” a law firm to the community organisation from among the law firms that volunteer to assist it.

Community organisations qualify for assistance under PLH if their reserves are less than $1 million and are insufficient to cover two years’ operating expenses. In addition, two categories of social enterprise automatically qualify for assistance under PLH. First, social enterprises that have received the Comcare Enterprise Fund; second, winners of the President’s Challenge Social Enterprise Award. In these cases, PLH provides follow-up or administrative support after a law firm has been assigned to the community organisation. However, PLH also circulates non-qualifying community organisations’ requests for assistance to the registered law firms, these are formally outside the scope of PLH (and not therefore eligible for PLH follow-up or administrative support), but law firms do often offer to assist these community organisations in order to support their cause.

After a successful match-up, a law firm takes on the community organisation as a pro bono client and works directly with them. Generally, once the organisation’s legal issues as stated in the application have been addressed, the relationship winds up.

Joint International Pro Bono Committee

The Joint International Pro Bono Committee ("JIPBC") is an initiative of a group of international and Singapore law practices with the support of the Law Society. Like PLH, JIPBC also provides a match-up service. However, it caters to international community organisations based in Singapore but involved with economic and social development in emerging markets or addressing global challenges. It maintains a pool of law firms with international legal experience willing to share their expertise on a pro bono basis.

As it involves advising and assisting the organisations on the laws of other jurisdictions, JIPBC provides pro bono opportunities to foreign qualified lawyers based in Singapore.

Non-Profit Organisation Guide

PBSO maintains an online guide containing legal information for both local and international non-profit organisations. It works through the "life cycle" of a non-profit organisation. It is designed to help with:

1. choosing the right legal structure;
2. applying for tax incentives;
3. managing volunteers and employees;
4. understanding health and safety laws and issues of legal responsibility when holding events; and complying with fundraising laws and other laws that affect the non-profit sector.

Legalese

PLH is proud to support and release the upcoming second edition of Legalese, a publication which was originally championed by the Law Awareness Committee. Legalese is a legal toolkit for community organisations which aims to put basic legal pointers and knowledge in the hands of the administrators and/or managers of social enterprises and non-profit organisations so that they can, even during their busy schedules, acquire an understanding of what legal issues to look for, what things to consider.

Launched in December 2013, the first edition of Legalese focused solely on social enterprises and is available for free download from the PBSO website. It covers a wide range of topics, also following a “life cycle” approach.

Since then, PLH has expanded the scope of the toolkit to support not only social enterprises but also non-profit organisations. The second edition will be available later this year.

Project Law Help Committee

The PLH Committee oversees the various initiatives catered to community organisations. Mr Jeffrey Lim, Chairperson of the Committee for the third consecutive
year, recalls the main obstacles faced when PLH was first set up and how they were overcome: “Initially, lack of clarity and awareness were the key issues. In terms of lack of clarity, we struggled with establishing clear engagement guidelines. At the same time, there was not enough air time given to the splendid efforts of the firms that gave their support. Less well funded/less well-resourced NPOs, who struggle with hand-to-mouth existence, barely had time to devote attention to crucial issues of legal compliance and were not coming forward. We’re still progressing here, but we’ve improved the situation. We’ve added more structure to what we do, we’ve done more public engagements, and we’ve been building bridges with agencies like NCSS, MCCY, raiSE, and other fine organisations and even fellow committees like Law Awareness Committee”.

As our society’s needs grows ever more complex, collective action through corporate entities is increasingly essential to help support the under-privileged and marginalised segments of our community, thus the role of the non-profit organisation and social enterprise will continue to grow. At the same time, however, regulatory burdens are also increasing. It is Jeffrey’s hope that in the coming years, PLH will become the primary venue for Singapore qualified corporate lawyers to provide pro bono legal support to local non-profit organisations and social enterprises.

Jeffrey also hopes that future editions of the PLH Committee will grow cross-border collaborations with its counterparts, particularly as the composition of the PLH Committee evolves. Beyond that, Jeffrey leaves it to the Committee to dream up its future.

Conclusion

The Law Society is committed to supporting community organisations in Singapore. At the same time, it provides opportunities for commercial lawyers in Singapore to participate in non-litigious pro bono work. Its goal is to facilitate, promote, support and encourage a sustainable commitment to pro bono work within the legal profession in Singapore.

In order to encourage more lawyers to come on board to do corporate pro bono work, the PLH Committee hopes to bring more attention to outstanding volunteers, be it firms or individual lawyers. While the firms may not seek acknowledgments for their contributions in this area, profiling active volunteers gives them a platform and opportunities to share their experience, thereby cultivating a vibrant pro bono culture. PLH also engages young lawyers and law students, in hopes that they will carry on the pro bono spirit as they progress through their careers.

Having said that, it should be borne in mind that committees like PLH are part of a larger picture, and a diversifying picture, of pro bono legal services. While it used to be that pro bono legal services call to mind the noble spirited litigation lawyer standing up for a client without the monetary means to have his day in Court, Jeffrey highlights that pro bono work is also much more. He hopes that the PLH Committee is part of a wider march of initiatives that mobilise the profession, so that every lawyer can reaffirm for himself that the law is vocation, where it is possible to find true nobility of purpose.
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Upwards and Onwards with CLAS

It has been over 30 years since a determined group of public-spirited lawyers came together to form the Criminal Legal Aid Scheme ("CLAS").

Since then, the relentless toil of an ever growing band of passionate volunteers, the support of various stakeholders in the criminal justice system such as the Ministry of Law, the Attorney-General’s Chambers, the Singapore Police Force, the Singapore Prisons, the Institute of Mental Health, the Ministry of Social and Family Development and the Health Sciences Authority has transformed that pioneer effort with limited resources and exclusive reliance on the goodwill of extraordinary lawyers to a buzzing hive of activity that has assisted over 2,000 accused persons in the last year alone with lawyers working full-time on CLAS cases shouldering a significant portion of cases.

Another large contributing factor to the success of CLAS has been the willingness of senior and mid-level practitioners to act as mentors to guide younger lawyers as they cut their teeth on pro bono work. Management in many firms also make a strong commitment to pro bono, a commitment that is best illustrated by 24 Memorandums of Understanding ("MOUs") that, beginning with Harry Elias Partnership in 2012, have been signed with law firms across Singapore marking pledges to undertake a certain number of pro bono cases annually under the Criminal Legal Aid scheme. This support has culminated in hundreds of CLAS cases being taken on by motivated young volunteers, eager to lend a hand in the provision of legal support for persons from lower socio-economic backgrounds. The availability of volunteers with varying levels of experience also allowed for the structuring of the assignment of a CLAS case to match the type and complexity of a case to a volunteer’s experience.

Efforts are ongoing to get more law firms to sign MOUs with CLAS to undertake a certain target number of CLAS cases yearly and get law firms with existing MOUs to increase their targets or work towards meeting theirs.

In 2015, the year of CLAS’s 30th anniversary, subsequent to the Ministry of Law’s decision to directly fund CLAS, the Pro Bono Services Office made several adjustments to the administration of aid under CLAS. These included changes to the means test to align it closely with that of the Legal Aid Bureau as well as a systematic merits test, which is now generally administered by senior CLAS volunteers, known as Lead Lawyers.

The means test takes into account the disposable income and disposable capital of the applicants. In order to qualify for CLAS, an applicant should have a disposable income and disposable capital of not more than S$10,000 per annum. Applicants whose income/assets fall between S$2,000 and S$10,000 will need to make a co-payment contribution towards the legal assistance rendered.

Subsequent to their assessment under the means test and regardless of the result, a Lead Lawyer will give the applicant legal advice and guidance on the case. The Lead Lawyer will also assess the merits of the applicant’s case and make a recommendation on whether or not the applicant should be rendered assistance under CLAS.

CLAS now also extends assistance to more non-trial cases (ie to provide representation to deal with the prosecution and mitigate in Court for CLAS applicants who admit that they have committed an offence) in a major development from previous years where it did not assist applicants intending to plead guilty save for some limited situations. So the Lead Lawyer bases his recommendation on an assessment of whether the applicant would benefit materially from legal representation.

Applicants will also be required to attest to the veracity of the statements in their applications to CLAS before a Commissioner for Oaths. The penalty for falsehoods could be the withdrawal of aid or even the filing of police reports against an applicant for making false declarations.
The means and merits tests have been structured to allow applicants to complete their assessment under both within a day.

While these enhancements were put in place to broaden the scope of CLAS and exponentially increase the number of potential applicants, this also called for a huge shift in the structuring of volunteer recruitment and management programmes that CLAS had so far carried out. For many volunteers, taking on a CLAS case was tantamount to money out of their own pockets in terms of the opportunity cost lost.

Towards this end, CLAS now offers tokens of appreciation in the form of scaled honoraria to volunteers depending on factors such as the extent of work undertaken, the type of case and the number of days spent in Court. CLAS also waives fee requirements for certain CPD courses to reward active volunteer lawyers for their work.

2015 also witnessed the introduction of the prestigious CLAS Fellowship (the “Fellowship”) programme initiated with the generous support of law firms Allen & Gledhill LLP, Drew & Napier LLC, Rajah & Tann Singapore LLP, Rodyk & Davidson LLP, WongPartnership LLP, King and Spalding LLP, Providence Law Asia LLC and Quahe Woo & Palmer LLC which saw six lawyers stationed full-time at the tiny, yet ever cheerful CLAS Office at the State Courts to exclusively take on CLAS cases. The Fellowship has offered these individuals a unique journey that, it was hoped, would place them at the forefront of making the criminal justice system more robust, deepen their comprehension of criminal law and give them a year’s worth of invaluable training and experience.

Apart from mentorship by senior criminal lawyers, various other resources have been poured in for the Fellows. They are exposed to a 29 module CLAS Criminal Law Training Programme (the “Programme”) – a series of lectures and workshops on various criminal law topics delivered by senior practitioners, academics, experts and psychiatrists as well as several short immersion programmes with key stakeholders of the criminal justice system, planned to substantially progress a junior practitioner’s competence in criminal practice at an accelerated rate. This Programme is also open to all who may be interested.

In an effort to further improve its level of efficiency and better serve the community, as well as its volunteers, CLAS is riding the technology wave with a launch in March 2016 of a new application management system, a revamped public site that is easier to navigate, as well as a new Volunteer Portal which will allow CLAS volunteers to take on cases with a single click.

The evolution of the CLAS case assignment process from telephone calls to mass e-mails has taken a giant step further with this. The Volunteer Portal boasts enhanced case-search features, an e-bidding system to accept assignments, the functionalities to set and track personal pro bono hour targets and auto-update the same, benchmark the number of pro bono hours clocked with top pro bono performers, as well as participate in online polls and pro bono work discussion forums.

With its various undertakings for 2016 off to a brisk start, CLAS is already exploring further possibilities including broadening its coverage of offences beyond the currently covered 16 statutes as part of an on-going effort with the State Courts to ensure that the assistance provided under CLAS remains relevant.

CLAS Committee Chairman Derek Kang envisions that five years from now, the CLAS Fellowship scheme will be firmly entrenched as part of the criminal defence scene and twice as large as it is today. He also sees a larger section of the public being aware of the availability of CLAS representation and how to seek the same and a majority of indigent accused persons obtaining either helpful legal advice from Lead Lawyers or full representation from a cadre of enthusiastic CLAS volunteers.

This year, with the first anniversary of Enhanced CLAS fast approaching, the team remains intent on its mission to be a voice for the voiceless, providing support and renewed hope for lives.
The Law Society’s Pro Bono Services Office has always made it a point to engage the wider legal fraternity, from law students to our in-house counterparts.

There is an increasing number of in-house legal counsel seeking to engage in pro bono legal work. Given their legal training, wealth of experience and diverse skill sets, in-house counsel are an invaluable resource in the area of pro bono. However, while many in-house counsel are eager to use their legal knowledge and skills to give back to the community, they are unsure of the scope of work which they are allowed to undertake, as well as the opportunities available to them.

Until recently, lawyers without practising certificates (including in-house legal counsel) were limited in their ability to provide pro bono legal services. So while many in-house legal counsel are eager to use their legal knowledge and skills to give back to the community, they were unsure of the scope of work which they are allowed to undertake, as well as the opportunities available to them. That changed with the Legal Profession (Pro Bono Legal Services) Rules 2013, which gave such lawyers more opportunities to volunteer their skills on a pro bono basis.

DLA Piper, the Law Society’s Pro Bono Services Office and the Singapore Corporate Counsel Association are, therefore, very pleased to have launched the Singapore In-House Legal Counsel Pro Bono Guide (the “Guide”) on 29 January 2016. The Guide explains the 2013 Rules and helps such lawyers understand the issues governing pro bono legal work, in-house legal counsel liabilities, and policy and procedural considerations in establishing, running and cultivating a culture of volunteering in pro bono legal programmes for in-house legal departments. It also discusses the opportunities open to individual in-house lawyers who wish to undertake pro bono legal work independent of their employers. It is indeed a useful reference for in-house legal counsel as it provides a roadmap on establishing and managing in-house pro bono projects.

In addition, businesses that wish to expand Corporate Social Responsibility efforts may also refer to the Guide for opportunities for their legal departments to contribute their skills to help the community.

Following the launch of the Guide, we have been approached by many in-house counsel who shared that they were excited to find out that there are opportunities for them to do pro bono legal work even though they have left practice. They have since registered as volunteers for various schemes run by the PBSO. We are delighted to witness the spirit of pro bono infusing the whole legal fraternity. We would also like to express our gratitude to our in-house counsel brethren who have been volunteering different capacities over the years and participated in our schemes to facilitate or guide new volunteers coming forward.

The Singapore In-House Legal Counsel Pro Bono Guide is available online for free download at the PBSO website at <http://probono.lawsociety.org.sg>.
Just Sing “Justice in the Groove!” is a highly anticipated privately ticketed fund-raising concert featuring legal alumni who have left practice to pursue a career in the music industry such as Rani Singam and Jimmy Ye. Wang Renyi and Donovan Loh (of “Cheating Sons” who are also in-house counsel) and Chok Kerong (who went straight into music upon graduating from law school), are also featured in uniting both the legal fraternity and the community in promoting legal awareness and access to justice.

The event will be graced by the Minister for Law and Minister for Home Affairs Mr K Shanmugam as Guest of Honour.

We believe that our criminal and civil justice system, which is foundational to the healthy functioning of our society, can only work when all who need to use it, have access to adequate legal representation and advice. Our mission is to ensure that no person is left alone and adrift in the justice system.

However, pro bono and access to justice cannot be done with efforts of the heart alone; the generous contribution of time and expertise from our lawyers need to be complemented by financial resources to support them in their good work.

Funds raised by Just Sing will be channelled to the Law Society’s Pro Bono Services Office which administers all of the Law Society’s pro bono programmes to help the most needy and marginalised in the community.

Your Gift Makes a Difference

The Law Society of Singapore Pro Bono, Learning and Support Services (“PLSS”) is the charity arm of the Law Society of Singapore (Charity No. T07CC2064L) and an approved Institution of Public Character (IPC Registration No. IPC 000571).

The PLSS financial, non-financial and code of governance compliance records are publicly available for viewing at the Charity Portal: <https://www.charities.gov.sg/Pages/Home.aspx>.

Funds raised go towards supporting the initiatives of the Pro Bono Services Office including:

1. Helping more needy persons with legal advice and representation under the Criminal Legal Aid Scheme (“CLAS”) which has helped 1,500 persons in 2015 (from around 400 the year before) and is expected to increase to around 6,000 a year in four years’ time.
This is done through legal advice, in addition to full representation. Honoraria and training schemes are provided to support and encourage the participation of more volunteer lawyers.

2. Our Community Legal Clinic network island wide expansion ("the Community Legal Pro Bono Services Network") with all five Community Development Councils. Since 2007, more than 20,000 persons have received help through our legal clinics. The Community Legal Pro Bono Services Network will bring legal advice and guidance even closer to home for persons facing pressing personal legal issues.

3. Running a series of legal awareness talks across Singapore in an event in September called Law Awareness Week 2016 ("LAW 2016"), in collaboration with the five Community Development Councils on current and hot topic issues ranging from Consumer Protection Law, Cyberbullying, Protection from Harassment Act and Advanced Planning to name a few. Leading up to LAW 2016, we are supporting NUS and SMU Undergraduates' Orientation Golden Years Project where students befriend the non-ambulant elderly and accompany them to relevant legal talks and clinics.

4. “Project Schools” aims to engage, enable and empower youths by highlighting their rights and obligations under Singapore’s laws and informing them of the consequences of juvenile delinquency, through the use of interactive teaching methods and innovative multi-media tools. Since its inception in July 2012, 35 schools have taken part in the programme, reaching out to over 16,000 students. “Project Schools” Phase 2, which is currently in production to be launched in the second quarter of 2016 will see the development of new content topics and an increased reach to impact 30 per cent of all secondary schools in Singapore by 2016.

5. Supporting legal clinics run by NTUC for their union members under a partnership called Law Works, as well as legal clinic and collaboration with the Migrant Workers Centre, (“MWC”), Foreign Domestic Worker Association for Social Support and Training (“FAST”), Humanitarian Organisation for Migration Economics (“HOME”) and the U-Care Centre which collectively help low wage local and foreign workers.

6. The “StreetSmart Initiative” makes legal clinics mobile, allowing outreach to Singapore’s local and foreign commercial sex workers who fear stigmatisation if they were to attend the public clinics.

7. Publishing a series of pamphlets, brochures and toolkits to help raise legal awareness made available for free online for the general public.

8. A revised LegaleSE toolkit which is being launched in the second quarter of 2016 provides young budding social entrepreneurs with legal information on how to set up and run social enterprises, voluntary welfare organisations, charities and non-profit institutions on a firm legal footing. The LegaleSE campaign cuts through the legal jargon and clarifies key legal concepts by equipping such young entrepreneurs with legal information that is easy to understand.

9. Project Law Help provides pro bono non-litigation commercial legal assistance to charities, non-profit organisations, social enterprises and voluntary welfare organisations by matching these organisations with volunteer law firms. The money saved on legal fees by these organisations for social good can then be channelled back in their programmes to assist the needy and disadvantaged in the community.

Programme Outline

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<td>7:00pm</td>
<td>Arrival of Guest of Honour Minister for Law &amp;</td>
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<td>Minister for Home Affairs Mr K Shanmugam</td>
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<td>7:40pm</td>
<td>Concert starts</td>
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<tr>
<td>9:00pm</td>
<td>End of concert/cocktail reception for top donors</td>
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Performers

- Rani Singam
- Chok Kerong
- Jimmy Ye
- Wang Renyi
- Donovan Loh
- Brandon Wong
- Sebastian Ho
- Soh Wen Ming
Sponsorship Packages

We have a variety of sponsorship packages available; please contact us at justsing@lawsoc.org.sg/6216 1425 if you would like more information.

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*Top donors will also be invited to a post-concert cocktail reception with the performers as well as receive limited edition Singa Lawyer soft toys.*

Donate to Get Tickets

For information on how to get tickets to Just Sing and seating plans, please visit http://www.lawsociety.org.sg/event/justsing or e-mail justsing@lawsoc.org.sg.

Contact Us

For enquiries or feedback regarding Just Sing, please contact Yvette at 62161406, Salim at 62161421, Claudine at 62161425 or e-mail us at justsing@lawsoc.org.sg.

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Our office operates from 9:00am to 5:45pm, Monday to Friday, excluding weekends and public holidays.
Law Awareness

An important part of the mission of the Law Society is to serve the community by facilitating access to justice. In order to exercise one’s legal rights, one must first know what those rights are. To this end, raising public awareness of the law forms bulk of the initiatives by the Pro Bono Services Office.

The Law Society through its Law Awareness Committee organises a wide range of community legal education projects to extend basic awareness of the law to the community-at-large. By increasing public knowledge of legal issues that impact their lives, we hope to dispel misconceptions and misunderstandings about the law in Singapore and bring about greater community legal literacy.

We achieve our community legal education goals through various Law Awareness projects, free legal outreach talks, seminars, exhibitions and legal clinics, as well as publications on the law.

Law Awareness Week @ CDC (“LAW”)

As a testament to the spirit of collaboration and access to justice, the five Community Development Councils (CDCs) of Singapore teamed up with the Law Society of Singapore to host the Law Awareness Week 2015 @ CDC (LAW).

LAW 2015 was a ground-breaking first for legal awareness in Singapore. A highly successful inaugural collaboration between the five Community Development Councils (“CDCs”) of Singapore with the Law Society of Singapore, LAW 2015 was held from 20-26 July 2015, during which over 30 talks were run across Singapore, reaching out to more than 1,200 participants to deepen legal awareness in the community.

LAW 2016 will be back in September, bigger and better than before.

“Dim Sum” Menu

Prior to the LAW, the CDCs are provided with a “dim sum” menu of legal topics, ranging from Advance Planning to Consumer Protection Rights, Employment Rights and Protection from Harassment. The CDCs then gather feedback and select the topics based on the interests or common issues faced by their residents. This means that the talks held in each CDC are customised specially to those who stay in the area.

This year, the “dim sum” menu has been revised and expanded to include new topics, such as Community Dispute Resolution, Personal Insolvency and Credit Management.

The highlight of LAW 2016 will be on the Millennials. In line with that, topics that cater to the young adults have also been added, including Social Enterprises and Cyberbullying.

Alongside the youth-centric theme, the NUS Pro Bono Group and SMU Pro Bono Centre will hold the Golden Years Project in the lead up to LAW 2016, which involves students befriending the elderly and at the same time, encouraging the elderly to attend legal talks on topics relevant to them.

Law Student Involvement

Building on their experience from last year, LAW 2016 will see the NUS and SMU law students taking on a much greater role in the planning and organisation. The student volunteers will be heavily involved in different aspects, including Publicity, Logistics, Volunteer Management and Programme. They will also get to work directly with the CDCs as well as People’s Association Constituency Office, who will be mentoring and guiding the students through the process. The students will have the rare opportunity to participate in event planning on a nation-wide scale.
During the planning process as well as the actual event, the students will interact with fellow Singaporeans from all walks of life, ages and races, helping them to improve their communication and interpersonal skills. It would also allow them to better understand the needs and difficulties faced by the wider community and the less affluent.

This would undoubtedly be an invaluable learning experience for the students involved, as they will gain exposure that law school or attachments at law firms may not offer.

**Call for Volunteer Speakers**

The LAW presentations are tailored to non-legally trained audiences, with the intention of breaking the “legal jargon” down into easy-to-understand elements. These presentations will promote awareness, inculcating a basic understanding of the law, and empower Singaporeans to navigate basic legal issues. Practising specialist lawyers are needed to conduct these talks, which will be followed by general Q&A and short meet-the-lawyer sessions. Lawyers who would like to be a part of this exciting event can e-mail volunteer pbso@lawsoc.org.sg with the subject header “LAW2016” for more information.

**About the Law Awareness Committee**

Ms Toh Wei Yi, Chairman of the 2016 Law Awareness Committee, shared that during the initial period of her time on the Committee, the areas of law chosen as the focus were driven primarily by what the Committee itself observed to be the concerns of the public. Consequently, the main difficulties that the Law Awareness Committee faced were correctly determining the legal issues that should be addressed, as well as the most effective modes by which the information can be conveyed to the intended audience.

However, these have largely been addressed by increased collaboration between the Law Awareness Committee and external organisations, such as NTUC and the CDCs. This is a result of the Committee’s continued efforts to reach out to more partners and the fact that more external organisations are now aware that the Law Society is able help convey relevant knowledge to the segments of the public they are concerned with. Given their wealth of experience in interacting and working with the general public, these organisations are in a much better position to determine the areas of concern and ways to bring volunteer lawyers and the target audience together in the most effective way. By partnering these organisations, the Law Awareness Committee is able to obtain concrete feedback on the legal issues that are of concern to the various segments of the community, which in turn allows for a more effective and targeted approach in raising awareness of the law.

With regard to getting more lawyers involved in helping to raise legal awareness in the community, Ms Toh believes that many lawyers are willing to contribute to *pro bono* causes, but are not aware of the avenues by which they may do so or where their particular expertise may be relevant. In order to bridge this gap, the Law Awareness Committee will work on providing more information to the legal fraternity in respect of the Law Awareness events and initiatives that are in the pipeline, so that interested lawyers who are able to contribute will be aware of the volunteer opportunities available.

Ultimately, it is hoped that the Law Awareness projects that the Committee takes on can become long-term, sustainable events that the public recognises as a valuable resource in the years to come.
Project Schools

Introduction

A Law Awareness initiative project by the Law Society of Singapore, Project Schools provides an innovative platform to engage, enable and empower our youths by creating greater awareness of the law, highlighting their rights and obligations within our society and informing them of the consequences of juvenile delinquency in the day-to-day. It was conceived for the primary purpose of addressing the lack of situational legal awareness amongst youths, introducing law to students as part of a school’s official curriculum – as opposed to one-off, or ad hoc talks and/or workshops conducted in schools.

Since its launch in July 2012 under Phase 1, 30 schools have taken part in the programme, impacting over 15,000 students.

Bringing Lessons on the Law to Classrooms

The programme’s syllabus, developed in collaboration with teachers, law students and practitioners, is designed to facilitate the effective communication of the material by non-legally trained educators. Targeted at youths, the lessons support and reinforce aspects of learning from the Character and Citizenship Education curriculum. Participating schools can choose to integrate the programme into these lessons, or deliver them as standalone activities in the form of post-exam or after school workshops, to ensure the programme remains engaging, relevant and sustainable. The five modules in Phase 1 include Know the Law, Gangs and Rioting, Domestic Violence (Spousal and Child Abuse), Cyber Offences and Illegal Moneylending.

As part of the curriculum, we produce learning videos – realistic dramatisations for each of the topics available in the programme, to set the context for learning and discussions, Powerpoint presentations, worksheets and other teaching materials. Teachers attend a training session which touches on the need to educate our youth on legal issues and how to use the materials.

Schools that are interested to embark on Project Schools with us sign a Conditions of Use agreement which covers mainly copyright issues and agree to provide feedback after each module, after which they are given a password to download all the materials.

The Role of Volunteer Lawyers

We work with volunteer lawyers who are keen to reach out to students. The Law Awareness Committee oversees Project Schools and all the volunteer lawyers involved are doing this pro bono.

Schools involved in Project Schools can approach us for lawyers to speak on general legal topics, or for discussions with students in a smaller-scale setting. We also hold dialogue sessions such as the closed-door dialogue session at the State Courts between teachers involved in the programme and Judges from the Juvenile and Community Courts which was held on 25 October 2012. Our lawyers were also present at the MOE Guidance Seminar involving more than 950 educators on 30 October 2013, along with District Judges from the Criminal, Community and Juvenile Courts. These sessions are intended to foster a better understanding of the juvenile justice system and of the Community Court amongst educators.

Conclusion

Project Schools has a positive impact on both students and educators, with learning and sharing on the programme transcending the classroom walls. Indeed, feedback received from schools that participated in Phase 1 has been overwhelmingly positive.

We have started Phase 2 of Project Schools with three new modules on Substance Abuse, Sexual Offences and Property Offences, and are now in the midst of finalising the scripting for the video production. We envisage that Phase 2 would be ready for teachers from the second quarter of this year.
Reflections from the Inaugural Law Society *Pro Bono* Ambassador: 

The Next 3 As of *Pro Bono*

The society and profession has already seen the advent of the first three *As of Pro Bono*: Awareness, Acceptance and *Appreciation*. On Awareness and Acceptance, examples abound of how a culture of *pro bono* is slowly but surely being created across the fraternity. I have been very encouraged in recent years to see junior lawyers catch the vision of using their talents and time to facilitate access to justice. Many younger legal practitioners serve with dedication in Law Society *pro bono* legal clinics and also provide ad-hoc legal advice and representation for the indigent through (among others) Law Society schemes. For example, two of the junior lawyers I am working with, Lester Chua and Ronald Wong, are strongly passionate about migrant worker outreach. Despite their relative youthfulness in practice, they have participated in NUS Law Faculty migrant worker legal initiatives and other NGOs to make a difference to this particular cause. I was even more thrilled when attending the inaugural NUS Law Pro Bono Awards Ceremony 2016 earlier this month on 2 March. On behalf of the Selection Committee for the NUS Law Class of 1992 Pro Bono Award, I gave out awards to three catalytic initiatives by NUS law students. What struck me most was that these young undergraduates had embraced, with passion and fervour, one of the finest ideals of the profession. This was inspiring and augurs well for the future of the legal profession, especially among the Millennials.

The Society itself annually shows “*Appreciation*” to *Pro Bono* champions who champion *pro bono*. These ambassadors are important role models expected to evangelise the cause of *pro bono*. But the truth is that they are also representatives for the countless unsung heroes and heroines who are also *pro bono* champions. There are the faceless, nameless and tireless volunteers who seek to make a world of legal difference and a legal difference to the world of the man and woman in the street. The Legal Aid Bureau also recognises the loyal, long-serving volunteers of the profession and best contributions from law firms. This year, new awards for young lawyers with outstanding contributions were given out during an award ceremony on 28 January 2016. These appreciation initiatives starkly contrast with the previous legal landscape more than a decade ago. In that milieu, lawyers such as the late, great Subhas Anandan were doing *pro bono* before the word “*pro bono*” became fashionable or the work of *pro bono* appreciated.

But even as we celebrate passing the milestone of the first three As, I suggest that there are another three *As* of Pro Bono we need to attain and maintain. These are Assimilation, Audit and Adventure.

First, Assimilation of *pro bono* as an integral part of our legal career and as a way of a lawyer’s life. The *pro bono* ecosystem does not have to see the extremes of heroes and zeroes. Nor between past and present practitioners – with the former espousing a philosophy of “we’ve been there and done that” and need not do more. It will involve an honest self-appraisal in different seasons of our own journey in legal practice and the meaningful bite-sized portions we can realistically manage. It need not always be a trajectory of ever increasing growth of *pro bono* work by a select few of lawyers who are perceived, and expected, to be the soul of the firm. It may mean a scaling back for some. And a redefinition of role for others. Perhaps, a mentoring and coaching role for the more senior ones. But assimilation goes beyond the appropriate calibration of *pro bono* engagement at different phases. It is also about obliterating first class client/second class service distinctions in our practice based on whether the work is paid or *gratis*. To do our level best and be equally diligent for the indigent as we are for fee-paying individuals or institutions. In the area of charities governance that I advise regularly on, there are times we undertake advisories *pro bono* for VWOs and NGOs. This is sensitised to the limited resources that a non-profit can muster to pay its legal advisors. But there are appropriate cases (sometimes for the same client which we have done *pro bono* for) that are remunerated. Critically, whatever the type of retainer, we make no distinction between standards, quality, time commitment and focus.

The second A of the future is Audit. *Pro bono* cannot, and should not, become a licence for inefficiency. Clocking in
huge amounts of time for a pro bono matter may be useful for pro bono statistics and annual practising certificate reporting. However, wasteful stewardship of time is hardly an ideal to be emulated. If we apply the same standards as a paid brief, the question to ask ourselves (as part of self-audit) is would the chalked up hours for that brief be reasonable if the client were paying for it? There are explicable reasons for increased volume of time, eg a difficult or novel area of law or sheer number of documents reviewed. There are also occasions for Strategic Corporate Social Responsibility (my law firm, Rajah & Tann LLP espouses this) where training of younger lawyers could be an ancillary objective. But we should not apply double standards in a paid brief vs an unpaid brief.

Standards have another dimension to it. Pro bono should not become a convenient excuse to justify a poor result in Court. Thankfully, the vast majority of pro bono practitioners are cut from a different cloth. As a practical suggestion however, a lawyer should humbly include other lawyers with appropriate skill sets to learn from – as mentor or coach. Just last week, on the side of a Tripartite Lunch on 11 March, in a striking illustration of this, a Senior Counsel (who does not practise criminal law) openly offered to be co-counsel together with a criminal law practitioner from another firm for a future LASCO case. In the larger firms, younger lawyers doing pro bono may feel freed from the shackles of their bosses when they make judgment calls, render advice, meet the client and learn from the school of hard knocks in a pro bono brief. All that is well and good and in line with good training. A number of juniors indeed grow incredibly competent and confident through their pro bono work. But the issue is whether in some pro bono cases, the balance is better struck by strategic input, intentional mentorship and limited coaching by seniors on the file, in the firm or within the profession. A safety net could come from counsel by more senior counsel. This sounding board could become an informal peer or senior audit for the work.

The final A is the continuing Adventure of pro bono. The truth is that this will always be an A at every stage of a pro bono lawyer’s (and even the profession’s) journey and is not only futuristic. The adventure is the deeper inner journey in pro bono involvement. A few years ago, I was approached by a local NGO HealthServe to provide pro bono legal assistance to two sex workers charged in open Court for a fisticuffs episode in a Geylang street. They were part of a group that set upon and beat up a fellow sex worker who spilled the beans to one of my client’s erstwhile boyfriends about that lady’s streetwalking vocation. This was a case in which my junior, Jason Chiang, had to go beyond the call of duty on a number of occasions to call one of the clients while in Court to attend the Court mention! When we succeeded in persuading the Court to call for a probation report, I thought to myself that this was the golden chance for my clients to prove themselves. Sadly, it was not to be. During that critical window period, both my clients committed additional crimes. Needless to say, they were destined to spend mandatory jail time. I then seriously considered discharging myself from acting for them when I learnt about the further transgressions. I felt that these ladies were really not helping themselves.

And then … I understood my clients’ backstory. In both their cases, they had been tragically raped in their teens. The rapists were never caught, the girls’ families disowned them and eventually, these victims found themselves in prostitution or perhaps, prostitution found them. When I understood this life narrative, and with the aid of psychological expert insight, the penny dropped on why they were cavalier about law and justice. While this didn’t excuse their behaviour from a criminal liability perspective, we surfaced the background narrative during our mitigation pleas. The State Court Judge ultimately meted a relatively short term of mandatory imprisonment.

I learnt something about human nature in this case that gave me an insight and impetus to continue acting for these ladies. It was the profound truism of what Atticus Finch told Scout in Harper Lee’s fictional classic To Kill a Mockingbird: “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”.

In the final analysis, the inner adventure for each of us is a deeper understanding why our clients act the way they do – whether we agree to it or not. Pro bono work cultivates that compassion. It strips away callousness and cynicism from our hearts. May the adventure continue for as long as we practise pro bono.

► Gregory Vijayendran
Law Society Inaugural Pro Bono Ambassador 2009
Vice-President, The Law Society of Singapore
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Unknown Chemicals and Materials

A Primer for Lawyers

What are Unknown Chemicals and Materials?

Of the millions of chemicals that exist in the world today, tens of thousands are commercially available in various forms and formulations for industrial, household, medical and other uses. The abundance and ubiquity of many of these substances provide a virtually limitless supply of chemicals and materials with the potential to be unknown substances associated with a civil or criminal case.

As implied by its name, the unknown substance has properties, chemical composition and/or origin that are unclear or unknown. The definition of an unknown substance is at times related to that of trace evidence, especially for cases where the evidence is present in trace amounts.

The unknown may be in the form of a solid, liquid or gas, or a mixture comprising two or more of these forms. It may be present in bulk or in trace amounts, be as subtle as a whiff of a flammable liquid at a fire scene or as obvious as the drums of white powder at a make-shift counterfeit drugs factory. The unknown may be natural or man-made, consist of a single pure compound or a complex concoction comprising multiple components. The expertise and ingenuity of the forensic scientist is often challenged in the examination of such a diverse range of chemicals and materials.

Purpose of Analysis

An unknown sample is typically submitted to the forensic laboratory for one or more of the following:

1. Identification (qualitative determination)
   - What is the identity of the unknown?
   - Is it a pure substance or a mixture?

2. Comparison with a sample from a known source. In tandem with the identification of an unknown substance recovered from a scene or victim, an apprehended suspect may be found to possess a suspicious substance which visually resembles the unknown substance. Characterisation of this substance and comparing it with the unknown sample may provide vital links between the suspect, victim and scene.
   - Is the unknown similar to the known sample?
   - Could they have originated from the same source?

3. Quantitation. Most of the requests for the analysis of unknowns are qualitative in nature. In some cases, the amount (percentage composition) of the components of a mixture may be required. Quantitation of a specific substance is performed after identification.
   - How much of substance X is present in the unknown sample?

4. Provision of important investigative leads
   - Where did the unknown substance originate from?
   - What is it used for?
   - Who has access to such a chemical or material?
   - Is it a precursor, by-product or end-product of a chemical process or reaction?

Occurrence of Unknowns

Unknowns are commonly encountered in robbery, assault, homicide, suicide, fire, explosion, criminal intimidation, vandalism, drug trafficking, hoax, counterfeiting, poisoning and adulteration cases. Unknowns in the form of impurities, contaminants and unexpected by-products may be encountered while troubleshooting non-compliances in industrial quality assurance operations and manufacturing processes.
Samples commonly submitted for analysis include unknown powders, liquids and mixtures, items with unknown residues and stains or unknown solid particulates in liquid. Listed below are some common scenarios where unknowns were encountered, with the evidential value of their identification and comparison highlighted.

**Unknown solids** may be in the form of powders and particulates. Examples include:

- white powder in an envelope containing an anthrax threat letter;
- small amounts of white powder left at a suspected drug trafficking scene;
- black disc-shaped smokeless powders in the remnants of an exploded device;
- orange-coloured chilli powder on the inside of a trousers pocket of a robbery suspect;
- small paint fragments adhering to an improvised scraper found with a person suspected of vandalism against vehicles.

For many of these cases, identifying the unknown solids provides crucial investigative leads and associations between the victim, scene and the suspect, and ascertains whether any criminal activity was involved. In other cases such as the spate of anthrax hoaxes, identification of a benign household material conferred peace of mind to the victims, and helped determine whether two or more of the anthrax cases could be associated with each other and traced to a common origin and suspect.

**Unknown liquids** range widely from suspicious consumer products such as the solution inside a pack of counterfeit contact lenses to a few millilitres of suspicious liquid found next to a deceased at a scene of death. An unsuspecting victim could have been splashed with or sat on a pool of unknown liquid which subsequently caused serious chemical burns to the skin. In cases where actual harm was intended, these liquids are usually strong mineral acids which are capable of causing first degree burns to human skin. At a fire and/or explosion scene, the liquid left in a partially burnt bottle may be identified as containing ignitable liquids such as petrol, kerosene or thinner. In the raid of a clandestine laboratory, bottles of unknown liquids and tubs of crystalline solids need to be identified to determine their safe handling and disposal procedures, as well as the intent of synthesising these chemicals and the legal implications associated with the intent.

**Unknown gases** are usually encountered in cases involving fire and explosion, gas intoxication and asphyxiation. For example, the gas composition in a scuba cylinder related to a fatal diving incident.

Two other types of crime involving unknown chemicals and materials are **adulteration** and **tampering**. Beverages such as milk, soft drinks, water or food which appear, smell or taste strange may have been adulterated. Adulterants are often easily available household products such as insecticides, detergents or acids. Drugs may also be spiked into alcoholic beverages in drug-facilitated sexual assaults. In tampering cases, security labels may be cut and the cut ends subsequently joined back using adhesives. Additional numerals and letters may be written with ink of similar colour to alter the original monetary value on tampered cheques.

Identification of unknowns are also encountered in day-to-day quality control operations. For instance, identification of the contaminants in a pharmaceutical tablet allows the manufacturing plant to home in on malfunctioning processes and rectify the problem to restore product quality. Product recalls may be required if prohibited chemicals are found in commercial products. The presence of a clump of fibres in a clean room could prompt management to quickly identify the source of the fibres.
Laboratory Analysis of Unknowns

Like all matter, every unknown substance has a characteristic set of physical and chemical properties. Forensic scientists employ scientific techniques to determine these characteristics in order to elucidate the identity of an unknown substance. Familiarity with the properties of a broad range of chemicals and materials, coupled with knowledge of a wide spectrum of analytical techniques enables the forensic scientist to determine the best analytical approach for a given type of sample.

Identification of an unknown: The identification of an unknown substance follows a systematic approach involving five key stages (See Figure 1):

1. **General Observation**: Information on the packaging, state of sample, quantity of sample present and any obvious odour are documented.

2. **Stereomicroscopy**: Examination under a stereomicroscope of a solid sample can provide information on its morphology (eg crystalline or amorphous), physical characteristics (eg hard, soft, brittle or elastic) and whether it is a mixture or pure substance.

3. **Sample Preparation**: Samples which are relatively pure are usually sampled directly for analysis. Target substances which cannot be directly sampled are extracted from the sample medium and pre-concentrated for testing.

4. **Screening Tests**: These are presumptive tests which are less precise but provide a quick insight into the likelihood of the unknown being a particular substance or belonging to a family of substances. These tests are usually colorimetric, involving a colour change if the substance is present, for example, pH range using litmus paper for acids or bases, and Kastle-Meyer test for the presence of blood. Any positive result from a screening test is tentative at best and must be verified by a confirmatory test. Screening tests are useful for elimination, and facilitate the selection of appropriate confirmatory tests to identify the unknown substances.

5. **Confirmatory Tests**: Confirmatory testing utilises analytical techniques to identify the contents of a sample. This often requires a multi-step process to separate the individual components, determine their chemical characteristics and compare them against reference standards or information from chemical databases to make an identification. *(Note: Reference standards are substances of known identity, purity and concentration.)* Other than qualitative analysis, these tests may also include quantitative analysis of the sample where the amount and purity of the sample are determined.

Confirmatory tests involve a battery of analytical techniques which are broadly classified into a few categories:

1. Spectroscopic techniques which identify a substance by its selective absorption or scattering of different wavelengths of light, eg Fourier Transformed Infrared Spectroscopy (*FT-IR*), Raman spectroscopy.

2. Chromatographic techniques which separate and identify based on retention times the individual substances in a mixture, eg Gas Chromatography (*GC*), Liquid Chromatography (*LC*) and Ion Chromatography (*IC*).

3. Elemental techniques which identify a substance by its characteristic X-rays, eg energy dispersive X-ray (*EDX*), X-ray fluorescence (*XRF*).

4. Mass spectrometry which characterises and identifies the substances present in a sample through its chemical fingerprint.

Comparison with a sample from a known source: In most cases, especially for those requiring comparison, the forensic laboratory will require the submission of both the comparison and control samples. For example, in a sexual assault case where the unknown was a can of XYZ beer
suspected to be adulterated with midazolam, a similar can of unadulterated XYZ beer (control sample) is submitted as a control sample to understand the medium (XYZ beer). This will facilitate the extraction process of midazolam. If some suspicious tablets (comparison sample) are subsequently found in the possession of the suspect, the chemical composition of these tablets will be examined for midazolam. The chemical ingredients present in trace amounts can also be compared with the unknown sample to determine whether the adulterant could have originated from these tablets.

**Challenges and Pitfalls in the Analysis of Unknowns**

To obtain reliable findings, the scientist must ensure that the techniques employed are scientifically justified and appropriately validated. It is vital for the scientist to understand the analytical limitations of the methods selected for examination. Different combinations of techniques are required for the analysis of different types of substances.

Some of the challenges encountered in the analysis of unknowns include the following:

1. Most substances are complex mixtures, making it difficult to identify all the components in the mixture and to determine when it is appropriate to identify something specific (eg milk powder) and when to be generic (eg a mixture containing mainly carbohydrate and protein).

2. Different product lines and formulations with various end-purposes may have nearly the same set of ingredients. Hence, care must be taken to include appropriate qualifiers in the report to highlight the non-uniqueness of the chemical compositions.

3. Samples may degrade or their chemical compositions may alter with time, eg metals may oxidise or corrode. Food substances may decay or decompose. Certain plastic materials age and may turn yellow.

4. Interferences from a complex medium often result in difficulty in extracting the target substances from the medium.

5. Adulterants are often present in trace amounts, adding to the difficulty in their isolation and detection.

6. The chemical composition of heat sensitive samples may alter in the instrument due to degradation.

The interpretation of laboratory findings, and the level of conclusion in the forensic report will depend on factors such as:

1. the type and combination of screening and confirmatory tests performed;
2. the availability of suitable controls and comparison samples, reference standards and information from chemical substances;
3. the degree of match between the chemical fingerprint of the unknown with the known fingerprint residing in the instrument’s library of substances; and
4. knowledge of the sample medium and possible background interference.

**Local Cases Involving Unknowns**

Unknown chemicals and materials have been encountered in a myriad of cases. Some examples of criminal and product liability cases which had been handled by our experts are highlighted below.

**Anthrax hoaxes**

Following the anthrax scare in America, a spate of cases involving “anthrax”-laced threat letters was encountered locally over several months. In some cases, the person who opened the letter fainted upon smelling the white powder inside the envelope, intensifying the anxiety, confusion and fear already associated with these cases. The white powders in the envelopes were found not to be anthrax but benign household materials such as talcum powder, flour, detergent and glucose.

**“Acid” on MRT seat**

A nurse was taking the MRT home when she sat on a seat without noticing the liquid on it. Her left buttock suffered burns similar to those caused by corrosive substances. The liquid was analysed and found to contain sodium hydroxide, which is listed in the First Schedule of the Corrosive and Explosive Substances and Offensive Weapons Act (Chapter 65). A man was subsequently arrested for negligent act causing hurt involving unknown substances.

**Counterfeit contact lenses**

CIBA VISION was first alerted to the counterfeit contact lenses being sold in optical shops in Singapore when it received stocks of “FreshLooks®ColorBlends®” contact lenses for exchange from several optical shops. Laboratory examination of the counterfeit products found that their packaging and chemical ingredients differed from those of the authentic products. They were unsafe, of poor quality and deficient in many aspects.
of unknowns, the scientist must have a broad knowledge in order to extract valuable information from the analysis and subsequent quantitation (if necessary) allows stakeholders to make critical decisions on their next course of action, eg to recall defective products, proceed with operations and manufacturing processes. The identification of unknown substances, comparison with known samples, and subsequent quantitation (if necessary) allows stakeholders to make critical decisions on their next course of action, eg to recall defective products, proceed with criminal investigation or confer peace of mind.

**Conclusion**

Unknown chemicals and materials are commonly encountered in criminal and civil cases. Less commonly touted are their occurrence in day-to-day quality assurance operations and manufacturing processes. The identification of unknown substances, comparison with known samples, and subsequent quantitation (if necessary) allows stakeholders to make critical decisions on their next course of action, eg to recall defective products, proceed with criminal investigation or confer peace of mind.

In order to extract valuable information from the analysis of unknowns, the scientist must have a broad knowledge of different materials, understand the limitations of various techniques, and select the most appropriate sample preparation and analytical approach.

**What's Next?**

The general concepts and principles behind the analysis of unknown chemicals and materials are also applicable to the analysis of poisons and drugs. Look out for the next article “Toxicology” in the Forensic Science Series. The article will address the science behind the discipline, and the methodology commonly adopted for examining and reporting on toxicology cases.

* The Forensic Experts Group ("TFEG") is Singapore’s first one-stop private and independent provider of forensic consultancy, analysis, research, training and education for legal and law enforcement agencies, forensic and tertiary institutions, and private organisations. It comprises a team of accomplished and innovative forensic scientists, who are combining 75 years of specialised knowledge, unique experience and skillsets to deliver high quality forensic services both locally and overseas. While leading the Criminalistics Laboratory and the Forensic Chemistry & Physics Laboratory at the Health Sciences Authority from the mid-1990s, TFEG’s forensic scientists developed methods and analytical schemes, and conducted analyses of unknown chemicals and materials for numerous cases in Singapore.

www.forensicexperts.com.sg

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**Notes**

3. “Acid’ found on MRT seat likely to be cleaning chemical: Police”, *AsiaOne* (10 May 2013).
4. “Man arrested in connection with acid incident on MRT train”, *AsiaOne* (6 May 2013).
5. “7 charged for sale of bogus contact lenses”, *AsiaOne* (21 February 2012).
8. “HSA suspends licence of Zerin 500mg tablets”, *AsiaOne* (19 September 2011).
Of late a lot of attention has been given to young lawyers and female lawyers. How about the male lawyers? How are they coping? I wonder how male lawyers with children juggle law practice, work and their families. They too face similar challenges as female lawyers, although women are generally feted for their larger role and contributions to the family. Nowadays, many men are hands-on fathers who are very involved in their children's lives and the family whilst pursuing their career at the same time. It is, therefore, no wonder that a recent Court of Appeal decision ruled that men should be credited for their contributions to the family during the division of matrimonial assets exercise in divorce proceedings.

Male lawyers do not have it easy either. We have our own challenges, I think. There are some who are the main breadwinners of the family. Others have important responsibilities in their law firms which keep them very busy. I remember a friend who is a partner in a large firm telling me that the first thing he does when he wakes up is to check his Blackberry. Reservist liabilities take up their working time as well.

As a male lawyer with no children, life is no different for me. Lawyering by itself takes up a lot of my waking hours, and add to that the running of a law firm, active engagement in pro bono work, mediation work and other volunteer activities. It is like trying to eat ice kachang whilst trying not to topple the nice, if precarious, mountain of ice. Nineteen years in law practice does not make it any easier. In fact, the responsibilities just pile on like body weight on a middle-aged man. When there is so much to do, the first thing sacrificed is sleep, followed by personal and family time.

About six months ago when my day was preoccupied with Court and meetings which did not leave me any desk time, I decided that my work day had to start earlier, before 7am. A sense of serenity and peacefulness envelopes me when I walk down the streets of Shenton Way whilst small streaks of daylight start to cast their presence on the streets. There are already quite a number of people on the street at that hour but not the usual crowd that one sees after 8am. The quietness of the office, except for the movements of my tea-aunty who tries to clean the office as quietly as possible is so soothing to the mind and soul. I slowly ease into the day and get some work done before the peace and quiet of the office is broken by human voices and the telephone comes to life. Another rule of sanity is to have the handphone on permanent silent mode.

I have never liked the phrase “I have no time” or “I am busy”. There is time to do whatever you choose to do. It is amazing how I can find pockets of time to do the things I need to do if I really want to. Not driving to work enables me to spend my commute catching up on the news or doing office work the moment I find a seat on the bus. I have even started clearing and reading e-mails in the bus. Often, my companion as I eat my breakfast is work as well. The time spent waiting in Court is also spent clearing drafts and reading briefs or case law.

I am an organising freak, starting from how my work table must look to the way I sort out and arrange the materials for Court hearings. I even pack my work bag in a certain way. So, it was natural for me to have a schedule for clearing telephone calls, messages and e-mails. Despite being at risk of obsessive compulsive disorder, I love systems. It gives me
a zen feeling when I have everything in order which in turn which brings happiness to my work day. Being happy and at peace whilst at work is such a satisfying feeling which even my favourite tiramisu cannot give. No, this is not the much talked about concept of mindfulness which I believe in; it is just my own personal work method. Unfortunately, even with the best planning, the scheduling often fails and throws me off balance. Keeping up to date with e-mails must be ranked the most difficult thing to do, after weight loss. The loss of control is disturbing and stressful.

Lunch break is not something that I take often. I just eat in the office and get back to work. The only exception is lunch meetings, which I think is one of the best ways of achieving two things concurrently. The point is, you can maximise as much as you can from a work day if you put your mind to it.

I also spend half a day on weekends either in the office or working from home. I am one of those who enjoys law practice. I have also had the opportunity to meet and be inspired by many well-known senior lawyers who weave work into their lives and make it sound so easy. Corporate lawyer Mrs Lee Suet Fern is one such lawyer who made me realise that cutting down sleep would free up more hours for work and other interests. I had the chance to meet her last year, and she still continues to inspire me by her work ethics and love for work. It helps that the Wife is also a busy career woman who works on regular occasional weekends and is supportive of my working style. There are trade-offs though – I take few vacations in the year. Holidays are planned around overseas law conferences. Personal matters such as parents, family and errands take a back seat. My organising skills have also extended to fitting in regular pockets of time to visit family each week.

I am fortunate that I do not need often touted breaks such as “chilling” and “recharging”. One hour of mindless TV every night, a bit more sleep on the weekends, lots of coffee and Malay food from the same stall during the work week is my fix and keeps me happy and balanced. The Wife often comments that I would be very bored if I were to do anything less with my time. The “to-do” list is always over-running. Life is what we make it out to be.

Family is an important aspect of my life. Like many of us, I have to take care of ageing parents. Sadly, I am sometimes not there for my parents when they need me. To their frustration, I am nearly impossible to get hold of on the telephone. I do feel guilty. I take comfort in the fact that they try to understand how busy I am. No smart phone or Google calendar is going to be able to make every part of my life work smoothly for me. There are times when work has to take a back seat and a personal commitment needs to be attended to. That is perhaps the best way to make time for work and personal life. Changes and hard choices have to be made every day. And no amount of precise planning works all the time, unfortunately.

Would I live life any other way? I shudder at the thought. If I leave the office on the dot, I would be lost. I cannot imagine having a lot of free time on my hands. On the very rare occasions when I leave the office early or return home when there is still daylight, it leaves me with a very odd feeling. I sometimes dream of not having to work for my livelihood, of being a man of leisure. I always say that I could use the spare time to write a book or improve my cooking skills. But again, will that satisfy me? I can only think of giving up law to do humanitarian work, which is my first love before law. Like the saying goes, there is no rest for the wicked.

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Rajan Chettiar LLC
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Pool and Padi in the Valley – Four Seasons Chiang Mai

Elephant Bar, Four Seasons Chiang Mai
When trees and plants encroach on a territory, it seems right to push back so that they do not clutter or obstruct views and pathways. The art is in the push back – either gently or brutally, or in some middling way.

At the posh Four Seasons Chiang Mai resort, the approach appears to be none of the above.

Nestled in the Mae Rim Valley, this 20-year old resort has allowed flora to ravel back as closely possible to the pre-resort condition of forested land. The ravelling complexly intertwines and dis-intertwines sprigs, branches and creepers, and overlaps foliage for mottled umbrage. The land slopes down to padi fields with water buffalos and a pond teeming with fishes.

The 40 resort gardeners trim and prune almost imperceptibly – allowing the 32-acre landscape to subsume its resort villas and residences. Many aspects of the resort are purposefully restrained in size – the smallish lobby, reading room and restaurants, to name a few places.

In other aspects, largeness prevails – generous room sizes and guestroom balconies with a sweeping view of pool and padi, and beyond this, the mountain ranges that seem like crepe-paper cut-outs against a sinking sun. The architecture melds effortlessly with the natural elements.

In choosing to be constrained by its surroundings, the resort cleverly proceeds to place, in the way of guests, concentrated doses of delight.

There are the extraordinary traditional pendant lanterns consigned to a modest circumference in the middle of the lobby, and the rustic waterpots with floating fallen-flowers arrangement of the keenest colours. Of note also are the bright-red table umbrellas at Sala Mae Rim restaurant that reverberate (or seem to) against the intense padi green. By Ratree Bar, a hole in the grey dividing wall gives a peek of sunlight skipping off the pool framed by orange bougainvillea. Sly turns of staircases and pathways offer shifting vistas of albino buffaloes and a rice barn, and contrasting geometry of verdant ricefield with post-harvest straw-like stubble.

Pushing back against the untidiness of nature is intuitive. The Four Seasons Chiang Mai declines this and does something more difficult – it embraces the elements and does so to stunning luxurious effect.
Fire Torches in the Ricefields

Lobby

The lobby is elegant and modestly sized. Wooden rafters enhance the sense of height. Thai lanterns overhang a spotlit flowers-on-water arrangement – these Thai touches are discreet and never over-the-top. The lobby leads to the viewing deck that brings the guest down to the Thai restaurant. At night, the lobby and Thai restaurant provide a view of fire torches in the padi fields that produce 2,000 kilograms of rice annually.

Rooms

Guests have choices of pavilions, 1-bedroom villas and two, three or three-bedroom private residences. A 750-square feet pavilion comes with a divan swing on a spacious veranda with garden or mountain and ricefield views. The villa and private residence (of up to 9,203 square feet) have private plunge pools. Polished teak floors and Thai-inspired soft furnishings add distinction to a deluxe contemporary setting. Couples-only villas are available in an area off-bounds to children.
Food

Sala Mae Rim restaurant serves Thai cuisine with a selection of Northern Thai dishes (see review below). Terraces, an Italian restaurant, offers Fine de Claire French oysters (plump and creamy, with the shell ladling a gush of cold sea water) and Boston lobsters (with its firm meat and subtle flavour). The lamb chops were basted in its marbled fat and brilliantly crisply grilled while the Tuscan french fries were soulfully tasty with rosemary, garlic and sea-salt. The Elephant Bar and Ratree Bar serves drinks and canapes and are excellent for viewing the sun setting in the crook of the Mae Rim mountains. Private meals can be arranged at the Rice Barn, a replica of the traditional Thai rice storage barn, by the lake.

Service

There is an easy unforced rhythm of service here – the service staff know the hotel well and answered queries and attended to requests promptly. If the service was not always obvious, it was because they were appropriately unobtrusive and the hotel operation is a well-oiled machinery.

Spa

The spa is a private building set apart from the guestrooms and villas. Treatments include the Royal Lanna Signature Treatment and Royal Samunprai, as well as the usual aromatic oil and Thai massages. Seven beautifully appointed treatment suites ensure privacy.

Activities

Rice-planting, buffalo-bathing and Muay Thai kickboxing classes are some of the hotel activities. Nature trails around the vast hotel grounds introduce the wide variety of trees and plants. The Cooking School conducts Thai cooking classes (including Northern Thai cuisine) complete with a tour of the local food markets, and vegetable carving lessons.
**Chiangmai Cuisine**

Lanna cuisine is food of Northern Thailand and bears the culinary influences of Myanmar, Laos and the Yunnan province of China. Sticky rice is preferred to the traditional white rice and the curries are thinner than those in central Thailand.

Sala Mae Rim, the Four Seasons Chiang Mai Thai restaurant offers a taste of this cuisine, together with other better-known Thai foods.

Signature dishes include *Kao Soi* or Chiang Mai’s famous chicken or beef curry noodles (a mix of soft and crispy noodles bathed in a rich spicy-sweet gravy enhanced by diced onions and a drizzle of Thai lime juice) and *Neam Ruam Kab Sai Qua* (spicy Northern Thai pork sausages seasoned with lemon-grass, dried chillies, garlic and shallots).

The banana blossom is a popular ingredient in Northern Thai food and is used to good effect in *Yum Jin Gai Haeng*, a spicy chicken salad. This fruit and the aromatic jackfruit are also used in curries, *Kaeng Yuak* and *Kaeng Khanoon*. Distinctive chili pastes are *Nam Phrik Num* (green chili paste) and *Nam Phrik Ong* (chili and tomato paste with minced pork) – these are key condiments for many dishes and are also a dip with cucumber and other vegetables as a salad item. The restaurant also offers the classic Thai dish, *Krathong Thong*, rice tartlets filled with minced chicken and sweet shrimp ragout.

For desserts, interesting lesser-known items are *Bua Loy Phuak* (taro dumplings served in coconut cream) and *Bua Loy Nam Khing* (rice dumpling in sweetened ginger broth). There is also *Khao Hom Krayakoo*, a warm pandan-flavoured rice curd with jujube bean.

*Sala Mae Rim*

*Four Seasons Chiang Mai*
## Information on Wills

<table>
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<tr>
<th>Name of Deceased (Sex)</th>
<th>Last Known Address</th>
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<tr>
<td>Salgaocar Anil Vassudeva (M)</td>
<td>Blk 24 Newton Road #14-02 Singapore 307956</td>
<td>Tan Rajah &amp; Cheah 6532 2271</td>
<td>CRR/HKF/2015/4686</td>
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<tr>
<td>Tan Boon Lee (M)</td>
<td>39 Yunnan Road Singapore 638245</td>
<td>Hardass Ho &amp; Partners 6533 2323</td>
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<tr>
<td>Wong Chin Foo (M)</td>
<td>Blk 105 Simei Street 1 #03-858 Singapore 520105</td>
<td>J.S Yeh &amp; Co 6533 1188</td>
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<td>Chia Chin Siang (M)</td>
<td>30A Holland Close #11-201 Singapore 271030</td>
<td>Hoh Law Corporation 6702 5370</td>
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<tr>
<td>Barnabas Lim Ah Huat (M)</td>
<td>Blk 405A Fernvale Lane #21-121 Singapore 791405</td>
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<td>Ng Khai Leng (Huang Kailing) (F)</td>
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<td>Lai Mun Onn &amp; Co 6337 9395</td>
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<td>Lim Cha Baw @ Lim Ah Gua (F)</td>
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<tr>
<td>Yep Lay Choo (F)</td>
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<td>Sim Mong Teck &amp; Partners 6293 2533</td>
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<td>Soong Yim Fong (F)</td>
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<td>Fortis Law Corporation 6645 4502</td>
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<td>Kuah Chiaw Seng (M)</td>
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<td>Blk 81 MacPherson Lane #02-51 Singapore 360081</td>
<td>Astute Legal LLC 6385 2723</td>
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### Notices

Singapore Law Gazette  
March 2016

#### Information on Wills

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> Information on Wills. Using the online form ensures that requests are processed quicker and details published with accuracy.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Contact Information</th>
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<tr>
<td>Sim Beng Ann (M)</td>
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<td>Patrick Chin, Syn &amp; Co.</td>
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<td></td>
<td>Singapore 570155</td>
<td>6223 5181</td>
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<td>Ho Yong Nam (M)</td>
<td>Blk 547 Choa Chu Kang Street 52 #08-17</td>
<td>Jayne Wong Advocates &amp; Solicitors</td>
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<tr>
<td></td>
<td>Singapore 680547</td>
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<tr>
<td>Lum Ah Cheng (F)</td>
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<td>Public Trustee’s Office</td>
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<tr>
<td></td>
<td>Singapore 389556</td>
<td>1800 2255 529</td>
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<tr>
<td>Ong Chee Keong (M)</td>
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<td>Chambers Law LLP</td>
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<td>Singapore 650232</td>
<td>6535 3234</td>
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<tr>
<td>Woo Siew Yong @ Hou Seu</td>
<td>Blk 20 Telok Blangah Crescent #03-82</td>
<td>Vision Law LLC</td>
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<td>Yong (M)</td>
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A well-established local firm with a diverse practice is looking for a senior lawyer to join them as a Partner based in Singapore. You should have at least 10 years’ PQE, and strong experience in disputes work with some emphasis on matrimonial matters. Some book of business would be essential. (SLG 13253)

Regional Business Manager  Singapore  8+ PQE
A top-tier international firm is looking for a Business Manager to manage their Disputes practice across the APAC region. You will work closely with senior management to manage and develop its Disputes practice, including budgeting, recruitment and strategic growth. Legal background with experience in managing a business practice is preferred. (SLG 13559)

Financial Crime Associate  Singapore  3-8 PQE
Various international firms are looking for Associates at different levels to join their Disputes team in Singapore. You will focus on advising clients on legislation relating to financial crime including anti-corruption, anti-trust, anti-money laundering and insider trading. 3-8 years’ PQE and experience in financial crime regulations required. They will consider candidates who are qualified in other jurisdictions and keen to relocate to Singapore although Singapore qualified lawyers are highly preferred. (SLG 13254)

Cayman Islands Corporate Associate  Singapore  5-8 PQE
A global leading offshore firm is looking for a mid-level Associate who will assist with a broad range of advisory and transactional corporate legal work and will also be involved in business development. You should be admitted to the Cayman Islands with experience in general corporate or funds work. (SLG 12899)

In-house

Head of Legal & Corporate Secretary (Investment)  Singapore  10-15 PQE
A well-established private investment house is looking for a senior lawyer to head its legal and corporate secretarial functions. You will handle all legal and regulatory matters relating to the company’s investments globally, and manage all corporate secretarial functions. You should be qualified to the Singapore Bar, with 10-15 years’ PQE, and experience in corporate work. (SLG 13298)

Senior Projects Construction Counsel  Singapore  8-12 PQE
A major international property company is looking for a senior lawyer who will be responsible for advising the business on all construction and project developmental matters across Asia. You should have at least 8-12 years’ PQE with experience in advising and negotiating on construction related contracts, and managing construction dispute matters. (SLG 13556)

Regional Counsel (Healthcare)  Singapore  7-12 PQE
A leading regional healthcare service provider is looking for a Legal Counsel to advise the business on a broad range of matters across several jurisdictions, including joint ventures and acquisitions, and general corporate commercial matters. Strong experience in M&A is required. (SLG 12485)

Corporate M&A Counsel (IT)  Singapore  4-7 PQE
A major US-listed company is looking for a Legal Counsel who will support the business across the region on a broad range of corporate matters, including M&A, corporate re-organisation, employment, real estate and IP. Good corporate finance experience is essential. Due to the nature of the work, strong proficiency in Mandarin is required for this role. (SLG 13257)

Commercial Counsel (IT)  Singapore  4-7 PQE
A major US-listed company is looking for a Legal Counsel who will be involved in advising, negotiating and drafting a broad range of customer service related contracts. 4-7 years’ PQE with good corporate commercial experience is required. They are open to consider lawyers from in-house or private practice. (SLG 13258)

Corporate Counsel (Retail)  Singapore  3-6 PQE
A leading fashion and lifestyle corporation seeks a junior lawyer in Singapore to support their business in Greater China. You will advise on all aspects of the company’s business including general corporate, property leasing, IP and employment, across the region. 3-5 years’ PQE in one of the commonwealth jurisdictions. Proficiency in written Mandarin is essential. (SLG 13534)

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Ideally, the candidate should be a Singapore Bar qualified lawyer, 6-8 yrs pQE. Prior knowledge and exposure to the healthcare industry, competitors and healthcare environment would be advantageous, as well as the ability to work with a high degree of independence and autonomy.

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Ideally, the candidate should be a Singapore Bar qualified lawyer, 3-5 years PQE, preferably with corporate commercial background. You must be able to multi-task effectively, manage various potentially unrelated projects simultaneously and autonomously, and the ability to work with others at all levels across a matrix organization demonstrating a collegial and productive manner.

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EMPLOYMENT PARTNER
Rare role at this international law firm. They are keen to hire their first Employment Partner in SG. A significant amount of work is coming in from their MNC clients and they need a highly capable lawyer to execute and develop the practice.
Ref: 205971
7+ years’ PQE

ARBITRATION PARTNER
This leading and very well established international law firm is keen to bolster its disputes practice with a heavy-hitting arbitration partner. You will be a well known name in the region with an existing client base / book of business.
Ref: 163101
8+ years’ PQE

SENIOR LEGAL COUNSEL
Exceptional opportunity to join this global technology MNC with an established presence in the region. You will support, negotiate, and structure deal transactions in multiple countries across the APAC region. Relevant in-house experience from the IT&I industry is preferred.
Ref: 206311
10+ years’ PQE

HEAD OF LEGAL - KUALA LUMPUR
Newly created position with a leader in the manufacturing of protective solutions for the healthcare industry. You will have experience leading a legal function and be comfortable in a role that requires interaction with senior management and be a business-focused practical attorney.
Ref: 205611
15+ years’ PQE

LEGAL COUNSEL
Leading operator in the hospitality industry is looking for a legal counsel to support the regional management. You will be interfacing directly with senior stakeholders. Relevant in-house experience is desired.
Ref: 206111
4-6 years’ PQE

LEGAL COUNSEL
SGX-listed global manufacturing company is looking for a legal counsel to support its expanding worldwide projects. You will support the finance and treasury team on operational matters and projects.
Ref: 204361
4-6+ years’ PQE

LEGAL COUNSEL - KUALA LUMPUR
Global player in the oil & gas industry with significant operations in Kuala Lumpur seeks a mid-level lawyer. You will be a part of the regional legal team supporting the business, with oversight for jurisdictions across south east Asia. International law firm experience is desired.
Ref: 205641
4-8+ years’ PQE

For In-House roles in Singapore and South East Asia contact Helen Howard on +65 6420 0500 or helenhoward@taylorroot.com
For Private Practice roles in Singapore and South East Asia contact Sophie Robinson on +65 6420 0500 or sophierobinson@taylorroot.com

Please note our advertisements use PQE purely as a guide. However, we are happy to consider applications from all candidates who are able to demonstrate the skills necessary to fulfil the role.
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EA LICENCE NUMBER: 12C6222
As a Conflicts Lawyer, you’ll be expected to review legal services and ensure that operations are conducted according to relevant laws and regulations. You’ll have a regional focus, reporting to the Legal Manager based in Singapore and you will be required to travel across Asia.

To be considered for this position, you must have an LL.B. degree with at least 3 years of experience in a legal or contracts management position. Industry experience in information technology or telecommunications is also highly desirable. You must be strongly familiar with Singapore laws and regulations and therefore have a solid level of work experience in Singapore.

Sénior Regulatory Counsel, Pharmaceutical

A pharmaceutical giant is seeking a Senior Regulatory Counsel to join its legal department in Singapore. This organisation has developed an excellent reputation in the market for pharmaceuticals, healthcare, medical technologies and other areas.

As a Senior Regulatory Counsel, you’ll be extensively involved in all regulatory matters for the company on a regional basis. You will be working closely with different business units across the Asia Pacific according to their regulatory needs. You’ll be the main legal contact responsible for the development of regulatory regimes across the region, whilst liaising with key trade associations within different jurisdictions.

To be considered for this position, you must have some experience working for an international law firm, or a multinational corporation within the life sciences sector.

International Arbitration Associate, Prestigious Law Firm

A top tier international law firm is seeking an Associate to be based in the arbitration team in Singapore. This leading firm is known for its expansive global reach and strong reputation, particularly in the areas of dispute resolution, banking & finance, shipping and aviation.

You’ll be involved in a broad range of cross border disputes across commercial, energy, construction and corporate related matters. You will receive excellent client exposure in the provision of legal advice, and you will be thoroughly engaged in the preparation of briefs with respect to various disputes.

To succeed, you must be admitted as a solicitor in the UK, or called to the bar in New York due to the jurisdictional nature of the matters. You must have between 3 to 5 years of post-qualification experience with exposure to an international law firm environment.

Conflicts Lawyer, International Law Firm

A top international law firm is seeking a Conflicts Lawyer to join its compliance department in Singapore. This is a prestigious international law firm with vast global reach. The Singapore office comprises of a strong portfolio of regional and multinational clients in both the public and private sectors. This firm is well known for its strong global network and international opportunities.

As a Conflicts Lawyer, you’ll be expected to review legal services agreements and review panel terms with respect to prospective matters with clients. You’ll also be constantly liaising with partners on conflicts and compliance related issues. Additionally, you will be keeping up to date with, and advising on regulatory requirements applicable to law firms.

To be successful in your application, you must hold between 4 to 5 years of experience as a conflicts or compliance specialist within a law firm. A degree in law would be highly beneficial, particularly from Singapore, the UK, Australia or New Zealand. Qualified lawyers will also be considered.

Senior Employment Associate, International Law Firm

An international law firm with a major presence in the technology sector is seeking a Senior Employment Lawyer to grow the firm’s practice across the APAC region. You will be responsible for servicing MNC clients on employment matters and advising on employment laws and regulations across the region. You’ll be heavily involved in business development activities for the firm as well as working closely with the firm’s employment team based in its headquarters overseas.

To be considered, you must possess a law degree from a reputable university with at least 5 years of post-qualification experience practicing employment law. Previous experience in the UK, Australia, or other APAC jurisdictions would be highly desirable. You should feel comfortable with business development and be motivated to grow the firm’s business.

Corporate Legal Executive, MNC

A prominent MNC in the technology & manufacturing sector is seeking a mid-level qualified Lawyer to be based in Singapore.

As Legal Executive, you’ll have extensive involvement in contracts drafting and review, as well as liaising with business units on various legal matters. You’ll also be assisting the company on its compliance procedures, ensuring that operations are conducted according to relevant laws and regulations. You’ll have a regional focus, reporting to the Legal Manager based in Singapore and you will be required to travel across Asia.

To be considered, you must be a common law qualified solicitor with at least 3 years of experience in a legal or contracts management position. Industry experience in information technology or telecommunications is also highly desirable. You should feel comfortable with business development and be motivated to grow the firm’s business.

Interested candidates may apply on our website or send your CV to Negeen Pejooh (Reg ID: R1547320) at negeen.pejooh@hays.com.sg or call her for a confidential discussion on +65 6303 0725.
This month we talk to Soon Hee, a man who could tell us some interesting campfire stories about his army days.

Soon Hee Koh
Head Legal Counsel, Asia & Oceania at Yara Asia Pte Ltd.

What is on your mind at the moment?
Why my colleague’s mole is on a different part of her face every day. Then I realize it is fake.

Which talent would you most like to have?
Being able to fall asleep the moment I hit the bed.

What is your idea of misery?
Sitting between two huge people on a long flight in cattle class.

What do you most value in your friends?
Being able to tell me when I’m wrong.

If you weren’t a lawyer you would be a...
Personal butler. I think I’d be pretty good!

What is your most precious possession?
My Singapore citizenship.

Where were you born?
Kandang Kerbau Hospital, Singapore.

Where is the best place you have ever been to?
This sand bar in the Cayman Islands with a resident stingray population. You stand in the water and they come right up to you to be patted, just like puppies.

What do you consider your greatest achievement?
Cutting external legal spend significantly (I hope my boss reads this as it is just before bonus time :D)

What is your greatest regret?
Never learning to scuba dive, despite having been to some of the nicest diving destinations.

What do you consider the most overrated virtue?
Patience.
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