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A SPECIAL ISSUE FOR NEWLY CALLED AND YOUNG LAWYERS

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

A RoadMAP for Your Journey

The 2016 Mass Call to the Bar will be held this month on 26 and 27 August over three sessions in the Supreme Court. Over 520 practice trainees will be admitted to the roll of Advocates & Solicitors.

Along with the Chief Justice, the President of the Law Society has the opportunity to address the new cohort. I had the privilege of being able to do so last year in 2015, and will enjoy that same privilege this year.

The occasion of speaking to new young lawyers always gives me pause for thought. What can I say that will genuinely add value to their professional lives? Making motherhood statements is as easy as it is pointless. They are soon forgotten, even ignored, assuming that they are heard in the first place. This millennial generation is different from mine, and I cannot say that I know what drives them in the first place.

So I can only speak to what I know. How to survive as a practising lawyer in the long term. How to survive attrition in that apparent wasteland known as the “middle category”. I have the advantage of a dual perspective – a once-upon-a-time young lawyer trying to build a career and a practice, as well as an employer trying to hire, train and motivate junior lawyers. Any insights I may have are admittedly imperfect, incomplete, and possibly idiosyncratic; they are but a small contribution to a continuing conversation we need to have about how we retain our best and brightest in this honourable profession for the long haul.

An honourable profession. Maybe that’s where we got the model wrong. We used to think that all that mattered was pay, promotion and partnership, just like any other job. Certainly that used to be my framework, either as an ambitious young associate, or as an employer. I was wrong or at least old fashioned. The three “P’s” are important, but they are not decisive. Law is not just any other job.

Modern psychology tells us employees are not motivated by their compensation – that’s just a hygiene factor. Pay mustn’t be an issue in that it must be fair, and if there is a differential with their peers, then *ceteris paribus*, it cannot be too significant.

Instead, enduring motivation is thought to be driven by three elements, mastery, autonomy, and purpose. There’s some truth in this, even more so in the practice of law, where we are first and foremost, members of an honourable profession.

Mastery: The challenge and opportunity to acquire true expertise. There is a real satisfaction in being, and becoming, really good at something. Leading a cross-border deal team, or being first chair in a law making case; it feels good to earn the trust and confidence of one’s clients. However, there have to be intermediate targets along the way such that it is possible to track one’s forward momentum.

Autonomy: While supervision and training is important, most of the best and brightest minds will eventually aspire to be masters of their own destiny. In the context of the law, this would be to run their own practices or teams, manage their own clients and business development, and originate deals. The autonomy to make and take responsibility for one’s advice and decisions ultimately creates the ownership mentality that all lawyers need to cultivate to play the long game. Being the master of one’s practice also means regaining a modicum of control over one’s life.

Purpose: This can mean different things to different people. Some people are competitive and just want to be the best. Some look to do things perfectly, over and over again. Some see the practice of law as a means to the larger purpose of helping people in need, making the world a better place, or imparting skills and values to another generation of professionals. As a profession, or as partners and

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employers, we need to communicate a sense of mission, whatever form that takes. Our focus must be to make our young lawyers the best professional versions of themselves they can be, not how many billable hours we can squeeze from them. Because nobody finds real purpose in being a money making machine – their suffering is on sufferance, and only for the amelioration of a pay packet. You can't motivate people for long that way.

That's just the supply side. It is for the partner, law firm or the legal community to supply the opportunities to develop mastery, autonomy or purpose. But, a young lawyer must also aspire to these.

That's where the demand side comes in. A wholehearted commitment to the craft of law is required from the new lawyer. It takes a long time to get good at something. Ten thousand hours, according to Malcolm Gladwell, author of, *inter alia*, "Outliers". And this is 10,000 hours of deliberate and purposeful practice. That's effectively about 10 years. And doing something well is immensely satisfying – it just takes a long time to get there. Which is frustrating in an age of instant gratification. This may partially explain why so many drop out of this profession before they hit 10 years. They don't give themselves a chance to become really really good. And frankly, it's more fun when you are good. You get to experience what top class athletes or musicians call "flow" or being "in the zone", where everything comes easily, you see things with absolute clarity and articulate the heart of the matter with unerring precision. I wish it happened to me more often, but it does from time to time. And those moments of "flow" are in and of themselves, deeply rewarding.

But to get good at something, to put in that 10,000 hours, is hard work. It requires a combination of commitment, determination and resilience. Furthermore, those qualities are necessary, but they are not sufficient. So what does it take?

Dr Angela Duckworth, a professor of psychology at the University of Pennsylvania called it "Grit". She also wrote a best-selling book about this, and had this observation – "Grit is passion or perseverance for very long term goals. Grit is having stamina. Grit is sticking with your future, day in and day out – not just for a day, not just for a month, but for years – to make that future a reality."

We normally associate grit with perseverance, tenacity and resilience. Some have labelled it "AQ" or adversity quotient. According to Angela Duckworth, it is that, but more. It is about passion, which is the fuel that ultimately motivates us in the long term.

Passion doesn't exist in a vacuum. We only persevere, persist, sweat blood and tears for a reason. A paycheck is a short term reason, but insufficient. It has to be tethered to a tangible purpose. What might be this purpose? That is ultimately for each of us to discover, and it may take time to develop and evolve. The practice of law, and the use of law, does lend itself to causes, projects and long term goals which should resonate emotionally with many of us.

It may be as simple as pride in one's work – wanting to become a genuine expert in your chosen area of practice, being the best professional version of yourself as possible. It may be to become senior counsel, or a Supreme Court Judge, or earning the respect of your peers for the body of work you have been involved in. It may be law to start your own practice and build a law firm. Some have noble ideas, to use their knowledge of the law to do all the good they can, for all the people they can, in all the ways they can.¹ That attitude of service, of giving back, can be expressed through a mixture of *pro bono*, "low-bono" and paid work, especially in the area of community law. Or it can be expressed by serving in professional bodies, such as the Law Society. Some have more intellectual and jurisprudential ideals – they may find fulfilment in advocating the abolition of the death penalty, the elimination of discriminatory laws, enhancing timely access to counsel in criminal cases, building greater protection for battered wives or migrant workers, designing better corporate governance, or any other number of the many legitimate legal causes that inherently exist in any system of laws.

Of course, these are long term goals. In the life of a young lawyer, managing deadlines, clients, bosses and the Courts is sometimes more than they can handle, and any long term purpose is obscured in the daily trials and tribulations of practice.

My unsolicited advice to young lawyers is, unfortunately, not a universal panacea. Set short term targets. Make sure they are realistic, and attainable. They are steps on the ladder which lead to where you want to be. Start with arguing your first contested application, take on a CLAS case as first chair, and work up to becoming first chair in a High Court trial. Draft your first transactional document from scratch, then lead the deal team. Aim to be a senior associate, then a junior partner. Bring in your first client. Bring in the next. Become a deal maker, or rain maker. Join a committee of the Law Society (or any other organisation). Chair it, stand for Council election. You acquire experience, gain credibility and build respect along the way, which brings you closer to your final destination (assuming that you have one). And always remember that the journey is always worth travelling,

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and the lessons and conversations to be had along the way will be edifying.

When you have experience, when you have credibility, then everything you say, or do, is amplified. People start listening to you, you start influencing those around you, and your actions can impact one or sometimes many more. Life as a professional does not get more fulfilling than that.

It seems a long way off. You may feel that you are not as naturally gifted, or as naturally talented as your peers. The good news is that in practice, talent is often overrated. Talent alone is a great start but it is not enough. One million multiplied by zero, is still zero. Take heart. Effort counts. According to Angela Duckworth, it counts twice. She had a simple and elegant equation which made sense. First - talent combined with effort results in skill. Second - that skill must then be put to work, effort must be made to exercise that skill, over, and over, and over again. That creates achievement. But this sustained effort over the long term requires grit.

For the young lawyer, or those that are about to join us at the Bar, it is going to get tough. The first three years will be rough. Expect that. But remember, what you go through in your first three years of practice is not the rest of your life. You're a legal toddler. Imagine a baby starting to walk with a thought bubble over its head – "this walking stuff isn't so simple, a few steps and I fall on my butt, maybe it's not for me". You know how that story ends. So, find a purpose and a goal, be passionate about it, and determine the intermediate steps on how to get there. Then pursue it. Woody Allen observed: "Eighty percent of success in life is showing up". Show up. Keep showing up. Relentlessly.

My last two cents: Hang in there.

¹ Acknowledgements to Hillary Clinton and the Methodist Church

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From the Desk of the CEO

Young Lawyers and the Future of Lawyering ... and Lorna

Congratulations to those who have just been called to the Bar. It is the beginning of a new chapter in your life. I write this message fresh from a meeting with the Singapore Academy of Law ("SAL") where they shared their vision of what lawyering in Singapore's future technology driven business environment and the Courts of the future is going to be like.

Legal practice of the future is going to be very different from what it is today. While we are not going to see sudden tectonic shifts in the legal marketplace, the slow and gradual technology undercurrents that have shaped and will shape the future of lawyering are clear for all to see.

The Washington Post of May 16, 2016 carried a news entitled "Meet 'Ross' the newly hired legal robot" where reporter Karen Turner wrote:

One of the country's biggest law firms has become the first to publicly announce that it has "hired" a robot lawyer to assist with bankruptcy cases. The robot, called ROSS, has been marketed as "the world's first artificially intelligent attorney."

ROSS has joined the ranks of law firm BakerHostetler, which employs about 50 human lawyers just in its bankruptcy practice. The AI machine, powered by IBM's Watson technology, will serve as a legal researcher for the firm. It will be responsible for sifting through thousands of legal documents to bolster the firm's cases. These legal researcher jobs are typically filled by fresh-out-of-school lawyers early on in their careers.

At the SAL meeting where a futuristic video was played, the imaginary Singapore version of "Ross" is called Lorna, an artificial intelligent legal assistant which has been programmed to use natural language and embedded with "machine learning" capabilities. Lorna is able to intelligently understand the requirements of human clients and is able to interact with human lawyers providing an integrated end to end technology driven legal services from research, online document assembly and all the way through automatic billing using cloud-based platforms.

Young lawyers who have just been called to the Bar can expect to operate in a highly technology intensive

environment in the near future. Even as we face some resistance from lawyers who are not in favour of cloud-based document assembly or agreement template generators, the next wave of technology-driven legal services can't be stopped. The legal technology tsunami will only get bigger. Lawyers who cannot cope with this major technological shift will find themselves increasingly marginalized.

But every cloud has a silver lining. Even if artificial intelligence ("AI") can create the next robotic lawyer, machines cannot replace lawyers. The lawyering process is ultimately all about human engagement that requires the personal touch. While the core of legal services will be about providing quality legal analysis and finding solutions to legal problems that clients face, it is, in the end, about providing personal comfort to clients.

The challenges young lawyers will face as they enter the job market will be no different from what veteran lawyers will face. Whether we have zero PQE (post qualification experience) or 40 years PQE, the measure of good quality legal service will not change.

The role of a lawyer is to serve the client's interests to the best of his or her ability. Our young lawyers will be dealing with their Gen Y or Millennial counterparts who will become their clients. Millennials behave differently and are usually "socially networked". If the recent case of substituted service through Facebook or Skype (*Storey, David Ian Andrew v Planet Arkadia Pte Ltd and others* [2016] SGHCR 7) is anything to go by, the mode of legal service and the mode of lawyering has changed and will continue to change.

Whatever the directions that technology takes us in the future, the role of lawyers and the lawyering process will remain an ingrained feature of our society. Our foremost duty as lawyers is to advance the interests of our clients and always discharge our duties honourably, honestly with integrity and professionalism in ways that would advance the public's trust in the administration of justice.

Once again, congratulations to our newly admitted lawyers. I invite you to join the Law Society's journey as we embark in shaping the future of legal practice in our technology-intensive environment.

Welcome

Welcome from Chairperson, Young Lawyers Committee



Wong Yi
Chairperson
Young Lawyers Committee
The Law Society of Singapore

To the 2016 newly qualified Advocates and Solicitors of the Singapore Bar, congratulations on being called to the Singapore Bar.

I remember the day of my own call – it was a combination of relief, of happiness, and of measured pride.

It is somewhat with a heavy heart that I touch on this theme for the third year running - the news in relation to the legal profession for young lawyers has not been good. In fact, it seems to worsen as the economy goes through a structural shift. During my call, not being retained in an Associate position in a law firm was the exception. It appears to be quite the norm now, and this paradigm shift seems to be accepted as a matter of fact. Of course, being trained and being given the opportunity to be called is a good thing, so this is a sensitive area that perhaps is beyond the control of all of us (including firms) which we have to accept for now. For you all, it makes this moment all the more one to cherish. Thus, I urge you to put the news in relation to lower starting salaries and subsequently smaller increments in perspective and with realistic expectations moving forward. Unless the economic outlook turns positive and legal work fills the pipeline, this trend is here to stay for a while.

As a qualified professional, you now take on responsibilities fully. It may seem like just another day at work when you return to your offices on Monday, albeit with a box of name cards and a Blackberry to boot. In essence, the work you will be undertaking, the hours you will need to put in, will not change after today. A professional journey is a long one. That is the difference between being a “professional” and a generalist. To be skilled and honed at your craft, it requires lifelong dedication to better yourself, to continually keep abreast of developments, and to remain humble as you are only as good as your last (Courtroom) victory or successful negotiation/closing.

Patience and introspection are virtues that you will have to exercise in spades in the current lawyering climate. Gone are the days when the lock step progression (unspoken) guarantees partnership in “x” number of years, and in the increasingly competitive sphere, be open-minded about accepting what your true abilities are, be receptive about switches to areas of law which may truly suit your personality and threshold of stress, and maybe accepting that an alternative career may not be that bad after all. There are increasing calls, by distinguished senior lawyers no less, to embrace this inevitable change in the legal landscape.

On a personal level, remain true to yourself and take care of yourself. A full pay cheque twice or thrice of your training contract allowance may mean a swanky gym membership, but wellness has to come from your inner self and personal desire to maintain a sound body and sound mind. As clichéd as it sounds and however slow the pace of work is these days, it is paramount to get sufficient rest and maintain a healthy diet to prevent burn out. Being able to stay up till 5am to proofread a prospectus or draft a research memorandum should not equate to any form of training for you to similarly drink and party to 5am. To last your professional career as a lawyer is a marathon and not a sprint. Point is, there are things in life that matter more, and to allow and worse still blame a career, a partner, or an office environment for ruining your health, social life and well-being when a large part is within your control, may not offer any meaningful solution. Ask yourself, what do you want out of your career? Money? Status? A balanced family life? Health? Consider all that matter to you – you only live once and I urge you to see this day as a mark of the professional autonomy you have deservedly earned, which should empower you (and not burden with parental or societal or peer expectations) to make decisions that truly matter to the real you in the long run.

Once again, welcome to the profession. Here's wishing you an enriching and meaningful professional life ahead.

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*I wish to acknowledge Ms Jerrie Tan and Mr Suang Wijaya for assisting me in the preparation of this article.
All errors are mine.*

Introduction

When I was asked to write this article on ethics and professional practice for young lawyers, I started reminiscing about how it was for me as a young lawyer newly called to the bar. I like to believe that it was not too long ago. I still remember how stressful it was being a young lawyer and having to grapple with a myriad of new challenges that you have not been taught how to deal with in law school. How do we manage difficult clients? How do we deal with demanding supervisors? How do we manage our time to meet the tight timelines given to us by the Courts? These are all issues that trouble a young lawyer and it is very easy in the process to lose sight of your professional ethical obligations.

Young lawyers would do well to remember that they should be the “knights of the law” and the “champions of justice”. Ethics lies at the very core of good lawyering. It cannot be incidental to other concerns such as one’s desire to placate the client and churn more revenue for the firm. Therefore, even as a young lawyer, you need to take responsibility for how you conduct yourself in relation to your client, your peers and the Court. Ultimately, did we not all, in our interview for a place in law school, say that we wanted to study law because we believe in upholding justice? You are a fiduciary of your client and with that comes a great responsibility to always put your client’s interest at the forefront.

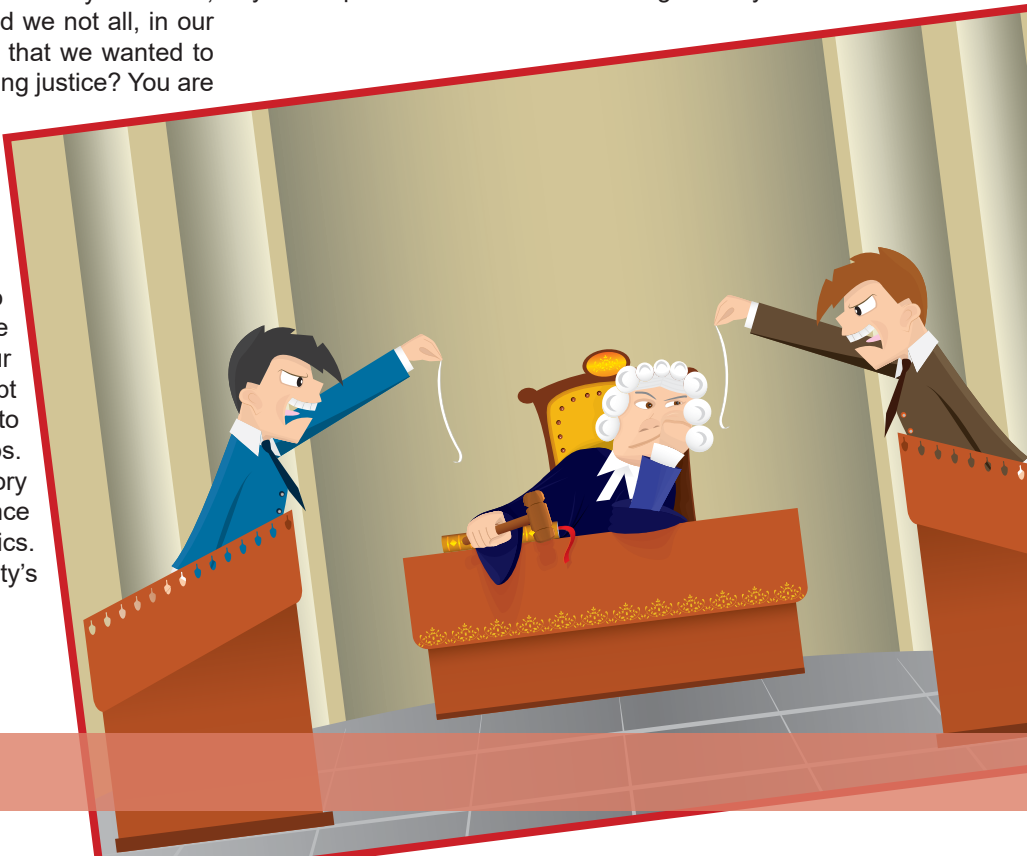
What then happens if you are faced with an ethical issue that you are not able to resolve on your own? The first thing to do would always be to ask for some time to reflect on the matter, be it from your client or from the Court. Do not attempt to guess your way through it. Speaking to a senior lawyer in the firm always helps. Alternatively, the Law Society’s Advisory Committee was formed to provide guidance to members on matters relating to ethics. You can also approach the Law Society’s Advisory Committee with your queries.

I will now spend some time discussing your three most important relationships in practice. Your relationship with your clients, your relationship with other lawyers and your relationship with the Court.

Relationship with Your Clients

Clients. You cannot live with them. You cannot live without them.

Clients can sometimes be very difficult to manage. Very often, if you are assisting a more senior lawyer, clients tend to think that you are not senior enough to handle their cases and they do not want to communicate with you. It is therefore not unusual to receive unjustified and/or rude e-mails from clients that can be demoralizing. In such a case, you have to put forward your position firmly and forthrightly without descending into a bitter spat. Personally, when I receive an unwarranted and rude message from a client, I find that it helps to take a deep breath, distract yourself by doing another piece of work before returning to the table to craft your response to the client. Do not fight with your clients.



Relationship Among Lawyers

There may be occasions when you face immense pressure from clients to be more “aggressive” when there really is no reason to be. You will have clients asking you, “Why are we not putting on record all my grievances about the opposing party’s conduct of this case?”, “Why are we not insisting that this matter be heard tomorrow?”, or “Why are we so agreeable to everything they ask for? Isn’t this seen as a sign of weakness?”

When you try to explain to the client that litigation is not just about aggression and unnecessary aggression would sometimes serve to obscure the real issues or prolong the case, you may receive replies from your clients saying, “You really don’t get it”, or even “What then are we paying you for?”

Usual situations of unnecessary aggressiveness which you might be pressured into engaging in may include the following:

1. Not coming to an agreement with the opposing counsel on case management matters, such as timelines for filing documents or re-fixing a pre-trial conference or hearing date;
2. Making unwarranted and unsubstantiated allegations by way of correspondence about the opposing party’s conduct in the case or, more seriously, the opposing counsel’s conduct of the case; and
3. Communicating to the Court or setting down in writing matters which should not be communicated or put in writing.

Now, it is of course true that being firm or even “aggressive” to the opposing party is necessary in litigation. Sometimes (and especially before litigation starts), aggressive correspondence may potentially be useful in convincing the other party of the merits of your client’s case. This potentially encourages the other party to accede to your client’s claim.

One must, however, not lose sight of the woods for the trees. Excessive and unnecessary aggressiveness can: (a) be practically counter-productive; (b) prejudice your client’s rights; or (c) even land you in disciplinary action.

In relation to the practical impact of being unnecessarily adversarial, you should always remember that you may well be acting for a particular client only once, but you may come across the opposing counsel in many other occasions in the future.

Practical problems arising from excessive aggressiveness may include the following:

1. When it is your turn to require an extension of time or re-fixing of a hearing date, the opposing counsel may be less willing to advise the client to accede to your request.
2. You may become mired in litigation by correspondence. Such continuous acrimonious letter writing often adds very little to the strength of your case and wastes valuable time and resources.
3. Your opposing counsel may be less willing to share things with you in confidence. This would be unfortunate. Many times, candid sharing of information between lawyers can be useful for the purposes of exploring an amicable out-of-Court resolution.

The ways in which excessive aggressiveness may prejudice your client’s rights include the following:

1. If you engage in extensive correspondence setting out your client’s account of the facts in the particular dispute, your client may become unnecessarily constrained in terms of the evidence that he can subsequently give on affidavit or on the stand. Stating too much over a series of written documents may also increase the risk of your client being inconsistent with his or her account of the facts.
2. Judges are not usually impressed by acrimonious litigation. If your client’s account of the events is presented too zealously, the trial Judge might form the impression that your client is too clouded by acrimony to give a credible account of the facts. Often, a trial Judge would likely be more persuaded by matter-of-fact presentation of facts and dispassionate legal analysis. More often than not, an aggressive series of correspondence confuses rather than clarifies matters, making it difficult for the Judge to understand what the crux of your client’s case is.
3. Excessive aggressiveness may result in your client having to pay costs that are vastly disproportionate to the actual sums at stake. Further, excessive aggressiveness may detract from the main point of litigation, which is for the dispute to be resolved rather than exacerbated.

You must also realise that you owe the Court a duty to ensure that litigation is conducted in an economical fashion. Judicial costs and resources should not be spent ventilating

matters that cast more heat than light. If you engage in unnecessarily aggressive litigation, the following consequences may ensue:

1. Being ordered to personally bear costs ordered against your client;
2. Being made the subject of disapprobation in a written judgment; or
3. Being referred to the Law Society for disciplinary action.

At the end of the day, you should not treat your opposing counsel as your enemy. Before a Court hearing, it is always polite to greet the opposing counsel. If your opposing counsel won a contested hearing, congratulate him and shake his hand. Be courteous always.

There is also no need for lawyers to ratchet up the acrimony among their respective clients. To the extent possible (and of course without prejudicing your client's rights), try to put yourself in the shoes of the opposing counsel. Urge your client to grant minor indulgences here and there where it will not affect the merits of the claim. You never know when your client (or you) would need the reciprocation.

From the viewpoint of a junior lawyer, this is much more easily said than done. How do you deal with a client who pressurises you into being unnecessarily "aggressive"? Unfortunately, there really is no hard and fast solution. These are some things that, depending on the circumstances of each case, you can consider doing:

1. Having your partner explain to the client that excessive aggressiveness would not advance his or her case and may even result in the Judge having a poor impression of his or her credibility;
2. Explaining to the client that time and resources can be better spent on other matters which would actually advance the client's case, such as legal research or reviewing the documents;
3. If you have to send a particularly harsh or even offensive letter to the opposing counsel, it is always polite to give the opposing counsel a courtesy call to let him or her know that an aggressive letter is coming.

Indeed, it can be frustrating if you are doing all you can to advance your client's case, yet your client still thinks that you are

not aggressive enough in protecting his or her interest. However, in my view, it is more important to gain the respect of your professional peers than to temporarily appease a client. It is also useful to think about the big picture: Ultimately, it can only be in your client's best interest if you conduct the case in a respectable and ethical manner.

Relationship with the Court

It would have been repeated throughout the Ethics and Professional Responsibility course during Part B that your foremost duty as a solicitor would be to the Court. Your duty to the Court should surpass your duty to your client.

As a young litigation lawyer, you need to understand that how you behave in Court will affect your practice in the long run. One of the biggest mistakes you can commit in Court, not just from an ethical standpoint but also from an advocacy standpoint, is to dishonestly overstate your case or misrepresent the opposing party's case to Court. Such conduct is unethical because it is intended to mislead the Court. In fact, you may have noticed that with certain senior lawyers, Judges would tend to take their word for what they submit is the legal position on a particular issue or what they submit on the evidence without needing to be brought to the relevant authorities or documents. Having dealt frequently with these senior lawyers, Judges are able to trust that they would be able to present the evidence and law fairly and accurately. To gain the trust and respect of the Courts is what I believe all litigation lawyers should aspire towards.



Recently, there has been a lot of talk about the need for punctuality in Court. The duty of a solicitor to always be punctual for Court hearings stems from the larger principle of being respectful of the Court. In relation to being respectful of the Court, even if a Judge is not looking at you directly, the Judge would still notice or hear what you do or say in Court. After spending days or weeks preparing for a Court hearing, it is not surprising if you become increasingly convinced by your arguments and the merits of your client's case. When the Judge then rules against you in a case, it is very easy to let loose your indignation or frustration outwardly in Court. However, you should know that by doing so, you would not only be discourteous to the Court, you would also seem petty before your opposing counsel. Like the models that lost a beauty pageant or the actors who lost the Academy

Awards, you should put on a polite face, congratulate your opponent and move on.

Conclusion

What I wish to leave you with is this: Legal practice is a marathon. If you are ethical in your practice, other practitioners will know that you are capable of good lawyering and are more likely to refer clients to you. If you are honest in your dealings in Court, the Judges will also recognise you for being a righteous lawyer who can be trusted to be fair, thorough and accurate in your submissions to Court. Ethics should therefore exist as the foundation of your practice for without ethics, true professionalism and lawyering will escape us.

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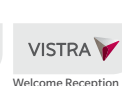
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ADVISING FAMILIES ACROSS GENERATIONS

The Search for Role Models



Grace Morgan
Associate, Drew & Napier LLC
Member, Young Lawyers Committee



Javern Sim
Legal Associate,
Gloria James-Civetta & Co
Member, Young Lawyers Committee

This month, hundreds of eager and fresh-faced new lawyers will be admitted to the Bar; eager to finally become members of this esteemed profession (and to perhaps start earning fees for their hours of work), and fresh-faced from having just returned from their call breaks.

Yet many challenges await. They will have to transition fast from being research slaves and paper-pushers at times, to confident associates who can deal effectively with clients and confidently be of assistance to the Court. They will also, for the first time, be confronted with professional responsibilities and ethical duties.

This transition is certainly not an easy one to make. They will soon realise, as many of us have, that many of these things could not be learnt in their three or four years of law school, or even during the six months of training prior to getting called.

How then does one navigate the complexities of practice? The answer may well lie in learning from good role models and mentors in the profession. They can teach, reprimand, nurture and inspire willing learners who will listen and follow.

Whether they are our direct bosses, other senior lawyers in the firm or the veterans we meet in the Bar room, there is undoubtedly a wealth of experience to be harnessed from the seniors, even in the midst of the constant demands of practice. Indeed, the learning should never stop even after we stop being trainees.

We speak to three senior members of the Bar – with a collective PQE of more than 80 years – as they reminisce about their days as young(er) lawyers and give their thoughts on mentoring the young today.



Jimmy Yim, Senior Counsel
Managing Director, Dispute Resolution
Drew & Napier LLC
PQE: 34 years
Practice areas: General commercial litigation, international commercial litigation, construction

What was practice like when you first started?

My pupillage began in June 1982. Everything was new to me then and oftentimes things were overwhelming. After a six-month pupillage programme under my master, Mr Michael Hwang of Allen & Gledhill, I was one of three new lawyers admitted to the firm. One of the other two admitted with me was my classmate Ms Juthika Ramanathan, the present Chief Executive Officer of the Supreme Court.

My esteemed classmates, Davinder Singh, Steven Chong and Lena Pinsler were admitted to the already most

renowned litigation firm of Drew & Napier, led by Joe Grimberg, the leading litigation counsel of his day. VK Rajah joined his father's firm, Rajah & Tann. All of us were eager legal beavers, keen to soak up all which the complex practice of law had to teach.

At that time, the fax machine had only just been introduced and not many companies had these “amazing” machines, which was advanced technology from the telex. Hearings were much fewer in between, and we would bring the actual law reports to the hearings, literally carting part of the firm's library with us to Court on each hearing. Photocopying was very new and photocopies of documents were not yet accepted as evidence. Trials took some four to five years to be heard. The major commercial and criminal cases were often led by British QCs, who were freely admitted to those cases on account of their expertise. The Bar was significantly smaller then. As everything was slower, our lives were more leisurely too.

In contrast, today, with e-mail, smart phones, Twitter and Facebook, we are always connected. That instantaneous connection demands our immediate attention. Our response time has hastened from days to minutes.

With the introduction of the Senior Counsel accreditation in 1997, then-Chief Justice Yong Pung How localised litigation in our Courts by phasing out QCs and having local lawyers lead in almost all cases. This has helped bring the leading advocates of our Bar today to match the best in the world, as seen from the gladiatorial clashes in international arbitration hearings.

How important do you think it is to mentor young lawyers?

Absolutely, and without any caveat. The young lawyers today are the senior lawyers and leaders of the Bar tomorrow. We need to ground them properly in the professional and ethical standards expected of lawyers in the profession. The Law Society receives some 10–20 complaints against its members each month; each complaint often represents an unhappy or dissatisfied client. Young lawyers need to remember that our clients are the most important stakeholder in our business, and they are the ones, apart from the Court, whose faith and trust we must never betray.

What does it take to be a good lawyer?

Diligence, in the pursuit of truth in the evidence; a good understanding of the principles of law and the justice system; and the ability to articulate one's client's case, whether orally or in writing. Ultimately, a good lawyer is a scholar, a sleuth, a playwright and an orator rolled into one.

Do you have any advice for young lawyers?

The practice of law is a career-long process of continuing education. Learn from everyone, including your opposing

counsel. Also, be completely honest with yourself and learn from your own mistakes. From the time of graduation, there is a steep and long learning curve for every young lawyer to become a good lawyer.

At the preparation level, it is important not to assume any material fact. Search for them and check whether they are reliable. Go through everything to ensure that your client's case is consistent and defensible from a review of the contemporaneous documents and all surrounding circumstances.

As for the law, it is an ever-evolving process. There is a constant need to be updated on the amendments to statutes and changes to the common law. Seek to understand the rationale behind each rule and not just regurgitate the rule itself.

Be completely honest with the client. The client needs to be candidly told of the strength and weaknesses in his case. There is also always a need to manage his expectations. We should strive to be humble in victory and gracious in defeat.

A lawyer's reputation is the foundation of his standing with the Courts and the community. That reputation is earned from years of hard work and honest dealings; it is not inherited by simply joining a good firm nor bestowed upon by winning a single case. But it may be lost overnight through a momentary lapse of judgment or temptation. Our professional conduct in Court and with our clients must always stand up to scrutiny under the light.



Gerald Singham
Senior Partner
Dentons Rodyk & Davidson LLP
PQE: 27 years
Practice areas: Corporate & commercial, competition & antitrust

How has corporate practice changed since you first started?

Corporate practice has changed over the years. First, like many other areas of legal practice, corporate practice

is becoming more commoditised. The availability of precedents online has changed the scope of work for junior corporate lawyers.

Second, the pace of work has increased. In the past, lawyers could take more than a day to reply to a client through fax or mail. Now, we may be expected to reply substantively within the day. Nonetheless, I would urge young lawyers not to compromise their thinking and quality of work for speed. While it is important to be prompt, a delayed response is better than a wrong advice.

I would also advise young lawyers to join a firm that best represents their values. For me, the innovative, dynamic and collegial firm culture at Dentons Rodyk, and together

with a family of colleagues whom I trust, are factors why I have been in this firm which I cherish for close to 30 years.

Did you have any role models as a junior lawyer?

I had many, but will highlight three: Mrs Arfat Selvam who was my pupil master and my senior partners Mrs Yong Whee Choo and Mr Pathma Selvadurai. They impressed upon me the best traditions of the Bar and passion for the law, which include professional courtesies, how to work with clients and colleagues and how to apply the law meticulously and practically.

Young lawyers must also learn to empathise with and do their best for their clients. Our profession is a noble one and regardless of seniority, it is the duty of every lawyer to uphold the reputation and integrity of our profession.

What can young lawyers do to tap on the expertise and experience of senior lawyers?

Young lawyers should be proactive in engaging with senior lawyers, whether in formal settings or through personal contacts. Those who do will benefit from and be rewarded with different perspectives, experiences and valuable teaching moments.

Law is the cement of society and an essential medium of change. I hope young lawyers will find this professional journey rewarding and exciting.



Gloria James
Managing Partner
Gloria James-Civetta & Co
PQE: 20 years
Practice areas: Family, mediation,
civil litigation, criminal, employment

How has practice changed since you first started?

Practice was busier when I first started. I have always been in litigation and there are various timelines to meet. Back then, it was compulsory for us to work on Saturdays for at least half a day. We would get the fourth Saturday of the month off.

Technology makes practice very different today. Previously, though busier, one can manage time well. Now, it is demanding and one has to constantly keep up. Law has evolved much. Lawyers are just one e-mail or text message away from their clients and there is a far greater need to manage the demands of your clients.

New practice areas have also developed. In the past, litigation used to be the only dispute resolution mechanism. We have other options now. For instance, mediation was never heard of until the last few years. Now, it is compulsory for divorcing couples with young children to attend mediation.

There is always the need to hone one's skills to meet the constant developments in the law.

As a young lawyer, did you have any role models?

Yes I did. I was inspired in reel life by the American series "Paper Chase" and in real life by the late Subhas Anandan who mentored and guided me in criminal law procedures. Mr Anandan was a passionate lawyer who always did his best for his clients.

I also looked up to my former boss, Mr Hoh Chin Cha who taught me management skills and cultivating a good practice base.

Practice is multi-faceted and it is more than making submissions in Court. I am fortunate to have met different role models in my career who helped make me who I am today.

What can young lawyers do to tap on the experience and expertise of senior lawyers?

Never be afraid to ask if you do not know the answer. Senior lawyers know and understand that it is impossible for a young lawyer to know everything, even if they are top students in schools. We tend to appreciate young lawyers who are keen learners and have a good learning attitude.

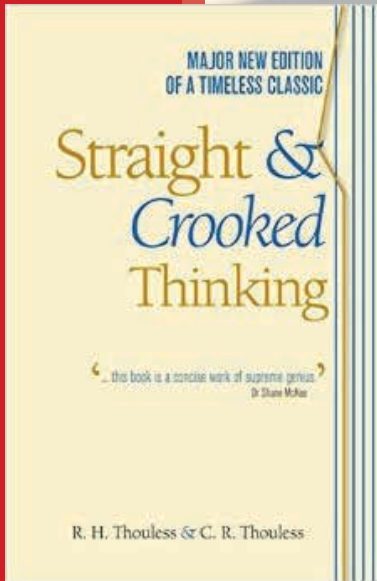
Always remember, a good lawyer is one who is willing to learn, adapt to changes and step up to challenges.

I am fortunate to be working with my spouse. As our work load is different, we seldom "clash" and enjoy spending our work lives together.

Read a Good Book Lately?

We ask several Senior Counsel to recommend a book that has resonated with them or made an impact on them, whether on a professional or personal level. Read on to find out why these books are special and how they can be helpful to us.

***Straight and Crooked Thinking* by Robert H. Thouless**



"Before I went up to University to start my law course, I was advised to read this book, which was first published in 1930, but has been so popular that it has been revised and reprinted many times since its original publication. It is a book that should form part of every lawyer's armoury as I have revisited this book several times in the course of my legal career.

The general purpose of the book is to show how to produce soundly reasoned arguments and to identify flaws in the opposing side's arguments, particularly logical fallacies. The general principles distinguishing valid and invalid arguments are explored in this book, but the real value of the book for working purpose are the two Appendices. The first deals with "Thirty Eight Dishonest Tricks Which are Commonly Used in Argument, with the Methods Of Overcoming Them". The second deals with "A Discussion Illustrating Crooked Thinking" (being an imaginary conversation between three disputants where many dishonest devices are used in good faith by reasonably intelligent people)."

Michael Hwang, Senior Counsel

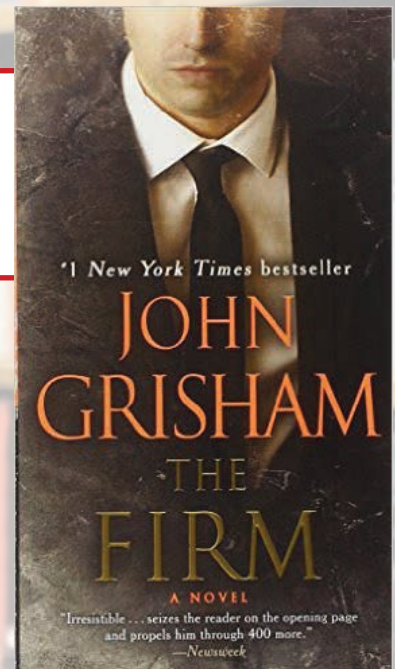
Michael Hwang Chambers LLC
Past President, The Law Society of Singapore

***The Firm* by John Grisham**

"When one reads novels by the same author it becomes difficult to pinpoint a particular book by that author. I have read and digested the John Grisham books concerning the law, and Wilbur Smith on Africa and Australia. Thus to pick a book is difficult, but John Grisham does the trick. His novels convey the law. I pay a great deal of attention to the cases enunciated, expressed and expounding the law. For this, I will nominate *The Firm* by John Grisham as my choice."

Harry Elias, Senior Counsel

Harry Elias Partnership LLP
Past President, The Law Society of Singapore



***Plato and a Platypus Walk into a Bar* by Thomas Cathcart and Daniel Klein**

"I do not have any favourite book. It depends very much on my mood, and what is available at hand. But while I may not remember why I like some books more than others, some words or events in the books stay with me. For example, I cannot forget the haunting opening words of Dickens' *A Tale of Two Cities*. I will always remember *The Alexandria Quartet*, a very ponderous but beautiful work by Lawrence Durrell. But it is the word "uxorious" in the book that stays with me – husbands should worry that they are not described as such (not too often anyway!). Incidentally it is a word that can be used only to describe a man, not a woman.

One of course cannot overlook Shakespeare. But it is a toss-up whether one enjoys reading about monarchs killing the most number of lawyers (*Henry VI* – "first ... let's kill all the lawyers") or a monarch's brother killing the most number of chickens (*Hamlet* – where the uncle did "murder most foul").

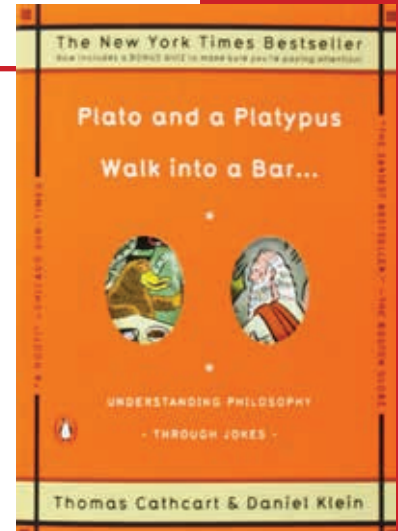
But the book I would recommend is *Plato and a Platypus Walk into a Bar*, by two philosophy professors – Thomas Cathcart and Daniel Klein. It is a very irreverent but deep look at philosophy, and so at life. The book is laced with all sorts of jokes (there are some very good lawyers' jokes), and it is through these jokes that one looks at some of the great thinkers of history, and at oneself. But if you still do not end up understanding what the book is all about, you will still (hopefully) enjoy the jokes. It is a book you would want to read after losing a case which you think you should have won. The danger of course, is that you may end up thinking this is a book about jokes.

Read it, and discover yourself."

Wong Meng Meng, Senior Counsel

WongPartnership LLP

Past President, The Law Society of Singapore

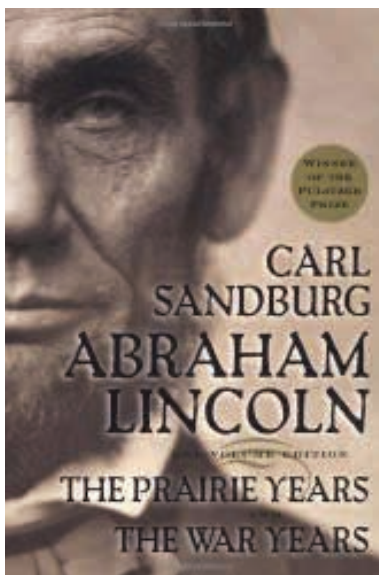
***Abraham Lincoln* by Carl Sandburg**

"Sandburg traces how, despite several odds, the 16th President of the US rose from humble beginnings to become one of the world's greatest leaders ever.

Born in a log cabin, his mother died when he was nine and he was forced out of the home. He spent his youth working on a farm and a boat. He was a bankrupt due to a failed business venture and spent 17 years paying off his debt. He could not get into a law school and had to study on his own. He also lost eight different elections.

When he became President, the southern states decided to secede because he had opposed slavery. He had to wage a bitter civil war to prevent them from doing so. In the famous Gettysburg Address, he described the war as an effort dedicated to the principles of fairness and equality for all. These principles remain relevant in today's world plagued by prejudice and discrimination."

Tan Tee Jim, Senior Counsel
Lee & Lee





***The Power of One* by Bryce Courtenay**

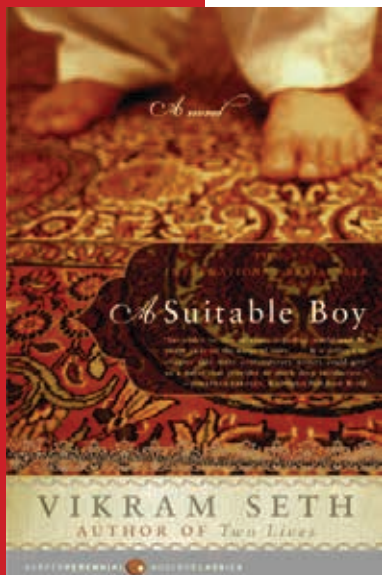
"I finished this book in a single, eight-hour session! The characters are beautifully developed and it is an inspiring story of the triumph of the human spirit. At times the plot twists border on the unbelievable but the narrative is so riveting that it doesn't matter. The underlying theme of right versus wrong, and the moral that the weak can be strong so that good wins in the end is edifying. Definitely worthwhile as an escape from litigation practice and the harsh reality that who is found to be right is often not who is righteous."

N. Sreenivasan, Senior Counsel
Straits Law Practice LLC

It's a Wonderful Life (movie available on DVD, companion book – The Essential It's a Wonderful Life: A Scene by Scene Guide to the Classic Film by **Michael Willian**)

"It's a Wonderful Life tells the story of George Bailey from the small town of Bedford Falls. Despondent and suicidal one Christmas Eve, George is saved by the intervention of his guardian angel, who goes on to show him what would have become of his town, his family, and his friends, if he had never been born. Takeaways: we make a difference in the lives of those we help along the way, and, "no man is a failure who has friends". Well worth watching/reading, especially at Christmas time, or whenever life (or legal practice) gets you down!"

Andre Maniam, Senior Counsel
WongPartnership LLP



***A Suitable Boy* by Vikram Seth**

"First, at over 1,000 pages, this book provides exercise to build up the mental stamina needed to digest lengthy legal documents. Second, it is written in considered, elegant prose that is rarely found in modern literature. Seth is a poet at heart and his fluid yet unpretentious language barely contains his poetic leanings. Third, Seth takes pride in the accurate depiction of all the scenes that he creates, from the craft of cobblers to a gripping legal crisis. The thoroughness of his research and his attention to detail are worth emulating. Finally, it is simply a great story worth immersing in. A girl's search for a husband draws the reader into an epic tour of the many facets of India; social, cultural, political and even legal. It is inhabited by characters reminiscent of those that actually populate your world."

Chan Leng Sun, Senior Counsel
Baker & McKenzie.Wong & Leow

These titles are available at Books Kinokuniya Singapore, or amazon.com

Why I Walk the (*Pro Bono*) Walk



R. Thrumurgan @ Thiru
Principal/Managing Director
Trident Law Corporation
E-mail: thiru@tridentlawcorp.com

First, congratulations to each of you on being called to the Bar. You have much to be proud of. To be a lawyer is to be a member of an honourable profession. We owe a great debt of gratitude to the lawyers who walked before us for our profession to be regarded so.

The Old Guard – Leading by Example

One such way in which the senior lawyers cemented our profession's standing was by their exemplary commitment to *pro bono* causes. One would think that the Criminal Legal Aid Scheme ("CLAS") which started way back in 1985 (before most of you were born) was a direction from the top. But no, CLAS was a ground-up initiative, conceptualized and championed by a group of legendary lawyers led by Mr Harry Elias SC (the Founding Chairman of CLAS). These lawyers started a revolution which has seen significant growth, year after year.

When I first became a proud member of our profession, the senior lawyers did *pro bono* as a matter of course without much fanfare. Their silent but steady commitment to *pro bono* work guided the rest of us (then) "kiddos"! Thanks to them, no other profession can quite compare to the legal profession's commitment to *pro bono*. Indeed, this is the likely reason why the culture now has changed considerably such that *pro bono* has become a mainstay in our daily conversations.

Pro Bono – The Young are Believers

The younger generation of lawyers has not let their predecessors down. The thirst to do *pro bono* work amongst young lawyers is palpable. In fact, even law students are firm believers in *pro bono*. Our law schools are – in my view – doing a great job in inculcating *pro bono* values at a very early stage. There is much to take comfort in. I will go so far to say that your generation of lawyers will in all likelihood surpass the earlier generations of lawyers in terms of commitment to *pro bono*.

Why are You (the Soon-to-be *Pro Bono* Lawyer) Important

There is no better way to illustrate how important you (a *pro bono* lawyer in the making) will become than to refer to a case I was involved in. Some of you will be familiar with the case of the "Kadar" brothers. I was privileged to have represented one of the two brothers, Ismil bin Kadar.

Ismil bin Kadar was charged and convicted at trial of murder and sentenced to hang. He was eventually exonerated by the Court of Appeal in a landmark judgment. It was, as the Court of Appeal aptly described, an extraordinary case with many twists and turns. It was also a lengthy case which took six years to conclude. Quite honestly, being a solo practitioner (or a one-man practice) at that time, it was tough acting for Ismil bin Kadar on a *pro bono* basis for it was such a “marathon” case.

But really, the one burden which weighed heaviest on me was the onus of ensuring that an innocent man was not convicted and hanged.

As I struggled with that burden, I often asked myself (given that it was such a challenging case), what if Ismil bin Kadar did not have a lawyer? Neither he nor his family had the resources to afford a lawyer to fight a murder trial, let alone one of the longest criminal cases in Singapore’s history. To compound matters, he had a low IQ and was not really able to read or write much English. How would he have even attempted to defend himself? He would hardly have been able to even appreciate much of the evidence.

I am fairly certain that without a lawyer, the outcome for Ismil bin Kadar would have been vastly different. Without our established culture of lawyers volunteering their services to defend impecunious accused persons, Ismil bin Kadar would have simply gone (no pun intended) unrepresented.

And in that sense, Ismil bin Kadar is not an anomaly. There are too many cases to mention where *pro bono* lawyers have – both in the State Courts and the Supreme Court – made such a profound difference to the outcome of criminal litigation involving the less fortunate in our society.

Simply put, the legal system – given the manner in which evidence needs to be scrupulously and rigorously tested – does disadvantage the disadvantaged (those with low IQ, mental disorders, limited education, etc). This is not a fault of the legal system, but an unavoidable corollary of ensuring that the guilty are convicted and the innocent freed.

This is where we (lawyers) come into the picture, to steward judiciously that which we have been trained and are qualified to do. As lawyers, we are better placed than laypersons who have similar hopes for a resolution to a case. They may very well desire for this resolution in greater and deeper degrees – for instance, as close friends and family of the accused. However, while they can offer encouragement and consolation on their part, what we can do is to ensure that legal rights are protected and the best outcome possible under the law is achieved. That is the privilege of being a

lawyer: you know the tools of the trade and the rules of the game, and you can make that difference!

Defending the Integrity of the Criminal Justice System

In volunteering to do cases *pro bono* for deserving clients, not only do we do a service to the client, our efforts help safeguard and sustain the integrity of the criminal justice system. One can imagine how the administration of criminal justice would inadvertently fall into disrepute when innocent accused persons such as Ismil bin Kadar are wrongfully convicted.

Indeed, having a lawyer represent an accused person dignifies the latter within the context of the justice system, as much as it dignifies the legal process as well: That every accused person, ably represented by competent practitioners, had been heard in his defence.

The fact of the matter is that *pro bono* lawyers have made a significant difference by ensuring access to justice, and in doing so have ensured that the criminal justice system is simply that – a system that is just; dealing fairly and equally with all concerned.

The Opportunity to be a Positive Influence

Whilst access to justice is a key reason for *pro bono* representation, another aspect of working with less advantaged clients has given me immense satisfaction. In several cases, I found myself having the opportunity to (try and) influence the trajectory of my client’s future. I have not always succeeded in my attempts, but on those occasions when I was able to guide my clients into re-ordering their lives, I found more meaning to my practice.

As lawyers, we are in a privileged position where clients seek our counsel. We can in all cases try and positively influence our clients. However, from experience, the need for intervention is usually acute in *pro bono* scenarios, given the socio-economic situation of these clients.

It is not uncommon in *pro bono* matters to be faced with situations where families are broken, or perhaps dysfunctional, or simply young offenders who never really had stable or nurturing caregivers. In such cases, working with the client to ascertain the root cause of the problem will usually also reveal potential solutions.

Let me illustrate. About a year ago, I represented a teenager who assaulted a police officer. It was a rather sad case. The teenager, a smart girl notwithstanding the fact that she had

dropped out of primary school, was doing various menial jobs to support her family. Living in rather difficult circumstances (the family moved from one property to another very frequently due to financial difficulties), she was fiercely protective of her family and highly suspicious of everyone outside her family (which provided context to her offending behaviour). It was obvious that simply representing her in Court was not going to change anything. There was a need to effect a massive change to her status quo.

After a number of sessions with her, my colleagues and I managed to have the teenager agree to re-order her life: (i) we offered her a job in our firm (for her to start building meaningful relationships outside her family, to get used to a routine and to start learning new skills); (ii) we arranged for her to reside in a Girl's Home (to provide stability and protective scaffolds); and (iii) we would support her educational pursuits.

In time, the teenager demonstrated her commitment and was placed on probation by the Court. The change in her life's trajectory started. At first, it wasn't all that easy for her or us (in the office). But over time, seeing how much the teenager enjoys going to school gives my colleagues and I much joy. To see that the feisty teenager is now a student with a strong desire to learn and move up in life is heartwarming. She has just started on a course to obtain a Diploma. With guidance, the teenager has changed her life's trajectory. Like my colleagues and I, you too will be in a position to make a difference.

The Volunteers – True Heroes of the *Pro Bono* Cause

You will all know that under the Legal Assistance for Capital Offences ("LASCO"), an accused person is entitled to free legal representation. However, what amazes me is that such a commitment has been made to accused persons by the Judiciary and the Government (under LASCO) without any corresponding obligation on the part of criminal lawyers to volunteer! Like CLAS, for LASCO to sustain itself for so long without any mandatory obligation on lawyers to assist speaks volumes about the Bar.

One can imagine the chaos should a significant number of criminal lawyers (now volunteering under LASCO) decide not to take on such cases! Our Government and the Judiciary have trusted our lawyers to deliver and literally walk the talk on a voluntary basis. And we, as lawyers, have delivered, year after year.

As you start on your legal career. I have no doubts that when you walk the (*pro bono*) walk as a member of our honourable profession, you will find your own compelling reasons to keep on walking.



The Joy of Volunteering

Rachel Koh

CLAS Fellow 2016

E-mail: RachelKoh@lawsoc.org.sg



To all newly qualified lawyers, congratulations on being called to the Bar! As suggested by the title of this article, I will be sharing with you my thoughts and experiences on volunteering and in particular, doing *pro bono* criminal defence work.


Before I begin, I would like to thank the Pro Bono Services Office of the Law Society of Singapore for inviting me to write this short piece for the *Law Gazette*.

In January this year, I was seconded by my firm to the Criminal Legal Aid Scheme ("CLAS") Fellowship Scheme, where I was (and currently am) stationed at the Pro Bono Services Office, taking up CLAS cases on a full-time basis. CLAS provides criminal legal assistance to the poor and needy who are unable to afford a lawyer, and are facing charges in a Singapore Court for certain non-death penalty offences.

Being a junior lawyer (I was called to the Bar merely a year ago in 2015), I was initially very apprehensive about assuming full ownership and responsibility for the cases that I took on. With zero knowledge and no prior experience in the practice of criminal law, I felt that I was not competent enough to run a file on my own and was afraid that I would not be able to achieve the best outcome for my clients.

One of the upsides of being a CLAS Fellow is that I have full autonomy to run my own cases – this means I drive the case from start to end, from the initial taking of client's instructions, to the formulating of a case strategy, to advocating in Court, and finally to the conclusion of the case. However, this means that I am solely responsible for the outcome of the cases which, more often than not, would significantly affect the lives

of my clients. Thankfully, I have a bunch of helpful peers and colleagues whom I can discuss issues with and an experienced and knowledgeable boss whom I can always consult for any matters. Many senior and experienced criminal practitioners are also always willing to lend a helping hand. It has been a steep learning curve for me these past six months and now at the half-way mark of the Fellowship, I can safely say that I have become much more familiar with the practice of criminal law and I feel more confident handling cases on my own.



One unique aspect of the CLAS Fellowship is the opportunity I had to go for a series of study visits to various agencies involved in the criminal justice system such as the Singapore Police Force, the Central Narcotics Bureau, Changi Prison, Institute of Mental Health, Health Sciences Authority, the Ministry of Law and the State Courts. These study visits were an eye opener. They gave me a wider and deeper understanding of the role each agency plays in the whole criminal justice system. Through these study visits, I have also gained valuable

insights into some of the agencies' operations and internal processes which were very useful in my area of work. In particular, I had the chance to see with my own eyes (which I would not have been able to, had I not been a Fellow) the inmate cells at Changi Prison, the forensic laboratories at the Health Sciences Authority and the lock-up area within the State Courts. I feel very privileged to be given these opportunities to learn more about our counterparts in the criminal justice system.

Aside from doing CLAS cases, there are also other avenues to do volunteering work. These include volunteering to give legal advice at legal clinics and providing legal assistance to non-profit organisations. Just not long ago, I attended a couple of legal workshops organised by an organisation called "Project X", which is a sex workers' rights group in Singapore that advocates for a fair and safe sex industry and human rights for all. At one of the legal workshops, I was called upon to give legal advice to transgender people in Singapore. I learnt to explain to them legal concepts in layman's terms in such a way that non-legally trained persons can better understand how the law works and appreciate how it affects them or addresses the concerns that they may have. Through these, I have also come to realise the limits of the law and many a time, I have had to explain that the law may not be able to help them, and that they should perhaps seek other avenues of assistance. That being said, this does not mean we do not help more people be aware of their legal rights and encourage them to do all they can within their means to protect their rights and themselves.

So far, doing *pro bono* work for me has been extremely meaningful and fulfilling. I remember I had a case where my client was facing four proceeded charges,

one of which was attempted extortion punishable under s 385 read with s 34 of the Penal Code. The punishment for attempted extortion is imprisonment for a term of not less than two years and with caning. My client was only 27 years old. Putting aside the issue of whether the elements of the charge were made out, I thought to myself that this person could do so much more with those precious two years of his life than waste it in prison. Moreover, caning is a mental torture and would leave a visible mark on his body for a very long time. I felt I had to do all that I could to help him and as such I wrote a set of representations to the Prosecution on his behalf asking them to consider amending the charge from attempted extortion to a lesser charge. At the time of sending out the representations, I could not be confident that the Prosecution would accede to my request. Therefore, when I received the Prosecution's reply that they would be acceding to my request, I was elated and relieved for my client. I felt that my efforts were worthwhile and more importantly, I felt that I had helped him achieve a different and better outcome for himself. I am happy to say that this client did not get caning and was eventually sentenced to a short custodial term. Thinking back now, if this client had not applied to CLAS for legal representation and did not know any better but to plead guilty to his original charges, he would have gotten a much harsher sentence and his life could have changed completely. Through this example, I hope to alert young and aspiring lawyers that there are many needy accused persons who, like this client, have no knowledge of the law and would greatly benefit from our help.

Another case worth sharing is one where my client had been charged for committing theft in dwelling under s 380 of the Penal Code. She had a string of theft antecedents and was therefore potentially facing a lengthy custodial term. What made this case different was that this client was suffering from borderline intellectual functioning, which is a psychiatric condition that led to her having difficulties learning from her past experiences. Once I learnt that she had this condition, it became important that I alert the Prosecution to this and suggest that a Mandatory Treatment Order would be a more suitable sentencing option. A Mandatory Treatment Order is an order requiring an offender to undergo psychiatric treatment for a maximum period of two years and is targeted at offenders suffering from a treatable psychiatric condition and who are amenable to receiving treatment. The Prosecution shared the same sentiments. In the end, there was a turn of events and the Prosecution applied for a discharge not amounting to an acquittal. The learning point for me is that regardless of the final outcome of the case, it is important that I bring to the Prosecution's attention certain facts which I believe are relevant and material and which may have a determinative effect on my client's case. This is because the Prosecution have no interactions with the accused persons and would have no way of knowing certain information that we the accused's lawyers, are privy to.

Through the years, Singapore has progressed rapidly for the better. However, not everyone has progressed at the same rate, leading to income disparity within our nation. Members of the lower-income strata should not have to suffer any injustice just because they are financially disadvantaged.

After all, justice is not a privilege. Rather, it is a right that should be readily available to each and every member of our society.

All in all, doing *pro bono* work has been a wonderful experience and I am extremely grateful for this opportunity. Apart from helping me grow as a lawyer, it has also shaped me as a person. The greatest takeaway from this experience would be the joy that I derive from helping people in need.

Life as a lawyer will be tough, be it the working hours, or the nature of the work. However, remember that tough times don't last, tough people do. With this in mind, I am sure you will have the grind and ability to do well in your future endeavours. Finally, I would again like to take this opportunity to sincerely wish you the best in everything you do!



Beyond Law Firms: Life at a Startup

Alicia Zhuang Interviews Edmund Koh, Chief of Staff and General Counsel at INTELLEX

Think you would like a taste of corporate life as legal counsel?

Read on to find out what it's like and whether it might be a good fit for you.

Alicia Zhuang
Australian Lawyer
Advocate and Solicitor

Can you introduce yourself to our readers and tell us what you do?

I was working as a disputes and litigation associate at WongPartnership LLP until December 2015, where I left to work full-time at INTELLEX, a legal technology start-up building tools for the legal community.

I am currently the Chief of Staff and General Counsel at INTELLEX. Our team believes that technology can save time on legal research and knowledge management, allowing lawyers to make better use of their time and deliver better value to clients. To this end, we have created an online productivity suite for lawyers anchored by an intelligent search engine which understands legal concepts.

As at June 2016 I have been with INTELLEX for six months. My main focus here extends beyond acting as a legal counsel – I am involved in business development and also work directly on our products. The discipline, rigour and standards developed during my training as a litigation lawyer has helped me in these areas.

Can you describe your educational background?

I am part of the pioneer batch of law graduates from Singapore Management University's School of Law. Actually, given my choice of study for the GCE "O" and "A" levels (focused on mathematics and science), I had never thought of being a lawyer. In fact, I had studied mathematics at the National University of Singapore for a year before realising that I was not interested in having a career in this field.

I was not sure at that time what I wanted to do, so I started paying more attention to what my friends were studying. One of them was in law school, and I found his assignments interesting. After further exploration, I thought that law school would be interesting. And even if I did not become a lawyer, I would have had good training in writing and arguing better. I then applied to study law at SMU, and got in.

How was life in practice for you?

At SMU I found myself enjoying the intellectual challenges of law and crafting arguments for moots, so a position in litigation became the natural path to take. I did my training contract with WongPartnership LLP and continued as an associate in their Banking & Finance Disputes practice until December 2015.

Learning how to deal with the demands of practice was tough. When I started practice in 2012, the market was still dealing with the aftermath of the subprime mortgage crisis, and the unfolding of various high-profile corporate scandals. I had to interpret financial statements and financial prospectuses, and understand how collective debt obligations worked. By themselves, these are already difficult to understand; worse is the fact that multi-jurisdictions were involved in the transactions and you needed to have a basic understanding of the laws of these jurisdictions before you can fully understand why certain documents are prepared in a certain way.

That is when I realised the stark difference between law school and practice. In law school, students learn within pre-determined boundaries. In practice, there are, at best, guidelines (as in real life). There is no one way to run an argument. There is no guarantee that the Judge will react to your humour in the same way as your colleagues (and that is why the best approach to humour in the Courtroom is to not attempt it).

Why did you leave practice?

I always thought that lawyers can use technology and work more efficiently. Technology has improved tremendously,

but legal research has not moved beyond the 1970s when cases were first made available for search digitally. At the start of this same period, mobile phones weighed more than 1kg and only had a talk time of 30 minutes; now, the modern iPhone has the same processing power as a supercomputer in 1985. I have spent a large amount of time doing research, because current legal search engines do not provide meaningful results. With the growing number of cases and the fact that a Singapore lawyer cannot avoid researching cases from other jurisdictions, I am personally convinced that this is a pain that should be solved.

My classmate from law school spoke to me about INTELLEX. He asked if I was interested in getting on board. I thought that it was an opportunity to do something, instead of just thinking about doing it.

What is start-up life like?

There is no glamour in building a start-up. We are all working very hard to build a solid business, and have encountered many challenges, both in terms of work and on a personal level. When you are running your own business, there is no one there to motivate you. No one is going to tell you to get out of bed and get things done. You have to motivate yourself. Your head is constantly on the chopping board.

Our team respects each other's time greatly. We start each week with a stand-up session where we take stock of what we did last week and share what we are doing this coming week. We will also use the time to request for discussions or resources, if need be. I now budget 30 per cent of my time to doing work on legal content, and 40 per cent of my time talking to potential users. The remaining 30 per cent of my time is kept flexible for any other important issues. If nothing else crops up, then I would use that time to do more content-related work.

I have better control over my time now, but find that it is more difficult to draw a clean line between work and other aspects of my life. However, I feel a deep sense of satisfaction from building something from scratch.

What does the future look like?

INTELLEX has many exciting plans and I am happy working on it for the foreseeable future. The goals of INTELLEX correspond to my own, and will represent my contribution to the progression of Singapore's legal industry.

Perhaps there may be a day where I will don a Court robe again, assisted by our intelligent search engine!

Do you have any advice for the trainees getting called this year?

I am probably not the best person to offer any sort of advice, but I can share some tips which may be helpful.

Tip 1

It would help if trainees could think about the wider context that they are operating in. Frequently, trainees would be given a task with a limited scope, for example, a piece of research on a particular issue arising from the matter. I consider a good research memo to be one that:

- (a) is sufficiently comprehensive (consider if there is a time pressure on responding to the client or Court);
- (b) is concise in setting out the legal position from cases (the senior should not be made to read through paragraphs of quotations just to know what the case is about);
- (c) has set out cases helpful and adverse to your position;
- (d) has dealt with any associated issue that you realised arose when doing research; and
- (e) has applied the law to the facts of your matter.

In fact, the above points are not too different from what a good law student does for hypothetical questions in examinations or research papers. However, they may have been forgotten when a trainee is trying to cope with the quantity of work piled on them. Quality gets put aside in the rush to get through stacks of work fast. Doing a piece of work well would reduce the need for further clarifications and save time.

Tip 2

Plan your time! I remembered having constant backache and stiff shoulders during my first year of practice. These were probably caused by (a) lack of exercise; (b) lack of sleep; and (c) constant sitting at the desk. However, I chose to do nothing about it; instead, I decided that it was better to just stick it through so that I get more work done and then go back and rest. However, the hours just got longer and longer, and I had frequent migraines and made careless mistakes.

Realising that this cannot be the way, I then made actual plans to block out time to get some exercise. While my workload did not decrease, the fact that I had committed the time for exercise made me leave the office to do so. I felt a better sense of well-being, didn't tire as easily and could complete my work faster. In a paradoxical way, by making plans to spend time taking care of myself, I actually gained more time.

Tip 3

Use INTELLEX to become more productive!

Diary

1 July 2016

The Law Society Contracts Masterclass 2016

Organised by the Continuing Professional Development Department
9.30am – 6pm
Supreme Court Auditorium

8 July 2016

Law Society Technology Day

Organised by the Continuing Professional Development Department
10.30am – 6pm
55 Market Street



12 July 2016

Seminar on Updates in Banking Law

Organised by the Continuing Professional Development Department
2.30pm – 4.30pm
55 Market Street

14 and 15 July 2016

3rd Criminal Law Conference

Co-organised by the Law Society of Singapore, Attorney-General's Chambers, Association of Criminal Lawyers Singapore and Singapore Academy of Law
9am – 5pm
Supreme Court Auditorium

15 July 2016

Forum: What are the Challenges Faced by Corporate Lawyers Navigating the Amended Companies Act?

Organised by the Corporate Practice Committee
3.00pm
WongPartnership LLP, Seminar Room

19 & 20 July 2016

Developing Personal Effectiveness for Legal Practitioners

Organised by the Continuing Professional Development Department
8.30am – 6.00pm
137 Cecil Street

26 July 2016

Basic Written Advocacy Workshops (Module 1)

Organised by the Continuing Professional Development Department
6.00pm – 7.30pm
The Law Society of Singapore

27 July 2016

Joint seminar between DBS & Law Society: Market Update, July 2016

Jointly organised by the Law Society of Singapore and DBS Treasures Private Client

7.30pm – 9.00pm

12 Marina Boulevard



28 July 2016

Small Law Firms Committee and the State Courts & Family Justice Courts Committee Luncheon

Jointly organised by the Small Law Firms Committee and State Courts & Family Justice Courts Committees

12.30pm – 2.30pm

State Courts Bar Room

29 July 2016

Seminar on The Art of an eTrial

Organised by the Continuing Professional Development Department

12.00pm – 1.30pm

The Law Society of Singapore

Upcoming Events

30 and 31 August 2016 (Module 1) and 7, 8 and 9 September 2016 (Module 2)

Mediation: Strategic Conflict Management for Professionals

September 2016

Law Awareness Week

6 September, 27 September, 21 October & 15 November 2016

Basic Written Advocacy Workshops

7, 13, 21 & 28 September 2016

Introductory Course to Arbitration

15 & 16 September 2016

3rd Regional Insolvency Conference

16 September 2016

Mediation Skills Assessment

19 & 20 September 2016

Developing Personal Effectiveness for Legal Practitioners (2nd Run)

29 & 30 September 2016

International Family Law Conference 2016 - The Future of Family Justice: International and Multi-Disciplinary Pathways

11 November 2016

Law Society Annual Dinner & Dance

Corrigendum

On page 16 of the July issue under the volleyball report of the Bench & Bar Games coverage, we had erroneously run the hockey report instead of volleyball. We herewith publish the correct volleyball report. We apologise for the error.

Volleyball – Bench & Bar Games 2016



Team Singapore in action

In the early afternoon of the last day of the Bench & Bar Games, as the overall result of the Games was not yet certain, the outcome for volleyball was still relevant. An eager Law Society of Singapore (“LSS”) volleyball team arrived at the International Islamic University of Malaya before 2pm to pit ourselves against their counterparts. Its seasoned players such as Guo Long Jin, Adeline Wong, Sarah Sim, Jin Shan and Joseph Liow, were looking forward to unleashing their new teammates on the Bar Council Team. Its new blood consisted of practice trainees and first year lawyers made up of Kelvin Toh, Tay Hao Ran, Lim Yue Tow Joey, Teo Yilun and Kelly Ye. LSS was keen on turning the tide in this event that has seen LSS losing narrowly to the Malaysian team for the past years since 2013.

The start of the match was delayed by an electrical outage at the IIUM campus. Thanks to quick thinking by the Malaysian coach, who had acquaintances in Kuantan, an alternative venue was sourced at the Taman Putih

Secondary School. The facilities at this alternative venue were rudimentary but both teams decided to make do and get the match underway.

Amidst the uninhibited cries and cheers of supporters, LSS got off to a decent start but failed to close out the first set, going down 23-25. The next set saw the LSS team on shakier footing with a score line of 14-25. Regaining their composure, and bolstered by vociferous cheers from the LSS netball team who decided to lend their support, LSS went out to take the 3rd and 4th sets 25-20 and 25-20. As in the past three prior encounters, the two teams headed into a nail-biting 5th set. The winner would be the first team to reach 15 points. At the midway point of the 5th set, both teams were 8 points apiece. LSS pulled away 10-8 only to have the Bar Council team match it to a score of 11 all after several questionable calls by the umpire and linesman. The Bar Council eventually overtook LSS on score and prevailed with a final set score of 15-11.

Joseph Liow
Convenor



Post-match group photo

Changes to Practitioner Categories

Pursuant to the Statutes (Miscellaneous Amendments) Act 2016, the professional categories will be revised **with effect from 1 August 2016** as shown in the table below. Members may refer an earlier article published in the August 2015 issue of the Singapore Law Gazette article titled “Representation of the Middle Category in the Council of the Law Society” which explains the rationale for the change. To access the article on our website, please visit our e-shop at www.lawsociety.org.sg.



Details of how the changes will be implemented during the initial transition period are set out below.

Category	Current (years' standing)	New (years' standing)	Council Quota
Senior	12 or more	15 or more	Increase from 6 to 7 seats
Middle	7 to less than 12	5 to less than 15	Reduce from 5 to 4 seats
Junior	less than 7	less than 5	No change, 4 seats

For the Period 1 August 2016 to 31 March 2017 (Practice Year 2016/2017)

Practitioners admitted to the Bar between 1 April 2009 to 31 March 2011 are supposed to pay Middle Category fees of \$900 plus GST instead of the Junior Category fees of \$750 plus GST. However, under a moratorium effected by the Law Society of Singapore, practitioners admitted to the Bar between 1 April 2009 to 31 March 2011 will be charged the Junior Category rate for PC applications/renewals submitted between 1 August 2016 and 31 March 2017.

Practitioners admitted to the Bar between 1 April 2001 and 31 March 2004 (both dates inclusive) who **submit PC applications/renewals between 1 August 2016 to**

31 March 2017 will be billed the “Senior” Category rate of \$1,050 (exclusive of GST) but may write in to the Law Society at finance@lawsoc.org.sg **between 1 August 2016 to 31 March 2017** for a refund of \$150. Refund requests for PC applications/renewals submitted prior to the date of the category changes (before 1 August 2016) will not qualify for refund. We apologise for any inconvenience caused.

For the Period 1 April 2017 to 31 March 2018 (Practice Year 2017/2018)

Practitioners admitted to the Bar between 1 April 2011 and 31 March 2012 will be charged the Junior Category rate for PC applications/renewals submitted between 1 April 2017 and 31 March 2018.

Amicus Agony

Dear Amicus Agony,

I am a young lawyer who's spent the last three years at the same firm. In this time, I've seen my fellow colleagues who are my peers go from wide-eyed, energetic and good-natured trainees to sarcastic, bitter, and pessimistic associates. The partners in my firm all appear to lead unhappy lives, plagued with (among other things) paranoia and distrust.

Is this true of all lawyers? If so, should I save myself before it is too late? What if it is already too late?

Jamie

Dear Jamie,

First, the fact that you have actually been thinking about this issue, and probably doing some self-reflection in the process, shows that it's not too late.

Have you talked to your peers to find out whether they are unhappy, and if so, why they have been feeling this way? Do not be quick to judge a fraternity on a few who appear negative - it could simply be the firm and the environment you are in.

Finding the right fit for you is essential to building a law career. You may want to consider switching to another firm with a culture that you feel more at peace with. If nothing changes, then maybe this career really is not the right one for you.

Amicus Agony

Dear Amicus Agony,

My team members seem to hate me.

I often hear them laughing loudly in the pantry or other common areas, only to fall silent when I walk into the room or they will look at each other pointedly. The senior associate in my team is always rudely correcting my work and giving me mean comments.

The treatment has been so harsh that I have been crying several days a week. I never seem to fit in during team outings and I always feel that they are excluding me from their jokes.

What should I do?

Lonely Gal

Dear Lonely Gal,

This team does not sound like it is the right fit for you. It could well be that your team is a bunch of bullies, or that they operate on a different wavelength.

You can either choose to accept that and continue working with the knowledge that your colleagues will never be your friends (although this may well make you miserable), or you can simply look elsewhere for a firm that is a better match for your personality.

When searching for a job, try not to place too much emphasis on what can be quantified (eg remuneration). Qualitative factors such as culture and the kind of people you will work with can be equally, if not more important.

The culture of a law firm is not something that is always openly advertised or easily discernable. I would suggest speaking with people in the firm you wish to join. Better still if you can speak to those in the department you will be working in.

Amicus Agony

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

The views expressed in "The Young Lawyer" and the "YLC's Amicus Agony" column are the personal views and opinions of the author(s) in their individual capacity. They do not reflect the views and opinions of the Law Society of Singapore, the Young Lawyers Committee or the Singapore Law Gazette and are not sponsored or endorsed by them in any way. The views, opinions expressed and information contained do not amount to legal advice and the reader is solely responsible for any action taken in reliance of such view, opinion or information.

IPBA Annual Conference 2016 – Report by **Young Lawyer** Attendees



To encourage more young lawyers to attend overseas conferences, the Law Society has established a sponsorship scheme to sponsor up to four lawyers per year to attend international legal conferences organised by either the International Bar Association, Inter-Pacific Bar Association (“IPBA”) or LAWASIA. The next invitation for sponsorship applications will open in early 2017.

Amira Nabila Budiyo and Ho May Kim were two of the four recipients this year of the Law Society’s sponsorship for young lawyers to attend overseas conferences. As part of the sponsorship, the recipients are required to submit a

paper following the conference. We publish here the reports submitted by the Amira and May Yee.

About the IPBA Annual Conference 2016

The 26th IPBA Annual Conference 2016 was held in Malaysia, Kuala Lumpur from 13 April to 16 April 2016. The theme of the conference was “Diverse Challenges, Global Solutions” which focused on the international and global nature of business transactions. The conference also looked at how issues are dealt with in view of varying systems, cultures and laws in the Asia-Pacific region and beyond.



IPBA Report 1

How to Manage Multi-Jurisdictional Trademark Disputes in the Asia Pacific Region

Amira Nabila Budiyo
Gateway Law Corporation

As one of the four recipients of the Young Lawyers Sponsorship scheme to attend selected conferences in 2016, I have been fortunate to have been granted the opportunity to attend the 26th Annual Meeting & Conference of the Inter-Pacific Bar Association (“IPBA”) in April.

Held in Kuala Lumpur, Malaysia, the 26th Annual Meeting & Conference was attended by close to 1,000 participants. Following this year’s theme of “Diverse Challenges, Global Solutions”, the seminar session I attended on the last day of the Conference dealt with the increasingly complex nature of intellectual property (“IP”) disputes, and in particular,

issues of ownership and enforcement of rights of trade mark owners when a multi-jurisdictional element enters the picture. Organised by the Intellectual Property Committee, “How to Manage Multi-Jurisdictional Trademark Disputes in the Asia Pacific Region” certainly had its draw for members practising IP including myself. A hypothetical case was given for the purposes of discussion, and a series of questions were posed to the expert panellists.

By way of background, the trade mark in question is “DURACELL” which is commonly used in batteries for mobile phones; “DURAPOWER” is the trade mark used by the “infringer” based in Country E; Company A is the trade mark owner in USA; Company B is the manufacturer in China and licensee of A; Company C is the distributor in Japan; and Company D is the distributor in Switzerland.

*Inter-Pacific Bar Association 26th Annual Meeting & Conference in Kuala Lumpur, Malaysia:
Diverse Challenges, Global Solutions*



Questions and Responses

A number of questions were up for discussion but given that some of the responses provided by the panellists for some questions also addressed the others, the following section only covers those questions where a substantial answer was offered.



What are the available remedies to force Company E to stop promoting its DURAPOW^{ER} branded products at the trade fair?

If the trade fair was held in the US (although unlikely in this case as envisaged by the hypothetical), Company A could commence legal action against Company E. In this case, as the “DURACELL” battery is also patented, Company A could potentially raise contributory infringement as a ground to stop Company E accordingly. In brief, under US laws, “contributory infringement” is triggered when a seller provides a part or component that, while not itself infringing of any patent, has a particular use as part of some other machine or composition that is covered by a patent.

On the other hand, if the trade fair was held in China, Company A could apply to the police to stop them from carrying on the infringing activities, and then go to Court against the infringer for criminal liability. Separately, if one were to research further on this point, it appears that there are usually complaint centres in the exhibition itself. Therefore, by filling up a form and proving that one indeed owns the rights to the patent, trade mark and/or design (typically by furnishing the Registration Certificate, copies of receipts showing that annuities for the patent, trade mark and/or design had been paid, a power of attorney in favour of the person filing the complaint, and notarised copies of the company incorporation documents), one ought to be able to get the infringers to stop participating in the trade fair almost immediately.

What actually happens is that an IP Official will approach the infringers, and inform them that a complaint has been filed against them. These infringers are given 24 hours to respond to the claim, and if the response is insufficient, the trade fair organiser would remove the infringing products from the exhibition booth. However, this of course would not stop the infringers from exhibiting at another exhibition, in another province. Therefore, the panellist’s suggested method of enforcement through Court action does seem to have stronger force.

However if the trade fair was held in Japan, trade mark infringement is unlikely to be found. The view offered is that the ordinary consumer would not remember the “DURAPOW^{ER}” and “DURACELL” meanings, and will not get confused as the sound is different and the words look different. It was explained that the Japanese ordinary consumer is taken not to understand the English language. If the trade fair was held in Switzerland, the two marks would be seen as confusingly similar. The suggested approach was to apply for an injunction, which can be obtained within 24 hours. Whether there could have been patent or design infringement was not discussed.

How can Company A enforce its own unregistered trade mark rights in Switzerland?

In the US, the view offered is that the US Courts would exercise reach-over rights if such infringing items do affect American commerce, although it appears that in this hypothetical, this is not so clear although unlikely to be

the case. An example given was a case where infringing products were sold in Mexico to American consumers holidaying there, and the court found that the American defendant should be made responsible.

What causes of action may Company A have against its own manufacturer and licensee Company B (if Company B was involved in the infringement)?

It was generally agreed that if there was a contract in place (which ought to be the case), and appropriate clauses had been included in the same to prevent Company B from

acting unfairly against Company A, action may be taken against such breaches accordingly.

Can Company A apply to customs to have branded products checked at borders and what are the requirements for taking that action?

The view offered by the US panellist was to first conduct some research, and investigate the matter before making a complaint to the US International Trade Commission in Washington DC. The Chinese panellist suggested that if the checks are done in China, it would be preferred to work with the respective border control, although a security fee would need to be furnished. The position in Japan, on the other hand, appears to be that an opinion letter from the Trade Control Policy Division, Trade and Economic Cooperation Bureau, within the Ministry of Economy, Trade and Industry, for the border control authorities to proceed with the IP rights owner's request. Obtaining a Court order is also said to be helpful. In the case of Switzerland, the view shared was that a request for seizure should be made. A request for destruction may also be done if intended, by the owner of the trade mark rights, and/or the exclusive licensee. It is generally permissible to request for samples to be sent

to the requestor for inspection purposes, although a fee of approximately 1000CHF per trade mark per request is levied. The other party is normally given 10 days to oppose the destruction, if the requestor had sought for destruction of such infringing goods.

It should also be noted that the responses provided by the panellists reflect their own views, and in no way should be construed as definitive legal advice on how to conduct a matter in the respective jurisdictions. Given that the session had only afforded the panellists a brief period of time to address the more pertinent potential issues that could arise in the envisaged hypothetical, I would recommend getting in touch with these panellists for further clarification and explanation on the response provided, should there be any further queries.



The panellists (L-R) Frédéric Serra (Switzerland), Ayumu Iijima (Japan), Pan Lidong (China), James Lee (USA) and Moderator Michael Soo (Malaysia) taking questions from the floor.

IPBA Report 2

Concurrent Delays in Construction Matters

Introduction

How do various jurisdictions deal with the issue of concurrent delays in construction cases? This was one of the issues discussed at the Inter-Pacific Bar Association (“IPBA”) 26th Annual Meeting and Conference. This year, it was held at the Kuala Lumpur Convention Centre from the 13 to 16 April. The well-received event was attended by over 900 delegates from over 50 jurisdictions.

The session “Time Related Claims and Concurrent Delay — Civil Law vs Common Law, A Mock Arbitration” was, as its title suggests, conducted in the form of a mock arbitration.

In a small breakout room packed with IPBA attendees, the moderator for the session, Marion Smith QC (39 Essex Chambers, England) set the context by way of a written scenario. Counsel from Japan, Korea, Singapore and the US were represented on the panel of counsel. The arbitrators for the session were Prof Colin Ong (Dr Colin Ong Legal Services, Brunei), Hefin Rees QC (39 Essex Chambers, England) and last but not least, the attendees. The role of the arbitrators was to ask questions.

The Scenario

The scenario presented involved a property developer (the “Employer”) which failed to give its contractor possession of the premises by the stipulated contractual date of 30 January 2014. The issue was not resolved until 2 February 2014. Notwithstanding the Employer’s error, the contractor did not commence work until 14 March 2014 due to its lack of resources. The contractor claimed for an extension of time on the basis of the Employer’s delay. Hence there was concurrent delay.

The contract between the parties provided:

The Employer shall give the Contractor right of access to, and possession of, all parts of the Site within the time stated in the Appendix ... If the Contractor suffers delay and/or incurs Cost as a result of a failure by the Employer to give any such right or possession within such time, the Contractor shall give notice to the Engineer and shall be entitled subject to Sub-Clause 20.1 [Contractor’s Claims] to:

1. An extension of time for any such delay, if completion is or will be delayed, under Sub-Clause 8.4 [Extension of Time for Completion]; and
2. Payment of any such Cost plus reasonable profit, which shall be included in the Contract Price.

One of the issues argued by counsel was whether the contractor was entitled to an extension of time and damages where there was concurrent delay by the contractor and the Employer.

Legal Approaches to the Scenario in Various Jurisdictions

Japan

Japanese counsel submitted that there is no statute in Japan addressing concurrent delays. However, he relied on Article 418 of the Japan Civil Code (Act No 89 of 1986, as amended) (“Japan Civil Code”) on comparative negligence. It provides that “[i]f the obligee is negligent regarding the failure of performance of the obligation, the court shall determine the liability for damages and the amount thereof by taking such elements into consideration”. Further, he cited Article 413 of the Japan Civil Code which provides that “[i]f the obligee refuses, or is unable, to accept the tender of the performance of any obligation, the relevant obligee shall be responsible for the delay on or after the time of the tender of the performance”.

USA

Counsel from the United States of America cited US case law for the proposition that a concurrent delay is not fatal to a contractor’s claim for additional time due to excusable delay, but precludes the recovery of damages (see *R.P. Wallace, Inc v. United States*, 63 Fed. Cl. 402, 409-10 (Fed. Cl. 2004)). For an employer to be found to



Ho May Kim
Selvam LLC

have caused compensable delay, the general rule is that the employer must have been the sole proximate cause of the contractor's additional loss and the contractor would not have been delayed for any other reason during that period (see *George Sollitt Construction Co. v. United States*, 64 Fed. Cl. 229, 238 (Fed. Cl. 2005)).

Scotland

Counsel from Singapore discussed English and Scottish case law. In the Scottish case of *City Inn Limited v. Shepherd Construction Limited* [2010] CSIH 68 (Inner House) ("*City Inn*"), the contract in question incorporated the conditions of the Standard Form of Building Contract (Private Edition with Quantities) (1980 Edition). These conditions included a certain Clause 25 which provided, *inter alia*, that:

If ... any of the events which are stated by the Contractor to be the cause of the delay is a Relevant Event and the completion of the Works is likely to be delayed thereby beyond the Completion Date the Architect shall in writing to the Contractor give an extension of time by fixing such later date as the Completion Date as he then estimates to be fair and reasonable.

Lord Osborne held at [42] that where there is concurrency, ie where delay is caused by both a relevant event and a contractor's risk event at the same time, then unless a dominant cause is identified, the delay should be apportioned as between the relevant event and the contractor's risk event. This would allow a "fair and reasonable" determination of the extent to which delay has been caused by the relevant event.

However, Lord Carloway, the minority Judge, opined at [112] that where a relevant event and a contractor's fault operate concurrently to delay the completion of the works, then what the architect must do is "concentrate *solely* on the effect of the relevant event in the absence of any competing default". If the architect decides that the relevant event is likely to, or caused a delay, then he must fix a "fair and reasonable" new completion date having regard to what he estimates to be the delay caused by the relevant event, all other things being equal. Essentially, there is, in his Lordship's opinion, no apportionment exercise to be undertaken.

England & Wales

Counsel from Singapore also discussed *Henry Boot Construction (UK) Ltd v Malmaison Hotel (Manchester)* (1999) 70 Con. L. R. 32 (TCC) ("*Henry Boot*"). The facts of that case are similar to the scenario presented at the session. The contractor was delayed by a "relevant event"

covered by the contract which would entitle the contractor to a grant of an extension of time. The contract between the parties also incorporated Clause 25. The employer asserted that the true cause of delay was the contractor's actions rather than any of the "relevant events".

In *Henry Boot*, Dyson J proceeded on the basis of the parties' agreement at [13] that if there are two concurrent causes of delay, one of which is a relevant event, and the other is not, the contractor would be entitled to an extension of time for the period of delay caused by the relevant event **notwithstanding** the concurrent effect of the other event.

Discussion and Conclusion

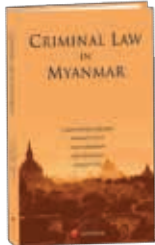
Having heard the arguments from counsel, the arbitrators (without deciding on the approach they would adopt in the scenario) came to a landing point that contracting parties should consider making it explicit in their contract which approach they adopt. For example, they could provide for an entitlement to an extension of time where the employer causes a delay, **notwithstanding** concurrent delay(s) caused by other events, in line with the English position. This would crystallise the rights and obligations of the parties by way of contract.

Thereafter, the session ended with a hearty round of applause for the panel of counsel for their energetic presentations and with many attendees eager to continue their discussions at the next IPBA Annual Meeting and Conference in New Zealand.



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Criminal Law in Myanmar

Author(s) : Chan Wing Cheong, Michael Hor, Mark McBride, Neil Morgan, Stanley Yeo
 ISBN : LNSGCRLMYANMB
 Price : SGD 208.65

Description:

The first of its kind, this commentary on the Myanmar Penal Code describes and critically evaluates the general principles of criminal responsibility contained in the Code with a view to assisting the application of the law. The major offences against the person and property are examined. Leading cases from Myanmar, India, Malaysia and Singapore are considered along with relevant cases from other jurisdictions.



Comparative Legal Systems

Author(s) : Basil C. Bitas
 ISBN : LNSGCOMPARATB
 Price : SGD 125.19

Description:

This book takes a novel approach to the area of comparative legal study by identifying eight orienting propositions that together inform the study of "comparative law", or as this book tends to prefer, "comparative legal systems." Thus, this book is not so much a recitation and summary of comparative law concepts, but rather an operational road map for approaching the area.



Understanding Lawyers' Ethics in Singapore

Author(s) : Alvin Chen, Helena Whalen-Bridge
 ISBN : LNSGCOLEGSYSB
 Price : SGD 125.19

Description:

Understanding Lawyers' Ethics in Singapore sets out the essence of key ethical rules, principles and standards in Singapore's regulatory regime for legal practitioners. Focusing on the new professional conduct rules which came into force on 18 November 2015, this book examines how judicial conceptions have shaped lawyers' ethics in Singapore and provides commentary on the principles-based approach underlying the new rules.



Law of Banker and Customer, Sixth Edition

Author(s) : Poh Chu Chai
 ISBN : LNSGPOHBANKRB
 Price : SGD 374.50

Description:

This new edition incorporates many of the new decisions emanating from Singapore, Malaysia and the United Kingdom since the publication of the 5th edition more than 12 years ago. It encompasses detailed factual coverage of all-important cases on banker and customer in a single volume.



Building Contract Law, Third Edition

Author(s) : Edwin Lee Peng Khoo
 ISBN : LNSGBLDGCONTB
 Price : SGD 250.38

Description:

This book deals with the law relating to building contracts. It discusses the key legal principles applicable, and is extensively illustrated with decisions from court cases. It covers all major issues that are commonly encountered by those in the construction industry.



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Legal Technology: Dispelling the Myths



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* Ken has over nine years of experience in eDiscovery consulting for small firms through to large international firms and corporates in Australia and across Asia. He is experienced in the implementation of eDiscovery platforms, Relativity, Equivio and Ringtail and is qualified as a Relativity Certified Administrator.

Ken has undertaken project and workflow management for domestic and international litigation matters which includes leading the litigation support team in Japan on a case involving criminal and civil proceedings in the United States. Ken is committed to the provision of the highest levels of client support and communication to ensure his clients are informed and engaged throughout the duration of a matter.

For more information on Law In Order's legal solutions visit www.lawinorder.com.sg/solution or call +65 6714 6655.

In recent years I have delivered many presentations on legal technology with a focus on embracing disruptive technology. There is always a mixed response; some excited by what new technology allows the user to achieve while others are more skeptical. Regardless of which side of the fence you come down on, there are a number of misconceptions around legal technology that I regularly come across that I wish to dispel for the common good.

1. Disruption Should be Avoided

Everyone has been told about disruptive technology; told that they must adopt it and that it can revolutionise the way they work. But just like when I was told not to be disruptive in class as a child, this term seems to carry negative connotations for legal professionals. This is not the case and should be looked at from a different perspective. Whilst the intention is to disrupt the way we currently work, the objective is to positively enhance the methods we use to complete a task to deliver a more efficient outcome. So why does it have to be disruptive?

In 1995, Harvard Business School professor Clayton M. Christensen separated technology into two categories: sustaining and disruptive. Sustaining technologies provide incremental improvements to established technologies whereas disruptive technologies challenge these established technologies, or the businesses that use them, and allow usually smaller businesses to compete on the same playing field. By this definition, not all legal technology is disruptive. Many improvements made to legal technology could be described as sustaining.

Reviewing a matter is such a significant part of building a case, it is only natural that change to this process is having a substantial impact on the practice of law. The move to reviewing a case electronically was a soft

introduction to disruptive technology. The more recent advances allow sole-practitioners and small firms to take on matters that were previously reserved for top-tier firms, introducing real disruption to the field.

This disruption is not necessarily negative, but an inherent part of modern society, including law, and a mechanism to achieve competitive advantage.

Disruptive legal technology is really about change, positive change. It allows lawyers to achieve the same outcomes in less time, with fewer resources, for their clients. This ultimately saves clients' money and becomes an influencing factor clients consider when deciding whether or not to litigate.

2. Technology will Replace the Lawyer

There is some sentiment amongst practitioners that technology appears to be taking work away from lawyers. We have certainly seen the internet and social media enable consumers to share their legal knowledge, advice and experiences with large audiences. The online dispute resolution offering that eBay has implemented through its "preferred dispute resolution provider", SquareTrade, automates the dispute resolution process between buyers and sellers. Whilst SquareTrade is not a law firm with lawyers, there are many entities like this across various aspects of

legal service that are changing the way disputes are resolved.

It is important to take a step back and understand the driver of these changes. It is not the technology, or the technologists, who have developed these platforms; the end users have come to expect that alternative solutions will become available to them. The smart phone and other mobile devices, combined with ever increasing internet speeds and storage options, have made access to information and services easier than ever before. People and businesses are becoming more tech savvy which is increasing the overall trust and familiarity with technology.

Will technology replace the lawyer? No doubt there has already been an impact, but technology will never fully replace the role of the lawyer. No matter how advanced artificial intelligence becomes, it is far from replicating and understanding the emotional context of human interaction. Even the advanced computer-learning technologies we are working with today are completely ineffective at delivering positive outcomes without the right “teacher”. Advancements in eDiscovery such as predictive coding, or assisted review, work by learning from subjective decisions made by a lawyer. This logic is then applied to a larger document set. A lawyer is required to validate the decisions it is making to ensure they are accurate and correct. The technology is essentially a mechanism to efficiently propagate the knowledge of the lawyer to a large volume of documents. The technology can only gain this knowledge once taught and guided by a lawyer.

3. Technology is Only for Big Data

We often hear of lawyers from smaller practices dismissing the need for technology because “we don’t do big matters”. Whilst it is true that functionality such as predictive coding lends itself to big data sets, the volume of data in a matter is not the only factor that should determine the appropriate use of technology.

There are a number of points to consider when determining whether technology should be adopted or not:

- (a) **In what form do the documents originate?** When dealing with discovery, the Courts usually highlight volume and the format of the native document as points to consider when determining suitable methods for document management. If a document acquired for discovery is electronic, the document

will only be original in electronic form. In electronic form, a document carries unique information which is lost as soon as it is sent to print.

- (b) **Is version control a challenge?** Almost all aspects of legal technology address issues around version control. Managing multiple hardcopy versions of a document set, or even just ensuring that numerous individuals are referring to the same version of a document, can be difficult unless there is one consistent source for the documents which all can access to ensure consistency.
- (c) **Who needs access and where are they located?** Even with a small set of documents, members of a team, a client or counsel can be separated by distance; this management of duplicate document sets again becomes challenging. Most electronic platforms will facilitate some form of online access allowing for seamless collaboration between remote teams.
- (d) **Is document retention putting pressure on your firm?** Increasingly we are seeing law firms struggle with the volumes of hardcopy documents they are required to maintain after a matter has closed. Small document sets accumulate with a large volume of matters. Electronic storage does not take up physical space and additional copies of an electronic document set are simple and quick to create.

The price of managing a matter is dictated by its size. Large matters will attract higher fees and small matters will not. Even when we look at corporate entities, their document management methods are often not determined by the volume of documents related to a project, but whether the business has been made to work electronically. Methods are therefore consistent and efficient. Many jurisdictions suggest that volume can determine whether a matter is run electronically, but as more Courtrooms and registries upgrade and convert their facilities, it will become difficult to justify why hardcopy methods should still be acceptable practice.

The legal field, like many other industries, is currently undergoing a transition phase. Technology is being more broadly adopted and it is largely the end users, the clients, who are driving this change. Firms who are adjusting to this demand are adopting these disruptive technologies and delivering more efficient solutions for their clients. If left too late, adoption of disruptive technology will no longer provide competitive advantage but instead will be a matter of catching up.



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Addictions

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Addictions

"You know me. I know what I'm doing. I can win it all back. My luck is changing. I am going to strike the big one. Imagine what we can do. One more try, this will be my last. I promise I will give it back to you."

What we see here is a person with a gambling problem. We may call him a gambler, problem gambler, pathological gambler, gambling addict He thinks he has insight and knows what he is doing. He is preoccupied by the possibility that he would win. His thinking is clouded by all kinds of cognitive distortions – luck, illusion of control, a big win can repay all the debts, undo all the damage. Many times he would make false promises to people around him, that "this will be my last bet". Lying and deception are common, breaching the trust of family members repeatedly. When financial reserves dry up, criminal activities usually ensue out of desperation.

What Exactly is Addiction?

It is said that for every problem gambler or drug addict, there are at least another 15 people who are affected by their behaviour, be they their immediate family members, relatives, friends, classmates, employers or colleagues. Men and women are both susceptible to becoming addicted, but they differ greatly in their reasons for picking up an "addictive habit", the physiological and psychological effects of addiction and their seeking and receiving treatment.

Addiction is a dependence on a substance or behaviour. When you are addicted, you are not able to control your substance use or engage in certain behaviours despite the harm it causes. Addiction can cause an intense craving for the substance (eg alcohol, drugs) or the behaviour (eg gambling, gaming, sex). It can be difficult to quit without professional help.



Depending on one's training, background and research orientation, addictive behaviours can be conceptualized and understood with different models within the medical paradigm: an impulse control disorder, an obsessive-compulsive spectrum model, an affective disorder model, or an attention-deficit/hyperactivity disorder ("ADHD") model. Some view addiction as a disease, whereas others may view addicts as morally weak, lacking in will-power, or just irresponsible.

Certain addictions are by law, illegal. For example, consumption of controlled substances as set out in the Misuse of Drugs Act in Singapore carries heavy penalties. Possession or trafficking of certain controlled substances above a certain quantity may even attract the death penalty. Every year, many addiction-related offences are reported. Gambling, a behavioural addiction, frequently drives people to resort to various illegal activities such as theft, cheating, forgery, embezzlement and assisting in money-lenders' activities. Legal substances such as alcohol and nicotine can also develop into addictions. The same goes for the use of mobile devices and the internet. There is indeed an enormous cost of addiction to the family, society and the nation as a whole.

Types of Addictions

There are two main types of addictions – substances and behavioural/process.

Substances refer to anything that an individual can ingest into the body. Common addictions include alcohol, all kinds of legal (eg sleeping pills, anxiolytics, cough mixture) as well as illegal drugs (heroin, marijuana, methamphetamine, ketamine, ecstasy, the list goes on). Have you ever heard of "buy 10 get one free" bottles of cough mixture in the black market? Addictions can also extend to intoxicating substances like inhalants, paint (chroming), muscle relaxant sprays, that cup of coffee (caffeine) that you must have every morning, and the cigarettes that never leave your hand, giving you the nicotine rush for a perceived clearer mind. How about *roti prata*? Have you met someone who is "addicted" to *roti prata*?

Examples of behavioural addictions include gambling, gaming, internet use, use of mobile devices, compulsive sexual behaviour, exercise, and even work (ie the workaholic). Some people would also put compulsive stealing (kleptomania) and excessive shopping (oniomania/shopaholics) under the umbrella of addiction. If you cannot part with your mobile devices, and feel extremely restless without them, it could be a sign of some form of mobile device addiction.

How do Addictions Develop?

Interestingly, nobody sets out to become an addict. It could be the glass of champagne or wine you enjoy sipping every evening; the \$20 you bet on Toto or 4D weekly, or a game of Candy Crush you play on your mobile device when you are idle – all of which slowly and gradually becomes a part of you.

Most addicts start with experimental use of a substance in social situations. In the case of problem gambling, it often starts with social gambling. The substance use or problem behaviour then becomes more frequent over time. The risk of addiction and how fast one becomes dependent varies by a number of factors: the substance/behaviour itself, an individual's biological and psychological makeup, family history, exposure and accessibility. For example, it was found that female gamblers developed gambling problems with greater debts piled up within a shorter period of time, compared to their male counterparts.

Chronic and heavy drug use alters normal brain structure and function. Contemporary research looking into the neurobiology (neurophysiology and neuroanatomy) of addiction has suggested that abuse of substances may induce neuronal changes in brain reward circuitry. These neuronal changes in turn are implicated in the manifestation of tolerance, dependence, withdrawal and sensitization as the addictive behaviour develops and is maintained. Similar changes in neural circuitry are also noted in behavioural addictions.

Core characteristics of addiction include: tolerance, withdrawal and impairment. Tolerance refers to a need for bigger amount/quantity to achieve the same effect (eg drinking more alcohol, taking more sleeping pills, gambling with a bigger bet or for a longer time).

Withdrawal refers to the constellation of symptoms (physical and psychological/



emotional) that occurs upon the abrupt discontinuation or decrease in intake of substances or engagement in behaviour. Physical withdrawal includes sweating, racing heart, difficulty breathing, tremor, nausea, diarrhoea etc; whereas emotional withdrawal includes restlessness, irritability, anxiety, depression, poor concentration, etc. More dangerous withdrawal symptoms (eg chronic use of alcohol and tranquilizers) may include hallucinations, delirium tremens ("DTs"), seizures, strokes and heart attacks which could be fatal. There have been offences committed whilst under the influence of alcohol or drugs, leading to irreparable tragedies.

Addiction can cause serious, long-term consequences or impairment, creating problems in different realms of our daily functioning. For instance, problems with physical and mental health, employment/studies, interpersonal relationships, leisure and social lives, and the law.

Recognising the Signs and Symptoms of Addiction

Your suspicion that there is an addiction going on could be triggered and confirmed by a number of signs observed in terms of behaviour, time and money.



Substance addictions are more easily observable/detectable than behavioural addictions. You may be able to (literally) "smell" an alcoholic, but not a problem gambler. For chronic and heavy drinkers, their slurred speech, unsteady gait, bloodshot or glassy eyes may give away their addictive habit. There may be deterioration in the addict's appearance and personal hygiene. They usually isolate themselves in order to engage in their addictive behaviour. They also stop pursuing activities or hobbies (eg sports) that they previously enjoyed. Their lives revolve around the addictive behaviour as they are constantly preoccupied with how to support their behaviour (eg finding a supply of the substances, or finding the

money to maintain such supplies) without others' noticing. Lying and deception are common.

Time and money become unaccounted for amongst addicts when they indulge in their addiction. It may take hours for them to get a loaf of bread from 7-eleven. Bills go unpaid and there never seems to be enough money. Digging into a child's piggy bank or stealing money from a family member's wallet are common. Out of desperation, they may resort to criminal activities to sustain their addiction, as well as to avoid or relieve withdrawal symptoms.

Restlessness, irritability and mood swings are usually noticed by those around them. The addicts may become very restless trying to hide the extent of their erratic behaviour. Depression and anxiety are common co-morbidities, which can be primary or secondary to the addictive behaviour. Very often, it becomes a vicious cycle. In the case of a gambler, more gambling might lead to more gambling losses and more depressed mood, and the gambler in turn gambles more, hoping to recoup the losses and to alleviate the depressed mood. In fact, the addicted brain can no longer think or plan rationally. Impulse control is impaired. Among some addicts, memory lapses (eg alcoholic blackouts) are common.

While substance use can be detected by urine or blood tests, as well as needle track marks (for those who inject substances), behavioural addictions such as gambling cannot be detected similarly. Mental health professionals use checklists to screen for addiction, which if found positive, would be assessed in detail through clinical interviews and also further laboratory testing. Diagnostic systems like the DSM-5¹ or ICD-10² are used to diagnose addictive disorders. However, diagnostic criteria of newer addictions like internet gaming, internet use, mobile devices use are being developed, pending research that focuses on the assessment and treatment effectiveness.

It should be noted that co-existing psychiatric conditions (co-morbidities or dual diagnosis) like depression or anxiety are common amongst addicts, and should be assessed and treated equally.

Treatment Options

Although nobody sets out to become an addict, ironically, addiction does serve a purpose, be it "to get high, to feel numb, or to escape from one's problems". Among the clinical and forensic populations, we have seen addicts using addiction to self-medicate their negative moods, to feel more confident or to feel normal (notably those with undiagnosed ADHD self-medicating with stimulants like

marijuana). In professions (eg doctors, lawyers) where high levels of work stress is a norm, one may be more tempted to resort to drug use to increase productivity or relieve stress. Addiction thus becomes a maladaptive coping strategy, likened by some as a “crutch” to life’s problems.

Given the cognitive impairment caused by addiction, addicts may not have insight that they have an addiction problem and need help. Like the many different models of addiction, there are also different approaches to treating addiction. It should be noted that some addicts do recover naturally with the passage of time.

Medication is used in the treatment and prevention of some addictions. For example, Antabuse works by preventing the liver from breaking down acetaldehyde, a substance produced by the body naturally whenever alcohol is consumed. A very unpleasant physical reaction is produced when acetaldehyde builds up in the bloodstream. Mixing alcohol with Antabuse could be lethal. Similarly, Naltrexone stops the euphoria (high feeling) one may feel during or after using drugs, as well as when engaging in behavioural addiction like gambling. Inpatient detoxification treatment can safely monitor the withdrawal symptoms of addicts.

Psychotherapy or counselling is another weapon used to battle addiction. Cognitive behavioural therapy (“CBT”) is a treatment modality that is solution-focused. It can be conducted in an individual or group format. The therapist and the client work together to set goals, identify and solve problems. For instance, the following will be explored:

1. triggers to engage in the addictive behaviour;
2. thoughts;
3. level of urge experienced;
4. level of euphoria/distress experienced; and
5. the amount of money and time spent on the addictive behaviour.

Negative or inaccurate thinking will be identified and reshaped. Alternative coping skills will be discussed. Homework such as keeping a diary will be given and to be discussed in subsequent sessions. CBT has been noted to be effective in treating addiction and also preventing relapses. Marital therapy and family counselling are beneficial where co-dependence may be an issue.

Support groups such as Alcoholics Anonymous, Gamblers Anonymous, Narcotics Anonymous which utilize the 12-step programme, are noted to be effective in helping addicts maintain their recovery and behavioural change.

For problem gamblers, there are additional safeguards such as “casino exclusions” (voluntary, family and third party) that can help gamblers refrain from entering casinos in Singapore; and “visit limits” (self, family and third party) that limit the number of visits per calendar month an individual can make to casinos in Singapore.

A combination of medication, psychotherapy and group self-help is recommended for the treatment and rehabilitation of addicts. In recent years, addiction recovery/rehabilitation resorts with a multi-disciplinary treatment team have become a popular option for addicts who can afford to undergo drug treatment and rehabilitation in a residential inpatient facility. Nonetheless, addiction is well-known for its recurring nature. Even with a better understanding of the neuropathways of addiction, slips, lapses, and relapses are to be expected until the addictive behaviour is unlearned.

Addiction has been an age-old problem. Drugs and crime often go hand in hand and there is an undeniable nexus between them. In a country like Singapore with strict drug laws, addicts, particularly drugs addicts, pay a heavy price for their addiction which often costs them their freedom, if not their life (the death penalty). The need to traffic drugs to support their own use also causes great harm to society.

For behavioural addicts like problem gamblers, there has also been an increase in their involvement with moneylenders’ activities due to their gambling problem. It is important that addicts seek timely and repeated treatment in order to prevent the addiction from becoming a public health and social issue. As the saying goes, “prevention is better than cure”; public education about addiction would save the cost of treatment and lifelong recovery.

Notes

- 1 DSM-5 – Diagnostic and Statistical Manual of Mental Disorders (5th Edition), 2013, American Psychiatric Association
- 2 ICD-10 – International Classification of Diseases (Chapter V – Mental and Behavioural Disorders) (10th Edition), 1994, World Health Organization

The Associate's Survival Guide

Rajan Chettiar writes the monthly Alter Ego column for the Law Gazette where he talks about lawyers, lawyering and life, including how lawyers can maintain that elusive work life balance, how they should innovate to keep themselves relevant, as well as various issues which pique his interest such as life in Singapore, millennials and their work habits.

So now you are a lawyer! Congratulations! Celebrate. Guess what? The hard work has just begun. You are also starting your legal career at a rather interesting period where legal jobs are not easy to come by in an economically challenging environment.

You are about to enter the real world and life of lawyers. It will be very different from your internship and training days. You will finally sign off on letters and documents. How cool! You have many dreams and aspirations.

For many, being a lawyer in private practice may not be your only career path. You may later quit and join the legal service; in fact many of you may start your career there. Or you may become legal counsel in companies later or work in other fields. The grass always seems greener on the other side.

I have been in private practice for 19 years. I will not say I love every moment of it. Overall, however, I enjoy being a lawyer, especially a family lawyer.

So, what's the secret to surviving law practice? Let me proffer a few suggestions.

Be clear about why you want to be a lawyer. The common reasons cited are an intellectual love for the law, an interest in working with people or wanting to make a difference in



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the society we live in. Find your own purpose and regularly remind yourself of it. You will be coming back to this purpose many times in your career. It will keep you going during the lowest points of lawyering.

Be realistic about your chosen career. There is no glamour in being a lawyer. It is not a nine to five job. If you hope that it will be, it is not too late to leave the legal field to find that dream job with such working hours combined with an attractive remuneration. When you do find it, please let me know and I will join you. Until then, it is pure grit and hard work with little time or opportunity to chill. It is not about the high salary, bonuses and perks. The sacrifices you make of your time and your life easily outweigh these perks.

It is not just a job or even a career. It is a calling. When the calling no longer appeals to you, then the time has come to do something different. After all, we must do what we love; if not we will find ourselves in a rut.

Find a mentor. A good mentor is an inspiration and will give you something to aspire to. I still am in awe of how my seniors continue to work hard and never give up. There is much to learn from them. Get to know them. My early inspirations were the late Palakrishnan SC, the first senior lawyer I met outside of my firm. I volunteered as a member of the Publications Committee of the Law Society when I started practice. He was the then chairman of the Committee. His mere presence was energising, his enthusiasm for the law infectious. After our first meeting, I remember returning to the office feeling very excited about lawyering. Nineteen years later, I still remember that day and the feeling. It was exhilarating.

Another lawyer whom I look up to is my pupil master (now known as supervising solicitor), Ronnie Quek, a corporate lawyer. He is not a man of many words but leads by example. He gave me the best advice on how to think like a lawyer: "Think of the legal problem as if it is your own personal problem and you will find creative solutions."

Take the time to be involved in the committees of the Law Society and do *pro bono* work right at the start of your career. Find the time to do this no matter how hectic work becomes. It will help you become more aware of the diverse issues facing the legal profession and our society. It will continuously stimulate you to improve yourself and fire up your passion to keep on practising law especially when you keep company with like-minded people.

Law is known as practice because practice makes perfect. We just keep practising it like a musician or sportsman hones their craft. As soft skills are not taught in law school,

do read widely and attend courses to develop personal work management and communication skills.

All work and no play does make lawyers dull. Work harder and play harder. Pursuing other interests brings balance and meaning to life. Find the time to engage in your favourite activity or hobby before marital and parental duties rob you of those pursuits. I recall travelling extensively and reading incessantly during the initial years of practice, two of my favourite past-times.

Have a group of close friends in the legal fraternity who can offer you support. I have a Whatsapp chat group with a small group of family lawyers. We joke with one another, tease, gripe, let off steam and pick on each other's brains on work matters. Many a time this group keeps me sane.

After having been a lawyer for a considerable period, and running my own firm and working with millennial lawyers, let me give you a peek into the minds of bosses. Firstly, we are humans too. Although we work long hours, often starting earlier and finishing later than you, we do have a personal life as well. And yes, we do find the time to engage in other activities besides work. We were associates ourselves not too long ago, so we understand what you are going through. We know how you feel about having to work on Mondays, yet we choose to show up at the office on those days. We do not slack or submit sub-standard work, otherwise we would not have gotten to where we are in our careers. We are not your parents or teachers. We are not going to offer advice or counsel you on tardy behaviour. We do not review your work for careless mistakes and will not show patience about it. We know all too well the short cuts of cutting corners and all the excuses in the book. We do get stressed at work as well. We too do not have enough hours in a day nor enough sleep. Yet we learn to manage and do not use the stress or no time excuses to avoid work. We know changing jobs every one to two years is a norm for you. We are not impressed by such track records. We do not believe that such conduct shows diversity in work experience but rather, signs of a lack of tenacity. There is no perfect job and legal positions in all firms are not that different. Really, that is the truth.

So, enjoy the ride. It will be an exciting roller-coaster ride if you hold on tight and stay the course, all the while keeping your adrenaline high. The only difference is that you can choose to get off this roller-coaster any time you wish. In fact you will be tempted to do so on many occasions. Try not to do so. Continue the ride with its ups and downs and you will come to fully appreciate the true lawyering experience.

Bon Voyage!

St Kilda Beach
(Source: www.visitmelbourne.com)



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A Weekend in Melbourne

*Only two days to spend in the culture capital of Australia?
We've got you covered.*

Saturday

Start your day by sampling Melbourne's legendary café scene. The streets and labyrinthine laneways of the Central Business District ("CBD") are buzzing with a myriad of cafés and coffee shops, but not all are created equal.

For breakfast, you can do no better than heading to **Degraves Street**, just off Flinders Street. In this narrow, unassuming alley, a hive of activity awaits. Nestled in its heart, **The Quarter** (www.thequarter.com.au; 27-31 Degraves Street) offers a solid breakfast menu with something for everyone. We recommend the poached eggs with grilled haloumi on toasted sourdough. Operating from a hole-in-the-wall a stone's throw away, new-comer **Doughnut Time** (www.doughnuttime.com.au; 5 Degraves Street) draws in the crowd with its colourful, hand-dipped doughnuts. Creations range from classic to over-the-top (think candied bacon, pink lemonade, and candy building blocks). At AU\$6 per donut, they don't come cheap, but are worth every calorie.

Alternatively, a short ten-minute walk from Degraves Street is **Cumulus Inc.** (www.cumulusinc.com.au; 45 Flinders Lane). Housed in a turn-of-the-century rag trade building, the restaurant's interior is industrial meets minimalist. The breakfast menu has many enticing options, none more so than the organic oat porridge with kumquat marmalade, clotted cream, and an optional nip of whisky. The house smoked trout with potato rösti and soft-boiled egg is just as satisfying.


After all that food, burn off the calories by joining a "free" walking tour. We recommend **I'm Free Tours** (www.imfree.com.au/melbourne/). They run two tours daily covering many iconic landmarks (**Flinders Street Station**, **Old Melbourne Gaol**, **Chinatown**, and more) as well as some more obscure locations (including hidden bars and street art). Along the way, your friendly guide will share juicy tidbits of the city's history, people, and culture. The tour is "free" in that they don't charge up front and you pay only what you thought the tour was worth at the end. After learning the lay of the land, you can explore the areas that interest you at your leisure thereafter.

If walking isn't your cup of tea, dive into one of Melbourne's shopping districts. Open to pedestrians and trams only, **Bourke Street Mall** (between Swanston and Elizabeth Streets) is a bustling blend of both high-end and fast-fashion brands (including department store giants, **Myer** and **David Jones**), swathes of ravenous shoppers, and the lively sounds of the street's many buskers and the occasional bell of a slowly-approaching tram. At one corner stands the historic **Melbourne's GPO** (www.melbournesgpo.com; 350 Bourke Street), a former 19th century general post office which has since been restored and now houses a massive **H&M**. The building's steps offer respite for the weary shopper and the perfect vantage point for people-watching.

Alternatively, check out **Chapel Street** (from Windsor to South Yarra), where you'll find international labels as well as Australian boutiques, including **Country Road**, **Gorman**, and **Sass & Bide**. For vintage gems, drop by the delightful **Chapel Street Bazaar**

Flinders Street Station
(Source: www.visitmelbourne.com)





(www.chapelstreetbazaar.com.au; 217 Chapel Street, Prahran), one of Melbourne's longest running retro stores.

Shopping is tiring business, so in the evening, pamper yourself at **Vue de Monde** (www.vuedemonde.com.au; Level 55, Rialto, 525 Collins Street), the brain-child of celebrity chef Shannon Bennett. Perched atop the towering Rialto, it offers an impressive view of Melbourne at night and an equally dazzling degustation menu of French cuisine with a modern Australian twist. A word of caution though, certain items (salt-cured wallaby, duck tongue, and lamb heart, to name a few) may not be for the faint-hearted. If you're not feeling particularly adventurous, do remember to e-mail your dietary requirements to them ahead of time. Reservations are essential.

Alternatively, take a short tram-ride to **Rumi** (www.rumirestaurant.com.au; 116 Lygon Street, East Brunswick), which serves up some of the finest Middle Eastern cuisine in town, all in small to large sized plates designed for sharing in the traditional Lebanese dining style. Indeed, this quaint restaurant would not be out of place in the avenues of Beirut. As you step in, you are warmly greeted by the wonderful staff, who are more than willing to take you through the menu. We recommend the sigara boregi (cigar-shaped pastry filled with haloumi and feta) and the Persian meatballs.



Rooftop Bar
(Source: www.visitmelbourne.com)



Doughnut Time
(Source: www.doughnuttime.com.au)

Sunday

Get up bright and early to scope out **Queen Victoria Market** (<http://www.qvm.com.au>; corner of Elizabeth and Victoria Streets). For more than 130 years, “Vic Market” is where Melbournians stock up on everything from the freshest meat and fish, to organic fruit and vegetables, flowers, clothes, and knickknacks.

Wandering through its food halls and sheds, your senses are assailed by the sights, sounds and smells of the largest open-air market in the southern hemisphere. In the magnificent Deli Hall, be sure to stop at the **Borek Shop** (Shop 95, Deli Hall) to sample the eponymous warm, Turkish pastry filled with lamb, cheese and spinach, or potato and vegetables, all for the princely sum of AU\$3.00 each. Alternatively, **Pavilion Select Produce** (Shop 31-32, Deli Hall) is a family-run, meat-free delicatessen which sells the freshest cheese, dips, honey, and antipasto. We loved the rich, spicy capsicum dip (three tubs for AU\$10.00). Round off your trip to the market with an exquisite latte at **Market Lane Coffee** (www.marketlane.com.au; Shop 31-32, Deli

Hall). In a city where coffee is a religion, the cuppas here certainly do not disappoint.

In the afternoon, hop on a tram to sun-kissed **St Kilda Beach** (St Kilda Foreshore, St Kilda) and stroll leisurely along the palm tree-lined boardwalk as you take in the salty sea air and panoramic views of Port Phillip Bay. Every Sunday, there are bargains to be had at the **St Kilda Esplanade Market** (www.stkildaesplanademarket.com.au; Upper Esplanade, beside Luna Park, between Fitzroy and Acland Streets), an arts and crafts market by the beach boasting more than 150 stalls selling original artwork, clothes, jewellery, and accessories. For adrenaline junkies, there’s **Luna Park** (www.lunapark.com.au; 18 Lower Esplanade, St Kilda), a historic amusement park where the “Scenic Railway”, the world’s oldest continually operating roller coaster, sits side by side a plethora of modern rides that are equally stomach-churning.

For lunch, check out some of Melbourne’s renowned burgers and head to **Andrew’s Hamburger** (www.andrewhamburgers.com.au; 144 Bridport Street, Albert Park). This local institution doesn’t mess around with labels such as “gourmet” and “artisanal” that trendier burger chains may espouse. They just do what they’ve always been doing since 1939: serve honest, old-school style burgers that are very, very tasty. Go for the “Burger with the Lot” (juicy meat patty with lettuce, onions, egg, bacon, tomato, double cheese, and tomato sauce). Your taste buds will thank you.

Alternatively, scurry over to **8bit**. (www.eat8bit.com.au; 231 Swanston Street). The inventive, “pixelated” décor and the names of menu items are inspired by retro video games. Try the “Golden Axe” (crispy fried chicken, cheese, sriracha mayo, slaw). If you’re really hungry, face off against the “Double Dragon” (double servings of beef, cheese, and bacon, with pickles, mustard, lettuce, ketchup, and signature sauce). Queuing for a burger here is somewhat of a lunchtime tradition for the CBD office crowd, so thankfully, lines are shorter on the weekends and you can play video games as you wait for your meal. Not a bad deal at all.

Once you’ve had your fill of burgers, skip dinner and explore some fabulous watering holes in the CBD and its surrounding areas. The imaginatively-titled **Rooftop Bar** (www.rooftopcinema.com.au; Rooftop, Curtin House, 252 Swanston Street) delivers on the promise in its name, and then some. It has a non-descript entrance from street level, that’s easy to miss. However, after you take the rickety elevator or scale seven, never-ending flights of stairs, you’re rewarded with spectacular views of the city, fresh air to go along with your ice-cold drinks, and even a rooftop cinema in the summer months complete with deckchairs.

Alternatively, scamper over to **Naked for Satan** (www.nakedforsatan.com.au; 285 Brunswick Street, Fitzroy) whose cheeky moniker is a tribute to local legend Leon Satanovich (affectionately nicknamed “Satan”) who, during the Great Depression, illegally distilled vodka in nothing but his underpants. With its extensive range of vodka (including vodka-based infusions made in-house), Satanovich’s spirit is truly alive and well in his namesake establishment, which is also famous for its delicious pintxos (Basque tapas). Otherwise, drop by **Mountain Goat Brewery** (www.goatbeer.com.au; 80 North Street, Richmond), one of the pioneers of the craft beer movement in Melbourne. Located in an Instagram-worthy converted warehouse, they open their doors every Wednesday and Friday night. All of their handcrafted brews are on tap and they make excellent pizzas too. Free brewery tours are available on Wednesdays.

Vue de Monde
(Source: www.visitmelbourne.com)



Pavilion Select Produce, Queen Victoria Market
(Source: www.qvm.com.au)



Information on Wills

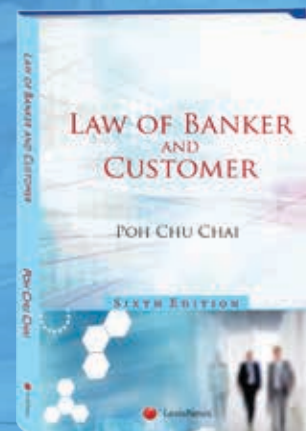
Name of Deceased (Sex) NRIC Date of Death	Last Known Address	Solicitors/Contact Person	Reference
Chua Pong Lan (F) S0844905H 2 July 2016	Blk 177 Ang Mo Kio Avenue 4 #10-923 Singapore 560177	Loh Eben Ong LLP 6338 1810	OET/an/2016/4933 (mr)
Choong Teck Shing (M) S1431478D 20 June 2016	Blk 460 Hougang Avenue 10 #14-990 Singapore 530460	Hoh Law Corporation 6553 5186	AO/P20521/16/at
Lim Seng Chiang (M) S1366210Z 30 June 2016	Blk 53 New Upper Changi Road #11-1474 Singapore 461053	Wee Tay & Lim LLP 6533 2228	AC.29559.16.ET
Fam nee Shem Dulcie @ Dulcie Fam (nee Shem) (F) S2060357G 1 July 2016	36 Fifth Avenue Singapore 268799	Wong Thomas & Leong 6501 9400	CSC 1607011
Jimmy Shiavux Daruwalla (M) S2202113C 6 July 2016	Blk 3 Pandan Valley #16-302 Singapore 597627	Straits Law Practice LLC 6713 0200	MR/fy/201645803(MR)
Peter Lee Lee Nam (M) S0668847J 18 May 2016	Blk 213 Bedok South Avenue 1 #01-23 Singapore 469337	Lexton Law Corporation 6220 2231	ES/16078543ML/kp
Tan Yam Seng (M) S1082180J 10 June 2016	Blk 81 Tiong Poh Road #02-57 Singapore 160081	S H Tan & Associates 6533 9050	TSH.71.6.2016
Leow Lai Huat (M) S1274390D 27 April 2016	Blk 208 Petir Road #11-533 Singapore 670208	Loh Eben Ong LLP 6338 1810	OET/an/2016/4917
Chan Sum Yong Terence (M) S1394613B 13 June 2016	28 Leonie Hill #10-30 Singapore 239227	Allen & Gledhill LLP 6890 7684	1016005769/DSVL/TNGEJ
Lee Su Yin Lynette (F) S1601349H 17 June 2016	Blk 448 Bright Hill Drive #08-141 Singapore 570448	J.S Yeh & Co 6533 1188	YJS.AT.dt.22667.16
Oscar Barrientos Garcia (M) Spain Passport No. XDA188735 9 May 2016	1 Mount Faber Road #06-04 The Pearl @ Mount Faber Singapore 099206	Summit Law Corporation 6597 8363	201606941/11
Subramaniam Dasaradharaj (M) S1395352Z 10 March 2016	Blk 232 Lorong 8 Toa Payoh #10-220 Singapore 310232	Andrew Yap & John 65339339	VJ/8641/16/G

Name of Deceased (Sex) NRIC Date of Death	Last Known Address	Solicitors/Contact Person	Reference
Fong Wai Kit (M) S1658351J 4 June 2016	5C Ridley Park #02-01 Singapore 248479	Summit Law Corporation 6597 8363	201606932/11
Yong Wan Cheong (M) S0241649B 10 May 2016	Blk 308 Shunfu Road #04-163 Singapore 570308	Tng Soon Chye & Co 6438 3133	TSC.3030.Prob.2016
Woo Chi Who (M) S0304259F 5 March 2015	Blk 271 Bukit Batok East Avenue 4 #04-154 Singapore 650271	Aequitas Law LLP 6535 0331	LSC.AT.2016.6891 (Wu Soon Wah)
Mrs Tan Eng Chai nee Tan Kar Sit (F) S0201928J 27 February 2016	9 Kasai Road Singapore 808257	Lim Soo Peng LLC 6337 9968	LSP/21597/16

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Senior Corporate M&A Associate Singapore 5-10 PQE

A global magic circle firm is looking for a senior level M&A Lawyer in Singapore. You should be qualified in Singapore, Australia or UK, with strong transactional experience in corporate M&A work gained from a top-tier local or international firm. (SLG 14097)

Funds, M&A / Finance Associate Singapore 4-7 PQE

A global leading offshore firm is looking for an Associate to join its new office in Singapore. You will assist with a broad range of corporate legal work including funds, finance and M&A matters. You should be Singapore or UK qualified with at least 4-7 years' PQE and graduated with a 2:1 from a recognized university. (SLG 12777)

Disputes Resolution Associate Singapore 3-6 PQE

A global firm seeks a mid-level Singapore qualified Associate to join their Disputes team. You will assist the partners with a broad range of regional dispute matters including financial crime and arbitration work. 3-6 years' PQE in litigation or arbitration work gained from a top-tier law firm in Singapore with exposure working on white collar crime matters essential. (SLG 13931)

Corporate Associate Singapore 2-4 PQE

A local boutique law firm specialising in corporate, technology, media and IP seeks a Junior Associate who is qualified in Singapore, UK or Australia, with at least 2 years' PQE as well as experience in general corporate or IT/IP work. Good training and exposure to a broad range of local and regional work will be offered. (SLG 14095)

Asia BD Executive Singapore

An international firm seeks a Business Development Executive for the Southeast Asia region. Reporting to the Head of BD and working closely with other BD team members in Southeast Asia and globally, you will provide high quality BD support to lawyers within the region, with a focus for the disputes resolution practice. Excellent English written and oral communication skills are essential. (SLG 14054)

In-house

Regional Counsel (Consulting) Singapore 6-12 PQE

A global consulting company seeks a Regional Counsel to oversee their legal matters across Asia Pacific. You will negotiate on all corporate commercial contracts, and advise on any legal or regulatory matters. Experience in corporate M&A or general corporate matters gained from a top-tier law firm required. Candidates from private practice or in-house with the ability to work independently will be considered. (SLG14217)

Projects Construction Counsel (Real Estate) Singapore 5-12 PQE

An international property company seeks a mid to senior-level lawyer who will advise the business on all construction and project developmental matters across Asia. Solid experience in either advising on real estate construction related issues and drafting construction contracts, or construction related dispute matters required. (SLG 14079)

Derivatives Lawyer (Financial Institution) Singapore 4-8 PQE

A leading regional bank seeks a Derivatives Lawyer to join their Legal team. Reporting to the General Counsel and supervising a junior Legal Counsel, you will handle master agreements for the global markets team and advise on a wide range of derivative products. Strong product knowledge and experience dealing with derivative transactions required. (SLG 14046)

Corporate Counsel (IT) Singapore 4-8 PQE

A major US-listed IT company seeks a Legal Counsel who will advise on a broad range of corporate matters including M&A, corporate reorganisation, employment, real estate and IP. 4-7 years' PQE with good corporate commercial experience required. Lawyers from in-house or private practice will be considered, preferably Singapore qualified. Fluent English and Mandarin essential. (SLG 13257)

Regional Counsel (Healthcare) Kuala Lumpur 4-8 PQE

A regional healthcare group seeks a Legal Counsel who will advise the business on all corporate commercial matters, including the negotiation and drafting of all sales and supplier contracts across the region. 4-8 years' PQE in general corporate work gained from a law firm as well as in-house a must. Experience in the healthcare or logistics industry a plus. (SLG 14191)

Banking Lawyer (Financial Institution) Singapore 3-7 PQE

A leading financial institution seeks a Corporate Banking Lawyer. Reporting to the General Counsel, you will advise on a range of corporate/commercial matters. Prior relevant in-house experience dealing with corporate banking matters required. (SLG 14157)

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IN-HOUSE ROLES IN SINGAPORE

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Global medical devices multinational seeks an experienced lawyer for the APAC legal team. This is a visible role which offers high-quality work, you will advise on regional commercial activities. Relevant healthcare experience is desired.

Ref: 208251 8-10+ years' PQE

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Excellent opportunity to join the close-knit legal team of an agricultural company, you will provide legal support for international commercial activities. Rare opportunity for private practice lawyers looking to transition in-house.

Ref: 208291 6-10+ years' PQE

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Broad transactional role within the global legal team of this well-regarded investment management firm, working across all asset classes with focus on Equities, FX, Rates and Credit. Candidates with prior derivatives experience will be highly regarded.

Ref: 207371 4-7+ years' PQE

COMMERCIAL COUNSEL (SEA)

This is a newly created role in an Internet company with a fast expanding presence worldwide. You will be responsible for the SEA region and work closely with the sales team. Experience in the technology, media and telco industries is preferred.

Ref: 208001 7-11+ years' PQE

REGIONAL COUNSEL (APAC)

This is a newly created role in a leading software company within a team of three supporting the APAC region. Extensive experience in the negotiation of IT contracts in a multinational setting is essential. Travel is required and takes up 15% of the role.

Ref: 208101 10-15+ years' PQE

FIXED INCOME DERIVATIVES

Global bank seeks transactional lawyer to provide Fixed Income Derivatives legal support for the APAC division. Experience in relation to fixed income and OTC derivatives structured products (including restructuring, work-outs) is preferred.

Ref: 206151 3+ years' PQE

TRADE FINANCE

Global bank seeks mid-level counsel with experience on advising cross-border trade finance transactions, letters of credit, trade credit insurance etc. Global role with exposure to cutting-edge work. Fast-moving environment.

Ref: 207711 4+ years' PQE

COMMERCIAL COUNSEL (APAC)

Stand-alone role covering APAC for this US MNC. Transactional background preferred as you will be juggling a variety of matters, dealing directly with the business. Work will be corporate/commercial in nature. Reporting to Counsel based in UK.

Ref: 208341 3+ years' PQE

ASSET MANAGER (APAC)

This global asset manager seeks an experienced legal/compliance officer in a standalone role to support its APAC business to support trades clearance, monitoring work, reviewing of marketing materials and providing regulatory support.

Ref: 207981 5+ years' PQE

PHARMA/INVESTIGATIONS

A renowned international pharmaceutical company seeks an experienced investigations counsel for their global business. Interfaces closely with the legal/compliance function and healthcare sector experience is preferred.

Ref: 208351 3-6+ years' PQE

PRIVATE PRACTICE ROLES IN SINGAPORE

BANKING

Global law firm requires 1-2 additional associates in line with growth. Diverse caseload encompassing acquisition, structured, asset and real estate finance as well as opportunity to assist on project finance work for regional clients.

Ref: 203111 2+ years' PQE

CORPORATE

Market leading M&A team requires an experienced associate/senior associate to replace someone who is relocating. You will take a lead role in complex, high value transactions for domestic and international clients. Excellent career prospects are on offer.

Ref: 207521 4+ years' PQE

PROJECTS

This leading international firm requires experienced projects/construction lawyer in line with growth. You will have significant project documentation experience; finance experience is also beneficial but not essential. Top quality regional work.

Ref: 207801 4+ years' PQE

REAL ESTATE FINANCE PARTNER

We are exclusively instructed by this top international law firm who are keen to hire a junior Singapore Qualified Real Estate Finance Partner. A general banking lawyer would definitely be of interest, but you must have some REF experience.

Ref: 208050 Partner

AVIATION FINANCE PARTNER

Our client is a top international law firm. Based on the strength of their global aviation practice, as well as their panel relationships, they are keen to hire their first Aviation Partner into their SG office who will head and grow the team.

Ref: 206401 Partner

EMPLOYMENT PARTNER

We have been exclusively instructed on another Employment Partner role (three active roles at the moment). This leading international law firm is keen to hire their first Employment Partner in Singapore to undertake a regional APAC role.

Ref: 206681 Partner

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- Attractive package awaits the right candidate

**Legal Counsel
US Fintech MNC**
[S40725]**6+ PQE
Singapore**

- Financial services regulatory experience
- Interface with regional regulators
- Handle corporate governance and secretarial work, general commercial operational matters
- Experience/interest in technology ideal
- Ability to read and speak Mandarin essential, as role will cover North Asia

**Legal Counsel
US MNC**
[S40750]**6+ PQE
Singapore**

- Generalist corporate commercial role
- SEA coverage
- To support the company's manufacturing operations, marketing activities, and trading and commodity businesses

**Funds Lawyer
JLV firm**
[S40749]**5+ PQE
Singapore**

- Fund licensing, regulatory and transactional matters
- Experience in investment structures (private equity and/or hedge funds) preferred
- Expertise in onshore and offshore fund structures ideal

**Equity Derivatives Counsel
Investment Firm**
[S40744]**5+ PQE
Singapore**

- Highly regarded investment firm
- Derivatives lawyer, familiar with ISDA and CSA documentation, equity derivatives. Knowledge of applicable regulations (EMIR, Dodd Frank etc)
- To work with cross functional specialist teams to advise on structuring, advisory and transaction execution
- Prior experience at financial institution/ investment firm ideal
- Candidates from private practice will also be considered

**Derivatives Lawyer
Global Financial Institution**
[S40757]**5+ PQE
Singapore**

- 12 month contract
- Experience in equity derivatives, structured notes, Dodd Frank regulations
- Seniority is flexible
- Attractive remuneration package

**Manager/Associate Director
Investment Bank**
[S40751]**4+ PQE
Singapore**

- Capital markets, M&A and/or banking experience
- In-house experience with a bank/financial institution preferred
- Supporting a broad range of banking business

**SG/US Qualified Tax Associate
Leading Law Firm**
[S40737]**1-3 PQE
Singapore**

- Singapore qualified
- No prior tax experience necessary
- To be trained in US tax matters, and potentially undertake the NY Bar
- Work with US and international trusts and foundations, private trust companies, holding companies and family offices

**Contracts Specialist
US IT and E-commerce MNC**
[S39949]**2-10 PQE
Singapore**

- Degree/Diploma in law, with experience in contracts management
- Good communicator

**Junior Litigation Associate
Leading Law Firm**
[S40763]**NQ-1 PQE
Singapore**

- Commercial & general litigation
- Well-regarded team headed by a Senior Counsel

**Assistant Regional Legal Counsel
Pharmaceutical** **6+ PQE**
Kuala Lumpur, Malaysia
[S40761]

- To advise on commercial transactions and day-to-day legal matters
- At least 4 years experience gained in a top-tier law firm
- Healthcare experience is preferred
- You should be a self-starter with excellent communication skills

**Legal Counsel
Healthcare MNC** **5+ PQE and up**
Petaling Jaya, Malaysia
[S40756]

- 12-18 month contract
- To support the manufacturing and sales organisations
- Healthcare experience required

Opportunities for Life

Corporate Counsel, 8 – 12 yrs ppe

Our Client, a Singapore Listed Investment Company seeks a mid- senior level Lawyer with equity capital markets and IPO experience.

The Head of Legal is looking for an experienced mid – senior level Mergers & Acquisitions Lawyer to undertake all types of transactional work, such as mergers and acquisitions, joint ventures, private investment funds, commercial contractual agreements, etc. You will provide legal support to business units on mergers and acquisitions, joint ventures, entity restructurings, leasing and licensing, banking, employment issues, intellectual property rights and protection, franchises, investments in VC funds, building and construction, corporate real estate and dispute resolutions. You will also advise business units on policies and standard templates, as well as liaise with external counsels and authorities.

Ideal candidate should have 8 - 12 years of relevant work experience in corporate and/or commercial work, whether in practice or in-house. In-house experience with a financial institution, MNC or ecommerce industry preferred. Preference will be given to those experienced with a SGX-listed company or knowledge of SGX requirements. As a key member in the team, you must have the ability to multi task with strong problem-solving and analytical skills; the ability to convince and work effectively with all levels of business.

For a confidential discussion, please contact **Melinda Ng** at 6398 3268 or melinda@rgf-executive.com.sg, EA Personnel Registration No. R1107430



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Legal Counsel, 6 – 8 yrs ppe

Our Client, an established giant in the Technology field, continues to grow steadily across Asia as it is backed by its global network innovation.

As part of the Legal team, you will be advising on a broad field of legal topics in a timely fashion. You will assist the sales team in the preparation of commercial bids from a legal perspective and to support in the contractual structuring of projects and bids. This will include reviewing of tender documents, framework agreements, supply and services agreements and consortium agreements in close cooperation with sales team and commercial counterparts. Resolution of disputes with customers and vendors, whether litigious or settled internally, liaise with external counsel where necessary.

Ideal candidate should have 6 - 8 years of relevant work experience with a leading law firm in Singapore, or in a legal team of a multinational company. You should be a collaborative team player who works effectively in a multinational matrix organization, demonstrated high integrity and ethics coupled with drive and persistency. You should also have excellent commercial awareness, who can easily build internal and external relationships.

Singapore Court Practice 2017

Jeffrey Pinsler, SC

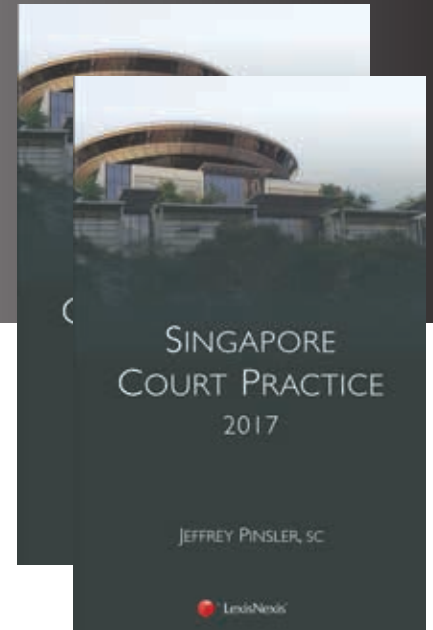
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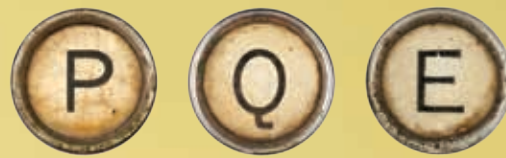
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The JLegal



Personality Questionnaire Experience

Every month, JLegal examines the PQE of a senior in-house counsel. This month we speak with Stephen Man who, despite being Canadian, won't be listening to Justin Bieber songs on holidays or in his totally unnecessary car.

Stephen Man

Associate General Counsel,
APAC
at Uber



- What is on your mind at the moment?
Fading memories of the summer break with my kids and family in my small hometown in Canada.
- Which talent would you most like to have?
The ability to make people laugh.
- What is your idea of misery?
Being alone, away from family and friends.
Or listening to Justin Bieber non-stop.
- What do you most value in your friends?
Trust and receiving/giving advice without judgment.
- If you weren't a lawyer you would be a ...
Law enforcement officer of some sort.
- What is your most precious possession?
My health.
- Where were you born?
Orillia, a small city in Ontario, Canada.
- Where is the best place you have ever been to?
Love Sydney as my favourite city, but for a single spot, it would be on the shores of one of the many lakes not far from my hometown during a summer evening. Ultimate tranquility.
- What is your greatest regret?
Nothing major, but not buying property during the SARS (severe acute respiratory syndrome) outbreak in Hong Kong in 2003 still haunts me a bit.
Fat city for me if I had.
- What do you consider your greatest achievement?
My two girls, Madison and Macy. Teaching them to be good people will be the most important work I do my whole life.
- What is the strangest thing you have seen?
"Personal grooming" on public transportation in Hong Kong. I won't go into details.
- What is your motto?
Don't worry, be happy.
- Top 3 favourite movies of all time?
The Princess Bride (fantastic for the whole family), Rocky (the underdog) and Silence of the Lambs (liver, chianti and fava beans).
- What do you consider the most overrated virtue?
I'm going broader than the 7 heavenly virtues because they're all pretty strong. Sobriety strikes me as being particularly misguided though.
- What is your greatest extravagance?
My car - completely unnecessary in Hong Kong.
- If you could change one thing about yourself, what would it be?
Worry less.
- What would you like to be remembered for?
Being optimistic and seeing the good in any situation, and for being a good role model for my girls.

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