

# ADMISSION OF ADVOCATES & SOLICITORS

FRIDAY 26 AUGUST 2016

## ADDRESS BY THE CHIEF JUSTICE

### I. Introduction

1. I am delighted to be here this afternoon to welcome you into the legal profession. By now, each of you will have spent at least six months practising in a law firm and, for many, I expect it has been a common tale of long hours and short breaks; of heavy workloads and great expectations; of tired limbs and weary minds. But despite this, do not lose heart. Today is a time for you to take a step back and be reminded that there is meaning in what you do.
2. Law is the foundation of an orderly society. As lawyers, you are now in the profoundly privileged position of being able to counsel your clients as they navigate a highly regulated world. Some of you will take charge of your clients' affairs in the most contentious of circumstances as you represent them before a Judge to the best of your abilities. Whether the dispute is over a will, a quarrel with a spouse, a business deal gone wrong or a road accident, for the client, that matter is likely to be all-consuming and they will look to you for advice, representation and a just resolution. In that sense, each of you brings to reality the abstract notion of access to justice. And collectively, all of you perform a vital role in ensuring that the rule of law functions not merely as an aspirational ideal in Singapore but as the very basis of our society. That is why this is a high calling indeed.

3. It is almost 30 years since I was admitted to the Bar. Although the role of the lawyer has remained fundamentally unchanged, the nature of legal practice has undergone significant transformation during this period. I therefore propose to spend the first part of my address on three trends which I suspect young lawyers today are particularly – and rightly – concerned about. Briefly, these are:

(a) the oversupply of young lawyers;

(b) the advent of new and smarter technologies in the workplace; and

(c) the hollowing out of mid-career lawyers caused by burnout.

4. I shall elaborate on each of these trends in turn before offering some thoughts on how they might be addressed.

## **II. Three trends affecting legal practice**

### ***(a) The oversupply of young lawyers***

5. The problem of oversupply is not new and perhaps this is what worries you most. Last year's Mass Call saw a record number of 535 new lawyers being admitted to the Bar.<sup>1</sup> This year, there will be 509 of you called over three sessions. This is remarkable when one considers that, between 2006 and

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<sup>1</sup> See "535 called to the Bar" in The Straits Times (23 August 2015), accessible at <<http://www.straitstimes.com/singapore/535-called-to-the-bar>>.

2011, the number of new admissions at Mass Call ceremonies rarely crept above 250.<sup>2</sup> In short, within the last five years, the number of new entrants to the profession has doubled.

6. These statistics might suggest an enthusiasm for the law that is heartening. Yet there is a disconnect. In recent years, when my colleagues and I have conducted interviews for job placements, we have found a surprisingly large number of candidates who seem to have little, if any, inkling of the law as a profession that finds its place in society in notions of justice, service and doing right. This is disturbing and so, at the very outset of my remarks this afternoon, I want to remind you that *this* is the essence of what it means to be a lawyer. Let me echo the point to those looking to come to the legal profession in the future: you should do so only if you believe in its ideals and understand that being a lawyer matters because of the opportunity it will afford you to advance the cause of justice and to serve those who seek it.
7. But assume for the moment that each new entrant to the profession wants to serve these ideals. Even then, the local Bar has struggled in recent years to absorb all of them. There are two points in this which need to be unpacked.

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<sup>2</sup> The number of lawyers called in this period were 230 (2006), 233 (2007), 230 (2008), 239, (2009), 248 (2010), 257 (2011). See for 2006 <[http://www.lawgazette.com.sg/2006-8/Aug06-News\\_MassCall.htm](http://www.lawgazette.com.sg/2006-8/Aug06-News_MassCall.htm)>; for 2007: <[http://www.lawgazette.com.sg/2007-7/mass\\_call.htm](http://www.lawgazette.com.sg/2007-7/mass_call.htm)>; for 2008 <<http://www.lawgazette.com.sg/2008-7/masscall.htm>>; for 2009 <<http://www.lawgazette.com.sg/2009-6/news1.htm>>; for 2010 <[http://www.supremecourt.gov.sg/data/AnnualReport/AnnualRpt2010/SE\\_mc.html](http://www.supremecourt.gov.sg/data/AnnualReport/AnnualRpt2010/SE_mc.html)>; and for 2011 <<http://www.lawgazette.com.sg/2011-10/219.htm>>.

8. First, the fresh law graduate is finding it increasingly difficult to secure a practice training contract. In 2014, the Minister for Law warned of a “lawyer glut” and highlighted that nearly 650 graduates were competing for about 490 training contracts that year.<sup>3</sup> Updated estimates from the Ministry of Law show that the gap had closed somewhat in 2015 with around the same number of graduates vying for 550 training contracts. However, even with that increase in the number of training contracts offered, the fact remains that some 100 graduates from last year’s cohort did not have the opportunity to pursue the basic practical training needed to qualify as full-fledged lawyers and reach the stage that you have today.
9. Second, even those who have been able to secure a training contract are feeling less assured about their prospects of retention. Anecdotal evidence suggests that, at some firms, the retention rate can be as low as one-third or half the original intake of trainees.<sup>4</sup> While this might not be representative of the entire field, it at least provides a glimpse of how the situation can be grim for many aspiring lawyers.

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<sup>3</sup> See “‘Lawyer glut’ due to spike in overseas graduates: Shanmugam” reported by Channel NewsAsia (21 Aug 2014), accessible at <[http://www.smu.edu.sg/sites/default/files/smu/news\\_room/smu\\_in\\_the\\_news/2014/sources/ug21/CNA\\_20140821\\_1.pdf](http://www.smu.edu.sg/sites/default/files/smu/news_room/smu_in_the_news/2014/sources/ug21/CNA_20140821_1.pdf)>

<sup>4</sup> See “Fresh law grads feeling squeeze of weak economy and competition” in TODAYonline (6 June 2016), accessible at <<http://www.todayonline.com/singapore/fresh-law-grads-feeling-squeeze-weak-economy-and-competition>>.

**(b) New technologies**

10. Let me turn to the second trend. The emergence of new technologies is of great relevance to you because these are poised to reconfigure the way in which legal services are accessed and delivered. Inevitably, some of our traditional, more labour intensive practices will be the first to come under threat as more efficient technologically enabled alternatives are developed. In that sense, the squeeze on jobs can potentially be expected to tighten.
11. What are some of these technologies and what are they capable of?
12. Let me offer some examples. In a recent report, two leading English law firms were featured as the latest to invest in technology “to automate the mundane tasks that have traditionally been the preserve of junior lawyers”.<sup>5</sup> The first is Linklaters which has developed a computer programme known as “Verifi” to scan more than a dozen regulatory registers to check client names for banks. With the ability to process thousands of names overnight, it easily outperforms the junior lawyer who would have taken an average of 12 minutes to search just one name. The second is Pinsent Masons with its new “Term Frame” system which is able to read and analyse clauses in loan agreements and assist a lawyer through a transaction with relevant precedents. Even more recently, it was reported that the “centrepiece” in the latest round of civil justice

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<sup>5</sup> See “Legal firms unleash office automatons” in Financial Times (17 May 2016), accessible at <<https://next.ft.com/content/19807d3e-1765-11e6-9d98-00386a18e39d>>.

reforms in the United Kingdom is the proposed establishment of a lawyer-less online court for the resolution of civil disputes under £25,000.<sup>6</sup> Such a court is poised to hear thousands of cases each year and, unsurprisingly, the English Bar is unsettled.<sup>7</sup>

13. Technology's inroads into legal practice are similarly evident across the Atlantic. An American law firm has been the first to officially hire ROSS, billed as "the world's first artificially intelligent attorney", for its bankruptcy practice.<sup>8</sup> Based on IBM's Watson, ROSS is able to read and process language, suggest hypotheses when posed questions, conduct research, and generate responses in natural language – just as you or I could. And this is no publicity stunt: ROSS has already been pilot-tested at Dentons, the world's largest law firm, and at approximately 20 other law firms.<sup>9</sup>

14. These developments attest to the widely held view that legal services are currently ripe for "Uberisation".<sup>10</sup> Just as traditional taxi companies have had to adjust to a world of apps, satellite navigation and sophisticated pricing

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<sup>6</sup> See "Judge calls for online court without lawyers to cut costs" in *The Times* (28 July 2016), accessible at <<http://www.thetimes.co.uk/article/judge-calls-for-online-court-without-lawyers-to-cut-costs-twwkj6dgw>>.

<sup>7</sup> See "Bar warns against lawyerless online court" in *The Law Society Gazette* (14 March 2016), accessible at <<http://www.lawgazette.co.uk/news/bar-warns-against-lawyerless-online-court/5054193.fullarticle>>.

<sup>8</sup> See "Meet Ross, the world's first robot lawyer" in *Fortune* (12 May 2016), accessible at <<http://fortune.com/2016/05/12/robot-lawyer/>>.

<sup>9</sup> See "Legal firms unleash office automatons" in *Financial Times* (17 May 2016), accessible at <<https://next.ft.com/content/19807d3e-1765-11e6-9d98-00386a18e39d>>.

<sup>10</sup> See "Technology: breaking the law" in *Financial Times* (12 April 2016), accessible at <<https://next.ft.com/content/c3a9347e-fdb4-11e5-b5f5-070dca6d0a0d>>.

algorithms, so too will the legal profession have to undergo a period of uncertain transitioning as technological “disruptors” automate, commoditise and, ultimately, force us to reimagine the way in which legal services are delivered to the public.

**(c) *Burnout of mid-career lawyers***

15. Finally, the third trend picks up from a startling observation made in 2014 by Mr Lok Vi Ming SC, the then President of the Law Society, that three out of four lawyers would have left the profession within the first decade of practice.<sup>11</sup> And on a cross-sectional view of the profession, statistics published this year reveal that the number of mid-tier lawyers with seven to 12 years’ experience consistently made up about 10% or less of the entire profession over the last five years.<sup>12</sup> To translate that into real numbers, there were only 423 mid-tier lawyers last year. In comparison, there were about 1,900 junior lawyers with less than seven years’ experience and about 2,500 seasoned practitioners with more than 12 years’ experience.
16. In every decision to leave the legal profession, a balance of factors will no doubt be at play. There will be certain “pull” factors, such as the lure of a better job or quality of life elsewhere, but often there will be a wide range of “push”

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<sup>11</sup> See Opening of Legal Year 2014, Address by the President of the Law Society, Mr Lok Vi Ming SC at para 11.

<sup>12</sup> See “As a career loses its sheen, law firms take action” reported by Channel NewsAsia (5 March 2016), accessible at <<http://www.channelnewsasia.com/news/singapore/as-a-legal-career-loses/2574860.html>>.

factors – long work hours made longer by technology that has made us accessible around the clock; a lack of real ownership over one’s work; and a sense that the opportunities for professional growth are shrinking. As these frustrations are compounded day after day in the grind of practice, they begin to take their toll on the young lawyer until, finally, the fire fizzles out. In short, he burns out. And to return to a point I made earlier, this is much more likely to transpire for those who never had the fire in them in the first place, having come to the law not because they were passionate about justice, fairness and service, but because they thought the prospects looked good.

**(d) Summary**

17. Pulling these three trends together, the picture which comes into view can appear quite unappealing to the young lawyer. In a saturated legal market, he faces a tough battle to get into and be retained by a firm; in the firm, he has to adjust uncomfortably to the presence of new, smarter machines that may expose his limited abilities and knowledge and may even do a better job despite never having been to law school; and in ten years’ time, he reaches the point, like so many of his peers, where he says that he has had enough and is ready to pack it in.

### III. Imagining a different narrative

18. Today, I suggest to you that it is within our means to alter that rather dismal picture. The issue of oversupply, the spectre of workplace automatons and the prospect of burnout all pose serious challenges to the profession, and I do not pretend otherwise. But as with most challenges, we must seek a solution and, often, that is likely to be found when we dare to imagine a different narrative and shift our mental attitudes to respond to the new circumstances that surround us. This might be easier said than done, but given what is at stake – namely, the futures of young lawyers like you and the health of the legal profession as a whole – I suggest that it is well worth the effort.

19. Allow me to return to each of the three trends to elaborate on what I mean.

**(a) *Tackling oversupply with a root and branch review of the training contract regime***

20. The issue of oversupply is ultimately a function of market forces and it is not one that the Government should be expected to solve. Even so, it is already being addressed in several ways. On the supply side, the list of UK Overseas Scheduled Universities has been reduced from 18 to 11 beginning with this year's intake.<sup>13</sup> While this was driven primarily by the desire to uphold training standards suited to our needs, it should also have an impact on the absolute

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<sup>13</sup> See "8 UK law schools to lose spots on recognised list" in TODAYonline (25 Feb 2015), accessible at < <http://m.todayonline.com/singapore/8-uk-law-schools-lose-spots-recognised-list>>.

number of graduates competing for training contracts. But I suggest that if the issue of oversupply is to be *meaningfully* addressed, a conscious effort must be directed at *streamlining* the supply at its source and, here, I am referring to those who decide to embark on the study of law. To them I say, first examine your motives. Law is not the only choice for those who have managed to secure a “fistful of ‘A’s”, as one interviewee put it to us. By all means, come if you are attracted to the ideals of the profession. But if it is the lure of financial rewards that draws you, you should look at other options or be prepared for disappointment.

21. Moving to the demand side, active steps have been taken to grow the pie over the years and these will continue. Last year, the Singapore International Commercial Court was launched to attract more international commercial disputes to these shores. Beyond litigation, efforts have also been made to promote alternative modes of dispute resolution. The Singapore International Mediation Centre began operations in November 2014 and the Singapore International Arbitration Centre continues to be the proud flag-bearer of our status as a centre for international dispute resolution.<sup>14</sup> Unquestionably, our share of the market for dispute resolution services has grown over the years because of the conscious efforts that have been made. Similarly, as we

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<sup>14</sup> See “Two key initiatives set to create more options for lawyers” reported on the Singapore International Mediation Centre’s website (3 Jan 2015), accessible at <<http://simc.com.sg/two-key-initiatives-set-create-options-lawyers/>>.

continue to strive to consolidate our position as a financial centre, this too will enhance opportunities for those interested in transactional work.

22. But, realistically speaking, it will take time for these continuing efforts to bear fruit and be felt on the ground. This is especially likely to be so at a time when the broader local and regional economy is in a “paradigm of slower growth” that could well last till the end of the decade.<sup>15</sup> In short, we should be prepared that the situation for fresh graduates and job-seekers is likely to remain difficult before it gets better.

23. Nevertheless, even as the market searches for its equilibrium, I believe that more can be done to alleviate the situation. With this in mind, I have established a committee known as the Committee for the Professional Training of Lawyers (“the Committee”). It is led by Justice Quentin Loh, a senior member of my bench, and two of our younger colleagues, Judicial Commissioner Aedit Abdullah and Judicial Commissioner Kannan Ramesh. Each of them has had extensive leadership experience at the Bar or in the Legal Service. They will be joined by members from the Ministry of Law as well as representatives from the Bar, corporate firms, the Attorney-General’s Chambers and the Legal Service.

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<sup>15</sup> See “Global economic uncertainty to last for next 3-5 years: Hng Kiang” in The Business Times (8 Apr 2016), accessible at <<http://www.businesstimes.com.sg/government-economy/singapore-budget-2016/global-economic-uncertainty-to-last-for-next-3-5-years-hng>>.

24. The Committee's remit will be to undertake a root and branch review of the entire training contract regime in Singapore. This will start with the process by which undergraduates are offered training contracts by local law practices and culminate in the process by which they are assessed in terms of their suitability for retention and employment.
  
25. A considerable part of the Committee's focus will be on what occurs in the middle of that continuum, namely, the substance of the supervised training itself. But I will return to that later. For present purposes, what bears highlighting is that the Committee will actively seek to understand the struggles of aspiring lawyers at the entry and terminal points of the professional training contract framework and recommend appropriate measures to address them. Securing a training contract to begin with and having a fair shot at retention at its end are undoubtedly the two main pressure points where all the anxieties generated by a situation of oversupply converge and compress to create what can be a rather tense situation for aspiring lawyers. It is perhaps no exaggeration to say that these are the critical moments where you find your futures hanging in the balance.
  
26. The Committee will therefore undertake a careful study of the current practices pertaining to how training contracts are applied for, offered and secured, locate where the tensions are, identify how they arise and suggest possible improvements. In this connection, the Committee will examine the desirability and feasibility of regulating this area and also the way in which firms market

training opportunities to undergraduates. Ultimately, the objective of the study is to find ways to ensure a high degree of consistency and transparency in the applications process so that graduates coming out of the law schools are afforded a *fair* opportunity to secure a training contract.

27. At the other end of the continuum, the Committee will examine whether retention policies should be made more structured and transparent. If so, then the possible ways of going about this might include requiring firms to publish their retention criteria, retention rates and other relevant data, such as data on the firm's attitude and commitment to *pro bono* work. It could also mean transparency on issues such as the opportunities for switching between departments within a firm and the willingness of the firm to ensure that offers of employment match the aspirations of the lawyer. Let me elaborate on this last point. An aspiring litigator may feel constrained to accept an offer in the corporate department of a firm because of difficult market conditions. From the firm's perspective, it has a slot to fill. But from another perspective, we are unlikely to see that lawyer achieve his full potential or even stay the course if he is forced into an area of practice that he is not passionate about.
28. The Committee will also explore the creation and formalisation of alternative structures to provide opportunities for those who are not retained to continue to have a viable future with the firms they have been trained in. It is a real shame that we risk losing so much budding legal talent even before these young lawyers have had a serious opportunity to be nurtured, and this is especially so

if the profession has the scope to explore alternatives that can accommodate them. Let me illustrate the point with a question: could practice trainees who are not offered employment contracts be retained as para-legals as the first step in the learning curve towards admission to full professional status at a future time? The idea of placing legally qualified persons in the para-legal pool where they can further develop their practical legal skills is not novel. The UK faces an even more acute situation of oversupply with reports showing that, in recent years, only 35% of bar course graduates managed to obtain pupillage places.<sup>16</sup> But what is instructive is that the firms there seem to be adjusting to this climate by creating more room for graduates within their para-legal pools. This is by no means a straightforward issue but it is interesting that a survey of some 40 UK law firms published this year revealed that more than half of them had recruited at least 20% of their latest intake of practice trainees from their para-legal pools.<sup>17</sup> In Australia too, para-legals were once somewhat pejoratively described as a lawyer's "shadow",<sup>18</sup> but the outlook there today is perhaps more enlightened as para-legals are no longer "pigeonholed into support roles".<sup>19</sup> Instead, they are given opportunities for training and re-joining

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<sup>16</sup> See "Just one-third of \$18,000 bar course graduates get pupillage" in *The Law Society Gazette* (6 May 2016), accessible at <<http://www.lawgazette.co.uk/news/just-one-third-of-18000-bar-course-graduates-get-pupillage/5055184.fullarticle>>.

<sup>17</sup> See the full survey results conducted by *Lawyer2B* in "Revealed: The firms that hire most trainees from their paralegals" (20 January 2016), accessible at <<http://l2b.thelawyer.com/revealed-the-firms-where-paralegalling-is-most-likely-to-lead-to-a-training-contract/>>.

<sup>18</sup> See Richard Harris, "Paralegal Education: A View from 'Down Under' – An Australian Perspective" (1996) 12 *Journal of Paralegal Education and Practice* 49 at p 59.

<sup>19</sup> See "Paralegal roles not 'dead ends' for aspiring law graduates" in *LegalWeek* (1 February 2016), accessible at <<http://www.lawyersweekly.com.au/news/17894-paralegal-roles-are-not-dead>>  
(*cont'd on next page*)

the mainstream route by demonstrating the quality of the work they do in this capacity. To be sure, re-defining the para-legal pool in this way is something that will have to be studied carefully before we embrace it in our setting;<sup>20</sup> but equally it should not be excluded out of hand. After all, it is not difficult to appreciate that this may also be one way of weeding out those who come into the law for no particular reason, and for whom this is just another means of employment, from those who have deliberately chosen the law because they care about pursuing justice and helping to make a meaningful contribution to society.

29. I recognise that there is no quick fix to the difficult issues we face in this context. Much of this will, as I have said, be governed by market forces. But the recognition of that reality does not mean that we resign ourselves to it. The Committee will therefore work towards providing, within the next 12–18 months, an informed set of recommendations on how the challenges of oversupply can be meaningfully addressed. I have discussed this closely with the Minister for Law and he is fully supportive.

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ends-for-aspiring-law-graduates>; see JI Cowley, “A Comparative Study of Paralegalism in Australia, the United States of America and England and Wales” (June 2004), accessible at < <http://epubs.scu.edu.au/cgi/viewcontent.cgi?article=1055&context=theses>>.

<sup>20</sup> See, for example, the feature article “Paralegal work: an uncertain stepping stone to a career in law” in LawCareers.net (19 April 2016), accessible at < <http://www.lawcareers.net/Information/Features/19042016-Paralegal-work-an-uncertain-stepping-stone-to-a-career-in-law>>.

**(b) *Embracing technology with an open mind***

30. Turning to the problem posed by technology, this is ultimately a problem of attitude and perception at its core. Think of technology as a pernicious threat to your job to be resisted, and it will defeat you. But think of it as a potent tool at your disposal to be embraced, and it will empower you. Electronic databases like LawNet, Westlaw and LexisNexis enable you to search all manner of legal material not just from our jurisdiction, but from across the globe. This was unheard of in my time when research had to be done in the library flipping painstakingly through books and law reports. Lawyers of my generation had to learn to accommodate the sweeping changes of the last two decades. But for you, working with technology is second nature.
31. In fact, the great strength of your generation is your ability to access information technology which enables you to harness an abundance of creative energy from a multitude of vicarious experiences. Leverage on that spirit and know-how and you will have nothing to fear when the smart machines invade the workplace. Chances are that these technologies will disrupt and cut into many areas of your work, but stay nimble and receptive and redefine your role. Computer programmes which are designed to automate labour-intensive work such as the reviewing of documents will free you up to pursue more high-value work. As Tom Bathurst, the Chief Justice of New South Wales, recently observed in the context of advocacy work, what will “remain untouched by technology’s clutches for the longest” will be the areas

of practice from which the most intellectual satisfaction is often derived, such as “the preparation and assessment of evidence, ensuring that the case as pleaded can be established and, of course, its actual presentation”.<sup>21</sup> If we come to the issue in this way, then we can expect, as Richard Susskind suggests, that “the 2020s will be a decade of redeployment not unemployment”.<sup>22</sup>

**(c) *Beating burnout through a recalibration of priorities***

32. Finally, I come to the hollowing out phenomenon seen among mid-career lawyers. As I noted earlier, there is no one explanation for this. But it is obvious that the long hours and great stresses placed on young lawyers daily contribute significantly towards this migration from the law.<sup>23</sup> And this is exacerbated for those who find themselves spending the hours doing something they have no passion for.

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<sup>21</sup> See the address delivered by The Hon T F Bathurst AC, Chief Justice of New South Wales, at the 2015 Australian Bar Association Conference: “Advocate v Rumpole: Who Will Survive? An Analysis of Advocates’ Ongoing Relevance in the Age of Technology” (9 July 2015) at para 29.

<sup>22</sup> See “Susskind: You have five years to reinvent the legal profession” in *The Law Society Gazette* (27 April 2016), accessible at <<http://www.lawgazette.co.uk/law/susskind-you-have-five-years-to-reinvent-the-legal-profession/5054990.fullarticle>>.

<sup>23</sup> In Australia, the growing concern over young lawyers being exploited and overworked has led to the launch by the Law Institute and the Victorian Bar of a foundation aimed at improving mental health in the legal profession, known as the Wellbeing and the Law Foundation: see, in this regard, “Firms exploiting young lawyers, says Chief Justice Marilyn Warren” reported in *The Australian Business Review* (13 September 2013), accessible at <<http://www.theaustralian.com.au/business/legal-affairs/firms-exploiting-young-lawyers-says-chief-justice-marilyn-warren/story-e6frg97x-1226717910085>>.

33. The demanding working conditions that we see in firms today is but a symptom of the overt commercialisation of legal practice.<sup>24</sup> Perhaps this is most evident in how perceptions of the billable hour have evolved. What started off as a transparent technique for charging clients has today been “transformed into a powerful tool for measuring and controlling the work of employee solicitors” through the setting of high billing targets and the insistence on assessing work performance against that metric.<sup>25</sup> In short, time is money; and an increasing emphasis on the latter means that young lawyers are expected to sacrifice more of the former, with “the only real outer boundary”, it seems, being that that there are only 24 hours in a day<sup>26</sup> – and that is if we leave aside those who gain hours as they cross time zones!
34. This “priority of profit” perspective is damaging to young lawyers in at least two ways.<sup>27</sup>
35. First, it affects their *professional development* adversely. If the focus of the firms is on billing as much time as possible, it will come as little surprise that

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<sup>24</sup> See Chief Justice Warren E Burger, “The Decline of Professionalism” (1995) 63 Fordham L Rev 949; see also Joanne Bagust, “The Legal Profession and the Business of Law” (2013) 35 Sydney L Rev 27.

<sup>25</sup> See Iain Campbell and Sara Charlesworth, “Salaried Lawyers and Billable Hours: A New Perspective from the Sociology of Work” (2012) 19 Int’l J of the Legal Profession 89 at pp 92–93.

<sup>26</sup> See Scott Turow, *The Billable Hour: Our Gilded Cage* ch 1 in Lawrence J Fox (ed), *Raise the Bar: Real World Solutions for a Troubled Profession* (American Bar Association, 2007) at p 6.

<sup>27</sup> See Deborah L Rhode, *The Trouble with Lawyers* (Oxford University Press, 2015) at p 11.

nurturing activities such as mentoring will be de-prioritised.<sup>28</sup> In 2002, I worked closely with the then Board of Legal Education to draw up a checklist of matters that a pupil should receive training and instruction on from his pupilmaster.<sup>29</sup> The purpose of the checklist was to ensure that pupils were exposed widely to the different areas of practice as well as to establish a close mentoring relationship between the master and the pupil that could be cultivated and carried on even after pupillage. Today, that checklist, with some modifications, remains part of the practice training requirement.<sup>30</sup> But I gather, at least anecdotally, that for some supervising solicitors, it has become a perfunctory exercise of simply checking off the boxes.

36. The second harmful effect of a profit-driven mindset is on a lawyer's *professional satisfaction*. I speak from experience when I say that much of a lawyer's sense of fulfilment is derived from being able to immerse himself fully in his client's situation and guiding the client through the problem to its solution. But the purity of that experience is tainted when money is fixed at the back of one's mind.<sup>31</sup>

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<sup>28</sup> See "An Investigation of the Billable Hour" in LexisNexis Legal Newsroom (10 April 2012), accessible at < <https://www.lexisnexis.com/legalnewsroom/lexis-hub/b/careerguidance/archive/2012/10/04/an-investigation-of-the-billable-hour.aspx?Redirected=true>>.

<sup>29</sup> See "Checklist sets expectations for trainee lawyers" in The Straits Times (5 January 2002).

<sup>30</sup> See The Schedule to the Guidelines for Practice Training Contracts made pursuant to s 23 of the Legal Profession (Admission) Rules 2011 (S 244/2011).

<sup>31</sup> See, for a similar sentiment, Anthony T Kronman, *The Lost Lawyer: Failing Ideals of the Legal Profession* (Harvard University Press, 1993) at p 299.

37. I should not be mistaken for saying that the business side of practice is unimportant. The real point I am making is that there needs to be a recalibration of priorities which places a higher premium on the genuine nurturing of young talent because this is vital for our collective future. For this to materialise, our law firms must see themselves as “educational institutions with a duty to train” their young lawyers into the very best version of themselves.<sup>32</sup>

38. Let me to return to the work of the Committee headed by Justice Loh. As alluded to earlier, the Committee’s remit will also extend to the study of how we can improve the quality of supervised training offered to practice trainees and, here, emphasis will be placed on the duties and responsibilities of law practices and supervising solicitors, as well as on the nature, form and content of the training they *do* offer and on what they *should* offer. This will in turn entail a broad-based consideration of a host of issues, including without being limited to the following:

- (a) whether it is desirable and possible to have a structured training programme;

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<sup>32</sup> See Ben W Heineman Jr, William F Lee and David B Wilkins, “Lawyers as Professionals and as Citizens, Key Roles and Responsibilities in the 21st Century” (20 Nov 2014), published by the Harvard Law School Centre on the Legal Profession, accessible at < [https://clp.law.harvard.edu/assets/Professionalism-Project-Essay\\_11.20.14.pdf](https://clp.law.harvard.edu/assets/Professionalism-Project-Essay_11.20.14.pdf)>.

- (b) what such a programme should feature, including the proper integration of matters covered in Part B of the Singapore Bar Examination in a practical setting;
- (c) if requirements are to be prescribed for firms, how adherence should be monitored;
- (d) what is to be expected of supervising solicitors in terms of the degree and quality of the supervision they provide; and
- (e) whether and how *pro bono* activities should be integrated as part of supervised training.

The possible impact and demands this may place on the young lawyers, the supervising solicitors, and the law firms or organisations, will of course be weighed and considered.

39. Ultimately, what seems to be the prevailing view of the young lawyer as a commodity whose timesheet is allowed to say more about his value than his individual personality and potential is unsatisfactory. At one level, it is unsustainable for the profession because it is not the way to go about developing young lawyers. On another level, it does not make for the sort of job satisfaction that lawyers are entitled to expect. The Committee's intervention should therefore prove timely as it looks to introduce measures to redress the imbalance of priorities. If that can be done, then I believe that young lawyers will be reinvigorated and, in the longer term, we will hopefully

see less of them leaving the law as more of them come to appreciate that this is a calling more than it is a business.

#### **IV. Conclusion**

40. Today, you have earned your place in this honourable profession and I congratulate you and your loved ones by whose unwavering support you have made it this far. Welcome – you can now officially call yourself an advocate and solicitor of the Supreme Court. But how you define yourself as a *lawyer* will be far more important and that will be shaped by your daily actions and deeds.
  
41. There is an African proverb – that it takes a village to raise a child. There are at least two aspects of this adage that should be teased out as you think about how you will define yourself as a lawyer. The first is that we *do* depend on elders in our community to transmit the values, norms and standards that must be cherished and nurtured so that the young can appreciate what it means to become a part of that community and in time be well integrated within it. This is pertinent to your calling as advocates and solicitors. You are now the newest members of this profession and I call upon the whole extended family of lawyers to step forward and assume the responsibility of forming you as legal professionals of whom we can be proud. The second aspect of the adage is that, beyond the family, we look to the wider community to help shape us into what we should strive to become. I am speaking here of role models. In a few hours, on this very day of your call to the Bar, the nation will hold a State

Funeral to honour one of her most exceptional and illustrious sons. Mr S R Nathan distinguished himself in many different capacities, including as our longest serving President. In all of these capacities, some recurrent themes could be seen: selfless service, duty, humility and courage, among others. These are not empty words. They are fundamental virtues, each different from the next but all equally laden with meaning and moral purpose. And they came together in one extraordinary man whose strength of character is perhaps best illustrated by his singular act in leading a team that would accompany and thereby guarantee the safe passage of the terrorists who had hijacked the Laju in return for the freedom of the hostages that had been taken.<sup>33</sup> This exemplified self-sacrifice of the very highest order. Mr Nathan was a true Singapore hero for this and many other achievements in a life's journey which he described as unexpected and which shall remain uniquely his own.<sup>34</sup> I invite you, on this day, as you begin your own professional journeys, to adopt him as a personal role model by whose universal qualities of courage, devotion to duty, humility and selfless service, you might be inspired.

42. I want to close my address by referring to something that my colleague, Judicial Commissioner Debbie Ong, once wrote in an essay while she was a teacher of the law. She dedicated it to those who had spent their professional

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<sup>33</sup> See, in this regard, "The late former President S R Nathan's role in Laju incident: 7 things to know" in The Straits Times (24 August 2016), accessible at <<http://www.straitstimes.com/singapore/the-late-former-president-s-r-nathans-role-in-the-laju-hijacking-7-things-to-know>>.

<sup>34</sup> See S R Nathan, *An Unexpected Journey: Path to the Presidency* (Editions Didier Millet, 2011).

lives practising family law because she found it inspiring that, amidst the growing lure of commercial practice, there were some who chose to practice family law out of a genuine desire to help those in need. Of them, she wrote, “How blessed to be the hand that saves another from utter despair.”<sup>35</sup>

43. The law is a wonderful profession because it allows you to be that blessed one who extends a hand of hope to those who feel hopeless. You should be excited by the opportunities this noble profession will give you to be a critical part of the administration of justice; to be engaged in the pursuit of fairness and what is right; and to be a source of assurance to those who feel they have been wronged and wish to seek redress. If you are driven by these opportunities and by a selfless and courageous commitment to serve justice, you *will* find this an immensely satisfying and very exciting journey. It begins for you today and it is my pleasure to wish you all the best.

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<sup>35</sup> See Debbie Ong, “Family Lawyering ‘Justice’” in *Law Gazette* (July 2008) at pp 30–33.