

ADMISSION OF ADVOCATES & SOLICITORS

SATURDAY 27 AUGUST 2016

ADDRESS BY JUDGE OF APPEAL CHAO HICK TIN

Vice-President of the Law Society, Mr Gregory Vijayendran

Distinguished Guests

Ladies and Gentlemen

1. Good morning. It gives me great pleasure to be here to welcome each of you into the legal profession.
2. Today is a significant milestone in your lives. Understandably, given the occasion, you might be experiencing a range of emotions. There will be a sense of pride in having completed six gruelling months of training in a law firm. And looking ahead, some of you may be eager at the prospect of embarking on a new legal career, although others may be less sanguine about whether they will be able to stay the course. But no doubt all of you will feel a towering sense of gratitude to those who have supported you in your journey to this point. Indeed, as much as today marks an important personal achievement for each of you, it is also, in a broader sense, the culmination of a long and shared endeavour of parents, loved ones, teachers and friends.

3. To add to this mix of emotions, you may also have felt a surging sense of duty and responsibility when you put on your robes and took your oaths a moment ago. Often you will hear that the law is a noble profession and indeed *it is*. Do not grow so cynical to dismiss this as a motherhood statement, and do not be so indifferent as not to care to examine what it truly means. I would firmly say that you *have* indeed joined a noble profession because, at its heart, what it means to be a lawyer is to be someone who stands at the service of others in the cause of justice. There is nothing grand about this but only something pure – which is that, stripped of everything else, the lawyer’s very reason for being is the uncomplicated pursuit, in each and every case, of what is right and fair. It can be easy for this to become obscured in the humdrum of everyday practice but if you are passionate about what you do and have a keen grasp of *why* you are doing it, you will be able to link your small, seemingly inconsequential acts to the bigger picture of your role in society and, in that way, find great fulfilment in what you do.

4. The Chief Justice spoke eloquently yesterday about these same ideals of justice, service and doing right which he feared were slipping from view. I share his concerns, which is why I am now reiterating the same strong message to you. However, I would still highly recommend that you read the Chief Justice’s speech in full when the full text is published because my address today is only intended to give you a snapshot of the very important themes he had elaborated on, one of which was this signal imperative of bringing home to young lawyers the essence of being a lawyer.

5. Apart from this critical observation, the Chief Justice also identified three important recent trends which have altered the nature of legal practice in Singapore and which directly affect young lawyers like you. These three trends are: (a) the oversupply of young lawyers; (b) the invasion by new and smarter technologies of the workplace; and (c) the hollowing out of mid-career professionals caused by burnout.

6. The Chief Justice gave strong empirical and anecdotal evidence of each of these trends before pulling them all together to reveal, in his words, a “rather dismal picture”. This picture is one viewed from the perspective of the young lawyer and was succinctly described by the Chief Justice in the following terms:

... In a saturated legal market, [the young lawyer] 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.

7. Like the Chief Justice, I am of the view that the legal profession must be ready and willing to adapt itself to create and find plausible solutions to these difficult challenges. Of course, we could choose to surrender the problem of oversupply entirely to the market to be corrected in its own

time, or shut our eyes to the new technologies that surround us, or shrug our shoulders and accept that the problem of mid-career burnout is just the way it is or has become. But to adopt a *laissez-faire* attitude towards such serious issues that stand potentially to affect the long-term health of the profession intuitively causes us some discomfort and, on deeper reflection, cannot be sound. The appropriate response must therefore be proaction rather than inaction. This is why the Chief Justice's address yesterday is significant, because in it he presented concrete and practical proposals on how those challenges could be met. I will now briefly outline some of these salient proposals.

8. First, on the issue of oversupply, the Chief Justice rightly recognised that this is ultimately a function of market forces but, equally, he said that we could not simply resign ourselves to that reality. He therefore described how steps have actively been taken to grow the demand for dispute resolution services and transactional work in Singapore. At the same time, he also spoke of how the supply of people coming to the profession can be streamlined through conscious efforts at ensuring that only those who are motivated by the right ideals embark on the study of law.
9. But perhaps most significantly, the Chief Justice announced yesterday that a committee known as the Committee for the Professional Training of Lawyers ("the Committee") has been established to undertake a root and branch review of the entire training contract regime in Singapore. The Committee is led by Justice Quentin Loh, a senior member of the judiciary,

and two of our younger colleagues on the bench, Judicial Commissioner Aedit Abdullah and Judicial Commissioner Kannan Ramesh. They will be joined on the Committee by members from the Ministry of Law, as well as representatives from the Bar, corporate firms, and the Legal Service.

10. Without detracting from the considerable breadth of the Committee's remit, I note that it will be studying how the pressures faced by aspiring lawyers in a climate of oversupply may be alleviated. Typically, these pressures tend to manifest themselves most strongly at two points in the training contract framework – this is when fresh graduates set out to secure training contracts and when practice trainees look to secure retention within a firm. At both these points, the Committee will explore ways of ensuring that, as far as practicable, every aspiring lawyer concerned is presented with a *fair* opportunity at obtaining what he or she requires to qualify as the full-fledged lawyers you have become today.

11. To provide a glimpse of what is being contemplated, the Chief Justice mentioned that, at the stage of retention, the Committee will examine whether firms' retention policies should be made more structured and transparent. If this is found desirable, then the possible ways of going about it might include requiring the publication of 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. In addition, the Committee will also explore the creation and formalisation of alternative structures to provide opportunities for those who are not retained in the firms as lawyers to continue to have a viable future with the firms that they have been trained in. For example, such individuals could be kept on as para-legals who will continue to have the opportunities to develop their practical legal skills as they strive towards being eventually employed as full-fledged lawyers by either the same firms or some other firms.

12. This hopefully gives you a sense of the important work of the Committee.

It is envisaged that the Committee will submit its report with its recommendations in the next 12–18 months.

13. Before I move to the next trend, let me just return to what I briefly said earlier on this issue of oversupply. I believe there is a silver lining in the horizon. The Chief Justice did say that “active steps have been taken to grow the pie over the years” and, I believe, over time these initiatives will bear fruit. As it is, we now have the Singapore International Commercial Court which was launched last year, specifically to attract more international commercial disputes to our country. The demand for alternative dispute resolution has also been growing. The Singapore International Mediation Centre which began operations in November 2014 and the Singapore International Arbitration Centre continue to move us forward as a premier dispute resolution hub. Added to these developments are continuous efforts at strengthening our position as a financial centre which should attract more transactional work. Therefore, taking a longer term view of matters, there is

reason to be optimistic about a growing legal pie which should, in turn, translate into a greater need for legal services.

14. The second trend which the Chief Justice spoke about was the emergence of new technologies, such as artificially intelligent machines, which are poised to disrupt the ways in which we are accustomed to delivering our legal services. This is an uncomfortable prospect because most of us are creatures of habit and so resistant to change; what more the kind of transformational changes that are afoot here.

15. However, as the Chief Justice perceptively pointed out, the problem with technology is “ultimately a problem of attitude and perception at its core”. In other words, the real battle with the new machines will have to be fought out in the mind. If you choose to be suspicious of them, you will avoid every opportunity that there is to deploy them and, chances are, you will become a less capable lawyer than you otherwise might have turned out to be. I say this because advances in technology are invariably intended to simplify and automate tasks for us, thereby enhancing our capacity to do more than we ever could. And often you will find as a result of embracing technology in this way, your time will be redirected to the things in practice that demand the greatest mental application and from which you will thus enjoy the greatest intellectual satisfaction.

16. Finally, the third trend which the Chief Justice touched on was the problem of mid-career burnout, a phenomenon he traced to the “overt commercialisation of legal practice”. He identified two ways in which this

was damaging to young lawyers and how it might drive them away from the law. First, the priority given to the pursuit of profit in firms leads unsurprisingly to a reduction in time and attention given to nurturing activities such as mentoring – in this way, a young lawyer’s *professional development* is compromised. Second, the heavy emphasis on billing, with billable hours as the essence, prevents a lawyer from immersing himself fully in his client’s situation and guiding him patiently towards the solution – in this way, a young lawyer’s *professional satisfaction* is diminished.

17. The Chief Justice therefore strongly urged a “recalibration of priorities” within firms such that a “higher premium” is placed on the genuine nurturing of young talent. In his words, “this is vital for our collective future”. And to assist in this re-balancing of priorities, the Chief Justice again mentioned the work of the Committee headed by Justice Loh which will study how the quality of supervised training offered to practice trainees can be improved. In this regard, emphasis will be placed on the duties and responsibilities of supervising solicitors, as well as on the nature, form and content of the training the firms *do* offer and on what they *should* offer.

18. Let me conclude by returning to the point I began with, which is that the law is a noble profession and I hope its simple yet stirring ideals resonate deeply with you. If they do, then you can be confident that, despite all the setbacks and disappointments that come your way, you will still want to press on because you are in the right place doing what you love. That has been my own experience for close to 50 years, doing something which I

feel as intensely about as when I was first qualified. Indeed, the practice of law has given me great satisfaction and, if you approach it in the right way, you will see too, in the years ahead, that there is much it has to offer.

19. It leaves me to congratulate you and your loved ones on your tremendous achievement today. I wish you all the very best.