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**REPORT OF THE  
COMMITTEE FOR THE  
PROFESSIONAL TRAINING  
OF LAWYERS**

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March 2018

The Committee for the Professional Training of Lawyers is pleased to submit this Report for consideration.

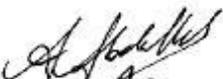
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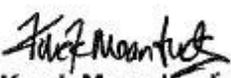
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(Chairperson)



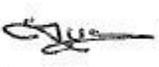
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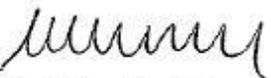
Mr Kwek Mean Luck, SC



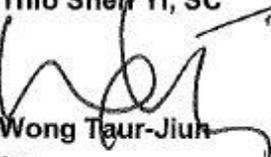
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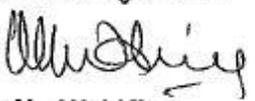
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Mr Thio Shen Yi, SC



Mr Wong Taur-Jiun



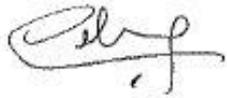
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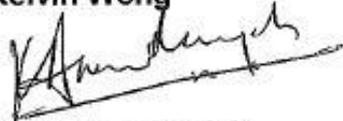
Mr Tito Isaac



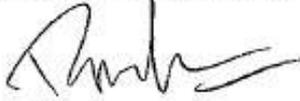
Mr Daniel Koh



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**Mr Paul Tan**



**Ms Smitha Menon**

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**REPORT OF THE  
COMMITTEE FOR THE PROFESSIONAL TRAINING OF LAWYERS**

**EXECUTIVE SUMMARY**

1. The Committee was established to conduct a root-and-branch review of the professional training regime for trainee lawyers.
2. Although the Committee was formed against a backdrop of intense competition for practice training contracts in the legal industry, it is not its purpose nor within its remit to address the issue of supply and demand of lawyers, which is properly a function of market forces.
3. The Committee has therefore eschewed market-based solutions and focused its attention solely on measures to strengthen the entire professional training regime such that the quality of training remains robust and the process for accessing training opportunities remains fair, regardless of economic conditions. Ultimately, these are the means by which the profession can be assured that future generations of lawyers are imbued not only with sound technical skills, but also the right professional values.
4. Indeed, the Committee views quality training as an integral process through which the truest values of the legal profession may be passed on to its junior members. These include compassion, a commitment to continuous learning, the pursuit of excellence and, above all, a spirit of public service. In this regard, law practices and senior members of the profession must endeavour to provide training that helps its junior members to cultivate such values.
5. In line with its focus on training, the Committee reviewed the existing professional training regime and found that a variety of challenges are posed at different stages. To provide a snapshot of some of these challenges:
  - (a) *At the stage of obtaining a practice training contract:* a lack of training information, intense competition for practice training contracts, and perceived unfair recruitment practices.
  - (b) *During the practice training period:* a lack of consistency in training standards across firms, superficial compliance by firms with prescribed training standards, and limited opportunities for rotation and for meaningful interaction with supervising solicitors.
  - (c) *After the completion of the practice training contract:* a lack of transparency in the decision-making process regarding the retention of

practice trainees, lateness in the conveying of retention decisions, and inadequate emphasis on continuous training.

6. Before turning to elaborate on the Committee's recommendations proper, it is apt to sound a few cautionary notes.
7. First, those who aspire to read and practise law should examine their motivations for doing so. The decision to read law must be a carefully considered and calibrated one with a full appreciation of all the challenges it presents and the commitment and spirit of public service it demands. A mismatch between expectation and reality could be a chastening experience. Indeed, those who are attracted to the practice of law purely for the perceived financial rewards or prestige are unlikely to stay the course because of the inevitable struggle they will face to find fulfilment in their work amidst the sacrifices they will have to make. It will also be observed that reading law, especially overseas, often comes at considerable financial cost for their parents. For these reasons, the decision to embark on this path ought not to be made lightly.
8. Second, the conditions in practice are set to become even more challenging as the legal industry undergoes transformative changes from within and without.
  - (a) New forms of technology such as artificial intelligence are poised to render many of the more routine legal tasks obsolete.
  - (b) More cost-conscious and savvy clients are less willing to pay for legal services—especially those provided by junior lawyers—when there is no or little perceived value-add. The advent of artificial intelligence compounds the problem.
  - (c) The emergence of less rigid and less regulated forms of legal businesses will disrupt the way in which legal services are delivered.
  - (d) A more interconnected world means that competition for legal services will intensify.

It must be stressed that the Committee's recommendations are not to be mistaken for a panacea to these evolving and multi-faceted challenges which aspiring lawyers will face.

9. The Committee also considered re-imagining the entire professional training regime. However, it decided against this approach after examining alternative training models in other major jurisdictions. The Committee finds that the general structure of the existing training regime in Singapore, which relies on a centrally-administered course and examinations followed by supervised

training in law firms, strikes the right balance between consistency in assessment and flexibility in training.

10. The Committee's recommendations fall into two broad categories:
  - (a) Higher order "structural recommendations" which propose changes to the existing structure of the professional training regime; and
  - (b) More targeted "specific recommendations" which are focused on strengthening the quality of the training offered by law practices and the processes by which they offer training contracts and retain practice trainees.
11. A summary of the Committee's recommendations is as follows:

Structural recommendations

- (a) Uncouple the admission to the Bar from the completion of a practice training contract.
- (b) Raise the standard and stringency of the Part B examinations.
- (c) Lengthen the practice training period from six months to one year.

Specific recommendations

*Training-centric recommendations*

- (d) Confer on practice trainees limited practising rights after six months of training.
- (e) Require (subject to limited exceptions) the practice training contract to be completed with a single law practice.
- (f) Permit up to three months of the practice training contract to be completed at approved in-house legal departments of pre-qualified corporations.
- (g) Encourage the rotation of practice trainees to contrasting practice areas.
- (h) Encourage a buddy system for practice trainees.
- (i) Require quarterly feedback sessions between supervising solicitors and practice trainees, and deliberate discussions on the issue of retention.
- (j) Introduce a channel for the surfacing and mediation of disputes in relation to practice training contracts.

- (k) Mandate CPD-style training during the practice training period and a minimum of two years thereafter that is focused on developing skills specific to practice trainees and junior lawyers.
- (l) Introduce initiatives focused on training the trainers (*ie*, the supervising solicitors).
- (m) Promulgate materials to provide better guidance for law practices and supervising solicitors in relation to training.
- (n) Designate a “training partner” in law practices with six or more lawyers.
- (o) Introduce an audit review mechanism, which will allow independent review solicitors to conduct random audits of law practices.
- (p) Encourage the opening up of in-house training by larger law practices to practice trainees from smaller law practices.
- (q) Introduce a scheme for mentoring by “elder statesmen” of the profession.
- (r) Introduce formal avenues for practice trainees to interact and share their experiences.

*Process-centric recommendations*

- (s) Introduce a moratorium on applications for practice training contracts.
- (t) Enhance publication of training and retention information by law practices.

## I. INTRODUCTION

### A. The Committee's mandate

1. The Committee was established by the Honourable the Chief Justice Sundaresh Menon in August 2016 to undertake a holistic review of the professional training regime for trainee lawyers in Singapore with a view to ensuring its continued relevance. The Committee was tasked to study, among other things:
  - (a) The desirability of maintaining or modifying the present professional training regime, or re-imagining an entirely different regime.
  - (b) The nature, form and content of professional training and education of practice trainees.
  - (c) The duties and responsibilities owed by Singapore law practices and supervising solicitors towards practice trainees.
  - (d) The practice and process by which law students secure training with and retention by Singapore law practices.
  - (e) The feasibility of requiring practice trainees to undertake pro bono obligations as part of their professional training and education.
  - (f) The possibility of new and alternative career opportunities for law students in the practice of law.
2. The central theme unifying these various areas of consideration is *training*. This sets the Committee apart from the four previous Committees on the Supply of Lawyers ("Supply Committees") appointed by the Minister for Law, which focused on regulating and making recommendations that would affect the *supply* of lawyers.<sup>1</sup> That entailed close consideration of the manpower needs of the legal industry at a particular point in time and developing responses appropriate to those needs.

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<sup>1</sup> The brief terms of reference for each of the Supply Committees are set out here to underscore how the present Committee is tasked with a very different undertaking: (a) The first Committee on the Supply of Lawyers was appointed in 1992 "to report on the supply of lawyers and to make recommendations on how to reduce its growth to an acceptable level"; (b) The second Committee on the Supply of Lawyers was appointed in 1999 "to review the supply of lawyers in Singapore and recommend changes, if any, to the present qualifications and Singapore Bar admission requirements for law graduates from the National University of Singapore and universities from the United Kingdom and other common law jurisdictions"; (c) The third Committee on the Supply of Lawyers was appointed in 2005 "to review the supply of Singapore lawyers to meet the legal and business needs of Singapore"; and (d) The fourth Committee on the Supply of Lawyers was appointed in 2012 on almost the same terms as its predecessor; it was tasked "to review the supply of Singapore legal professionals to meet the legal and business needs of Singapore".

3. It is important to appreciate the difference in remit between this Committee and the earlier Supply Committees because issues of training and supply can seem intertwined. Indeed, and as will be elaborated shortly, there has in recent years been a shortage of practice training contracts in the legal industry which is less than conducive to fair access to training opportunities and the meaningful delivery of high quality training. In this context, it might be tempting for the Committee to propose solutions that are designed to reduce the supply of lawyers at source, for example, by reducing the intake of law students by local universities or enhancing the academic requirements for graduates returning from overseas universities.
4. However, it is beyond the mandate of the Committee to propose solutions which seek to interfere directly in the market. The Committee's work has been undertaken on the basis that present market conditions are what they are and it makes its recommendations based on a longer-term, market-neutral perspective of ensuring that the overall standards within the professional training regime are lifted.
5. It bears further highlighting from the outset that the Committee's recommendations do not extend to areas outside the professional training regime. In particular, no recommendation has been made which prescribe a limit on the intake of law students by universities, the kind of content that should be taught as part of their curricula, or the appropriate length of study. The Committee has also not ventured to recommend adjustments to the Part A of the Singapore Bar examinations ("Part A examinations") or relevant legal training schemes for returning law graduates from overseas. It will be for the relevant stakeholders who oversee those areas to introduce any changes they consider appropriate.

**B. Some preliminary observations**

**1. *The focus of the Committee's work: Training and values***

(i) *Law as a profession and public service*

6. The Committee's principal focus is on reviewing aspects of the professional training regime which relate to the quality of *training* that trainee lawyers receive, and the transparency and fairness of the *process* through which they have access to training opportunities. Suitable proposals in these areas can help to build a strong, enduring foundation for future generations of lawyers, whatever the economic conditions may be.
7. Yet, training should not be understood narrowly as being concerned only with the development of one's professional *skills*. There is no doubt that improving the technical proficiency of trainee lawyers is an integral part of their development, but that should not constitute the entire sum of their training. If

trainee lawyers receive training only for the purpose of honing their skills and are taught nothing about the deeper *purpose* associated with acquiring those skills, then there is a risk that they will develop into lawyers who do not identify with the ideals of the profession. Lawyers who develop in this way will likely view legal practice as no more than a means of earning a livelihood; an individual pursuit for purely personal gains.

8. In this regard, it bears highlighting that the law is a profession and, as professionals, lawyers must be imbued with a spirit of public service. There are other important values such as compassion, a dedication to continuous learning and the pursuit of excellence which are integral to the makeup of a lawyer.<sup>2</sup> But it is the idea that the law is innately concerned with the provision of a public good for the betterment of the human condition as a whole—rather than of oneself alone—that marks it out as a profession rather than an occupation.
9. Trainee lawyers must cultivate this spirit of public service as part of their professional growth and the onus falls upon the senior members of the profession to nurture them in this way. As Chief Justice Sundaresh Menon has said, “there is simply no substitute for human connections and mentorship when it comes to the transmission of values”.<sup>3</sup>
10. This means that mentors must first and foremost be motivated by the right reasons to practise law and conduct themselves in the right way. They have to lead by example. If they are driven purely by profit and the accumulation of material wealth, it will manifest in the manner in which they conduct their practice and the treatment of their trainees as mere units of labour or as cost centres. Importantly, mentors should also encourage rather than be lukewarm towards their trainees taking on pro bono work. The Committee received feedback that trainee lawyers are generally keen on pro bono work but usually have little or no capacity to do so because of the pace and volume of their work. Mentors can certainly do more to encourage and create a conducive environment for trainee lawyers to develop their passion for pro bono work. This is something that is touched on towards the end of this Report at [172]–[175].

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<sup>2</sup> See speech delivered by Chief Justice Sundaresh Menon at the 23rd Gordon Arthur Ransome Oration (21 July 2017), “Law and Medicine: Professions of Honour, Service and Excellence” (“*Law and Medicine*”), at para 42, accessible at [https://www.supremecourt.gov.sg/docs/default-source/default-document-library/abstract-for-annals---23rd-gordon-arthur-ransome-oration---law-and-medicine---professions-of-honour-service-and-excellence-\(040817\)-docx](https://www.supremecourt.gov.sg/docs/default-source/default-document-library/abstract-for-annals---23rd-gordon-arthur-ransome-oration---law-and-medicine---professions-of-honour-service-and-excellence-(040817)-docx).

<sup>3</sup> See *Law and Medicine* at para 23.

(ii) *Possessing the right motivations to read law*

11. Aspiring lawyers must also be frank in asking themselves why they are attracted to the profession. There is a common perception that the law provides a lucrative career. While the profession may have its financial rewards, individuals who are attracted to the law solely or primarily as a means to accumulate material wealth should seriously re-examine their motivations in order to avoid being disappointed or disillusioned. This applies equally to those who covet a law degree or a legal career purely for its perceived prestige. These goals may ultimately prove to be “too thin and too anaemic to provide the moving force for a lifetime of labour”.<sup>4</sup>
12. What sets a person on the path towards a long and fulfilling career in the law is instead a clear identification with the ideals of the profession coupled with the passion to uphold them through the honest and committed application of one’s learning. Students should embark on the study of law anchored by a strong sense of justice and compassion, and driven by a desire to make sure that those who look to the law for protection are well represented. They must be committed to upholding the rule of law and possess a spirit of public service. If they are imbued with these ideals, they will likely find that, even in the most testing of times, they will want to persevere because they are advancing a cause in which they wholeheartedly believe.
13. Nonetheless, the Committee also recognises that, for many young students embarking on their university education, the law is perhaps only one option which they would consider favourably rather than a calling to which they are strongly drawn. This may be explained by the fact that, at their relatively young age and with their limited workplace experience, they may not be able to fully appreciate what the study and practice of law involves, and how it compares with other viable career options. Given that this is a common experience for many university students, it may be worth exploring whether a system such as that in the United States (“US”), where the law degree is not an undergraduate degree but rather a postgraduate degree, may offer some underrated benefits.
14. The pursuit of a non-law degree at the undergraduate level or a degree containing some law subjects with other non-law subjects at first instance can provide potential law students with the space and time to make a more mature, informed and ultimately assured decision that they wish to pursue law as a postgraduate degree and practise law as a lifelong career. It may well turn out to be the case that their interest in the law fades as they gain exposure to a range of subjects—both law and non-law—in the course of their study, in which

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<sup>4</sup> See speech delivered by Chief Justice Sundaresh Menon at the Admission of Advocates & Solicitors Mass Call Ceremony 2017 (28 August 2017), “A ‘Conscientious Bar’”, at para 24, accessible at <http://www.supremecourt.gov.sg/news/speeches/mass-call-2017---address-by-the-chief-justice>.

case they will simply not move on to read law at the postgraduate level. But for those who decide to pursue a legal career with the knowledge and experience of what it involves and demands, there is a greater likelihood that they will stay the course and become dedicated practitioners.

15. That said, the Committee hastens to add that reforms to legal education in the local universities are strictly beyond its remit. The Committee only makes this observation from the standpoint that when law is read as a postgraduate degree, it intuitively appears to be an attractive option to ensure that those who ultimately decide to read law do so out of conviction and passion that will carry them through a very demanding career.
16. The simple point is that the decision to read law should not be made lightly. It is an undertaking that often comes with heavy financial commitments, and the opportunities to be trained as a lawyer, much less the prospects of a long and sustained career in the law, are far from assured. In this connection, a growing number of students are reading law overseas—often supported financially by their parents—but many have found it difficult to adjust to the expectations of the local industry on their return, with some ending up without the opportunity to train and practise. This is elaborated upon in the next section.
17. Aspiring lawyers are therefore urged to be diligent and meticulous in their evaluation of what the study and practice of law entails and the career opportunities it presents. They should also reflect deeply on whether they have the right attributes, temperament and mind-set for legal practice.
18. The prevailing and projected market conditions are also factors that ought to be borne in mind. Aspiring lawyers will need to recognise that the legal industry is on the cusp of significant changes that are likely to transform the provision of legal services. These are elaborated upon below at [31]–[42].

## **2. *The current state of the legal market***

19. By focusing on training, the Committee hopes that its recommendations will improve the experiences and development of trainee lawyers who are embarking on their legal careers. However, it is apt to offer a further few words of caution at this juncture to those who are deciding whether or not to read law in the first place.
20. As demand for legal services is market-driven, it is evident that the demand for lawyers will depend on the domestic and wider global economy, as well as our changing socio-economic needs.
21. Singapore's legal services sector has grown steadily over the years. The nominal value-added (VA) of the sector increased by more than 45%, from

\$1.5 billion in 2008 to \$2.2 billion in 2016.<sup>5</sup> During the same period, the value of legal services exported from Singapore more than doubled, from \$362.6 million in 2008 to \$760.2 million in 2016.<sup>6</sup>

22. Singapore's efforts to further grow the legal sector are continuing. For instance, in early 2017, the Working Group on Legal and Accounting Services under the Committee on the Future Economy recommended steps to further develop Singapore as a global exchange for financing, brokering, structuring, and dispute resolution for international commercial transactions.<sup>7</sup>
23. The supply of local law graduates appears to be in line with the needs of the legal services sector. From 2012 to 2016:
  - (a) The number of local law graduates remained relatively constant, averaging around 380 graduates per year;
  - (b) 98% of local law graduates found employment within six months of graduation;<sup>8</sup> and
  - (c) Around 90% of local law graduates secured training contracts.
24. While the local law schools' total intake increased to around 480 per year in 2016, mainly due to the establishment of the third law school at the Singapore University of Social Sciences ("SUSS"),<sup>9</sup> this development is not expected to have a significant impact on the availability of practice training contracts. The third law school was set up to address the shortage of criminal and family law practitioners. Fresh law graduates generally did not choose these practice areas; and for those who did, they did not stay long due to the stresses and emotional demands associated with these areas of practice. The SUSS School of Law targets mature candidates with work experience in social work, law enforcement and other related fields, who are more likely to practise in these areas and stay the course. Its intake numbers are also small. In addition, SUSS

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<sup>5</sup> See Keynote Address by Ms Indranee Rajah SC, Senior Minister of State, Ministry of Law and Ministry of Finance, at the International Conference of Legal Regulators 2017 (5 October 2017), at para 23, accessible at <https://www.mlaw.gov.sg/content/minlaw/en/news/speeches/keynote-address-by-sms-indranee-international-conference-of-legal-regulators-2017.html>.

<sup>6</sup> Preliminary data from the Department of Statistics.

<sup>7</sup> The Working Group was co-chaired by Senior Minister of State, Ministry of Law and Ministry of Finance, Ms Indranee Rajah SC, and Chairman of Singapore Accountancy Commission, Mr Chaly Mah. See the Report of the Working Group (April 2017), accessible at <https://www.mlaw.gov.sg/content/dam/minlaw/corp/Seminar/CFE-Report%20of%20the%20Working%20Group%20on%20Legal%20and%20Accounting%20Services-Apr2017.pdf>.

<sup>8</sup> Based on the annual Graduate Employment Surveys conducted by the National University of Singapore and Singapore Management University between 2012 and 2016.

<sup>9</sup> Formerly known as "UniSIM".

provides a local avenue for Singaporeans to pursue their law degree rather than going overseas.

25. The reported shortage of training contracts in recent years is in large part attributable to the sharp increase in the number of overseas returning law graduates seeking admission to the Singapore Bar. The numbers increased significantly from around 210 per year (2011 to 2013) to around 330 per year (2014 to 2016). The proportion of overseas law graduates who secured training contracts has, however, been lower than that for local law graduates over the past five years. Compared to local law graduates, only around 70% of overseas law graduates managed to secure a training contract in the last five years.
26. More overseas law graduates are also not passing the Part A examinations, which is a prerequisite for becoming a qualified person for the purposes of admission to the Bar.<sup>10</sup> The percentage of candidates who passed the Part A examinations has steadily declined in recent years (79% in 2015 and 2016, and 64% in 2017) from a consistent pass rate of over 90% from 2010 to 2014.<sup>11</sup>
27. It is also worth noting that the number of United Kingdom (“UK”) Overseas Scheduled Universities was reduced from 19 to 11 in 2015 in order to ensure the continued quality of overseas-trained entrants to the Singapore Bar. While this move was focused on quality, it can also be expected to moderate the number of law graduates returning from the UK, when the impact of the reduction is felt from 2020 onwards.
28. The attractions of reading law mean that, notwithstanding these concerns, a number of students will still venture overseas to pursue law degrees. This is understandable as a law degree can provide a firm foundation for a career outside the law. However, those who choose to read law with a view to becoming a practising lawyer must be cognisant of the expectations and demands that the decision entails. The Committee therefore echoes the Government’s exhortations to students to carefully consider their decision to read law overseas.
29. Taken in totality, these upstream complexities create in some ways an uncertain environment for law graduates entering the legal profession by intensifying the competition for training positions and thereafter employment opportunities. Yet, this state of affairs is not unique to Singapore. Law graduates in many overseas jurisdictions also have to confront similar anxieties in relation to training positions and jobs in law firms.

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<sup>10</sup> Local law graduates do not need to take the Part A examinations.

<sup>11</sup> Based on information provided by the Singapore Institute of Legal Education.

- (a) A recent survey in Australia found that a quarter of law graduates who wanted a full-time job could not find one within four months of graduation.<sup>12</sup> Vacation clerkships are also fiercely contested by law students, with reports showing that Australia’s largest law firms attract 30 to 50 applications for every one position.<sup>13</sup>
  - (b) In Canada, almost 20% of law graduates who were admitted to the Bar in Montreal in 2016 were unable to find a job in law, and the number of unpaid articling positions (the equivalent of training contracts in Singapore) has more than doubled over the last decade.<sup>14</sup>
  - (c) In the US, 40% of law graduates in 2014 could not find full-time jobs within 10 months of graduation.<sup>15</sup>
30. These uncertainties may well be—at least partly—a result of changes in the legal industry today, and it is to that that we now turn.

### **3. *The challenges ahead in a transforming legal industry***

31. The legal industry today is marked more by transition—or some might say disruption—than stability, which makes the overall environment for legal practice that much more challenging. The decision to read law should not be made without an acute awareness of what these multi-faceted challenges are and their implications for the legal industry. Otherwise, one risks eventually stepping into a demanding and fast-moving professional world that he or she is ill-prepared for.
- (i) *A new wave of technology*
32. One of the more obvious challenges is posed by new forms of technology such as artificial intelligence (“AI”) and blockchain technology. This new wave of technology has great potential to streamline work processes in firms, re-define the role of lawyers and enhance the overall provision of legal services to clients.

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<sup>12</sup> See Michael Douglas and Nicholas van Hattem, “Australia’s Law Graduate Glut” (2016) 41(2) *Alternative Law Journal* 118.

<sup>13</sup> See “What are the prospects for law grads in Australia” (September 2013) accessible at <https://beyondlaw.com.au/15-frontpage/24-featured-article>.

<sup>14</sup> See David Dias, “Quebec law group calling for quotas on bar admissions” (18 February 2016), accessible at <http://www.canadianlawyermag.com/legalfeeds/author/na/quebec-law-group-calling-for-quotas-on-bar-admissions-6766/>.

<sup>15</sup> See Steven J Harper, “Too many law students, too few legal jobs”, *The New York Times* (25 August 2015), accessible at <https://www.nytimes.com/2015/08/25/opinion/too-many-law-students-too-few-legal-jobs.html?mcubz=3>.

33. To provide some specific examples which flesh out the reality around the world and in Singapore:<sup>16</sup>
- (a) Berwin Leighton Paisner, a UK law firm, uses an AI system when working on property disputes which extracts and checks the details of official title deeds so that legal notices can be served on the correct property owner. What would take a small team of junior lawyers weeks to perform manually can now be completed in minutes.
  - (b) International law firm, Linklaters, uses a technology programme that reviews more than a dozen regulatory registers to check client names for banks. A junior lawyer spends an average of 12 minutes searching each name, but the programme can search thousands in a few hours.
  - (c) In Australia, a report in 2016 predicted “explosive growth” in spending on legal software by corporate law departments which are already investing an estimated \$1.5 billion per year.<sup>17</sup> One example is Norton Rose Fulbright’s Australian office increasing its financial stake in LawPath, a company that supplies low-cost documents online.<sup>18</sup>
  - (d) Slaughter and May, another UK firm, uses AI to help its mergers and acquisitions lawyers sift through thousands of documents for the purposes of analysing target companies in deals. This is said to have halved the time spent on due diligence.
  - (e) In Singapore, WongPartnership LLP announced in September 2017 that it was adopting AI to enhance its due diligence processes for mergers and acquisitions transactions. The stated aim of the project is to utilise advanced machine learning techniques to identify hidden risks and allow lawyers to focus their review on key documents from the outset.<sup>19</sup>
34. As new forms of technology begin to make meaningful inroads in Singapore, the distribution of work within law practices will naturally adjust. The offering of

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<sup>16</sup> See Jane Croft, “Artificial intelligence closes in on the work of junior lawyers”, the Financial Times (4 May 2017), accessible at <https://www.ft.com/content/f809870c-26a1-11e7-8691-d5f7e0cd0a16>.

<sup>17</sup> See Lenore Adkins, “Study: Corporate law departments’ spend on software set to explode” (25 February 2016), accessible at <https://biglawbusiness.com/study-corporate-law-departments-spend-on-software-set-to-explode/>.

<sup>18</sup> See the Law Society of New South Wales’ Commission of Inquiry 2017 report titled “The Future of Law and Innovation in the Profession”, at p 31, accessible at <https://www.lawsociety.com.au/cs/groups/public/documents/internetcontent/1272952.pdf>.

<sup>19</sup> See Michelle Quah, “WongP first Singapore law firm to embrace AI”, Business Times (30 October 2017), accessible at <http://www.businesstimes.com.sg/companies-markets/wongp-first-singapore-law-firm-to-embrace-ai>.

smarter, technologically-enabled solutions will likely lead to less reliance on lawyers to perform traditional roles that are labour-intensive and repetitive. For instance, in the UK, it has been estimated that more than 100,000 legal roles will face automation in the next 20 years.<sup>20</sup>

35. While these are very real challenges which lawyers today have to grapple with, this is not at all to say that aspiring lawyers should be discouraged or harbour a fatalistic view of the impact of technology on their future areas of work. Rather, as technology advances, so too the practice of law evolves. Aspiring lawyers would do well to keep an open mind and stay abreast of technological advancements, bearing in mind the potential of technology to allow lawyers to focus on more intellectually-engaging aspects of practice.
  36. Further, technological advancements will also open up new areas and opportunities for work, as well as new ways to do work. This is already taking place, although at a fairly nascent stage, as can be seen from initiatives such as the Future Law Innovation Programme (“FLIP”) which is administered by the Singapore Academy of Law. FLIP was launched in July 2017 as an industry-wide programme to create opportunities for lawyers, legal technopreneurs and innovators to work together. It comprises three components: a co-working space, a virtual community platform and a start-up accelerator. The emergence of such programmes bears testament to the growing symbiosis between law and technology. Those who learn to be comfortable at the intersection between these two areas are likely to thrive in the new working environment.
- (ii) *Industry restructuring*
37. Beyond technology, other modern day developments are also exerting pressure on firms to alter their traditional structures to remain viable, which may in turn impact the traditional opportunities for trainee lawyers to develop and gain experience.
  38. One such major development has been the increased savviness of clients. As one recent report notes, a typical corporate client in the past would readily entrust an entire transaction or litigation to one of its outside firms and that firm would have the autonomy to decide how the work should be parcelled out within the firm.<sup>21</sup> In that era, law firms could sensibly be organised as “pyramids”

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<sup>20</sup> See Jane Croft, “More than 100,000 legal roles to become automated”, Financial Times (16 March 2016), accessible at <https://www.ft.com/content/c8ef3f62-ea9c-11e5-888e-2eadd5fbc4a4>.

<sup>21</sup> See the 2017 Report on the State of the Legal Market prepared by The Centre for the Study of the Legal Profession at the Georgetown University Law Centre and Thomson Reuters Legal Executive Institute (“2017 Report on the State of the Legal Market”), at p 11, accessible at <http://legalexecutiveinstitute.com/wp-content/uploads/2017/01/2017-Report-on-the-State-of-the-Legal-Market.pdf>.

because “the lawyers at the bottom were billed out an hourly rate that far exceeded their costs to the firm”.<sup>22</sup> This is described typically as leverage or gearing in the legal industry.

39. However, client demands and outlooks have shifted and junior lawyers without the relevant skill sets are at risk of being squeezed out.
- (a) Clients are increasingly cost-conscious. They are “no longer willing to foot the bill for what they regard as the ‘learning curve’ of junior lawyers”. In response, firms have cut back significantly on their hiring goals for associates.<sup>23</sup>
  - (b) In a related vein, clients are less fond of the traditional billable hour pricing methodology. Alternative fee arrangements that are based on fixed-price or cost-plus models have become more common. This causes firms likewise to be more conservative with hiring.<sup>24</sup>
  - (c) Clients also increasingly prefer a “disaggregated” approach to seeking legal advice. They break matters up into their constituent parts and are more selective in what they seek outside legal advice on. Certain functions are moved in-house or outsourced to low cost non-law firm vendors. Roles which were once often performed by junior lawyers are therefore starting to dwindle.<sup>25</sup>
40. There is also the mushrooming of new, less rigid and unregulated forms of providing legal services. It is commonplace now to speak of the “gig economy” where service providers can, with the aid of technology and online platforms, offer their services outside the traditional workplace to a wide pool of users in the market.<sup>26</sup> The legal sector is no exception to this modern phenomenon as more lawyers can be seen turning to offering legal services or advice on a contract or project basis.<sup>27</sup> These more nimble outfits tend to operate on lower costs while being able to provide dedicated, high-quality work and will likely provide serious competition to conventional law firms.

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<sup>22</sup> See the 2017 Report on the State of the Legal Market at p 11.

<sup>23</sup> See the 2017 Report on the State of the Legal Market at p 11.

<sup>24</sup> See the 2017 Report on the State of the Legal Market at pp 9-10.

<sup>25</sup> See the 2017 Report on the State of the Legal Market at p 10.

<sup>26</sup> See, for example, “A year of disruption: From jobs to gigs” in the Straits Times (27 December 2016), accessible at <http://www.straitstimes.com/singapore/from-jobs-to-gigs?login=true>.

<sup>27</sup> See, for example, “The new short-term solution: Inside the growing legal gig economy” (24 May 2017), accessible at <http://www.insidecounsel.com/2017/05/24/the-new-short-term-solution-inside-the-growing-leg>.

(iii) *Internationalisation of practice*

41. Another significant development that is fast altering the nature of legal practice is the growing prominence of transnational commercial transactions. In this regard, it is notable that Singapore has taken considerable strides in recent years to attract more cross-border work. The Singapore International Commercial Court was launched in 2015 and it joins the Singapore International Mediation Centre and the more established Singapore International Arbitration Centre in providing parties to international commercial transactions a suite of options to resolve their disputes. More recently, Singapore has also taken steps to position herself as an international centre for debt restructuring. This includes major changes to our insolvency legislation which incorporate elements of the US Chapter 11 proceedings (such as enhanced powers to grant on-shore and off-shore moratoria), as well as spearheading the formation of an international network of insolvency judges in leading jurisdictions to promote co-operation and communication between courts in cross-border restructurings.
42. With developments such as these, the nature of legal work here will assume an increasingly international dimension and complexity, consistent with the greater international competition for legal services generally. Against this backdrop, it will no longer be sustainable to hold a parochial view of the law. Rather, what will be required is at least some level of awareness of the laws in other jurisdictions if the lawyers of tomorrow are to win the confidence of a sophisticated and savvy clientele, for whom doing business across borders is the norm rather than the exception.

(iv) *Overcoming headwinds*

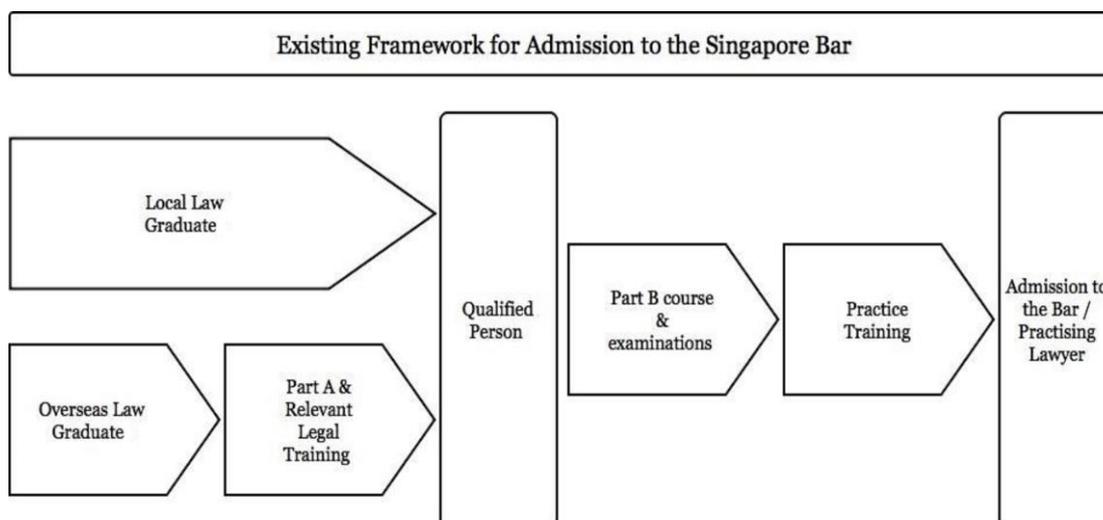
43. These unprecedented headwinds set the context for the review of the current state of our professional training regime. The aim is to ensure that each law graduate has a fair shot at being meaningfully engaged within the legal profession, and that they are then continually exposed to high quality training which will impress upon them the time-honoured traditions of the past and ready them for the challenges in the future. The Committee hopes that its recommendations can go some way towards achieving this aim and benefitting the next generation of lawyers. With this, we turn now to the challenges within the existing professional training regime.

## II. THE EXISTING PROFESSIONAL TRAINING REGIME

### A. Existing framework for admission to the Singapore Bar

44. This section comprises a descriptive component of the existing framework for admission to the Singapore Bar, as well as some of the challenges faced by trainee lawyers arising under it.
45. The existing framework is made up of two distinct phases which can be referred to as the “qualification” phase and the “admission” phase.
- (a) The qualification phase. This phase culminates in a law graduate becoming a “qualified person” for the purposes of admission to the Bar.
- (i) Graduates holding LLB or JD degrees from the National University of Singapore (“NUS”), the Singapore Management University (“SMU”) or the SUSS, and who have obtained at least a lower second class of honours or grade point average equivalent, are qualified persons for the purposes of admission.
  - (ii) Graduates holding LLB or certain JD degrees from foreign Scheduled Universities, and who have obtained at least a lower second class of honours (for UK universities) or who are in the top 70% of their cohorts (for other overseas universities), become qualified persons for the purposes of admission only after they have completed the preparatory Part A examinations and received six months of relevant legal training.
- (b) The admission phase. This phase embodies the professional training which a qualified person is required to undergo in order to be admitted to the Bar. It requires the successful completion of the course and examination components of the Part B of the Singapore Bar examinations (“Part B course” and “Part B examinations” respectively) by the qualified person, as well as six months of practice training under a supervising solicitor. A person who is admitted to the Bar may then apply for a practising certificate if he or she wishes to practise as an advocate and solicitor.

46. A diagrammatic representation of the existing framework for admission to the Bar is as follows:



## B. Current challenges

47. Trainee lawyers face several challenges in relation to professional training, and these can conceptually be understood in the context of the periods immediately before, during and after the performance of the practice training contract.

### 1. *Prior to the practice training contract*

48. Supply of and demand for practice training contracts. Under the existing regime, a law graduate's prospects of being admitted to the Bar are closely tied to the performance of the economy because the latter directly affects the availability of practice training contracts and securing such a contract is, in turn, a precondition for admission to the Bar. The upshot of this, therefore, is that a law graduate's ability to be admitted to the Bar can turn on extraneous market forces beyond their control.
49. Publicly-available information. The Committee received anecdotal feedback that the process by which practice training contracts are obtained is characterised by a lack of information and transparency. There are no clear guides on which juncture in an undergraduate's course of study an application for a practice training contract should be made. There is little information on what law practices offer in terms of training opportunities. Law students studying abroad are especially handicapped because they have limited time in Singapore and therefore limited opportunities to seek out practice training contracts. Their courses of study may also differ in length and content, and their grading structure may be different from the local universities'. These uncertainties, coupled with a competitive practice training contract space,

generate disproportionate levels of anxiety and stress among overseas law students.

50. The “race to the bottom”. The Committee also received feedback that law practices often offer practice training contracts only to law graduates who have interned with them. In recent years, this has resulted in law students applying aggressively for multiple internships to enhance their prospects of securing practice training contracts later on. This has also disadvantaged overseas law students, and increased pressure on law students in general.
51. Perceived inequalities or unethical practices in recruitment. Feedback was also received that some law practices have given priority to applicants with personal connections while some of the applicants were even asked to reveal their family backgrounds during recruitment interviews in the hope that their families could be a potential client or a source of client referrals.

## **2. *During the practice training contract***

52. Consistency of training. The quality of training that a practice trainee receives is greatly influenced by, and therefore varies with, the commitment and competence of his or her supervising solicitor. The Committee heard of vastly differing practice training contract experiences from junior lawyers and recent graduates.
53. Contact time with supervising solicitor. Practice trainees from large commercial practices especially said that their time and interactions with their supervising solicitors were limited and infrequent.
54. Compliance with training requirements. The requirements that a practice trainee must successfully complete during his or her practice training period are often perceived as items on a checklist, demanding only compliance in form, rather than opportunities to impart knowledge and develop skills. Both practice trainees and lawyers gave feedback that the checklist was unhelpful and compliance perfunctory.
55. Opportunities for feedback. Practice trainees are not always given regular or meaningful feedback during the course of their practice training period, which limits the effectiveness of the training they receive.
56. Rotations to contrasting practice areas. Practice trainees are required to be exposed to more than one practice area in the course of their practice training. This typically takes the form of them spending the lion’s share of their time in the area in which they intend to practise, and only a short stint in contrasting practice areas. The limited time spent in contrasting practice areas was regarded as insufficient to be meaningful.

57. Attitude of the profession. The practice training period is not always treated as a time for training and the imparting of basic skills and knowledge. Instead, practice trainees may be treated as low-cost labour and assigned tasks which do not contribute meaningfully to their training or development. Some law practices also take on practice trainees without offering any honorarium during the training period. There was also anecdotal feedback of regrettable conduct shown by some law practices or supervising solicitors: for instance, terminating a training contract after it had been offered and accepted, or even midway during the training contract. These occurrences cause concern, although they are admittedly few and far between and not representative of the legal profession as a whole.

### 3. ***After the practice training contract***

58. Steep learning curve. Practice trainees reported experiencing a marked change in responsibilities and expectations from before their admission to the Bar, as practice trainees, and the instant they are admitted to the Bar and began work as associates of law practices. This is unrealistic because a lawyer's skill and ability develop on a continuum.

59. Continuing relevance of training. Training is perceived to come to a halt the instant after admission to the Bar. The fact, however, is that junior lawyers in their early years must be exposed to constant training, because it takes more than just six months to become fully possessed of the skills and abilities that a seasoned lawyer is expected to have.

60. Retention for full-time employment. The decision-making process is opaque, and practice trainees may be informed only at the eleventh hour of whether they would be retained. This limits their ability to find alternative employment in the event that the decision has been made not to retain them.

61. Attrition. The issue of attrition among lawyers is not new. Three main factors cause or contribute to attrition: (a) unsustainable work practices; (b) unsuitability of the individual for legal work; and (c) the absence of alternative pathways for those who wish to practise law, but not as practising lawyers.

### III. THE COMMITTEE'S RECOMMENDATIONS

62. The Committee appointed a Working Group on Training to examine specifically measures to improve the practice training component of professional training. The Committee also conducted multiple focus group sessions with various stakeholders in the legal industry, informal consultations with subject-matter experts and an extensive literature review.
63. This Report sets out the Committee's recommendations in three parts.
- (a) First, it addresses the fundamental question of whether the existing approach to the professional training regime—namely, broad-based and generalist examinations followed by a period of supervised practice training—should be preserved or discarded.
  - (b) Second, it sets out and explains the Committee's higher order "structural recommendations" which, if implemented, will alter the structure of the professional training regime.
  - (c) Third, it sets out and explains the Committee's "specific recommendations" which target discrete aspects of the restructured professional training regime. These are further sub-divided into "training-centric recommendations" and "process-centric recommendations".

#### **A. A preliminary point: whether the existing approach to professional training should be preserved or discarded**

64. The Committee considered whether the existing professional training regime might be entirely re-modelled. In broad strokes, the existing professional training regime consists of two main components: a centrally-administered, generalist course and examinations (*ie*, the Part B), followed by a period of supervised training in a law practice (*ie*, the practice training contract). It is only after both these components are completed that a candidate may gain admission to the Bar, and consequently the right to practise, in Singapore.
65. It is evident from a survey of other jurisdictions that other models for training exist elsewhere. At a very general level, a key difference lies in whether the emphasis of the model is more academic and therefore the medium of teaching and assessment more classroom-based, or whether the focus is more on the imparting of practical skills through applied learning in a real-life setting. Another difference is whether the training is provided by law practices, government offices, universities or by other service providers.
66. A model which is more academically-based may be found in most states in the US. Candidates for admission in most states are required to sit for a series of centrally-administered examinations, with no further requirement for any

practical or on-the-job training. Eligibility for admission and the right to practise therefore depend largely on the candidate's ability to perform in a series of relatively stringent exams.<sup>28</sup>

67. On the other hand, models with a more vocational focus prevail in some civilian jurisdictions and some parts of Canada where admissions are based primarily on candidates articling at a law practice for a substantial duration, with a relaxed emphasis on centralised examinations.<sup>29</sup>
68. In the Committee's view, the existing model in Singapore has worked reasonably well for the legal profession and is well-suited to our circumstances. The Committee would prefer to adopt a cautious approach. Hence, it does not propose any radical departures from the current model by loading the emphasis either on more academic or vocational learning. To favour more academic learning might enhance consistency in the learning experiences of law graduates but concurrently removing or watering down the requirement of practical training might hamper the development of technical skills and inculcation of professional values. On the other hand, tilting the balance too much in favour of practical training might lead to issues of inconsistency as the quality and content of training will depend on individual law practices. In any event, there will be resource implications and constraints to making significant changes to our existing model.
69. Therefore, the Committee considers that a centrally-administered course and examination, coupled with individualised supervision in law practices, strikes the right balance. Academic learning is essential but that alone is not sufficient to impart skills, values and ethics which are more effectively impressed upon the practice trainee through observation and personal experience in the course of supervised training. The most effective way to structure the training regime would be to ensure a smooth integration of academic learning and vocational training components in order that a practice trainee's foundation of doctrinal understanding and critical thinking can be consistently reinforced through practical application and exposure.

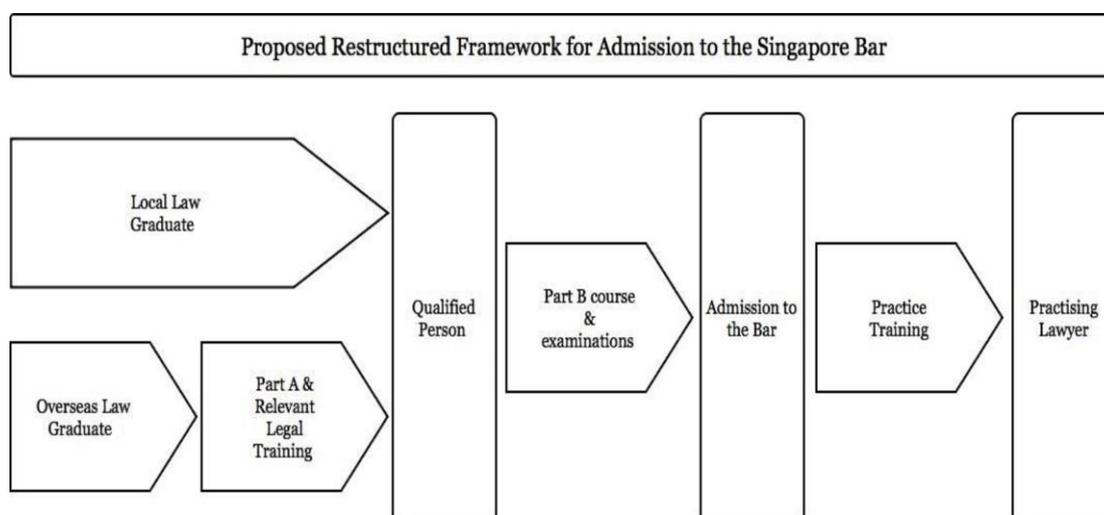
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<sup>28</sup> Although there are commonly other requirements such as the completion of certain basic (often online) courses and character requirements.

<sup>29</sup> For instance, while there is a licensing examination component to qualification in Ontario, the licensing examinations consist of the Barrister Licensing Examinations and the Solicitor Licensing Examinations, both of which are self-study open-book exams. Each exam is seven hours long, and the necessary study materials are provided online by the Law Society. See the Guide to Barrister and Solicitor Licensing Examinations (retrieved on 15 August 2016 from <http://www.lsuc.on.ca/LawyerExaminationGuide/>), and Licensing Examinations (retrieved 1 August 2016 from <http://www.lsuc.on.ca/LicensingExaminations/>).

## B. Structural recommendations

70. While the overall structure of the existing professional training regime should be retained, the Committee recommends restructuring it in limited aspects to address the challenges set out in paragraphs [48]–[61] above. This section will first set out an overview of the restructured regime that the Committee proposes, followed by an elaboration of the individual structural recommendations.
71. The restructured professional training regime that the Committee proposes may be represented diagrammatically within the context of the earlier framework (see paragraph [46] above) as follows:



72. This model introduces three structural changes to the existing professional training regime:
- (a) It uncouples the admission to the Bar from the completion of a practice training contract.
  - (b) It raises the standard and stringency of the Part B examinations.
  - (c) It lengthens the practice training period from six months to one year.
1. ***Uncoupling the admission to the Bar from the completion of a practice training contract***

73. Under the existing regime, a candidate may only be admitted to the Bar after he or she has completed (a) the academic qualifications to become a “qualified person”; (b) the Part B examinations; and (c) the practice training contract.
74. The existing regime creates a legal profession that is both simplistic and linear.

- (a) It is simplistic because the legal profession is perceived to comprise only lawyers who are admitted to the Bar and engage in legal practice.
  - (b) It is linear because the existing regime recognises only a single path through which one can practise and be engaged meaningfully in the law.
75. These two characteristics combine to create a legal profession that draws a sharp dichotomy between one who practises as a lawyer and one who is not practising at all. But this is not an accurate reflection of the legal profession, which is in fact a diverse and multi-faceted community with space for persons to contribute in a variety of ways, and not just in the strict form of practice as traditionally understood. Indeed, these spaces are bound to grow with developments in technology and as the practice of law becomes increasingly inter-disciplinary in nature. In short, the existing regime does not fully recognise and cater to the myriad pathways that may be pursued within the legal profession.
76. The Committee proposes to recognise this fact by uncoupling the admission to the Bar from the completion of a practice training contract.
- (a) Under the proposed approach, a qualified person may be admitted to the Bar by completing primarily academic requirements, namely, obtaining a law degree<sup>30</sup> and passing the Part B examinations. The completion of a practice training contract will not be a prerequisite for being admitted.
  - (b) Once a person is admitted to the Bar, he or she can then decide which of the myriad paths to pursue within the legal profession. For instance, he or she may decide to:
    - (i) Strive for the right to become a practising lawyer, in which case he or she will undertake a practice training contract. A practising lawyer is able to appear in court and provide legal advice to clients.
    - (ii) Join academia and contribute to the legal profession through research and teaching the law.
    - (iii) Join a corporation as a corporate counsel.
    - (iv) Provide specialist support within a law practice without necessarily having to acquire the right to practise (referred to in this Report as a “Practice Support Lawyer”; see paragraphs [104]–[107] below).

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<sup>30</sup> For overseas law graduates, upon meeting additional requirements to become a qualified person.

- (c) While at present, a person who is not admitted to the Bar can perform the functions at (ii) to (iv), being admitted to the Bar will suggest attainment of a minimum level of professional standards and provide an indication of competence and skill in practical matters, which assist in the performance of these functions.
77. The Committee makes this recommendation after having consulted a variety of stakeholders including current law students, recent law graduates and practising lawyers. Uncoupling the admission to the Bar from the completion of a training contract also has the following advantages:
- (a) First, it will allow more law graduates to enter the legal profession and contribute with their legal knowledge and skills in a wider variety of capacities, and not just as a practising lawyer.
  - (b) Second, and in a related vein, it allows a law graduate greater flexibility in deciding on how he or she wishes to be engaged within the legal profession. For example, he or she may decide not to apply for a practice training contract immediately after admission to the Bar, but instead, to first spend some time as a Practice Support Lawyer to broaden his or her experience of practice at a more conservative pace.
  - (c) Third, it makes gaining membership into the Bar independent of market forces beyond the individual's control. Under the proposed regime, membership in the Bar will depend purely on the individual's legal aptitude, objectively assessed, and not on the availability of practice training contracts, which is a function of market conditions.
  - (d) Fourth, it will likely reduce competition for practice training contracts. In every batch of law graduates, there are typically some who aspire only to join the legal profession without any intention or plans to practise law. Under the current regime, these candidates will compete for practice training contracts even though those opportunities may, in a sense, be better utilised by others who genuinely desire to practise as a lawyer. Uncoupling the admission to the Bar from the completion of a training contract allows candidates to satisfy their aspirational goals without being compelled to undergo training for skills they do not intend to use.
78. Uncoupling the admission to the Bar from the completion of a training contract is progressive, but not unknown in other established jurisdictions. In the UK, for instance, an aspiring barrister who has acquired the necessary academic qualifications and completed the vocational requirements in terms of the Bar Professional Training Course<sup>31</sup> can be "Called to the Bar" and formally become

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<sup>31</sup> A centralised assessment independent of and undertaken prior to the 12-month pupillage requirement. See The Bar Council's brochure entitled "*Your career as a barrister*" ("*Career as*

a barrister<sup>32</sup> (albeit an unregistered one).<sup>33</sup> The trainee barrister will, however, only be qualified to *practise* as a barrister if, after being called to the Bar, he or she further completes the requisite pupillage requirement and obtains a practising certificate.

79. For completeness, it ought to be mentioned that the Committee gave consideration to the idea of going even further and recommending that the admission to the Bar be uncoupled—not just from the existing practice training requirement—but from the completion of the Part B examinations as well. The main attraction of this option is that it would allow those with no desire to practise to be admitted to the Bar almost immediately upon graduation while being spared the need to incur the not inconsiderable expense of undertaking the Part B examinations.
80. However, two reasons weigh heavily against this more radical form of uncoupling. First, it does a great deal more violence to the existing training regime than the more conservative form of uncoupling that is being recommended. Second, it removes the Part B examinations as an important check on the quality of admissions. In the final analysis, the Committee has decided to recommend that the admission to the Bar be uncoupled only from the existing practice training requirement. The Part B examinations play a vital role in ensuring the attainment of a minimum level of professional standards and the Committee is of the view that the satisfactory passage of examinations should remain as a precondition to the admission.
81. If the proposal to uncouple the admission to the Bar from the completion of a practice training contract is accepted, there are several second-order details that will need to be considered for the purposes of operationalising the proposal. Some of the more important issues in this regard include:
- (a) Amending the Legal Profession Act (Cap 161, 2009 Rev Ed) (“LPA”) and its subsidiary legislation.
  - (b) Considering the disciplinary regime that will govern persons who are admitted to the Bar but who do not have practising rights.

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*Barrister*”), at p 11, accessible at [www.barcouncil.org.uk/media/246249/your\\_career\\_as\\_a\\_barrister\\_pages.pdf](http://www.barcouncil.org.uk/media/246249/your_career_as_a_barrister_pages.pdf).

<sup>32</sup> Upon completion of the requisite “Qualifying Sessions” run by his or her Inn of Court. See *Pupillage Handbook*, Bar Standards Board (August 2017), at p 8, accessible at [https://www.barstandardsboard.org.uk/media/1841538/bsb\\_pupillage\\_handbook\\_2017\\_1.8.17.pdf](https://www.barstandardsboard.org.uk/media/1841538/bsb_pupillage_handbook_2017_1.8.17.pdf). Also, see *Career as Barrister*, at pp 11 and 12.

<sup>33</sup> See “Unregistered barristers (barristers without practising certificates) – Supplying legal services and holding out”, Bar Standards Board, accessible at [https://www.barstandardsboard.org.uk/media/1731668/guidance\\_for\\_unregistered\\_barristers\\_holding\\_out.pdf](https://www.barstandardsboard.org.uk/media/1731668/guidance_for_unregistered_barristers_holding_out.pdf).

- (c) Deciding on the title that should be conferred on those who are admitted to the Bar but do not have practising rights (eg, “Advocate and Solicitor (Non-Practising)”), with a view to creating a clear distinction in the minds of the public between such lawyers and those with practising rights.

82. On a final note, the Committee is fully cognisant that this proposal constitutes a break from tradition and can have significant repercussions for the legal community and other stakeholders. Having given careful deliberation to the issue, the Committee nevertheless considers that, on balance, the benefits of the proposal outweigh its concerns.

**2. Raising the standard and stringency of Part B examinations**

83. The second structural proposal is to increase the rigour of the Part B examinations which come at the end of the Part B course. This can be done gradually by raising the level of difficulty of the examination questions as well as the level of expectation in the marking of answer scripts. The rationale is to ensure that the quality of the local Bar remains consistently high. It is unequivocally *not* intended as a blunt means of controlling the supply of lawyers.

84. Anecdotal feedback was received during the focus group sessions that the current Part B examinations are not sufficiently stringent. This, in turn, breeds a lacklustre approach to the entire Part B course on the part of the candidates. The safety net of supplementary examinations, which are essentially re-sits administered for candidates who fail the examination on the first attempt, also does not help to underscore the seriousness of the Part B course.

85. Broad support was therefore expressed during the focus group sessions for increasing the stringency of the Part B examinations. This would maintain the standing of the legal profession and ensure that those who are admitted to the Bar possess a high minimum standard of academic quality.

86. The moderate nature of the Part B examinations no doubt contributes in some way to its passing rate which has historically been close to 100%.

	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Total enrolled</b>	386	476	523	544	667	679	664
<b>Total passed</b>	385	472	515	540	663	677	658
<b>Pass rate (%)</b>	99.74	99.16	98.47	99.26	99.40	99.71	99.10

87. The passing rates in Singapore are very high when considered against the passing rates of equivalent Bar examinations in other established jurisdictions.

England and Wales (Bar Professional Training Course)<sup>34</sup>

	<b>Students enrolled in 2012</b>	<b>Students enrolled in 2013</b>	<b>Students enrolled in 2014</b>	<b>Students enrolled in 2015</b>	<b>Students enrolled in 2016</b>
<b>Pass rate (%)</b>	77	70	71	63	N/A

New York<sup>35</sup>

	<b>Jul 2015 Exam</b>	<b>Feb 2016 Exam</b>	<b>Jul 2016 Exam</b>	<b>Feb 2017 Exam</b>	<b>Jul 2017 Exam</b>
<b>Pass rate (%)</b>	61	40	64	44	68

California<sup>36</sup>

	<b>Jul 2015 Exam</b>	<b>Feb 2016 Exam</b>	<b>Jul 2016 Exam</b>	<b>Feb 2017 Exam</b>	<b>Jul 2017 Exam</b>
<b>Pass rate (%)</b>	46.1	36.4	42.7	35.3	49.6

Japan<sup>37</sup>

	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Pass rate (%)</b>	24.6	25.8	21.2	21.6	20.7

<sup>34</sup> Bar Standards Board, "BPTC Key Statistics 2017 Part 1: Key statistics aggregated for all providers (full-time and part-time BPTC students)", accessible at [https://www.barstandardsboard.org.uk/media/1836493/bptc\\_key\\_statistics\\_report\\_2017\\_-\\_part\\_1\\_-\\_overall\\_trends.pdf](https://www.barstandardsboard.org.uk/media/1836493/bptc_key_statistics_report_2017_-_part_1_-_overall_trends.pdf).

<sup>35</sup> The New York State Board of Law Examiners, NYS Bar Exam Statistics, accessible at <https://www.nybarexam.org/ExamStats/Estats.htm>.

<sup>36</sup> The State Bar of California, California Bar Examination Statistics, accessible at <http://www.calbar.ca.gov/Admissions/Law-School-Regulation/Exam-Statistics>.

<sup>37</sup> Japan Federation of Bar Associations, "White Paper on Attorneys 2016", accessible at <https://www.nichibenren.or.jp/library/en/about/data/WhitePaper2016.pdf>.

88. The Committee is sympathetic to concerns that law graduates may have arising from more stringent Part B examinations. However, these concerns must also be balanced against the objective of ensuring the competence of successful candidates for the practice of law and the quality of legal services provided to the wider public. More stringent examinations may also perform a useful signalling function to discourage those who have no real passion and desire to read law from actually embarking on this path.
89. In addition, it bears highlighting that the Part B examinations assume a role of heightened significance in the Committee's proposed professional training structure because it is, in a sense, the final frontier before the admission to the Bar. Under the existing regime, qualified persons who pass the Part B examinations must still cross the further hurdle of completing a practice training contract before being admitted. With the proposal to uncouple the admission to the Bar from this practice training requirement, there is fresh impetus for the standards of the Part B examinations to be reviewed to ensure that it performs a meaningful filtering function for keeping the quality of the Bar high.
90. Apart from raising the standards of Part B examinations, the Committee further proposes that the Part B syllabus be reconsidered with a view to including topics that would more fully equip candidates for the realities of practice. For example, globalisation has given rise to more cross-border transactions as a result of which future generation of lawyers would do well to acquire at least some basic knowledge of civil law systems and their differences from the common law tradition. Also, the disruption of the legal services sector by technology is by no means a temporary trend. Technology's impact will continue to be felt—and perhaps even more strongly—in the years ahead and this will make it imperative for candidates to have at least some working knowledge of how to leverage on emerging technologies. Serious consideration should be given to incorporating content aimed at equipping candidates with such skills and knowledge in the Part B syllabus.
91. Lastly, the Committee mentions for completeness three points that were considered in relation to the Part B examinations, but which will not be pursued as part of the present proposal.
92. First, the Committee considered the possibility of specialist examinations replacing or adding to the broad generalist Part B examinations.
- (a) These are typically features of jurisdictions with split professions, such as the UK and Hong Kong, which naturally have qualification examinations that speak to the specific line (whether corporate or solicitor, or advocate or barrister) in which the candidate intends to practise.

- (b) While such an approach will deliver consistency and ensure that candidates have competence in the specific practice areas which they intend to pursue, it will also likely involve greater costs and barriers. It may also impede mobility between different practice areas, which is a significant advantage that lawyers in a fused profession possess.
93. Second, the Committee considered whether to split the Part B examinations into two stages such as is being implemented in the UK for solicitors.
- (a) In the UK, the Solicitors Regulation Authority is reforming the solicitors' qualification framework to implement a centrally-administered qualification examination attempted across two stages.<sup>38</sup>
  - (b) Broadly, these two stages will sandwich a period of practical training between the first examination, which tests legal knowledge, and the second examination, which tests practical legal skills.
  - (c) This model can help to ensure greater consistency in the outcome of a candidate's training, but the Committee is conscious that the associated costs and resources likely to be occasioned by this approach may be prohibitive for both law practices as well as candidates.
  - (d) On balance, the Committee considers that even without a second series of examinations, a candidate's competence for practice can be ensured by a suitable practice training period with rigorous requirements. There is therefore no necessity, at present, to introduce a further round of examinations which tests practical skills competency during or after the practice training requirements have been completed.
94. Third, the Committee considered the possibility of requiring the Part B examinations to be undertaken after the practice training period.
- (a) The perceived advantage of this is that it allows candidates to experience real-life legal practice before sitting for examinations that test them on practical aspects of the law.
  - (b) However, the drawback is that practice trainees will commence practice training without any theoretical grounding of what legal practice involves. A foundational course in ethics, for example, is critical in sensitising practice trainees to potential pitfalls in practice and how they should conduct themselves in the myriad of new scenarios that they will face.
95. The Singapore Institute of Legal Education ("SILE") oversees the training, education and examination of qualified persons intending to practise law in

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<sup>38</sup> Solicitors Regulation Authority, Solicitors Qualifying Examination, accessible at <https://www.sra.org.uk/solicitorexam>.

Singapore. The Committee suggests that the SILE look further into this broad recommendation and decide upon the appropriate implementation details in its discretion and in consultation with other relevant stakeholders.

### **3. *Lengthening the practice training period from six months to one year***

96. The third structural recommendation which the Committee proposes is to extend the practice training period, which is currently a minimum of six months,<sup>39</sup> to one year.
97. The starting point is that it is clear that the practice training requirement ought to be retained (see also paragraphs [68]–[69] above). However, the issue of the appropriate length of the practice training period invites countervailing considerations.
98. On one hand, a six-month practice training contract may be too short because:
- (a) Rotations to contrasting practice areas (if provided) may not be meaningful enough for a practice trainee to have sufficient exposure or for a department to assess the performance of that practice trainee.
  - (b) A practice trainee may not have sufficient time to develop a degree of comfort with the nature and pressures of practice in general. The abrupt change in status and responsibilities that is accompanied by the immediate transition from practice trainee to associate at the end of the practice training period may be overwhelming for some. This concern was, in fact, voiced by many participants in the focus group session with junior lawyers.
99. On the other hand, lengthening the practice training period may impose resource constraints on both practice trainees and law practices.
- (a) For law practices, a longer gestation period for practice trainees may result in a longer period of being unable to charge clients for work done by the practice trainee. The reality of today's cost-conscious client makes this a particular concern.
  - (b) For practice trainees, a longer practice training period may raise concerns over remuneration because the training contract honorarium is only meant to cover the practice trainee's expenses reasonably incurred during the practice training period. This will be felt especially by practice trainees who graduated from overseas universities, as they would have to complete their relevant legal training in addition to the

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<sup>39</sup> Rules 14(2) and 17(1) of the Legal Profession (Admission) Rules 2011 (S 244 of 2011) ("Legal Profession (Admission) Rules 2011").

Part B course and the practice training contract, and practice trainees from less privileged backgrounds.

- (c) There is also the further point that if the quality of training is lacking to begin with, an extended period of practice training would be futile and perhaps even counterproductive.

100. Having weighed these concerns carefully, the Committee recommends that the practice training period be extended to one year for the following reasons.

- (a) First, it will give practice trainees a longer period of mentorship to acquire the basic skills that set the foundation for a more lasting career in practice. The concern that this proposal might be counterproductive can be addressed by strengthening the quality of training offered by law practices. The later section of this Report on “training-centric recommendations” will develop on this point.
- (b) Second, it will permit the practice trainees more meaningful exposure to contrasting practice areas. Practice trainees will be able to make more informed career choices, and will also develop a more holistic and complete understanding of legal practice.
- (c) Third, it will give law practices a longer period to make a more holistic and fair assessment of the qualities and performance of the practice trainee.
- (d) Fourth, the lengthier commitment can have the effect of sifting out practice trainees who do not have a strong interest in pursuing a career in the practice of law.

101. A longer practice training period will also be in line with the practice in many other jurisdictions. Singapore’s practice training period of six months is one of the shortest among comparable jurisdictions which have a practical training component for the purposes of qualifying for practice.<sup>40</sup>

- (a) The Canadian jurisdictions of Ontario and British Columbia require the completion of nine and ten months of training respectively (although Quebec also has an articling period of six months).
- (b) The Australian jurisdictions of New South Wales and Victoria require 12 months of training to be completed.

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<sup>40</sup> See *Qualification in other jurisdictions—international benchmarking*, Solicitors Regulatory Authority (September 2016), p 8, accessible at <https://www.sra.org.uk/sra/news/press/sqe-benchmarking-research.page>.

- (c) Barristers in the UK and in Hong Kong are required to complete 12 months of pupillage before they may practise as barristers.
  - (d) Solicitors in the UK, France, Germany and Hong Kong are required to complete 24 months of training.
102. At this juncture, the Committee wishes to express its views on two issues which are related to a longer practice training period.
- (a) First, the Committee recognises the concerns that practice trainees may be placed at a financial disadvantage by a longer practice training period.<sup>41</sup> In this regard, the Committee exhorts law practices to ensure that trainees are fairly and reasonably remunerated during the practice training period. The Committee echoes the guidance from the Law Society of Singapore (“the Law Society”) that law practices should, at a minimum, take into account the practice trainee’s direct and basic expenses reasonably incurred in the course of carrying out his/her day-to-day duties under the practice training contract.<sup>42</sup> The idea that practice trainees provide “free labour” or “cheap labour” must be banished.
  - (b) Second, the Committee detected some uncertainty within the local Bar as to whether law practices should be permitted to charge out for work done by practice trainees. On the Committee’s part, the practice of charging out for practice trainees’ work does not appear to be objectionable in principle as it allows due recognition to be given for the effort they put in. Furthermore, it would help to defray part of the costs of a longer practice training period and is also consistent with the incremental approach to training under the proposed professional training regime. On the other hand, it has been suggested that clients have effectively been subsidising the training of junior lawyers for many years, and with clients becoming more cost-conscious, there are signs that they are less willing to continue to do so.<sup>43</sup> The simple point, however, is that if the client is willing to pay for the work done by a practice trainee, there appears in principle to be nothing stopping that.

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<sup>41</sup> The anecdotal feedback received during the focus group sessions with law students is also supported by news reports such as “More local law firms willing to take in trainees, but without pay”, *The Business Times* (19 June 2017).

<sup>42</sup> See Law Society Guidance Note 2014 at para 1 (Honorarium to be paid under the Contracts).

<sup>43</sup> See Legal Week, *Deutsche Bank to Refuse to Pay for Trainees and NQ Lawyers After Panel Overhaul* (21 March 2017), accessible at <http://www.legalweek.com/sites/legalweek/2017/03/21/deutsche-bank-to-refuse-to-pay-for-trainees-and-nq-lawyers-after-panel-overhaul/>.

This is an issue that the Law Society might wish to consult its members on and make clear.

103. The Committee expects that amendments to legislation such as the Legal Profession (Admission) Rules 2011 will have to be made if this recommendation is accepted. In that event, and especially if the specific recommendations below are also accepted, the SILE may wish to refresh its practice training contract checklist. If so, the SILE may also wish to consider the appropriate implementation details in consultation with other relevant stakeholders.

#### **4. *Utilising an alternative resource: Practice Support Lawyers***

104. To round off this part of the Report, the Committee hopes to raise awareness of the role of Practice Support Lawyers, which some law practices in Singapore are already utilising. As this concerns the internal hiring policies and organisational structures of individual law practices, the Committee does not make any formal recommendations in this area but will simply highlight the utility of this role.
105. A Practice Support Lawyer can be understood to refer to a legally-trained, non-fee-earning individual who performs specialised support functions in a law practice. Two groups of individuals in particular may be considered for the role of a Practice Support Lawyer:
- (a) Those who are admitted to the Bar but did not secure a practice training contract and therefore do not have practising rights;
  - (b) Those with practising rights but who wish to take a different path from practice to perform more specialised support functions.
106. To elaborate, the kinds of specialised functions that a Practice Support Lawyer can perform will typically be internal to the law practice or department (such as knowledge management and research). Practice Support Lawyers may also be able to handle more technical and fee-earning aspects of legal practice which practising lawyers may not have the resources or specialist experience to fully engage in. Examples of Practice Support Lawyers that spring to mind include patent agents who have both legal knowledge and scientific or engineering technical know-how, and forensic litigation support professionals who can combine their legal training with specialist knowledge in accounting and financial engineering.
107. The thoughtful use of Practice Support Lawyers can benefit not just the law practices themselves, but also the individual lawyers and the legal industry as a whole.

- (a) For the law practices, Practice Support Lawyers can help them to provide clients with more specialised services at lower cost.
- (b) For lawyers, stepping into the role of a Practice Support Lawyer will likely allow them more time and space to hone their skills and interests in a manner that may not have been possible in ordinary fee-earning roles.
- (c) For the industry, the Practice Support Lawyer pathway can alleviate the attrition of mid-career lawyers by giving the legal profession a means and the flexibility to retain persons with legal expertise but who do not wish to continue practising in a fee-earning role.

### **C. Specific recommendations**

108. The structural recommendations above are directed at the professional training regime as a systemic whole. In this section, specific recommendations are made to address discrete issues within the professional training regime. This category of recommendations can be broken down further into “training-centric” recommendations, which seek to ensure a high standard of training during the practice training period, and “process-centric” recommendations, which focus on the manner in which practice training contracts are applied for and obtained.
109. It is apposite to note at this juncture that the Committee has not ventured into areas that lie strictly outside its terms of reference. Two such areas will be highlighted given the related concerns that were raised in the focus group sessions.
- (a) First, some law graduates from overseas universities expressed frustration with the training that they received during their relevant legal training. The performance of menial tasks with no value-add or training value was a common source of dissatisfaction. It was suggested that some law practices may be reluctant to give overseas graduates meaningful or significant work during the relevant training period because they will later have to depart to complete their Part B course. More can perhaps be done in relation to relevant legal training—at the least, to fortify the training requirements and raise training standards—but this must again be left to the relevant stakeholders.
  - (b) Second, the Committee also received feedback on workplace stress faced by junior lawyers. The Committee is aware that the Law Society has made efforts to look into the issue and evaluate possible responses. Such efforts include rolling out pastoral care schemes and organising forums where junior lawyers can more freely surface their concerns and struggles. The Committee is grateful for the Law Society’s lead on this subject, and looks forward to these worthwhile efforts bearing fruit.

## 1. *Training-centric recommendations*

110. The training-centric recommendations were adapted substantially from the recommendations of the Working Group on Training that was appointed to study and propose improvements that can be made to the practice training process (see paragraph [62] above).
111. Before turning to the recommendations proper, it bears emphasising from the outset that black letter prescriptions can only go so far in bolstering the quality of practice training. At bottom, it is the spirit and mind-set with which supervising solicitors and practice trainees alike approach practice training that is key.
112. To begin with, important recognition must be given to the fact that the period of supervised training is not just another chapter in one's legal career. It occurs at the most formative stage of one's professional life and so the quality of the encounter can potentially leave an indelible imprint on how a junior lawyer models his or her practice in future. That is why each practice trainee—though a trainee of a law practice—must be supervised by a designated solicitor who has met certain minimum requirements in terms of experience and seniority.
113. The master-apprentice relationship is at the core of every apprenticeship. The practice training contract is no different. The success of practice training depends both on the commitment of the supervising solicitor to teaching and training, and the receptivity of the practice trainee to instruction and correction. Yet some practice trainees and junior lawyers who attended the focus group sessions said that they were treated as “slaves”, as labour at no cost, or were assigned secretarial tasks or menial errands with no relevance to the practice of law. This is a matter of serious concern.
114. It bears reiterating that supervising solicitors must take seriously their responsibility to train their practice trainees. It is unacceptable for a supervising solicitor to meet his or her practice trainee all of once or twice throughout the course of the practice training contract. It is also unacceptable for practice trainees to be treated as a commodity of the law practice to be deployed as and when there is a need for “warm bodies”. If senior and experienced members of the profession do not heed their professional obligation to train new members and ensure that the quality of the profession remains high, they place the future of the profession in grave jeopardy.
115. On their part, practice trainees also have to acknowledge that many aspects of legal practice are mundane and unexciting. Even putting aside low-level, repetitive work that may eventually be overtaken by technological advancements, there is a great deal of spadework—much of it thankless and possibly even unpleasant—which has to be done in the lead-up to that headlining trial, or those delicate, complex and challenging negotiations. It may

even be argued that this is a necessary part of the training process. In short, expectations have to be tempered.

116. Both supervising solicitors and practice trainees must therefore approach the practice training contract in the right spirit and with enthusiasm, realism and commitment. The recommendations in this Report which speak to practice training as a system and an institution will come to nothing if the participants in that enterprise do not themselves approach it with the correct attitude. It is with these observations in mind that the following recommendations are made.

(i) *Recommendations relating to the practice training period and practice training requirements*

117. **Conferring on practice trainees limited practising rights after six months of training.** The Committee recommends that, six months into the 12-month practice training period, practice trainees should have “part-call” rights by default. With such rights, practice trainees would be able to appear for the law practice in certain types of court hearings after six months of training.<sup>44</sup>

118. Other jurisdictions have also developed similar practices with the aim of easing trainee lawyers into full-fledged practice.

(a) In England and Wales, pupil barristers shadow their supervisors in the first six months. However, in the next six months, pupils can provide legal services and exercise rights of audience with the permission of their supervisor or head of chambers.

(b) In Hong Kong, pupil barristers may obtain a limited practising certificate that allows them to practise under the supervision of their pupil master.<sup>45</sup>

(c) In Ontario, candidates enrolled in the Law Practice Program and engaged in their work placement term as well as serving as clerks in the Articling Program may appear before Ontario courts and tribunals (while identifying themselves as “student-at-law” or “articling student”) on

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<sup>44</sup> The part-call rights are under s 32(3) of the LPA, which provides that a practice trainee may appear for the Singapore law practice which he or she is training with, before:

- a) a Judge of the High Court sitting in chambers or the Registrar;
- b) a Judge (however described) of a Family Court or Youth Court, or the Registrar, the Deputy Registrar or an Assistant Registrar of the Family Justice Courts; or
- c) a Judge (however described) of a District Court or Magistrate’s Court, or the Registrar or a Deputy Registrar of the State Courts.

<sup>45</sup> See *Pupillage*, Hong Kong Bar Association, accessible at <http://www.hkba.org/content/pupillage>.

certain matters while they are employed under the direct supervision of a licensed lawyer.<sup>46</sup>

119. This incremental approach to training is more realistic as it allows a smoother transition from practice trainee to practising lawyer.<sup>47</sup> While practice trainees would automatically have part-call rights in the second half of their practice training period, it should be of comfort that their supervising solicitors continue to remain responsible for them during that period.
120. **Requiring the practice training contract to be completed with a single law practice.** The Committee recommends that, subject to certain limited exceptions outlined below, a practice trainee should complete practice training with a single law practice. The effect of this is twofold. First, unless any of the limited exceptions apply, a practice trainee would not be able to aggregate time spent across several different law practices. Second, a law practice would be committed to providing supervised training to its practice trainees for the entire duration of the practice training contract.
121. The rationale for this is that it reinforces the idea that law practices and practice trainees owe each other serious mutual obligations that ought not lightly to be dishonoured. First, law practices and supervising solicitors have an obligation to train practice trainees for the duration of the practice training contract and should not drop them midway simply because it is convenient to do so. In this regard, anecdotal feedback given during the focus group sessions revealed that there have been instances, albeit rare, where law practices terminated practice training contracts at short notice or without notice. Second, practice trainees have an obligation to complete their training in the law practice whose offer of training they have accepted and should not hop between firms during the practice training period. Such conduct is unfair to the law practice which would have organised and committed its resources in accordance with the practice training positions allocated.
122. The Committee recognises, however, that certain exceptions have to be made to this general rule. These exceptions are as follows.
- (a) First, law practices, where necessary for practice training requirements to be fulfilled, may partner with other law practices to provide the prescribed supervised training during the practice training period. This is already contemplated under the current legislation,<sup>48</sup> though it should

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<sup>46</sup> *Rights of Appearance*, The Law Society of Upper Canada, accessible at <http://www.lsuc.on.ca/licensingprocess.aspx?id=2147498113>.

<sup>47</sup> That this transition was one of the most difficult ones was a strong sentiment expressed by the participants of the focus group session involving young lawyers.

<sup>48</sup> Rule 20(2) of the Legal Profession (Admission) Rules 2011 provides that where a Singapore law practice does not have the expertise or resources to provide the practice trainee with exposure

be stressed that the practice trainee is deemed to be supervised by his or her supervising solicitor during such period of exposure in the other law practice.<sup>49</sup>

- (b) Second, the 12-month practice training period may be interrupted only in the following limited situations:
- (i) Where the law practice and the practice trainee mutually agree for the training contract to be terminated.
  - (ii) In all other instances, very good reasons should be provided either by the practice trainee or the firm, as the case may be. For example, a practice trainee could be caught in a situation where the law practice is dissolved or the supervising solicitor leaves the law practice during the practice training period. From the law practice's perspective, circumstances could be discovered during the practice training period which, had the contract in question been any other contract of employment, would have provided due cause for dismissal; for instance, where material misrepresentations were made in the application for the practice training contract. As it is possible for disagreements to arise between the law practice and the practice trainee as to whether there are very good reasons for the practice training period to be interrupted which cannot be resolved amicably, a further recommendation has been made for the Law Society to consider formalising its current practice of mediating such disputes (see paragraphs [136]–[139] below).

123. **Permitting up to three months of the practice training contract to be completed at approved in-house legal departments of pre-qualified corporations.** The Committee recommends that practice trainees should be permitted to serve a maximum of three months of their 12-month practice training period in the legal department of a corporation. This will only be available for a list of corporations registered with the Singapore Corporate Counsel Association (“SCCA”) and approved by the SILE.
124. There was broad support for this proposal among the legal practitioners that the Committee met. It was acknowledged that expanding the options for training can add to a practice trainee's breadth of practical and commercial experience. At the same time, the SCCA and in-house counsel whom the Committee spoke with were also keen to step up and do their part to help train

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to the areas of practice required, it may arrange for him to receive that exposure in another Singapore law practice.

<sup>49</sup> Rule 20(3) of the Legal Profession (Admission) Rules 2011.

practice trainees. The practice of allowing in-house counsel to train trainee lawyers is also a feature present in several foreign jurisdictions.<sup>50</sup>

125. **Encouraging the rotation of practice trainees to contrasting practice areas.** The Committee is of the view that law practices should be encouraged to consider rotating their practice trainees to different practice areas so that they can develop into more well-rounded lawyers.
126. The current rules require the practice trainee only to be “exposed” to two or more practice areas.<sup>51</sup> There is no requirement for the practice trainee to serve a part of the practice training contract in a different practice area.
127. The Committee appreciates, however, that mandating rotations (which is a system adopted by many international law practices) may pose difficulties for smaller law practices which are built around a core area of expertise. The feedback which the Committee received from focus group sessions was also mixed. Some practice trainees already know the area of practice they want to gain experience in and would prefer not to do formal rotations, while there are others who are less decided and would prefer rotations.
128. The Committee is therefore of the view that it would be too inflexible to mandate rotations in the present context. This should be left to the individual law practices and practice trainees to work out, based on their needs, resources and preferences.<sup>52</sup>
129. **Encouraging a buddy system for practice trainees.** The Committee is of the view that law practices should consider adopting a buddy system to provide another channel—in addition to the supervising solicitor—by which practice trainees can seek ready help on the performance of their day-to-day tasks.
130. Given the realities of legal practice, it can be challenging to expect a supervising solicitor to always be on hand to address the practice trainee’s queries. At the same time, it is very often the case that matters such as drafting and research are undertaken principally by associates rather than the supervising solicitor, who will invariably be more senior personnel in the law practice. It is therefore eminently sensible for practice trainees to be assigned

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<sup>50</sup> In England and Wales, in-house counsel can apply to be authorised training providers for trainee solicitors. In Ontario, the four-month work placement aspect of the Bar admissions requirement can be fulfilled in in-house legal departments and even non-governmental organisations. In New York, experience as an in-house counsel in other jurisdictions can be used to fulfil the skills competency requirement.

<sup>51</sup> Rule 19(1)(b) of the Legal Profession (Admission) Rules 2011. The relevant practice areas are civil litigation; criminal litigation; corporate practice; and conveyancing practice.

<sup>52</sup> This is consistent with the recommendation of the fourth Committee on the Supply of Lawyers that law firms be exhorted to rotate their trainees between different areas of practice. It is also consistent with the requirement in the current rules that trainees receive exposure to two or more areas of practice.

a “buddy” of about three years’ seniority to assist with the practice trainee’s training, where possible. A collateral benefit of having such an arrangement is that it affords junior lawyers, who would become supervising solicitors themselves in time, the opportunity to attune themselves to the responsibilities of a supervising solicitor.

131. The Committee does not, however, propose to make this recommendation compulsory because there may be small or lean outfits which simply cannot spare an additional associate to function as a buddy.
132. **Requiring quarterly feedback sessions between supervising solicitors and practice trainees and deliberate discussions on the issue of retention.**  
The Committee recommends that supervising solicitors should conduct regular quarterly feedback sessions with their practice trainees to consolidate learning and improve the training experience. The issue of retention should also be discussed in the third quarter, at the latest, to minimise the anxiety of practice trainees.
133. It is an intrinsic part of the relationship between the practice trainee and the supervising solicitor that the latter gives the former regular feedback to guide the trainee’s progress, development, and what can be improved. There are currently no express requirements pertaining to feedback sessions between the supervising solicitor and the practice trainee. There was anecdotal feedback of instances where the only time the practice trainee sees or speaks with the supervising solicitor is when the supervising solicitor is asked to certify and sign off on the checklist showing that the practice trainee has completed all the relevant practice training requirements. This is unsatisfactory given that the supervising solicitor has the personal responsibility of ensuring that the practice trainee who is under his supervision fulfils all the requirements of practice training.<sup>53</sup>
134. The Committee therefore recommends mandating quarterly reviews between the supervising solicitor and the practice trainee. This maintains the balance between not imposing too onerously on the supervising solicitor’s time, and giving the practice trainees the means through which they may have the feedback, views and insights of a senior and experienced practitioner during their training period.
135. The Committee also recommends that the issue of retention be discussed by the time of the review in the third quarter. With a lengthened practice training period, a conversation as to retention in the third quarter of the practice training period will afford the law practice more time for the assessment of the practice

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<sup>53</sup> Rule 19 of the Legal Profession (Admission) Rules 2011.

trainee than in the present system. At the same time, it would also allow the practice trainee some time to consider the available options and next steps.

136. **Introducing a channel for the surfacing and mediation of disputes in relation to practice training contracts.** The Committee recommends the introduction of a channel or avenue by which disputes that arise during the course of the practice training period can be resolved.
137. At present, disputes arising during the course of the practice training period tend to be informally mediated by the Law Society. However, where such issues cannot be resolved satisfactorily, practice trainees have on occasion had to re-do the practice training from scratch (such instances are thankfully rare). With the recommendation to extend the practice training period to one year and to be completed with a single law practice, there may be a greater need for an avenue to resolve such issues.
138. The Committee therefore proposes that where issues arise in relation to a practice training contract, an avenue for surfacing such issues should be created with a view to a neutral third party assisting in the resolution of the issues.
139. If this recommendation is accepted, the Law Society may consider formalising its existing practice of informally mediating disputes that may arise under a practice training contract and give it greater structure. One possibility is to expand, for this purpose, the “SC Mediate” scheme which brings in Senior Counsel to mediate disputes between law practices or between lawyers. The expansion of existing pastoral care schemes, such as the “Members’ Assistance & Care Helpline”, with the aim of providing support to trainees caught up in practice training contract disputes, may also be worth considering. The precise implementation of this proposal can be considered by the Law Society, in consultation with the SILE.
140. **Mandating CPD-style training during the practice training period and a minimum of two years thereafter.** The Committee recommends that practice trainees be required to participate in courses that are tailored to their professional development needs while they complete their practice training contract and for a minimum period of two years thereafter.
141. The training and education of a lawyer is a lifelong process. The existing Continuing Professional Development (“CPD”) programme was formulated with this in mind.<sup>54</sup>
142. The CPD programme presently caters to the legal profession at large but the Committee is of the view that, with some careful thought as to the structuring

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<sup>54</sup> See SILE, “CPD Year 2017 Points Requirements” (12 December 2016).

of its content, it may be adapted to specifically advance the training of practice trainees. In this regard, a suite of CPD-style lectures could be developed to focus on the skills or areas of development specific to practice trainees such as client management, business development, ethics and advocacy skills. It can then be made compulsory for practice trainees to attend these lectures or sessions during their one-year practice training period, and continue to do so for a minimum two further years beyond their practice training. The added benefit of such CPD-style training is that it injects consistency into the training experiences of practice trainees and junior lawyers.

143. SILE would be at liberty to structure the proposed CPD programme for practice trainees and junior lawyers and to decide on the appropriate topics.

(ii) *Recommendations relating to supervising solicitors and law practices*

144. **Introducing initiatives focused on training the trainers.** The Committee is of the view that, in the interests of improving the consistency and quality of training, supervising solicitors should themselves be encouraged to improve on their training techniques and that they should be offered the opportunities to do so.

145. The quality of training received by practice trainees is heavily dependent on the quality of instruction and supervision from supervising solicitors. It is therefore crucial that supervising solicitors themselves receive training, so that they not only have the skills to mentor practice trainees, but also fully appreciate their responsibility to develop the practice trainees under their charge.

146. The Committee suggests that the training of the trainers can be done through roundtable discussions or seminar sessions which will allow supervising solicitors to share their experiences. This will facilitate critical reflection on how they can be better mentors. CPD points should be awarded to lawyers who attend “training the trainer” sessions to incentivise participation.

147. **Promulgating materials to provide better guidance for law practices and supervising solicitors in relation to training.** The Committee recommends that the Law Society consider promulgating materials such as handbooks, codes of practice or guidance notes for law practices and supervising solicitors in relation to the treatment and mentorship of practice trainees and junior lawyers.

148. **Designating a “training partner” in law practices with six or more lawyers.** The Committee recommends that a “training partner” be designated to oversee and monitor the training provided in law practices of six or more lawyers. The “training partner” should have a minimum of at least seven years of

post-qualification experience in the practice of law, though he or she need not be in active practice at the time of appointment.

149. The proposed “training partner” will have charge of and responsibility for the training of practice trainees, including the promulgation of a structured training programme and the oversight of any practice training-related issue that may arise within the law practice. Importantly, the training partner will also be the contact point with the Law Society for any practice training-related issue.
150. With the institutionalisation of this role, it is hoped that individual law practices will devote more attention and care to the need for proper training of their practice trainees. At a broader level, this should also help to raise standards in the quality of training across the profession.
151. **Introducing an audit review mechanism.** The Committee recommends that a mechanism for conducting audit reviews of law practices be established to improve quality control of the training provided.
152. Both supervising solicitors and law practices have an obligation to ensure that practice trainees receive adequate training in order to qualify for practice.<sup>55</sup> However, there are, at present, no practical means of ensuring that this is complied with. If practice training-related issues arise, the matter is often referred informally to the Law Society and efforts are made in private to resolve the issues. This, however, occurs after the event and is not satisfactory.
153. In light of the present state of affairs, there is a need for a mechanism which allows a check on the extent to which the supervising solicitors observe not just the form, but also the spirit, of the practice training requirements. In this regard, the Committee proposes the introduction of the following audit review mechanism:
  - (a) An independent review solicitor may conduct random audits of individual law practices to ensure that their practice trainees are receiving adequate training.
  - (b) These audits will comprise interviews with the practice trainees and the supervising solicitors at various stages of the training contract.
  - (c) In the event that an audit surfaces concerns about the practice training provided, the law practices and supervising solicitors can be counselled with a view to improving the quality of training that is provided.
154. It should be stressed that the point of the audit is not so that supervising solicitors who fall short of expected standards can be sanctioned. The point of the audit is constructive: it is intended to help in the identification of

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<sup>55</sup> See Rules 19 and 20 of the Legal Profession (Admission) Rules 2011.

shortcomings in the training experience and in suggesting how the training process can be improved. The very prospect of the audit itself should also spur lawyers to be more vigilant about prioritising training.

155. If this recommendation is accepted, the Law Society may be best placed to consider the precise implementation of the recommendation, in consultation with the SILE.

(iii) *Recommendations relating to the broader legal community*

156. **Encouraging the opening up of in-house training in larger law practices to practice trainees from smaller law practices.** The Committee is aware that some law practices—particularly the larger ones—hold in-house training sessions for their junior lawyers. In principle, it would be beneficial for such training sessions to be open to practice trainees from the smaller law practices which may not have the resources to provide such training themselves. This would ensure greater consistency in the training that practice trainees receive, and may also foster a greater sense of belonging within the larger legal community for the practice trainees.

157. **Introducing a scheme for mentoring by “elder statesmen” of the profession.** The Law Society already has schemes in place for senior and experienced practitioners to give back to the broader legal community on a volunteer basis, such as the “Relational Mentorship” scheme, under which senior practitioners provide advice and guidance to junior lawyers on issues such as ethical conundrums, career assistance and guidance, and stress management. Senior practitioners have a wealth of information and experience to share with junior lawyers, and may have greater capacity to do so outside of a formal office environment where commercial pressures are given precedence. The Committee is of the view that it would be beneficial if such schemes can be extended to practice trainees as those who sign up will be able to tap the experience and knowledge that these senior practitioners have acquired over the years.

158. **Introducing formal avenues for practice trainees to interact and share their experiences.** Formal avenues such as roundtable discussions or seminar sessions should be created for practice trainees to share their growing pains and discuss learning points which they experienced or acquired in the course of their practice training period. This may help to build camaraderie and enhance the consistency of training experiences. The Law Society has already held some roundtable discussions under the Chatham House Rules; these can be formalised and organised with greater regularity.

## 2. *Process-centric recommendations*

159. **Introducing a moratorium on applications for practice training contracts.**  
The Committee recommends that there should be a moratorium date prior to which law students should not be permitted to apply for practice training contracts, and law practices should not be permitted to offer practice training contracts.
160. Under the moratorium, applications and offers will not be permitted until after third-year exam results are released (for students from local universities), and until after final year exam results are released (for students from foreign universities), subject to further consideration at the implementation stage by the SILE and the Law Society.
161. This measure is supported by feedback received during the focus group sessions with law students and junior lawyers. It was found that:
- (a) The competitiveness of the present practice training contract market has resulted in law practices generally offering practice training contracts only to candidates who have previously interned with them.
  - (b) Significant pressure is therefore placed on law students to undertake multiple internships beginning from their first year of law school or even earlier, in the hope that they will secure a practice training contract from at least one of the law practices at where they intern.
  - (c) The situation is exacerbated by the absence of a moratorium on applications for practice training contracts, as the considerable stress and anxiety generated by the internship and application process result in frantic efforts to apply to a multitude of law practices for a practice training contract.
  - (d) These efforts become even more frantic and marked by desperation with the passage of time and as the number of available practice training contracts dwindle.
162. The Committee is sympathetic to the plight of law students who have to grapple with the very real stress of essentially gearing up to find employment from the very start of law school. The Committee is therefore of the view that a moratorium on applications for training contracts will help to ease some of the anxiety in the application process.
163. At the same time, the Committee is cognisant of the fact that the implementation of a moratorium will be operationally challenging as a result of the numerous categories of law students and the staggered releases of results. Adherence to a moratorium may also be difficult to police. Understandably,

there is a view that if the moratorium would be implemented only as a matter of form but not of substance, there is little value in introducing it.

164. The Committee is, however, optimistic that these challenges can be overcome with good planning and as long as both law practices and law students comply in good faith with the rules. While it may not be a perfect solution, having a moratorium in place would, in the Committee's view, go some way towards alleviating the anxiety in the application process, particularly when implemented in combination with other recommendations.
165. **Enhancing publication of training and retention information by law practices.** The Committee recommends enhancements to the publication by law practices of their training and retention information in the interests of introducing greater transparency into the application process for practice training contracts. More can be done to ensure that there is sufficient publicly available information on law practices and the training they provide in order that aspiring lawyers can make informed choices about where they intend to train in.
166. Under existing subsidiary legislation,<sup>56</sup> law practices which intend to provide supervised training under a practice training contract are already required to publish details of the supervised training offered. The SILE has provided guidance<sup>57</sup> that such details shall pertain to the areas of practice which a practice trainee will be exposed to in the law practice, the names of the supervising solicitors in active practice in the law practice, a general summary of the supervised training that will be provided by the law practice, and the honorarium which the law practice will pay to the practice trainee.
167. While this is laudable, the Committee considers that the publication by law practices of the following additional details would be beneficial:
- (a) The number of practice training contracts offered for the year in question as well as similar historical data for past years.
  - (b) Historical data of the number of applications received per year.
  - (c) Historical data of the proportion of practice trainees who are retained as practising lawyers at the end of their practice training period per year.
168. As this information must be available to law students both in Singapore and overseas, the Law Society will likely have to play a prominent role in

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<sup>56</sup> Rule 22 of the Legal Profession (Admission) Rules 2011.

<sup>57</sup> Paragraph 6 of SILE's Guidelines for Practice Training Contracts (with effect from 3 May 2011), accessible at <http://www.sile.edu.sg/pdf/SILE%20Practice%20Training%20Contract%20Guidelines%20Checklist.pdf>.

supervising and ensuring that the training and retention information is indeed published. Furthermore, there is already an existing database of available practice training contracts on the Law Society's website, but feedback from law students and junior lawyers suggested a need for the database to be regularly updated. The need to reduce information asymmetry is especially important in respect of small law practices, which law students might otherwise be unfamiliar with or unable to approach.

#### IV. PROFESSIONAL TRAINING IN THE SINGAPORE LEGAL SERVICE

169. As compared to practice trainees serving their practice training in Singapore law practices, a different training period applies for law graduates who seek admission to the Bar by working as a legal service officer.<sup>58</sup> For such individuals, six months of supervised training in relation to the practice of Singapore law counts as one month of the requisite six-month practice training period.<sup>59</sup> Accordingly, the total period of supervised training that such law graduates must receive is 36 months, should they seek admission to the Bar *purely* through working in the Legal Service.
170. However, there is in substance little difference in the content or quality of training during the six-month practice training period for practice trainees generally, and the 36-month training period for law graduates working in the Legal Service. In both cases, the training covers, *inter alia*, legal skills, professional responsibility and ethics, and etiquette and conduct.
171. Accordingly, the Committee recommends that:
- (a) The practice training period for law graduates who join the Legal Service be equalised with that of practice trainees who serve their practice training period in Singapore law practices.
  - (b) Such law graduates may also be admitted to the Bar after completing the Part B examinations, same as their practice trainee peers, without being required to complete their supervised training.

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<sup>58</sup> Rule 14(3) of the Legal Profession (Admission) Rules 2011. For completeness, under r 14, it is also possible for law graduates to receive supervised training in prescribed public bodies (prescribed under the Legal Profession (Prescribed Statutory Bodies and Law Offices in Public Service) Rules 2009 (S 465 of 2009)). However, this route is rarely taken. In the light of the recommendations for legal service officers, the position of law graduates in prescribed public bodies can be reviewed separately.

<sup>59</sup> Rule 14(3) of the Legal Profession (Admission) Rules 2011.

## V. PRO BONO

172. The Committee encourages junior lawyers to involve themselves in pro bono work from as early on in their careers as possible. This is so that pro bono work can be cultivated as a core part of their practice and professional identity, and not engaged in merely as an afterthought. In this regard, it is heartening to note that most of the junior lawyers who participated in the focus group sessions expressed strong interest in engaging in pro bono work for the purposes of personal development and to improve the image of the profession.
173. Indeed, pro bono work presents several benefits for junior lawyers.
- (a) First, it is an important means by which they can feel able to contribute meaningfully back to the wider community and reinforce their appreciation of the special role of lawyers in society. The expanded perspective and greater maturity which pro bono work affords can result in them feeling reinvigorated and finding purpose in what they do. These are key to a healthy and sustainable legal career.
  - (b) Second, pro bono assignments add variety to a lawyer's work and that can lead to a more rounded professional development. For instance, one who specialises in the area of commercial litigation may well find that taking up a criminal or family assignment pro bono provides a different challenge, and he or she can absorb the lessons to develop into a better lawyer.
  - (c) Third, the realities of practice today, especially with more cost-conscious and demanding clients, means that junior lawyers who have an interest in advocacy may have to be patient for the opportunity to appear and plead in court, particularly if they are in large law practices. Pro bono work offers them the chance to develop their court craft early and that will stand them in good stead when the time arrives for them to argue their own cases.
174. However, junior lawyers can only truly seize the opportunities to do pro bono work if the law practices support them in this endeavour, for example, by distributing work in a way which accounts for the fact that they have taken on a pro bono assignment. There are, of course, law practices which choose not to do so but that will likely cause the lawyer to feel that he or she has been penalised or disadvantaged by taking on pro bono work.
175. This Committee urges the leadership in law practices to adopt a more enlightened view towards pro bono work. This is in line with the move in March 2015 to make it mandatory for lawyers, when applying for a practising certificate, to make a declaration on the total estimated amount of time (in hours) spent providing specified pro bono services in the immediately

preceding practice year.<sup>60</sup> If junior lawyers are made to feel that their employers value pro bono work, they will naturally be less hesitant to take up such assignments and that is surely a sign that the profession as a whole is moving in the right direction.

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<sup>60</sup> Legal Profession (Mandatory Reporting of Specified Pro Bono Services) Rules 2015 (S 96 of 2015).

## **VI. CONCLUSION**

176. The time that a lawyer spends as a practice trainee is an incredibly significant and formative one. If he or she is the recipient of close nurturing and effective supervision, the promise of positive development and a genuine thirst for learning is certain to grow. However, if he or she is only exposed to superficial training or unrealistic demands, then the chances of a fulfilling and sustained career in legal practice are likely to diminish in proportion to the negative experience. This is not only bad for the practice trainee concerned, it is also undesirable for the wider profession which may bleed talented individuals in the short to medium term, and suffer an overall drop in standing both domestically and internationally in the longer term as future generations of poorly-trained lawyers emerge.
177. The emphasis on good mentoring therefore lies at the heart of this Report and, if senior lawyers heed the call to make this a central part of their practice, the legal profession will reap the rewards by having its junior lawyers stay the course and contribute meaningfully to society. As for law practices, it is hoped that the recommendations made here will encourage a shift in terms of how they view themselves; they are not just profit-making businesses but important centres for continuous education. Indeed, it should not be forgotten that the junior lawyers of today will be the leaders of the profession tomorrow. Investing in their training will always be a necessary and worthwhile enterprise.
178. This Report has traced many of the difficulties facing trainee lawyers which together underscore the urgency of the present call for reform. In making its recommendations to address these difficulties, the Committee has benefitted greatly from the insights gained from various cross-sections of the legal community through focus group sessions as well as a comprehensive literature review.
179. Having said that, it is appreciated that some of the recommendations will reshape the landscape for the professional training of lawyers rather significantly. The implementation of the recommendations, if accepted, will also call for the co-ordinated efforts of several key stakeholders such as the Ministry of Law, the Law Society, and the SILE. In light of this, it may be worthwhile seeking a broader base of views to ensure that all interested groups are heard and their opinions considered, perhaps by way of a public consultation. As a concluding remark, the Committee is nevertheless hopeful that its recommendations will bring about holistic improvement to the professional training regime for trainee lawyers.

**MEMBERS OF THE COMMITTEE, WORKING GROUP AND  
SECRETARIAT**

**Committee**

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Mr Kwek Mean Luck, SC    Solicitor-General, Attorney-General's Chambers

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Mr Gregory Vijayendran<sup>63</sup>    President, Law Society of Singapore

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<sup>61</sup> At the time of establishment of the Committee, was Judicial Commissioner of the Supreme Court of Singapore. Appointed Judge of the Supreme Court of Singapore on 1 April 2017.

<sup>62</sup> At the time of establishment of the Committee, was Judicial Commissioner of the Supreme Court of Singapore. Appointed Judge of the Supreme Court of Singapore on 30 September 2017.

<sup>63</sup> At the time of the establishment of the Committee, was Vice-President of the Law Society of Singapore. Appointed President with effect from 1 January 2017.

<sup>64</sup> At the time of the establishment of the Committee, was President of the Law Society of Singapore, up to 31 December 2016.

## **Working Group on Training**

### ***Chairperson:***

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Mr Kenneth Wang<sup>70</sup>     Justices' Law Clerk, Supreme Court of Singapore

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<sup>65</sup> Up to 15 September 2017.

<sup>66</sup> Up to 31 December 2016.

<sup>67</sup> Up to 31 December 2016.

<sup>68</sup> Up to 31 December 2017.

<sup>69</sup> Up to 31 December 2017.

<sup>70</sup> From 9 March 2017.