

# **ADMISSION OF ADVOCATES & SOLICITORS**

## **MASS CALL 2016**

Singapore, 27 August 2016

The Honourable Justice Andrew Phang, Judge of Appeal,  
Supreme Court of Singapore

---

Vice-President of the Law Society, Ms Kuah Boon Theng

Ladies and Gentlemen:

1 I would like to congratulate all of you on your admission to the roll of advocates and solicitors this afternoon.

2 I would also like to extend a very warm welcome to your families and loved ones as they share in this joyous occasion with you. Indeed, I am sure that your achievements would not have been possible without their love and support.

3 I would like, today, to touch briefly on important issues as well as developments and solutions which the Honourable the Chief Justice spoke on yesterday and would strongly commend you to read his speech in full.

4 He identified three areas of concern.

5 The first is the oversupply of young lawyers in the market – with the result that it is becoming increasingly more difficult to secure a practice training contract and, even if this difficulty can be overcome, there is anxiety about being retained in the firm concerned.

6 The second relates to the emergence of new technologies – with the potential danger that the lawyer's very livelihood could come under threat as a result.

7 The third is the very real problem related to the hollowing out of mid-career professionals caused by burnout.

8 Notwithstanding the enormity of these problems, the Chief Justice proposed some very practical solutions – in his apt words, “to alter that rather dismal picture”.

9 On the issue of oversupply of young lawyers in the market, he correctly pointed out that there is little that can be done in so far as this is ultimately a function of market forces. Whilst the issue of oversupply itself can be mitigated to some extent, the *real* issue – as the Chief Justice perceptively pointed out – relates to one’s *motives* for embarking on the study of law in the first place. I shall touch on this in a little more detail towards the end of my speech.

10 The Chief Justice also spoke of active steps being taken on the demand side to grow the pie. These measures include the launch of the Singapore International Commercial Court as well as the promotion of alternative modes of dispute resolution – although it will obviously take time for these continuing efforts to bear fruit and be felt on the ground.

11 More importantly, the Chief Justice announced the formation of the Committee for the Professional Training of Lawyers (“the Committee”) led by Justice Quentin Loh, a senior member of the Bench and two younger colleagues, Judicial Commissioner Aedit Abdullah and Judicial Commissioner Kannan Ramesh. They will bring to bear their extensive experience in undertaking a root and branch review of the entire training contract regime in Singapore. This will include a careful study of current practices pertaining to how training contracts are applied for, offered and secured, with a view to finding ways of ensuring as much consistency and transparency as possible so as to afford every law graduate a *fair* opportunity at securing a training contract.

12 The Committee will also examine whether retention policies should be made more structured and transparent. In so far as the issue of transparency is concerned, the Chief Justice mentioned that the possible ways of ensuring transparency might include requiring the publication of retention criteria, retention rates and other relevant data (such as data on the firm's attitude and commitment to *pro bono* work). It could also mean transparency on issues such as the opportunities for switching between departments within a firm and the willingness of the firm to ensure that offers of employment match the aspirations of the lawyer concerned.

13 The Committee will also explore the creation and formalisation of alternative structures in order to provide opportunities for those who are not retained to continue to have a viable future in the firms they have been trained in – for example, to continue as para-legals (a practice that already exists in, for example, the United Kingdom and Australia).

14 In my view, the work of the Committee is extremely important and its formation is a watershed measure indeed. The Committee will strive towards providing an informed set of recommendations within the next 12 to 18 months. The Minister for Law is also fully supportive of this measure and members of his staff will serve on the Committee, as will representatives from the Bar, corporate firms, the Attorney-General's Chambers and the Legal Service.

15 Turning to the second area of concern, *viz*, the problem posed by technology, the Chief Justice – quite correctly, if I may say so – pointed to the fact that, instead of perceiving technology as a pernicious threat to our jobs, we should, instead, harness it to empower us and to free us up to pursue more high-value work.

16 The third area of concern is one which I am sure is very close to your hearts – the problem of burnout. May I just say here that this is not a problem

that is unique to the legal profession. We find the problem of burnout in virtually every profession. Perhaps it is a symptom of the times in which we live. In particular, the Chief Justice pointed to the fact that there is much focus on the mantra that “time is money” – with the result that the former is sacrificed at the altar of the latter. This has a pernicious effect on both a young lawyer’s professional development as well as professional satisfaction. The Chief Justice pointed out that the Committee headed by Justice Loh will also closely study this problem and seek ways of improving the quality of supervised training offered to practice trainees. These include exploring whether it is desirable and possible to have a structured training programme, what such a programme should feature (including the proper integration of matters covered in Part B of the Singapore Bar Examination in a practical setting), whether requirements should be prescribed for firms (and, if so, how adherence should be monitored), the degree and quality of supervision to be expected of supervising solicitors, as well as whether and how *pro bono* activities should be integrated as part of supervised training.

17 There is much that remains to be done, but, in my view, we have (in light of the Chief Justice’s views and suggestions) much to be optimistic about.

18 I would like to conclude with a few personal observations for your consideration. Indeed, they are drawn from another Mass Call speech delivered some years ago. However, I view these observations as premised on universal values that transcend space and time, and which I therefore could not express either differently or (more importantly) in a better form.

19 The first is that, despite the many difficulties before us (the more significant ones of which have been mentioned by the Chief Justice), if we maintain our sense of idealism, we will not despair; on the contrary, we will have the courage to press on. Unfortunately, however, ideals have – in an era of increased (and increasing) materialism – often been dissolved in the acid of

cynicism and greed. However, the discipline of law has always stood for higher ideals – in particular, the pursuit as well as attainment of justice and fairness. Justice and fairness are not mere abstract ideals. They are what the courts seek to achieve at every hearing. Put simply, the rules and principles which constitute the *doctrine* of the law are not ends in themselves but are, rather, the means through which the courts arrive at *substantively fair* outcomes in the cases before them in *every* area of the law.

20 At an even more basic level, however, our work must assist in giving meaning and sense to our lives. Otherwise, we will flag and even ultimately burn out. In this regard, we need, in the pursuit of our legal careers, to look beyond ourselves and to locate (within our respective spheres) that element of sacrifice which brings both justice and fairness to whom we serve as well as encouragement to those with whom we serve. Significantly, achieving this will, in fact, require us to pursue excellence in our legal careers. Such excellence will also earn you a salary – for some of you, rather large salaries. Indeed, some of you are destined to become leaders of the legal profession. Ultimately, however, at the end of your legal career, the greatest satisfaction will come from a life well lived for others. At the end of it all, you need to ask yourself whether your legal career has *impacted the lives of other people in a positive way*. In this regard, your *attitude* on a day-to-day basis is all-important. Conscious and significant acts that directly assist clients as well as others (including your colleagues) are, of course, highly commendable. But let us not forget that little acts of kindness may also go a long way. If you make the doing of such acts a natural and integral part of your lives, you will, in fact, achieve much without stress or self-consciousness.

21 I spent almost a quarter of a century in legal academia before I joined the Bench. During those years, I had taught literally thousands of students and had written many books and articles. But when it came time to leave, the only meaningful – and lasting – reminders of my stint in the university could be

found in a small box. It was a box of cards and letters received from students over the decades. Not many, to be sure, given my many years as a lecturer. Many of those cards and letters were, in fact, from those who were by no means the strongest students. I found, however, that little acts of kindness (which I must confess did not mean much to me at the time) often meant a lot to them. I take no pride in relating this. On the contrary, it is humbling – because it is a stark reminder that it is in the so-called small things that we do that our greatest (and most lasting) achievements are often (and unbeknownst to us) to be found.

22 The second observation I wish to make relates to the issue of work-life balance – a balance that can also aid in avoiding burnout. In this regard, whilst excellence in work will always remain an important goal, the amount of time spent on a piece of work is not necessarily reflective of its quality. A clear mind accompanied by sharp analysis often results in an excellent piece of work that is produced in a far quicker time than that which is produced as a result of a muddled mind that is (in turn) the result of having spent long and unfruitful hours at the workplace. May I also commend to you, once again, the Chief Justice’s exhortation to utilise technology as a very useful tool in this particular regard.

23 On the home front, may I say that working women cannot be expected to shoulder both their responsibilities at the workplace as well as the full load of housework and parenthood. Husbands must shoulder their fair share of the latter as well.

24 Finally, I would like to take this opportunity to wish you all success in all your future endeavours as you become fully-fledged members of the Bar today.

25 Thank you.