

TRADITIONALLY, LAW FIRMS have been anxious to make their presence felt and students are accustomed to being so wooed. But the recession that has the world in its grip today is unprecedented. Will law firms thus change their hiring policies in a way that can only bode ill for graduating students?

Probably not, judging by the response of law firms interviewed.

Recruitment Partner for Singapore's largest law firm Allen & Gledhill LLP, Ms. Margaret Chew, assured us that the firm will "continue to be committed to recruiting the best law students." At Rajah & Tann LLP, similar sentiments existed, with the firm declaring that it will still be "on the look-out for talented pupils and lawyers. To this end, the firm has donated generously to the Geoffrey Bartholomew Professorship pledge and has recently sponsored the Corporate Insolvency prize as well as the production of the Law School Companion. NUS law school has also seen an increased participation from WongPartnership LLP, with the firm sponsoring the International Commercial Arbitration Moot competition as well as the annual law ball, emphasizing the firm's commitment to fortifying the relationship it has with the school.

For students who prefer medium-sized outfits, the same applies.



Perhaps the only thing that has changed at Colin Ng & Partners LLP, is their hiring focus. Partner Mr. Colin Ng, explained that their new focus is centered on "emerging client requirements and new areas of work in the market (e.g. Insolvency)."

(CONTINUED ON PAGE 2)

## Recession

It's a word that has been bandied about often enough these days but how close to home does it really strike?

Careers Fair still lively. Firms are still keen to hire in relevant sectors.

YVONNE POON & KRISTLE CHIANG  
Associate Editors

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# Editorial: Preparing for Better Times

Nobody expects *Juris Illuminae* to provide sound financial advice, but here is a first: bad times provide the best impetus for change. Sacred cows, such as the use of reserves, are challenged and “improbable” events, such as the election of Barack Obama as the United States’ first African-American President, are actually happening.

Bad times, however, do not necessarily bring about the best changes. The effects of the Great Depression in the 1930s are key to understanding the rise of Nazi Germany and the subsequent demise of the rule of law there.

When spending habits are reconsidered, “luxuries” such as donating to charity and the practice of corporate social responsibility are first to suffer. While resources can be used more effectively, giving up on good causes only serves to bring out our worst.

This month, the Singapore Law Review will be publishing the 26<sup>th</sup> edition of its journal. The year-long process was at best harrowing as our editors, fearing that this volume would not come into being due to financial constraints, were distracted from putting their best efforts into sourcing and editing articles. Yet it presented to us the opportunity to seriously consider the significance of publishing a journal—a crucial thought process that will help us decide how the next edition should be published so as to avoid the problems faced this time.

A second piece of advice is in order. In bad times, prepare for better ones. Myopia dictates that the poor climate today is an exception, but we must not forget that our decisions in dire circumstances are really precedent for what we deem permissible from now on. □

(CONTINUED FROM PAGE 1)

## FOREIGN FIRMS

That said, one wonders about the outlooks of the 6 foreign law firms, Norton Rose, Clifford Chance, White & Case, Allen & Overy, Herbert Smith, and Latham & Watkins, that have recently been granted their Qualifying Foreign Legal Practice licenses to practice locally. Without the foundation local firms enjoy, the incoming outfits have more uncertainty to contend with. Yet, though cautious, all seemed positive about their firms’ local endeavours.

“I suspect all law firms operating in Singapore will be more cautious when hiring,” said Mr. Jeff Smith, Partner of the Singapore office of Norton Rose (Asia) LLP. “But our policies have not changed—we have continued to hire lawyers in our key business areas during the economic crisis.”

Elsewhere, the spectre of the economic crisis has not affected Allen & Overy’s plans “to encourage the legal industry in Singapore to become one of the most developed legal service markets in Asia” with its plans to “grow Singapore in a measured way.”

Indeed, many firms have expressed their intention to hire more Singapore lawyers. When asked how many, White & Case LLP answered succinctly: “Many of them.”

For all their optimism, most of the firms have factored in the recession’s effects. White & Case LLP’s Mr. Doug Peel, Executive Partner for their Singapore office, acknowledged that it was too soon to estimate what the overall impact might be, but revealed that the firm had adjusted to accommodate the recession. “We are re-orienting ourselves towards areas that are more active—for example, there will be more restructuring work and less new finance.”

Norton Rose has not been idle either. Said Mr. Smith, “We have continued to stay close to our clients ... we are now leveraging on the experience we gained during the Asian Financial Crisis in 1997 to assist our clients in debt and corporate restructuring, distressed mergers and acquisitions and default-related dispute resolution.”

Mr. Austin Sweeney, Managing Partner (South-East Asia) of Herbert Smith LLP, stated the firm’s stand. “Rather than treating this merely as a cutting-back pe-



**Careers Fair still lively.** Firms are still keen to hire in relevant sectors.

riod, law firms should review their recruiting policies and practices and its approach to professional development.”

For others like Clifford Chance, work goes on as usual. “We were conscious of the current economic conditions when we prepared our licence application,” explained Mr. Philip Rapp, Managing Partner of Clifford Chance.

While mindful of the short-term economic climate, Mr. Rapp indicated that the firm “remains committed to [its] long-term plans for growth.”

### RESTRUCTURE, NOT RETRENCH

On the local front, the pervasive worry is that local firms might emulate the Australians and Americans and retrench lawyers to cut costs. This fear proves unfounded, with many choosing to restructure instead of retrench.

Recruitment Partner Mr. Ian de Vaz, of WongPartnership LLP, was quick to denounce retrenchment as a possible cost saving tool, adding that even during the bleak Asian Financial Crisis of 1997, lawyers were not retrenched. The same applies today.

Vehement about not playing the retrenchment card, Rajah & Tann LLP has instead re-deployed lawyers to work on complex insolvency cases, an area unsurprisingly seeing growth this grim season. Smaller firms are apparently also not resorting to the guillotine, with Mr. Ng of Colin Ng & Partners LLP expressing his firm’s dedication to “right-sizing rather than downsizing”.

Clifford Chance’s Mr. Rapp did not deny that these were difficult times worldwide. “However, we’ve been in Singapore through earlier downturns... we are [still] optimistic about the prospects for the legal market here.” In fact, Clifford Chance is even exploring “the possibility of offering graduate training places to Singapore graduates in the future”.

As for shifts in growth areas, Norton Rose’s Mr. Smith stated that they “anticipate increased activity in corporate and debt restructuring as well as dispute resolution.” Mr. Sweeney of Herbert Smith concurred. “The key growth area for international firms has been the dispute practice in light of the economic crisis.”

As Mr. de Vaz charmingly puts it, “It is not all doom and gloom.” □

# Lowering the Singapore Bar: Levelling the Playing Field?

Entrance requirements relaxed for foreign-trained lawyers who graduate with second lower honours.

NG SOOK ZHEN  
Juris Editor

IT USED TO BE that foreign educated lawyers with below average grades had an additional hurdle to cross when competing with locally trained lawyers for a place in the rat race.

But if things go according to the new plan, more foreign-trained lawyers who excel only after law school will be attracted to practice in Singapore.

Previously, foreign trained students with a second lower degree could only be admitted to the Bar after at least two years of work experience. Come 2010, they may be admitted directly.

The benefits of lowering the standards of admissions to the Bar are obvious. Without the need to spend two years garnering work experience before crossing the hurdle of the Bar Exam, more foreign-trained lawyers will be attracted to practice in Singapore, easing the shortage of lawyers here.

Moreover, the range of human ability falls over a spectrum

– to place an additional hurdle for students with a borderline second lower honour is unfair to students who have barely missed the mark. The reform remedies this problem by allowing the recruitment market to dictate what the industry needs.

However, the voice of dissent is not to be ignored.

Undoubtedly, there will be a perception that an easier route to the Bar is carved. Foreign-trained lawyers who graduated with a second lower honours can just as easily qualify for the Bar as their peers who have studied harder to achieve better grades.

The move also risks lowering the education standards of lawyers as a whole, and may give greater margins for error in an industry that cannot afford blunders.

Yet, qualification to take the Bar exam and entrance to the Bar are distinct issues and should not be conflated into one.

As Ms. Grace Tan, a pupil at Khattar-Wong remarked during the recent forum on *Pupillage and You*, “The Bar Exam is the most difficult exam ever – I’m not kidding.” As long as there is a revision of the syllabus to the Bar exam to make it more rigorous, the fear of lowering standards is essentially unfounded.

After all, the working world presents the true test of flight for a legal eagle. □



# Little Change as Faculty Weathers Recession

With the economic downturn and only gloomier prospects ahead, some of us may have already felt the pinch at home. Ever wondered how the Law Faculty is faring?

LAI FENG JUN & CHARISSA LU

Associate Editors

IF YOU'RE IN SCHOOL on a Saturday and the air-conditioning in Block B ceases to function in the later part of the day, there's no need to viciously jab at the controller or to go running to the maintenance crew for help. It's just one of the measures that the school has introduced to reduce the electricity bill.

While the school budget has not been reduced in light of the current recession, the Faculty is actively managing costs to ensure that in the event of a budget cut, the school's programmes will not be unduly affected. The Staff are also setting the example, with air-conditioning in their offices turned off for the whole day on Saturdays. Viewing these changes cheerfully, Assistant Professor Wee Meng Seng said, "This has made it uncomfortable for a few of us who come in regularly on Saturday to work, but we understand and support the measures, which are also good to protect the environment."

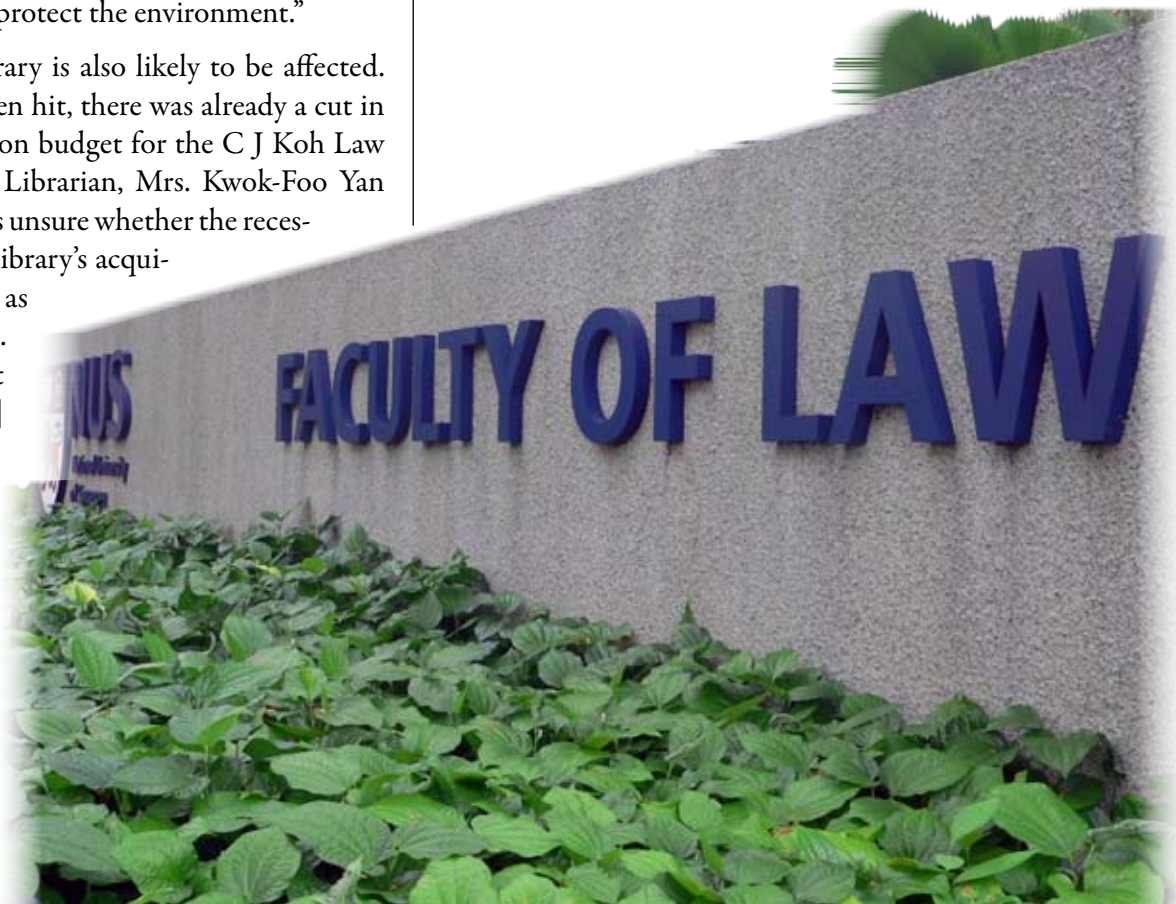
The C J Koh Law Library is also likely to be affected. Before the recession even hit, there was already a cut in the AY 08/09 acquisition budget for the C J Koh Law Library. The Principal Librarian, Mrs. Kwok-Foo Yan Chuin, said that she was unsure whether the recession would affect the Library's acquisition budget this year as it has yet to be allocated. However, she said that the Library "expect[s] a reduced budget in view of the overall poor economic environment."

Nonetheless, while one would imagine that the most commonly employed cost-cutting measure is downsizing, the

Faculty's policy suggests otherwise. In fact, Dean of the faculty, Professor Tan Cheng Han, is of the view that now would be a good time to hire. He explained, "Other law schools may have to reduce their recruitment, thereby giving us a wider pool of candidates to choose from."

While prudent in its spending, it seems that the Faculty does not see the need to employ any major cost-cutting measures yet. The students themselves are also not spending less on their educational experience. According to Professor Kumaralingam Amirthalingam, Vice Dean (International Programmes), the number of students applying for exchange has not seen a decrease. There were 150 applications to go on exchange in AY09/10, which is comparable to the figures for AY 08/09.

Perhaps the recession has yet to truly hit our second home. □



# The Karma of Economics

Engaging in more *pro bono* work may be just the thing to help businesses tide over the financial crisis.

CHERYL CHAI  
Associate Editor

LAYOFFS SEEM TO BE an instinctive reaction in times of economic woe. Recent news reports have shown that 7% of local companies have carried out retrenchment exercises or plan to do so this year.

Nonetheless, while cutting costs by retrenchment may seem like the most effective and immediate measure to help businesses stay afloat, those considering this move should bear in mind that certain costs are necessary for the productivity and morale of the business. As the saying goes – “pennywise, pound foolish”.

Law firms, in particular, should avoid such measures as retrenching legal talent lowers work morale and is only a short-term solution. When the economy recovers and the demand for legal services increases yet again, firms that choose to retain and recruit lawyers during the economic downturn will find themselves in the enviable position of not having to face the expensive and inefficient task of replacing talent from a short supply pool. All things considered, the cost of recruitment, orientation and integration can actually be more expensive than the cost of retaining the lawyers.

While refraining from retrenchment exercises amidst declining transactional work may pose problems, it is at this point that local firms should take the cue from their American counterparts who use their downtime

to engage in *pro bono* work (Nate Raymond, “Pro bono Report 2008: A Silver Lining to Economic Downturn?” *The American Lawyer* (July 14, 2008)).

Involving lawyers in *pro bono* activities enables firms to better tolerate excess capacity by keeping lawyers engaged, honing their skills and exposing them to areas of practice that they might not otherwise encounter. Furthermore, training and mentorship programmes are a necessity, regardless of the economic climate, and *pro bono* is an effective means of providing them. Bolstering *pro bono* policies also furthers a firm’s corporate social responsibility agenda, thus improving its reputation and visibility in the community.

Business and economic concerns aside, the fundamental objective of *pro bono*, which is to improve access to justice by providing free legal help to those who cannot afford the hefty legal fees or qualify for legal aid, must not be displaced. There is always a need for *pro bono* work and perhaps this need is even greater during difficult times as those most severely affected tend to be the poor and disadvantaged. Hence, the legal community must become even more committed to the *pro bono* agenda to allow people of all means the chance to pursue and defend their legal rights.

After all, what goes around comes around. □

FORUM ILLUMINAE

PAMELA YEO  
Second Year NUS Law

IT WAS PARTICULARLY ENCOURAGING, if not uplifting, to see that the group U60SG has taken upon itself the task of being the spark to light the fire amongst Singaporeans in raising awareness of human rights. Singaporeans have oft been cast as apathetic not only in political matters, but also towards those who are less fortunate or those who have been deprived of their fundamental liberties. Pegged as pragmatists, it is easy to assume that Singaporeans could not care less about the ‘idealistic’ campaign of human rights activists. But with activities held by U60SG to celebrate the proclamation of the Universal Declaration of Human Rights

## In response to: Happy Birthday...To Who?

and the furtherance of the vision that is embodied by it, it is not too daring to hope that members of society will have a heightened sensitivity and awareness to the pervasiveness of human rights to matters close and far from home – from the anguish felt by opposition parties at the restrictions on their freedom of speech, to the ongoing Khmer Rouge Tribunal in Cambodia for the atrocities committed during the genocide. In time, encouraged by the steady supply of activities held by like-minded individuals, it is not an unattainable reality for Singaporeans to be taking practical action in support of the promotion and protection of human rights. □

# Project *Dimsum*

DISNEYLAND, DELICIOUS *DIMSUM* and delightful Hong Kong University hosts were just icing on the cake for the 23 participants of the inaugural LSIRC-Pro Bono Group Collaboration Trip to Hong Kong.

Other experiences were more educational. Visits to law firms Tanner de Witt, Dechert LLP and Clifford Chance provided insights from local medium to large sized international firms and provided a glimpse into Hong Kong's vibrant and competitive legal scene.

Discussions with the Law Society Chairman, Mr. Lester Huang, as well as visits to the Legal Aid Department and Legal Aid Services Council gave participants an overview of Hong Kong's comprehensive legal aid

## A Hong Kong Learning Journey

scheme. These interactions provided an interesting model for comparison to the Singapore legal structure, and yielded interesting issues as to whose responsibility it is to provide help for those who cannot afford legal advice.

We also had the opportunity of being "lost in translation" where we sat in at a High Court trial to witness an English-based legal proceeding being administered for the benefit of Cantonese-speaking Hong Kongers.

Beyond that, the trip gave us much opportunity to know each other better, and each and every one of us left Hong Kong with a reason or two to smile and reminisce, for a long time to come. □

# New University Court Friends Scheme

Lets students know about Small Claim Tribunal Courts here



**An inside look in the Subordinate Courts.** The new scheme facilitates the process at Small Claims Tribunal.

THE SMALL CLAIMS TRIBUNAL is not a place where lawyers frequent – they are not permitted to represent any of the parties in proceedings before the tribunals at all. But thanks to the new University Court Friends Scheme, students from NUS and SMU get to

experience and learn from a part of the legal process that internships cannot offer.

Proposed and organized by District Judges Mr. Earnest Lau and Ms. Joyce Low, in collaboration with the NUS Pro Bono Group, the scheme allows participants to assist in the procedure of lodging claims. They are also given opportunities to observe mediations conducted at the Subordinate Courts.

More than 30 volunteers have signed up for this scheme that will span 10 weeks.

While the experience varies according to frequency and type of cases presented, the response so

far has been encouraging. As Eugene Leong, a current Year 3 student notes, "I picked up some good mediation techniques from the sit-in session with the Assistant Registrar and saw first hand how the cases were handled and 'edged' to settlement. It was a great experience." □

# “Pupillage and You”

NUS Pro Bono Group Annual Seminar Series 2009, in partnership with KhattarWong

BIG, MEDIUM OR SMALL FIRM? Corporate work or litigation? Private practice or Legal Service? Local or offshore firm?

Addressing a packed lecture theatre of students, the six panelists who graced “Pupillage and You”, a talk organised as part of the NUS Pro Bono Group’s Annual Seminar Series 2009, sought to shed light on the common dilemmas that confront students deciding between pupillage options. The talk was organised by the NUS Pro Bono Group in partnership with KhattarWong.

“Litigation is destructive and corporate law is constructive. I never liked destroying things as a child – that’s why I chose corporate,” said Mr. Daniel Tan, a Senior Associate at Clifford Chance.

The six panelists came from diverse backgrounds within the legal landscape, and painted for the students a varied picture of what to expect from a career in law. Perspectives from insiders within large firms were given by Mr. K Anpasaran, Deputy Managing Partner of KhattarWong, and

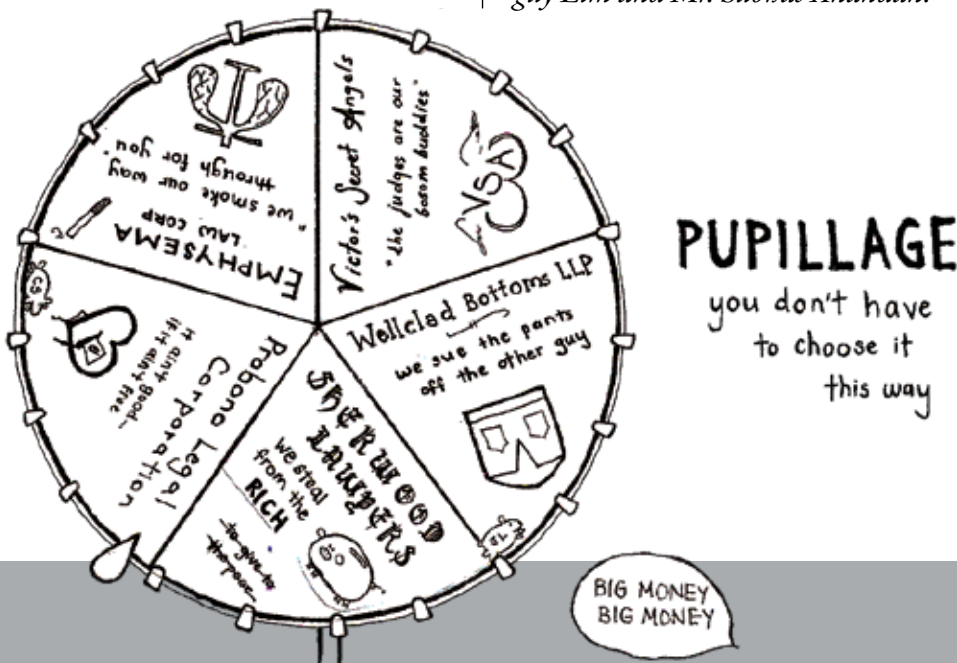
Mr. Darell Low, Senior Associate at Drew & Napier LLC. Meanwhile, Ms. Nicole Tan, a partner at KhattarWong, shared her experiences in the different fields of litigation and corporate work.

Not only veterans were given a voice. Ms. Grace Tan, a pupil at KhattarWong, spoke candidly of her workload. “Don’t make plans on weekdays, because you never know what’s going to come along at five,” she said.

But exceptions are possible in the Legal Service, opined Ms. Gillian Tan, a Deputy Public Prosecutor. According to her, the Legal Service offers the best work life balance that a career in law can offer. “Some of my colleagues are even offered a chance to work from home,” she added.

Ultimately, all agreed that choices must be made to suit the individual. Certainly, when it comes to charting potential careers, law graduates have no shortage of options. □

*The second seminar in the series entitled ‘Criminal Law and Pro Bono’ will take place on 5<sup>th</sup> March 2009, 4pm-6pm. Panelists include Mr. Tan-guy Lim and Mr. Subhas Anandan.*



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