LEGAL ETHICS:
About the Legal Community's High Way Code

inter se

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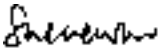
THINGS have come a long way. In May 1989, we published the first issue of the Academy Newsletter – four pages of brief reports on Academy events. Ten years later, the newsletter had blossomed into a 20-page read. In 2002, we launched *Inter Se* as a full 32-page, bi-monthly magazine. Five years have passed. The Academy has undergone substantial transformation, as has the legal community we serve. It is timely, now, to update the magazine once again to fit the new directions of the Academy, and to report on the new landscape of the legal community.

We are delighted to bring to our readers a complete revamp of the *Inter Se* magazine. The magazine now comes to you in two formats and with two fresh looks. *Inter Se* Online is a monthly e-magazine, reporting on the happenings in the profession with quick succinct updates of case law and new legislation. *Inter Se* Print is a bi-annual, themed publication serving a knowledge-creation and genre-insight function. Each print issue from now on will touch on a particular area of the law and/or legal practice.

In this first issue of *Inter Se* Print, we focus on legal ethics. As a theme, it is a fitting start. Over the past year, the focus of debates has been on professional standards as the profession struggled to respond to public outcry over the misdemeanours of a few. In all quarters of the profession, senior members of the Bar, corporate counsel and academics have stood shoulder to shoulder to define professional standards and instil an ethics consciousness against the pressing issues of the day. The Singapore Academy of Law published its first book on ethics and professional responsibility, authored by Professor Jeffrey Pinsler.

The new format of *Inter Se* Print is now 68 pages. Our editors have worked round the clock to bring to you a very readable magazine with good feature articles and good photographs. We hope you will take time to look through this issue. Tell us what you think.

Warm regards.

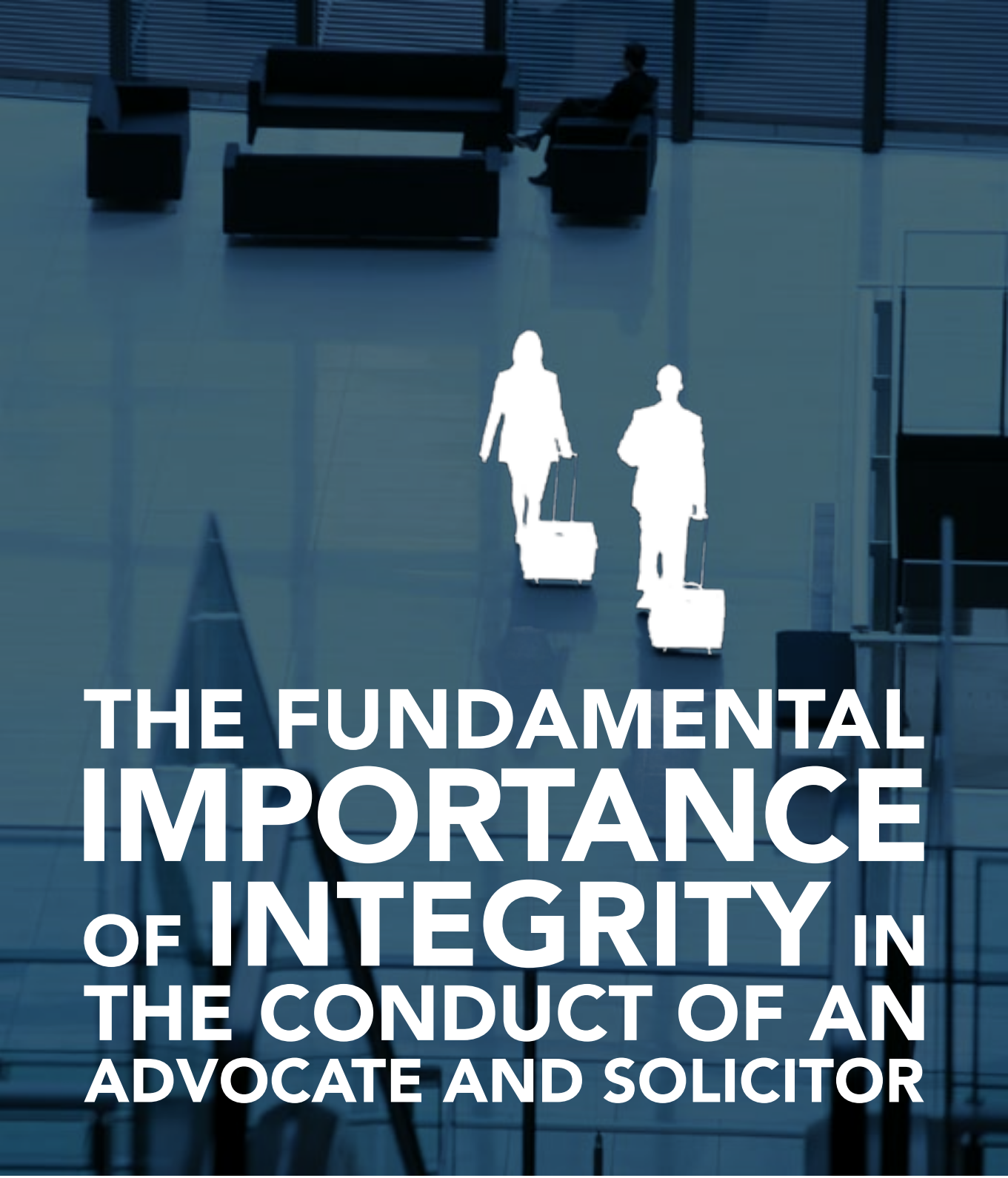


Serene Wee

"If I had to advise, very briefly, the young solicitor on the guiding principles of conduct when he came into the profession, I think I should say to him that it is clear that only the very highest conduct is consistent with membership of this profession of ours. Your client's interests are paramount – that seems to be clear – except that you should never do, or agree to do, anything dishonest or dishonourable, even in a client's interest or even under pressure from your best and most valuable client; you had better lose him. Though you may be prevented by the rules affecting your client's privilege from disclosing something dishonourable which you feel you ought to disclose, you should refuse to take any personal part in anything which you yourself think is dishonourable; you should withdraw and cease to act for that client, even if he presses you to go on. So far as you possibly can, consistently with not actually letting your client down, you should be completely frank in all your dealings with the Court, with your brother solicitors and with the members of the public generally.

Finally, I think I would say that where your word has been pledged, either by yourself or by a member of your staff, you should honour that word even at financial cost to yourself, because his reputation is the greatest asset a solicitor can have, and when you damage your reputation you damage the reputation of the whole body of this very ancient and honourable profession of ours."

(Sir Thomas Lund, extracted from *Cordery on Solicitors* (LexisNexis Butterworths, 9th Ed, 1995) at para 1404, and cited by V K Rajah J (as he then was) in *Public Trustee v By Products Traders Pte Ltd* [2005] 3 SLR 449 at [32].)



THE FUNDAMENTAL IMPORTANCE OF INTEGRITY IN THE CONDUCT OF AN ADVOCATE AND SOLICITOR

By **Alvin Yeo SC and Ong Pei Chin, Legal Practitioners**

THE extract reproduced on p3 is from a series of lectures given in 1950 and 1951, by the then Secretary of the Law Society of England, Sir Thomas Lund, to young solicitors on the subject of conduct and etiquette. It summarises the core value to be upheld by every member of our honourable profession – integrity.

By the very nature of our profession, trust is reposed in us – by our clients, who trust us to advise them on their legal rights and obligations and to act in their best interests; by the Court, which trusts us not to distort the truth even while seeking to put the best case forward for our clients; and by the public, which trusts us to assist in the administration of justice. Our integrity is what warrants that trust.

INTEGRITY IN OUR DEALINGS WITH CLIENTS

As lawyers, we are in a position of influence over our clients. Some litigation clients are anxious and confused when they first seek legal counsel – they do not know what their rights are or how litigation is conducted. They can only rely on their lawyers to advise them and to protect their interests. In conveyancing transactions, clients also trust solicitors with their money, depositing large sums with them.

Therefore, it is essential that lawyers adhere to the highest standards of conduct, and cases of lawyers misappropriating their clients' moneys or preferring their interests or those of other parties over the interests of their clients cannot be condoned. To put it bluntly, such conduct is an abuse of the trust placed in the lawyer.

In *Law Society v Quan Chee Seng Michael* [2003] SGHC 140, the lawyer failed to advise his clients in a conveyancing transaction that they had been charged interest at an excessive rate which breached the limits allowed under the Moneylenders Act (Cap 188, 1985 Rev Ed). When the purchase price was received, he did not hand to his clients the full sum due to them, but made certain payments to the clients' creditors out of that sum (which payments reflected the excessive interest charged). To ensure the absence of documentary evidence as to the precise amounts paid to the creditors and to disguise the fact that his clients were being charged excessive interest, he asked them to execute two documents acknowledging that they had received the purchase price due to them. The lawyer was struck off the rolls for, *inter alia*, failing to advance his clients' interests unaffected by the interest of any other person.

Short of such obvious instances of dishonesty, however, are grey areas in the relationship between a lawyer and his client such as the lawyer's duties to his client when it comes to matters of costs (see p8).

In any event reports of misconduct of a lawyer *vis-à-vis* his client, intentional or otherwise, can only erode the public's confidence in the integrity of the legal profession.

INTEGRITY IN OUR DEALINGS WITH THE COURT

Yet, it is clear that we must never compromise our responsibilities as officers of the Court even when seeking to act in the best interests of our clients. Rule 54 of the Legal Profession (Professional Conduct) Rules (Cap 161, R 1, 2000 Rev Ed) (the "Rules") makes that clear – an advocate and solicitor shall conduct each case in such manner as he considers will be most advantageous to his client so long as it does not conflict with the interests of justice, public interest and professional ethics. The Rules therefore make provisions for a lawyer to discharge himself when he is aware that his client has committed perjury or has otherwise been guilty of fraud upon the Court (*eg*, r 57 of the Rules).

As officers of the Court, when our duty to our client conflicts with our duty to the Court, we must choose the latter over the former and never allow the perceived interests of a client to take precedence.

Hence, any attempt to lie to the Court cannot be tolerated, even if it is motivated solely by a desire to advance the client's interest. In *Law Society of Singapore v Chung Ting Fai* [2006] 4 SLR 587, the lawyer knowingly drafted a false affidavit in support of his client's application for an extension of time to file an appeal (although this affidavit was not eventually filed). The court was inclined to the view that the lawyer had drafted the affidavit in the manner that he did out of a misplaced zealousness to obtain an extension of time to appeal on behalf of his client and not to further his own interest. His conduct was nonetheless professional misconduct that must be censured and he was suspended from practice for one year.

Suppression of material facts also falls short of the standard of candour expected of counsel. In *Public Trustee v By Products Traders Pte Ltd* [2005] 3 SLR 449, two of the lawyers involved were found by V K Rajah J (as he then was) to have perpetrated a fraud on the court by wilfully suppressing material facts and information in an application for payment out of court, and were referred to a disciplinary committee by the judge.

INTEGRITY IN OUR DEALINGS WITH OTHER PARTIES

As sagely noted by Sir Thomas Lund, lawyers must honour their word, even if it is at a financial cost to themselves. A lawyer cannot earn trust if he cannot be held to his word.

In *Law Society of Singapore v Tham Kok Leong Thomas* [2006] 1 SLR 775, the lawyer had, on his client's request, released moneys held by him to his client (upon obtaining a cheque for the same amount and an indemnity), in breach of his undertaking as stakeholder, and thereafter misled the other party that the moneys were still being held by him. It was found that the lawyer had not intended to benefit personally but merely wanted to facilitate the performance of the transaction and this was a case of foolishness. The lawyer was nonetheless censured and was suspended from practice for two years.

CONTINUING LEGAL EDUCATION

The examples cited above represent but a small sample of the myriad ethical challenges faced by a lawyer as he seeks to discharge his obligations as an officer of the Court. The question commonly arises as to whether members of the profession, especially the younger practitioners, have sufficient guidance on handling these problems.

The need for education, both at the tertiary level and in professional training, whether through the Postgraduate Practical Law Course or seminars by the Law Society of Singapore or Singapore Academy of Law, cannot be ignored. While integrity, *per se*, is not something that can be taught, a young lawyer would benefit from learning how more experienced practitioners handle the different pressures of practice that can result in ethical dilemmas. Education as to the kind of ethical challenges that might occur will also help one anticipate the issues before they arise, and take steps to avoid them.

Finally, the most effective way of guiding our young lawyers remains by way of positive examples set and guidance given by senior members of the profession. A young lawyer will certainly be more confident in declining unreasonable requests from his client when he knows that this will be supported and endorsed by his partner. He may also be inspired by the example set by a well-respected lawyer, who can become a role model for him.

While errant members of our profession are fortunately few in number, the damage to the public's trust in legal practitioners caused by their misconduct is not suffered by them alone, but by the entire profession. Members of the profession should therefore work together to address the ethical challenges that face us, and to help equip our younger members with the necessary skills and knowledge

PROFESSIONAL RESPONSIBILITY IN FEE ARRANGEMENTS: OBSERVATIONS IN *LAW SOCIETY OF NEW SOUTH WALES v FOREMAN*

> "No amount of costs agreements, pamphlets and discussion with vulnerable clients can excuse unnecessary over-servicing, excessive time charges and over-charging where it goes beyond the bounds of professional propriety … A solicitor [has] fiduciary obligations to the client … not merely in the carrying out of an agreement already made between a solicitor and her client but also in respect of the making of it."

***(Law Society of New South Wales v Foreman* [1994] 34 NSWLR 408 at 422, 435.)**

IN Singapore, the scope of a solicitor's professional responsibility with respect to fees is set out in the Legal Profession (Professional Conduct) Rules (Cap 161, R 1, 2000 Rev Ed). Rule 13 prohibits a lawyer from undertaking work in a manner that unnecessarily or improperly escalates his costs, while r 38 contains the rule against gross overcharging. Separately, rr 35 and 36 set out the relevant fee information that a lawyer should furnish his client at the outset and at appropriate stages of the case.

The New South Wales Court of Appeal's observations in *Law Society of New South Wales v Foreman* are a timely reminder of a lawyer's fiduciary obligations to his client not only in the carrying out of a fee agreement, but also in the making of it. The court observed that the making of a fee agreement is essentially no different in principle from an agreement by the lawyer to sell property or other services to his

By **Harpreet Singh Nehal SC, Legal Practitioner**

client in that they both impose fiduciary obligations on the lawyer. These obligations arise from a lawyer's position of advantage and influence over his client in making the fee agreement. His advantage stems from his superior understanding of the case, its requisite demands and cost implications, while his influence is a consequence of his client's dependence on his advice as to the most appropriate fee arrangement.

Where billing options are concerned, a lawyer's fiduciary obligations include advising the client on the most expedient and cost-effective fee arrangement in his circumstances, as well as highlighting aspects of the agreement in which the lawyer may be in a position of advantage *vis-à-vis* the client. In this regard, the court made two observations.

First, the particular vulnerability of the client should be taken into account. Whereas a litigation-savvy financial institution may be familiar with the various bases of fee charging, this may not hold true for a first-time individual litigant. Thus, in the latter case, greater care and attention will be required in advising him on the ideal fee arrangement in his circumstances. This includes explaining the practical implications of the various fee arrangements, as well as the difference between fees and disbursements.

Second, the court observed that the need to carefully explain fee agreements, which may potentially place the lawyer in a position of advantage, is especially pertinent in the context of time-cost agreements. Such agreements vest in the lawyer the power to engage others (*eg* other lawyers and paralegals) to work in the litigation on a time basis and so to increase greatly the benefit to the lawyer and the burden on the client, in a way that the client is less likely to be able to understand or judge.

More importantly, a time-cost arrangement also potentially involves a conflict between the lawyer's duty and his interest. As the lawyer may determine how much time is to be spent on the client's litigation and by whom, the temptation may exist to spend time for which costs would not otherwise be billed or to engage on it staff whose time could or would not be used elsewhere in the firm. The existence of this potential conflict calls for clear and careful explanation to the client of the mechanisms of the time-cost agreement, so as to enable him to make an informed decision whether to enter into the agreement.

Law Society of New South Wales v Foreman is a timely reminder that lawyers be conscious of the extent to which fee agreements contain provisions which put them in a position of advantage and/or conflict of interest, and that they ensure that, by explanation, independent advice or otherwise, the client exercises an independent and informed judgment in entering them.*is*

INCULCATING ETHICS CONSCIOUSNESS IN LAWYERS

THE HONOURABLE THE CHIEF JUSTICE CHAN SEK KEONG CANDIDLY SHARES HIS VIEWS ON COMMON COMPARISONS MADE ABOUT LEGAL PRACTICE THEN AND NOW. HIS HONOUR NOTES SOME DIFFERENCES, DISPELS SOME MYTHS, COMMENTS ON SOME TRENDS AND PROVIDES FOOD FOR THOUGHT ON WHY AND HOW PROFESSIONAL ETHICS MUST BE INCULCATED IN LAWYERS ADOPTING A HOLISTIC APPROACH.

Reporting by **Mohamed Faizal, Assistant Registrar, Supreme Court, and Anita Parkash, Manager (Law Reporting and Legal Publications), SAL**

Q: Your Honour, in your speech at the Mass Call 2007, you pointed out that "[t]he challenges for young lawyers today are much bigger and more formidable" than those in your time. How so?

A: The legal environment has seen tremendous changes since I started practice about 45 years ago. Then, lawyers had simpler problems to deal with and the pace of practice was much slower. Today, there is much more law that a young lawyer has to grapple with, both in terms of legislation and case law, though it is compensated by better and easier access to legal materials. There are many more complex legal problems today and this is reflected in the disputes that come before the courts. If you need confirmation of this, all you have to do is to compare the statute book, the law reports and the textbooks on Singapore law with those of 40 or even 20 years ago.

Law practice generally, but particularly in commercial and financial matters, is also more competitive as the entire economic and social environment has undergone radical changes. The globalisation of legal services is providing great opportunities for young lawyers, but they also pose challenges for them. Today the most successful lawyers, in terms of financial rewards, come from the largest law firms, and their very size poses a great challenge to young lawyers. How long do they have to wait to become partners? How many will make it to partnership? Should they work for a global law firm? Is there a future for them in such a firm, even though they may get to travel or even live abroad in a vibrant city like Hong Kong or London or New York?

Young lawyers today have many choices for their careers. To use a *cliché*: the world is their oyster, if they are adventurous enough. Their choices extend beyond the law be it in business, finance, entertainment, the arts or old-fashioned teaching. Too many choices, however, may

complicate life. It also complicates their decision on whether or when to marry and/or raise a family. I do not envy the young lawyer of today for all the advantages and opportunities that they have for career advancement, for these come with the price of greater demands on their time and greater stress in their daily work.

Q: Might this change in the demands of practice be a cause for the apparent erosion in standards of professional conduct?

A: It is natural for the older generation to think that the younger generation, although better educated, may not have the same moral fibre and social conscience as they used to have. That is why there is a tendency for many people to hark back to a golden age which can only be seen through their rose-tinted glasses. Unless there is evidence to the contrary, I don't think there is a serious erosion of standards of professional conduct in the profession. In the last few years, misconduct by lawyers has been generally confined to the smaller law firms, where the working environment could not provide an adequate system of checks and controls against potential dishonesty. It seems to me that if there are more disciplinary cases today, it is the result of a much larger Bar than 40 or 20 years ago.

That said, I agree that we must be vigilant in looking for signs of any erosion in professional ethics and standards, and take immediate steps to check it. There is already a cloud in the horizon which has been caused by the misappropriation of a large sum of client's money entrusted to a sole proprietor by a trusting client. The client's trust in the lawyer spoke well for the profession as a whole, but was unfortunately placed in the wrong lawyer. His criminal act tarnished the reputation of the entire profession, which was a great pity. I have mentioned in my speech at the Opening of the Legal Year 2007 on 6 January 2007 concerning the growth of an underclass of lawyers who are encountering financial difficulties in their practice. This has already caused some to sacrifice the interests of their clients for their own. The Law Society of Singapore must pay particular attention to them as this is where any serious erosion of professional standards is likely to start.

However, this does not mean that the lawyers in what I may conveniently call the upper class of law practice do not face challenges in terms of professional ethics. The sheer size of such firms and the

focus on specialisation may make it difficult for them to have more frequent personal interaction with the senior partners. This will mean a loss of opportunities to learn from them on how to be successful without being crooked or unethical. A hands-on approach in the instruction of the pupils by example is the best way for the experienced lawyer to teach the tyros. This is the place where if a young lawyer does not run as fast as his peers, he will be left behind and, therefore, it is important that pupil masters must instruct their pupils not to try to trip up their peers or trip themselves up in the race to reach the top.

How to achieve this is a perennial problem of time, resources and dedication. The inculcation of high professional standards and ethical conduct in young lawyers is a serious business, and it is the duty of the senior members of the Bar to get this right. Those lawyers who are not prepared to give time to their pupils should not take pupils. Some years ago, the Board of Legal Education recommended a "pupillage checklist" to facilitate a two-way process of teaching and learning between busy pupil masters and pupils in large law firms where they might only be able to experience a small, and in itself an insignificant, area of practice, and even then, as researchers and not as creators. These recommendations would allow the pupils to, amongst other things, witness and learn from the different work ethics and professionalism of different pupil masters. Pupils can also play a useful role in self-education. If they feel that what the pupil master wants to do or wants them to do may not be ethically sound, they should ask him to explain whether there are any ethical implications in his actions or decisions.

"The inculcation of high professional standards and ethical conduct in young lawyers is a serious business, and it is the duty of the senior members of the Bar to get this right. Those lawyers who are not prepared to give time to their pupils should not take pupils."

Q: The need for lawyers to behave ethically has been and continues to be tied to the "practice as vocation" ideal. How realistic is it to continue trying to inculcate professional values in young practitioners using the "law is calling; practice is vocation" slogan alone? Instead, can and should professional values be reframed as part of the business imperative to more adequately and realistically address legal practitioners of today?

A: The law used to be regarded as a calling or a vocation that called for a certain degree of personal sacrifice in order to serve justice and to protect the poor, the needy and the oppressed. High ethical standards were necessary to sustain the public esteem in this other-directed role of lawyers. Those who regard the practice of law as a calling, and there are many of them, are more likely, by virtue of their social conscience or upbringing, to have an innate sense of what is fair, just and equitable. They are likely to place their clients' interests before their own. I would regard them as the best teachers of young lawyers on the ethical and moral standards of the profession. "Law is a calling" is a slogan only to the cynical lawyer who looks upon law practice as only a means to achieve personal success, perhaps at all costs.

However, this is not to say that treating law practice as a business will lead to lower ethical or professional standards. There is a great difference between the carrying on of a business and practicing law like a business. There are great benefits in applying business standards to the practice of law in terms of scenario planning, financial and resource management,

"High ethical standards were necessary to sustain the public esteem in this other-directed role of lawyers. Those who regard the practice of law as a calling, and there are many of them, are more likely, by virtue of their social conscience or upbringing, to have an innate sense of what is fair, just and equitable."

knowledge and personnel management, staff training and generally all the things that make a business efficient and successful. Every lawyer must optimise the usage of his time efficiently if he wishes to achieve the best outcome in terms of rewards, financial or otherwise. The optimisation of the commercial value of a lawyer's time is not incompatible with high ethical and professional standards and, therefore, the value of his services to the client. Those who practise law, whether as a calling or a business, need not abandon the high ideals of the law and its societal role as a peacemaker.

Q: What may be done to educate lawyers enough so that they do not unwittingly breach the rules governing professional conduct or misinterpret them?

A: The problem is not with lawyers who unwittingly breach the code of conduct prescribed by the profession itself or the courts. Anyone can make a mistake from time to time. If the breach is unwitting, it means that the lawyer has the capacity to correct himself and will not do it again. The problem is with those who do it wittingly or who are predisposed to do it for personal gain if the opportunity arises. For example, putting $10m in the hands of a sole proprietor is surely tempting fate, and it would not be a surprise if such a lawyer facing financial difficulties were to find it irresistible. Leaving aside such an exceptional case, what we can do is to instil in young lawyers from the beginning and throughout their careers, a heightened consciousness in the virtue of being virtuous in their professional practice. To use an expression beloved of problem-solvers, we should adopt a "holistic" approach to the problem.

Ethics are not the preserve of the legal profession. Everyone should be taught to conduct themselves ethically, even though this may not be humanly possible. But lawyers have a special obligation to conduct themselves ethically in the discharge of their professional duties. It is an obligation inherent in the reliance of their clients on them for professional advice and help. So, the best place to start imbuing lawyers with a sense of obligation and ethics is at law school and to continue emphasising their role as models of ethical conduct throughout

their entire careers. The recent book, *Ethics and Professional Responsibility: A Code for the Advocate and Solicitor*, written by Professor Jeffrey Pinsler, is a small but useful effort in this direction. The recent initiative of the Law Society in promoting *pro bono* work will also serve to highlight the need for lawyers who are prepared to give their time and knowledge to helping those who cannot afford legal services. For a lawyer, there is no less merit in doing *pro bono* work than in not trying to make a fortune out of the misfortune of others.

Q: What are Your Honour's perceptions of professional conduct in court? Are there any recent trends in litigation that should, as a matter of ethics, be critically re-analysed?

A: Since my return to the Bench in April 2006, I have to say that, in general, I am satisfied with the standard of professional conduct manifested in the Court of Appeal. The great majority openly accept whatever weaknesses there are in their clients' cases when pointed out to them. Counsel are generally respectful to the court and to opposing counsel. However, we did have two instances of junior counsel failing to rise to acknowledge the Bench when introduced to the court by leading counsel. And some advocates appear to find it easier to address the judges as "You" rather than the customary "Your Honours". These failings were probably due to inexperience on the part of the lawyers concerned. Otherwise, on the whole, the standard of advocacy and court decorum are not a matter for concern.

I would, however, mention one development that may need to be studied. There has been an increase in the number of criminal appeals to the High Court where the appellants are not represented by counsel. If this is due to the unaffordable level of fees charged by counsel, then this would not reflect well on the criminal Bar. However, if this is due to a reluctance or unwillingness to accept counsel's advice on the merits of the appeal, then this would be a matter for congratulations for the ethical and responsible way in which the criminal Bar is discharging its professional duties as the Bar has an obligation not to waste client's money and also judicial time. I sincerely hope that it is the latter.

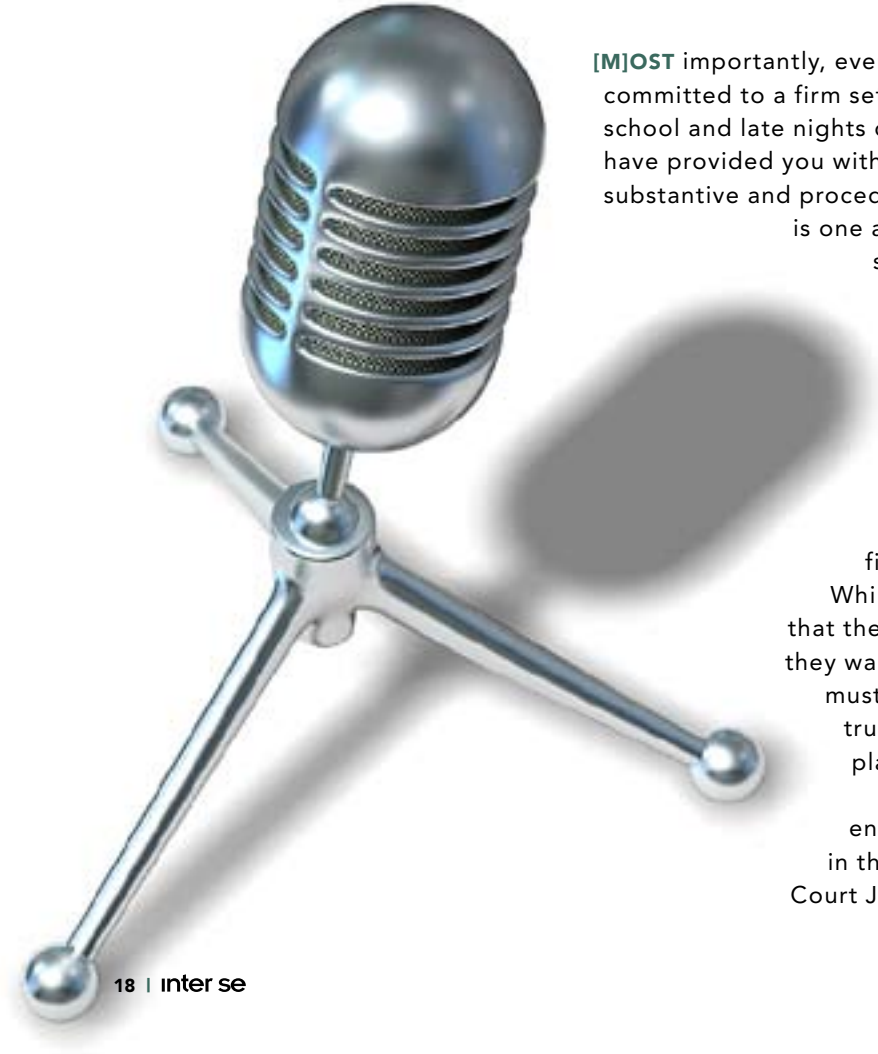
Q: How can the legal community as a whole invest in a culture of ethical conduct? Is substantial funding to facilitate the conducting of ethics courses and programmes, and to raise awareness of ethics the panacea to stemming unethical conduct?

A: To foster an ethical culture in the legal profession, we must teach our young lawyers that it is in their own interest to act ethically and responsibly at each step of their long career at the Bar. It is possible to create and strengthen such a culture through repeated affirmation of the merits and rewards, whether material or otherwise, that it can bring. Habitual conduct and observance of high ethical standards will create a culture of excellence in ethical conduct. Senior Counsel must act as role models for the young lawyers. So must an ethical and responsible Bench. The leaders of the profession should speak out against unprofessional conduct or incompetent services in the profession. We need a campaign from time to time to remind the profession of its responsibilities to the public. As I have mentioned earlier, we need a holistic approach to achieve this goal.*IS*

The young men and women called as advocates and solicitors at this year's Mass Call on 26 May 2007.

WHAT DOES IT TAKE TO BE A GOOD LAWYER?

EXCERPTS FROM THE HONOURABLE THE CHIEF JUSTICE CHAN SEK KEONG'S SPEECH DELIVERED AT MASS CALL 2007 ON 26 MAY 2007



[M]OST importantly, every good lawyer must be committed to a firm set of ethics. The years in law school and late nights during pupillage should have provided you with a good grounding in both substantive and procedural law, but I feel that there is one area that has not received sufficient emphasis, and that is an education in legal ethics.

As lawyers, your clients will entrust their problems, their reputations, their properties and, on occasion, even their lives, to you. They expect you to fight for justice on their behalf. While you cannot promise them that the case will turn out the way they want, the one promise that you must deliver on is to live up to the trust and confidence that they place in you.

When addressing new entrants to the Connecticut Bar in the United States, Supreme Court Justice Zarella noted that:

"the successful practice of law requires the continual exercise of good judgment and a willingness to make a conscious commitment to fairness and integrity in all that you do ... [Y]ou should strive always to be a person of your word, and if you succeed in this endeavor, your opponents and the judges you appear before will trust what you say as being truthful."

I cannot agree more. If you are imbued with a deep sense of morality and have ingrained in you an abiding sense of ethical standards in your daily work as a lawyer, you will win the trust of your clients and the respect of your peers and the Court. True success as a professional is the respect your peers have for you, and not the amount of money that you make from your practice.

The law is not just an ordinary occupation. It is a vocation committed to justice. Having worked so hard for the privilege to be a part of this noble profession, every one of you should strive to epitomise the very best that the law stands for.

Firstly, every one of you should keep in mind that your overriding duty is to uphold the integrity of the legal system, protect its interests and promote its objectives. Never forget that you are now a member of and part of the legal system, and as such, you have an obligation to maintain its integrity.

Secondly, you must all strive to be honest, competent and diligent, and give your undivided loyalty to your clients.

Thirdly, in your dealings with your professional colleagues, you must always accord each of them the proper respect and courtesy due to them as fellow members of the Bar.

Fourthly, you must be honest, fair and courteous towards every person you come across in the course of your work, whether the person is a party to a case or a member of the public. Remember that your actions, large or small, will be a direct reflection of the standing of the Bar.

Fifth, you must exercise every effort to keep abreast of the latest legal developments in your chosen area of practice.

Finally, as officers of the Court, each of you must ensure that your conduct in the course of litigation meets the aims of justice and upholds the integrity of the judicial system.

It will not always be easy to follow these hallowed principles amidst the day-to-day pressures that you will face as a practising lawyer. But you must put in the extra effort to live by these principles, for the consequences of not doing so can be very serious. When members of the Bar breach the ethical rules of the profession, they tarnish not only their own reputations, but the integrity of the profession as a whole.

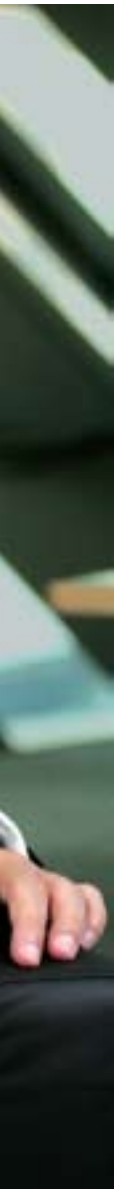
CONCLUSION

Wherever you may choose to practice, whether it is in Singapore, London, New York, Hong Kong or any other city in the world, I hope that you will remember you are an ambassador of Singapore. Let your foreign clients say of you: "He is a good lawyer and can be trusted: he is from Singapore." Let them not say of you: "We didn't know that he is a bad lawyer and couldn't be trusted. We thought he was from Singapore."*is*

CHECKS AND BALANCE:

PHILIP JEYARETNAM SC ON RAISING PROFESSIONAL STANDARDS

Reporting by **Brenda Chua, Justices' Law Clerk, Supreme Court, and Anita Parkash, Manager (Law Reporting and Legal Publications), SAL**



PHILIP JEYARETNAM SC, CURRENT PRESIDENT OF THE LAW SOCIETY OF SINGAPORE, WEIGHS IN ON THE BAD PUBLICITY A HANDFUL OF LAWYERS ARE BRINGING ON THE PROFESSION. HE THEN SHARES WITH *INTER SE* THE LAW SOCIETY'S APPROACH TO RAISING PROFESSIONAL STANDARDS – IT'S ALL ABOUT HAVING CHECKS IN THE SYSTEM AND MAINTAINING A BALANCED PERSPECTIVE.

How, in your view, has the public's impression of the legal professional changed in the light of the spate of much-publicised professional misconduct?

I recall one conversation I had with a Bar leader from another country, which I shall not name. He said no one had been struck-off in his country for a long time. He said that not to praise his countrymen, but as a criticism – of lax standards and even laxer enforcement. We can be proud that we set ourselves high standards and that we enforce high standards. I believe the public is sufficiently discerning to appreciate that we have many, many good and honourable lawyers in Singapore.

Perhaps we can do a better job instilling professional values, but, having said that, when we compare our profession with others around the world, we in fact have very strong rates of participation by senior lawyers in training, counselling and mentoring schemes – typically on an entirely voluntary basis.

Some commentators argue that professionalism has diminished world-wide and across professions. The reason for this, paradoxically, is because clients and the public generally are less respectful than before of professional expertise. Professionals have had to become more and more "service-oriented". The problem is that professionals – and especially lawyers – have duties other than to their immediate clients. The fee-pressure exerted by clients demanding to be put first may have blunted some lawyers' sense and understanding of their other duties. Don't get me wrong – I'm not advocating a return to the days of the aloof lawyer who treated his client as a fool, a paying one, but a fool nonetheless. What it means is that today, lawyers have to have great strength of character so that they can give their all to clients, yet retain objectivity, a sense of fair play and a recognition of their role within the justice system.

Lawyers being admonished for bad behaviour in court, lawyers absconding with clients' moneys, lawyers paying gratuities for referrals, lawyers failing to remove themselves from acting in obvious situations of conflict of interests – is the profession facing a crisis in ethical conduct?

It is a mistake to think that one can eliminate misconduct any more than one can eliminate crime. However, for certain areas, like safeguarding of clients' moneys, it is possible to improve the checks and balances, to make fraud harder to commit or faster to detect. This is exactly what we have done.

I am not sure it is fair to speak of a crisis. Looking at the law reports and at our own statistics over the past two decades, the proportion of offenders has not increased. What we have seen has been one or two spectacular cases, particularly defalcations, where the amounts involved have been extraordinary. This naturally creates a public outcry.

But when I observe the average young lawyer, he or she has a strong sense of duty to clients yet a clear understanding of professional courtesy, and duties to the court and the justice system generally. They are typically knowledgeable, hard-working and determined. I am deeply optimistic about the future of the Singapore legal profession.

Is the crisis more acute at certain levels or specific areas of practice, *eg* conveyancing which involves a lot of money in the client's account? Why so?

What this question points to is that the temptations are greater when a large sum of money comes in, and the chief source of large sums is conveyancing moneys. For this reason, we will not allow practices that do not implement the safeguard of a second signatory to hold conveyancing moneys. This is the right and the practical response. It upholds the public interest without adding disproportionate costs to law practices, or stopping them from providing a valued service to clients. For centuries, clients have found convenience in placing moneys with lawyers to facilitate transactions, and we should not let a few bad eggs make us throw out the whole basket.

What is it about legal practice today that makes legal ethics such a priority for codification and education? How would an ethical code and a comprehensive program of continuing legal education on ethical issues facing the legal practitioner act, together, to curb the proliferation of lawyers behaving badly?

The practising bar does have a codified and published set of ethics, namely the Professional Conduct Rules. It needs to be updated, and clarified from time to time, but it certainly provides a simple and reasonably comprehensive body of rules for practising lawyers to look to for guidance. A recent valuable addition is Prof Jeffrey Pinsler's handbook on ethics.

I do believe there can be more education on ethical issues, but this is not a panacea. No one should

need to be taught that stealing clients' money is gravely wrong. A good grasp of legal ethics is important more for the areas of conduct peculiar to the role lawyers play – tricky issues like how to defend an accused person who has told his lawyer he is guilty (you can only test the Prosecution's case and cannot put up a positive defence different from your instructions), or how to discharge yourself from acting for a client who is not giving proper discovery without damaging that client's interests (very carefully).

The Law Society of Singapore has responded swiftly and unequivocally to take steps, issuing practice directions and tightening a variety of rules, to ensure that the public's interests are safeguarded. Yet, the Law Society is also responsible to the many practitioners who are its members. How can balance be struck between protecting clients' interests and protecting the needs of the smaller firms and sole practitioners who bear the brunt of the rules put in place to safeguard clients' interests?

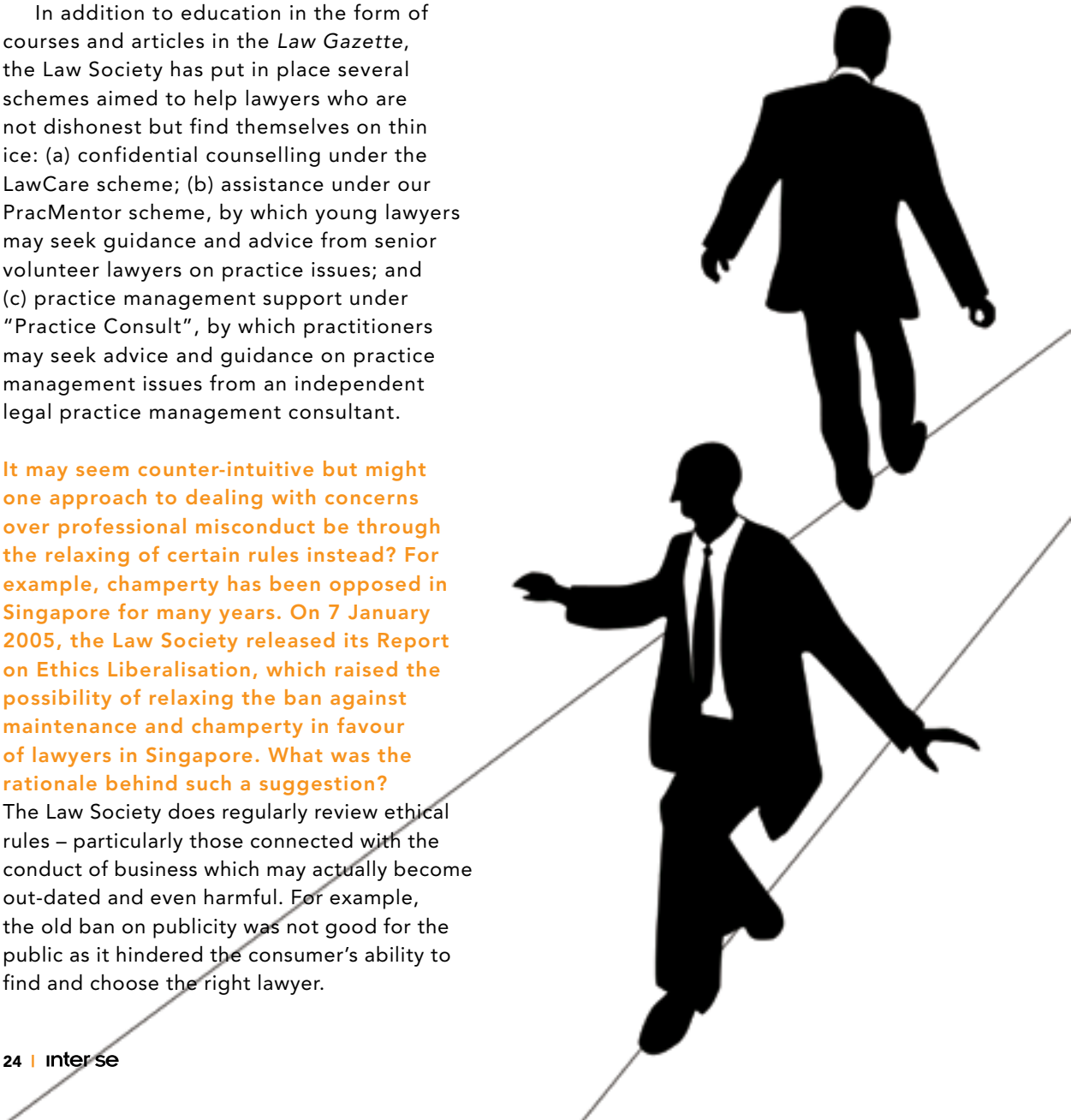
Looking beyond fraud and other serious misconduct, there are some cases where sympathy is due. One is where economic pressures cause a lawyer to do something he knows is against the rules, but somehow the importance of the rule he is breaking does not weigh heavily enough with him. An example of this is paying referral fees. This is part of respectable business models in the wider world of business, but has been against the professional rules of most professions. The lawyer may tell himself there's no harm in the practice, or that his competitors are doing the same, and he simply must do it to survive. But it is professional misconduct all the same.

The other is where the lawyer fails to understand that he has entered into a potentially tricky situation like dealings with unrepresented parties whose interests do not coincide with the lawyer's client's interest. Without meaning

> "For centuries, clients have found convenience in placing moneys with lawyers to facilitate transactions, and we should not let a few bad eggs make us throw out the whole basket."

to, a lawyer may fail to take the steps professionally required of him to deal with the situation properly.

In addition to education in the form of courses and articles in the *Law Gazette*, the Law Society has put in place several schemes aimed to help lawyers who are not dishonest but find themselves on thin ice: (a) confidential counselling under the LawCare scheme; (b) assistance under our PracMentor scheme, by which young lawyers may seek guidance and advice from senior volunteer lawyers on practice issues; and (c) practice management support under "Practice Consult", by which practitioners may seek advice and guidance on practice management issues from an independent legal practice management consultant.



It may seem counter-intuitive but might one approach to dealing with concerns over professional misconduct be through the relaxing of certain rules instead? For example, champerty has been opposed in Singapore for many years. On 7 January 2005, the Law Society released its Report on Ethics Liberalisation, which raised the possibility of relaxing the ban against maintenance and champerty in favour of lawyers in Singapore. What was the rationale behind such a suggestion?

The Law Society does regularly review ethical rules – particularly those connected with the conduct of business which may actually become out-dated and even harmful. For example, the old ban on publicity was not good for the public as it hindered the consumer's ability to find and choose the right lawyer.

I have long been in favour of some form of conditional fee-arrangement, perhaps requiring court approval, as a means of improving access to justice. Where a client cannot afford full fees, the lawyer could be allowed to agree with him that he will only charge half his fees unless the client wins his case, in which case it will be the full fee. This is a modification of what is now allowed in England, but would not contemplate any uplift beyond the normal fee. Interestingly, where in England, thirty years ago, success fees in any form were considered against public policy they are now regarded as part of public policy – the policy of ensuring access to justice. One day, we may move toward this.

Are there other situations where a relaxing of rules may have beneficial outcomes for raising standards of professional conduct?

We have proposed that fee sharing be allowed among lawyers in different firms, including foreign firms – not of course running a pure referral business, but fees being shared where both lawyers have a role in the work done for the client. There is no reason to restrict business models that make good commercial sense unless there is a definite harm arising from the practice. By contrast, referral arrangements where a lawyer becomes dependent on a referrer, say an estate agent or a mortgage broker, and loses his ability to protect the client's interest independently, are potentially harmful and will continue to be against the rules.

The Law Society has been a champion of the practitioner's ethical commitment to *pro bono* work and has recommended that every practitioner commit to 25 hours of *pro bono* work every year. How does the idea of holistic involvement in *pro bono* work contribute to the strengthening of professional values and ethics in a particular practitioner?

Pro bono work is a way of keeping faith with the public; honouring the public's trust in agreeing that lawyers' work should not be open to all, but subject to strict entry requirements. In return for a collective monopoly on a type of work, the profession given that monopoly must ensure, together with government, that the public can afford its services. This is particularly critical for the legal profession because access to justice is so important to the rule of law.

Pro bono work is good for lawyers too, it brings them back in touch with what it means to be a lawyer – helping an individual in need by the practice of one's legal skills. For Singapore's success as a financial centre, we need many good lawyers to work at legal structures and documentation, but for these lawyers, sometimes, the whole point of being a lawyer gets obscured by all those mountains of documents. *Pro bono* work brings you face-to-face with someone who needs your legal help to solve basic problems in his or her life. This is re-invigorating for many lawyers and is why *pro bono* work has been adopted as a core value by the largest commercial firms in New York and London.

I'm very excited by the new directions we are embarking on and by the close support and co-operation we have received from government.*is*

Reporting by **Douglas Chi, Justices' Law Clerk, Supreme Court, and Anita Parkash, Manager (Law Reporting and Legal Publications), SAL**

IT'S NOT JUST ACADEMIC:

PROFESSOR JEFFREY PINSLER ON LEGAL ETHICS AND EDUCATION

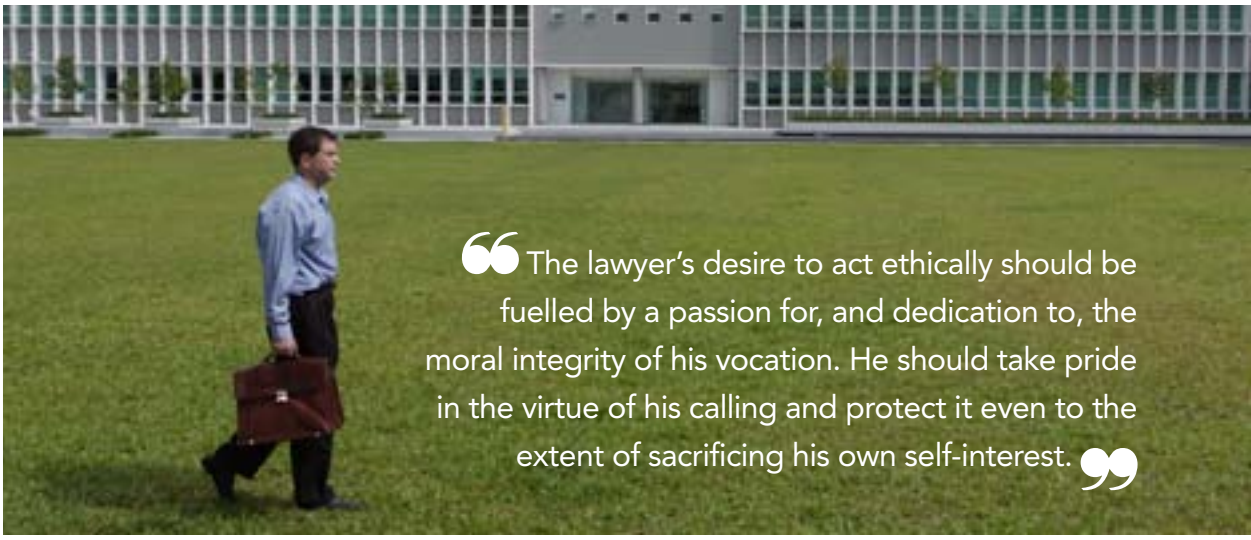
PROFESSOR JEFFREY PINSLER IS PROFESSOR OF LAW AT THE NATIONAL UNIVERSITY OF SINGAPORE. IN 2006, HE WAS SPECIALLY COMMISSIONED TO WORK ON A BOOK THAT WOULD FORMULATE A GENERAL CODE GOVERNING PROFESSIONAL CONDUCT AND EXPLAIN THE FUNDAMENTAL PRINCIPLES GOVERNING ETHICAL BEHAVIOUR IN EVERYDAY PRACTICE. A MANUSCRIPT WAS PRODUCED WITHIN A YEAR. PROF PINSLER SHARES WITH *INTER SE* HIS VIEWS ON THE NEED FOR LEGAL ETHICS EDUCATION TO BE PURSUED RIGOROUSLY AND THE IMPLICATIONS OF THIS FOR THE QUALITY AND INTEGRITY OF LEGAL PRACTICE IN SINGAPORE.

Thank you for your time, Professor. To start off, perhaps you could clarify what "legal ethics" is. How is "legal ethics" related to other terms bandied about like "professional standards" and "ethical conduct"?

This question raises two important points: the unique nature of the lawyer's position and the appropriate educational approaches to ethics. From an ethical perspective, the lawyer's position as a professional is unique because his conduct does not merely affect his client and the standing of his profession. As an "Officer of the Supreme Court of Singapore" who has the statutory responsibility to assist in the administration of justice, maintain the rule of law and uphold its related interests, his behaviour impacts on the standing of the legal system and, more specifically, the Judiciary's capacity to dispense justice. As the Judiciary constitutes one of the organs of State, unethical behaviour – for example, conduct which misleads the court – compromises the court's ability to adjudicate fairly and thereby harms the State. As an officer of the court, the lawyer has the public responsibility to uphold the interests of law and justice. Accordingly, law and justice are rooted in ethics and the ethical dimensions of the lawyer's role correspond to his responsibility to the State.

With regard to the appropriate educational approaches to

Prof Pinsler admits that he was intimidated by the request for a text on legal ethics, at first.



ethics, the terms "ethics" and "professional standards" are often bandied about as adjunct disciplines or peripheral topics which operate in a rule-based preventive context to control misconduct. This is a fundamental misconception which can cause more harm than good. On the assumption that an individual has some moral perspective, the goal of an education in ethics is to nurture and develop this natural inclination into a full consciousness of correct behaviour and a motive to perpetuate the aims of law and justice. The lawyer's desire to act ethically should be fuelled by a passion for, and dedication to, the moral integrity of his vocation. He should take pride in the virtue of his calling and protect it even to the extent of sacrificing his own self-interest.

In the absence of such a spirit, the mere concern that he should not break any rules in order to steer clear of punishment and avoid sanctions is unlikely to enable him to resist temptation when there is much to gain from an improper act and little risk of having to face up to the consequences of his conduct. For example, a lawyer discloses a document in the course of litigation in accordance with procedural requirements despite its adverse effect on his client's case. He reveals the document even though he knows he could withhold it without detection (because neither the opposing party nor his lawyer are aware of its existence). He knows that his action will incur his client's displeasure. He also foresees that he may (despite his obvious ability) lose lucrative retainers because potential clients wrongly perceive that he would not be loyal to their interests. In these circumstances, the lawyer acts ethically out of an ingrained sense of moral rectitude; not a disengaged regard of a regulation.

What is the goal of an education in legal ethics and how may pre-qualification instruction in this regard be approached?

Following from what has been said in my response to the first question, the goal of an education in legal ethics is to cultivate the individual's pre-existing sense of moral rectitude. This purpose is common to every stage of the law student's education and the lawyer's career. However, the methods to be applied must be sensitive to the knowledge and experience of the individual. For example, in the university, it would not be productive to present the student with highly complex practice-related scenarios which he could not possibly understand or to "shower" him or her with technical rules in the absence of underlying principles.

The approach should be to integrate the ethics rationale of any relevant situation in existing courses so that students may imbibe the discipline incrementally in the course of their general learning. For example, in the subjects of Evidence and Criminal Law, ethical issues arise as to the manner in which defence counsel may present his case (such as the defences, if any, which may be relied upon) after his client has confessed to him.

In Tort, the point might be made in relation to the recovery of damages in a personal injury suit that the plaintiff's lawyer must not allow his client to mislead the court by representing that his injuries are worse than they actually are. In Contract, it may be appropriate to stress that the lawyer must be fully attentive and committed to his client's interests when negotiating the terms of a contract, and that he must draft those terms in a manner which avoids, or minimises the risk of, potential disputes concerning their interpretation. (Sometimes it is not appreciated that the duty to be competent involves an ethical obligation.) The subject of Equity and Trusts affords the opportunity for examining the lawyer's fiduciary capacity. The lawyer's responsibility to promote due process can be scrutinised in courses such as Civil and Criminal Procedure. Legal skills courses and practice programmes such as moots and trial advocacy are excellent vehicles for exposing ethical issues in a practical context.

The system of integrating ethics in law courses in the earlier years of the undergraduate law degree sets the foundation for a more specialised ethics course at a later stage of university education. Such a course would introduce the students to the ethics infrastructure and delve more deeply into ethical issues through the study of hypothetical (problem-oriented) situations based on topics of law with which the students are familiar (because they have already studied these topics or are studying them concurrently). The paramount aim of such a course would be to inculcate an understanding of the underlying principles of the primary rules of professional conduct and to develop ethical perspectives at a philosophical and analytical level.

As the Postgraduate Practical Law Course ("the PLC") marks the pre-qualification stage of legal education, students should be exposed to a variety of practice-related situations in contentious and non-contentious work so that they develop the appropriate grounding before entering the profession. Although it is at this time that the students will need to master many of the ethical rules, the hope is that they will be able to do so on the foundation of the analytical and philosophical approaches acquired at university level, and on the perspectives of practitioners and other professionals involved in the PLC, in the interest of cultivating a holistic attitude to the discipline.

How may an "ethics consciousness", inculcated in law students, be nurtured in them as lawyers in the legal practice setting?

It cannot be emphasised too strongly that the student's education in ethics in university and the PLC is merely a foundation for legal practice. As newly-called lawyers are susceptible to the influence of their more senior colleagues, the latter have a fundamental responsibility to set appropriate examples of proper conduct at every opportunity. Put simply, the lawyer must never act in a manner which might directly or indirectly influence another lawyer into compromising his own standard of conduct. Nothing harms the young lawyer's or pupil's ethical perspective more than the realisation that what he has learnt about the importance of ethical behaviour is not supported by actual practice. The Honourable the Chief Justice Chan Sek Keong and the

Honourable Attorney-General Chao Hick Tin recently emphasised how important it is for senior lawyers to provide appropriate guidance to the younger members of the profession. [See the speech by the Honourable the Chief Justice at His Honour's Welcome Reference in April 2006, and the speech by the Honourable Attorney-General and the Honourable the Chief Justice's response at the Opening of the Legal Year 2007.]

What impact might an emphasis on legal ethics education, pre- and post-qualification, have on our legal culture?

It has been said (and declared by statute and the courts) that the practice of law is an "honourable" and "noble" vocation. These are appropriate words to describe those who perceive their roles as involving a primary responsibility (indeed, a privilege) to promote justice and the interests of the legal system. Such an attitude foments an ethics consciousness which could eventually evolve into a perceptible legal culture. Some months ago, the word went round that a senior lawyer had disclosed a legal authority to the court which went against his case on appeal. It is understood that as the opposing lawyer was unaware of the authority, it would not otherwise have been brought to the attention of the court. I spoke to other lawyers about this to gauge their reaction. They were extremely impressed by what they regarded as an act of exceptional valour. When such conduct is perceived as normal and expected, the desired ethics culture will have evolved.

The courts have set the standard by their recent tendency to raise ethical issues in

Prof Pinsler spent a considerable time formulating the comprehensive structure of the *Ethics Code*.

> "Nothing harms the young lawyer's or pupil's ethical perspective more than the realisation that what he has learnt about the importance of ethical behaviour is not supported by actual practice."

their judgments. Some lawyers have been castigated for improper behaviour and others have been commended for exemplary conduct. Although a separate disciplinary system exists for proceedings against lawyers, this does not detract from the fact that the court, which controls its own process and its officers, is entitled to comment on a lawyer's conduct (and even summarily punish him or her in certain instances) when it is appropriate to do so.

It is also evident from recent cases involving disciplinary proceedings that the High Court is no longer content to merely confirm the decisions of disciplinary committees when guilt is established. Many judgments are now characterised by detailed observations on the relevant rules of professional conduct and provide extremely clear guidance on how the lawyer must conduct himself in specific areas of practice.

***Ethics and Professional Responsibility: A Code for the Advocate and Solicitor*, which you authored, was recently launched. Many would say that such a work is long overdue. Do tell us more about the aim of publishing such a book, the primary areas of focus, and some of the issues that the book takes up for discussion.**

The primary aim of the book is to present the rules and regulations governing ethics in the form of a systematic and cohesive framework of principles (a code). The principles are interlinked and have their root in the simple precept that a lawyer has the responsibility to uphold the standing and integrity of the legal system by protecting its interests and promoting its objectives. This overarching principle permeates every function of the lawyer including: his duties to the courts and the administration of justice; his obligations to his clients; his responsibilities to his colleagues in the legal profession; his behaviour towards other persons with whom he comes into contact in the course of his work; his role towards the general public; and the manner in which his law practice is managed and operated.

For this purpose, there are several levels of interlinking principles which extend from a single overarching principle to the six core principles, which branch out into governing principles for each chapter and sub-principles within each of these chapters. The 85 sub-principles constitute the prescriptive elements of the code. The intention is that this approach will ameliorate the difficulties which many young practitioners experience in their attempt to unravel the ethics regulatory regime, which is interspersed among a variety of sources including statutes, a plethora of subsidiary legislation, case law, numerous practice directions and rulings of the Council of the Law Society of Singapore, circulars and other official notices. Apart from homogenising the ethics infrastructure, it is hoped that the principles will imbue an instinctual sense of the fundamental importance of proper behaviour and the conviction that the credibility of the legal profession is inextricably interwoven with its moral standing.*IS*

Prof Pinsler's *Ethics and Professional Responsibility: A Code for the Advocate and Solicitor* is reviewed by the Honourable Justice Choo Han Teck at p52 of this issue of *Inter Se*.

SMALL FIRMS

THE SOLE PROPRIETOR AND SMALL LAW FIRMS SEEM TO BEAR THE BRUNT OF THE STORM EACH TIME A HIGH-PROFILE BREACH OF LEGAL ETHICS TAKES PLACE. RAJAN CHETTIAR, A SOLE PROPRIETOR OF FOUR YEARS, SHARES THE PRESSURES FACED BY SUCH LEGAL PRACTITIONERS THAT MAY LEAD TO A HIGHER INCIDENCE OF BREACHES OF PROFESSIONAL CONDUCT AT THIS LEVEL OF PRACTICE. HE THEN OFFERS SOME SUGGESTIONS FOR INITIATIVES THAT MAY HELP TO REMEDY THE EXISTING PROBLEMS FACED OR AT LEAST EQUIP THIS SEGMENT OF THE PROFESSION WITH THE NECESSARY RESOURCES TO NOT JUST SURVIVE BUT FLOURISH IN THE COMPETITIVE SETTING THAT IS SINGAPORE'S BOOMING LEGAL INDUSTRY.

By **Rajan Chettiar, Legal Practitioner**

AT the Opening of the Legal Year in January 2007, the Honourable the Chief Justice Chan Sek Keong made the following comment in his Response:

> "Last year saw a spate of disciplinary cases involving lawyers from small firms. The nature of impropriety disclosed by these cases suggests that the income gap between the medium and large sized law firms on one hand, and the small law firms on the other, is getting wider. The small law firms play an essential social role in supplying legal services to the poorer sections of the public. However, they have not benefited from globalisation and the fruits of Singapore's economic progress. They have yet to recover from the loss of scale fee conveyancing, as a result of which some of them have become beholden to real estate agents or even illegal moneylenders. This situation has become bad enough for some lawyers to get themselves entrapped by offers of legal work on a commission basis.
>
> So, whilst there have been improvements in the quality of legal services, both in litigation and corporate practice, there is also cause for concern over the deterioration in professional values and ethics at the lower end of law practice. …"

LEGAL ETHICS

After four years as a sole proprietor, I must admit that the initial entrepreneur bug that I had of running my own business is slowly wearing off. It is extremely difficult to be a sole proprietor of a law firm in Singapore. The sole proprietor is under tremendous pressure. We face many pressing concerns. The first and utmost problem is receiving a constant flow of work and having a good-quality client base that is willing to pay the reasonable fees for our services. The clients' requests for discounts on our fees and the difficulties in collecting the moneys make it difficult to make a decent and comfortable living. Today, there is the added issue of rising rentals of office spaces added to always-present (and increasing) business expenses and the perennial staff recruitment and retention problems.

For many sole proprietors, a typical day is filled with numerous court attendances, with the rest of the time being spent in the office struggling to catch up on their work. Each sole proprietor has to cope with the constant changes of court procedures, emerging areas of law, the latest case law and the business aspects of practice.

Recently, I received a call from a client who asked for an urgent quotation for the sale of a residential property. She had an offer from a lawyer who was willing to act for both the vendor and the purchaser at a competitive price. For the client, it appeared like a good deal and she was searching for an even more competitive price.

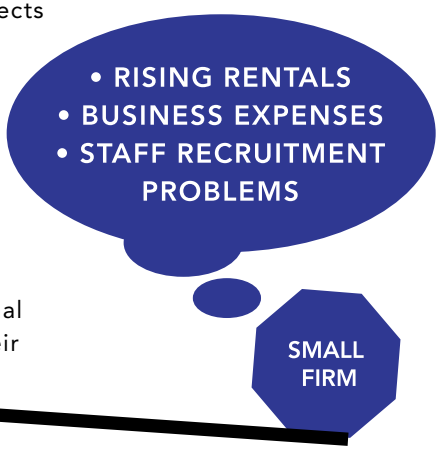
A spouse, after consulting me, realises that it is the other spouse who is entitled to file for divorce against him. However, he wants me to act for his spouse instead of him.

A client wishes to obtain a loan from another party. He instructs me to draft a loan agreement for himself and the creditor.

A financial services agent or property agent approaches a small law firm with a promise to give substantial work to a lawyer. In return, he asks for a referral fee.

These are some of the scenarios that a sole proprietor faces during the course of his practice. Faced with the business challenges, these situations can put some sole proprietors in a real dilemma – business versus ethics.

Lengthy contemplation over the nature of professional ethics and its impact on such dilemmas, unfortunately, are not the highest priorities on a sole proprietor's to-do list. He may not have the time to consider these issues comprehensively. Unlike other aspects of the law, he may feel that ethics does not play a significant role in his daily work. For many, they last learnt about professional ethics during their



Postgraduate Practical Law Course (PLC) many hectic years ago. They may not have the current relevant knowledge. They may be ignorant of the necessary resources available to aid them in answering their questions on professional ethics or of the forums available to discuss their ethical dilemmas in.

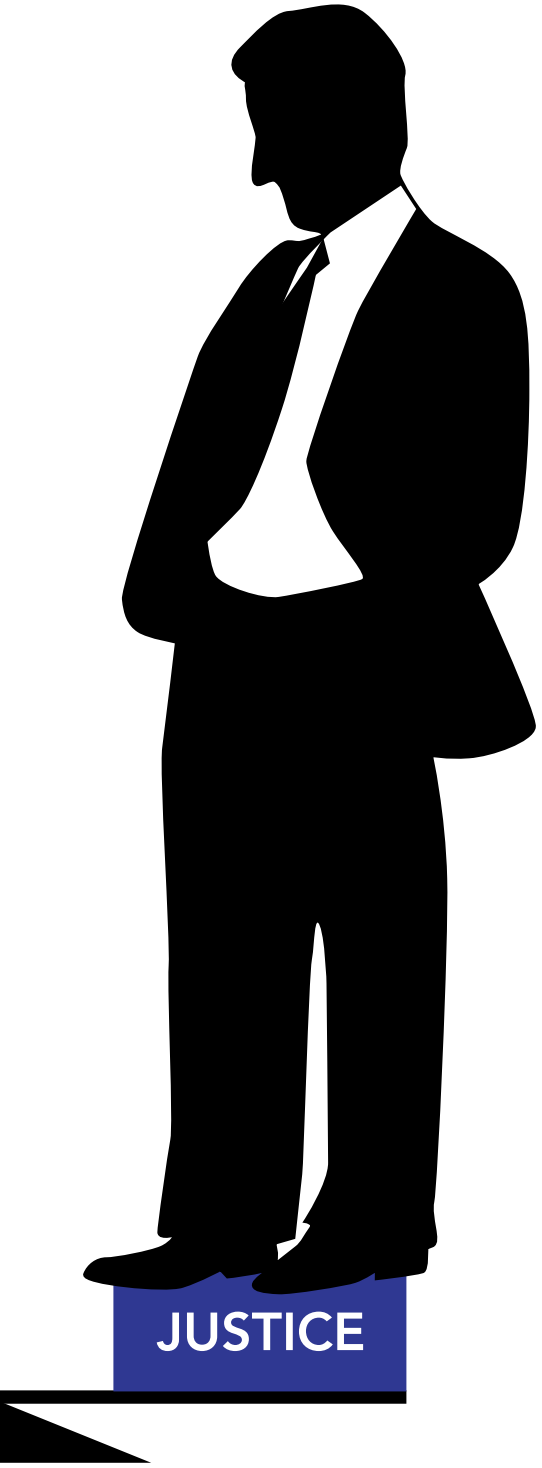
And thus, apathy and ignorance often lead to disciplinary proceedings commenced against them. These disciplinary cases then discourage their brethren. It is not just about the recalcitrant sole proprietor but it is, rather, a sad story of a member of the Bar.

There are, however, positive lessons to be learnt from each and every such case. Each case reinforces the importance of being aware and keeping abreast of the rules on ethics and professional conduct. There is an acute need for ethics to form part of our continuing legal education. There are resources that sole proprietors (and all lawyers for that matter) can tap on when they have queries regarding appropriate professional conduct – Practice Consult run by the Law Society of Singapore, the Ethics Committee of the Law Society and the Senior Counsels Forum, to name a few.

Among sole proprietors, it is time for us to stop, think and ask for help when we face any difficulty in our law practice.

First and foremost, a mindset change among sole proprietors and practitioners in small firms is crucial. Far from being the inferior cousins of the large- and medium-sized law firms, the small law firm and sole proprietor play a vital role in the legal profession. Chief Justice Chan Sek Keong (then the Attorney-General), in his keynote address at the Law Society of Singapore's "Back to Basics. Forward to the Future: The Future of the Legal Profession" seminar on 16 February 2006, reiterated this vital position:

> "Before I go on, I wish to acknowledge that there is a place for every type of law firm (big, small or foreign) in Singapore, and that the legal services provided by the small firms on the social side are as important as the legal services provided by the large firms on the business side. …"



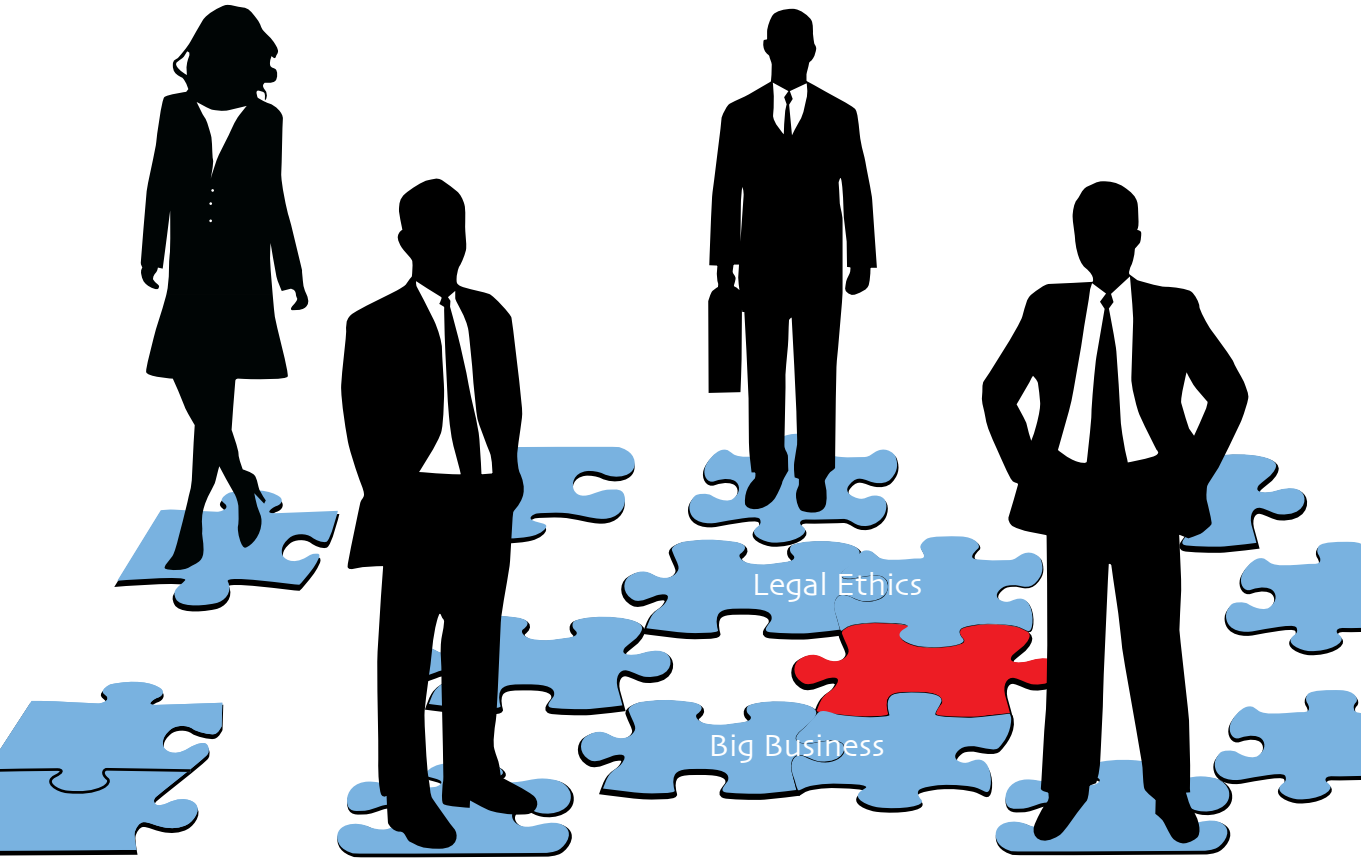
As a legal community within a legal community, it may be time to examine what can be done to educate sole proprietors and practitioners in small firms to recognise when they may be flirting with a breach of professional standards and to assist them in developing the skills necessary to deal with such dilemmas appropriately.

Sole proprietors and other small-firm practitioners must adopt a self-help attitude. This will help us solve our own professional problems effectively. Further, a strong collegiate and community spirit must be established among us. There is much that can be achieved through mutual self-help and collaborations within this specific legal community.

If commercial reasons push the sole proprietor to take unnecessary and unwise professional risks, then perhaps some reflection is in order. If the current business model is not working, then what can be done to assist small law firms? Perhaps, it would help if small law firms create niche areas of practice and become specialists. At the same time, these law firms can offer services, which address the needs of the man in the street. Small law firms can also create their own brand name and create awareness of their services. These measures would pay off in ensuring that there is a steady flow of work.

With collaborative effort, careful thought and implementation of initiatives, the smooth and safe flight of the sole proprietor and small law firms is so possible and not too distant.*is*

LEGAL ETHICS AND THE IN-HOUSE COUNSEL:
WHAT'S THE PROBLEM?



By **Andrew Ong, Legal Department (Head), Nokia Pte Ltd, Customer & Market Operations, Asia-Pacific**

THE LEGAL ETHICS DISCUSSION, THUS FAR, HAS FOCUSED ON THE CHALLENGES FACED BY THE LEGAL PRACTIONER IN A TRADITIONAL PRACTICE ENVIRONMENT. AS SINGAPORE BECOMES THE SITE OF GLOBAL BUSINESS, IN-HOUSE COUNSEL REPRESENT THE CHANGING FACE OF LEGAL PRACTICE TODAY. ANDREW ONG, AN IN-HOUSE COUNSEL WITH OVER TEN YEARS' EXPERIENCE, GIVES AN ACCOUNT OF THE CHALLENGES FACING CORPORATE COUNSEL WHO FUNCTION IN AN ENVIRONMENT WHERE CORPORATE ETHICS AND LEGAL ETHICS MEET AND MELD, AND OFFERS UP SOME SUGGESTIONS TO MAKE THE BALANCING ACT LESS STRESSFUL.

TIMES HAVE CHANGED

If we wind back the clock 20 years, it would be difficult to find many in-house counsel in Singapore. Back then, those who were practising law as in-house counsel were perceived as not being able to cut it in private practice or having copped out. In-house legal departments were viewed as a backroom function, with reporting lines far removed from the chief executive officer ("CEO"). Legal ethics was not even on the radar screen back then.

Today, there are over 1,500 in-house counsel in Singapore and many more across the Asia-Pacific. It has become acceptable and even respectable for a lawyer to go in-house (so I'm told by some private practising lawyers). Most in-house counsel in multi-national corporations ("MNCs") also have reporting lines directly to the CEO and sometimes also independently to the board of directors. Corporate values and ethical behaviour of companies are also very much on the agenda of investors and regulators thanks to some high profile cases like Enron, Worldcom and Arthur Andersen LLP. The spot light has also turned, interestingly enough, to the in-house lawyers who have been tasked to be "watchdogs" in the United States.

WHAT'S THE DIFFERENCE?

So, what makes the role of in-house counsel different from that of external lawyers when it comes to legal ethics?

Your client is your employer

The in-house counsel is placed in a tricky situation when compared to his private

practising cousin – the in-house counsel serves a single client who happens to be his employer. That single client not only pays the in-house counsel his salary but also influences the development of the in-house counsel's career. This is in contrast to external lawyers who enjoy a measure of professional distance and economic independence that usually serves to lessen the pressure to bend or to ignore professional legal ethics. External lawyers can also advise the client on the legal position and then leave it for the client to implement (or not implement) that advice. In-house counsel, however, are in the unenviable position of knowing whether that advice has in fact been implemented.

This may make life slightly complicated when an in-house counsel tries to balance the normal expectations of teamwork and loyalty with the need to provide impartial professional advice in the best interest of the employer/client.

Who exactly is your employer?

Furthermore, the employer is the corporation itself and not any group of individuals associated with the corporation. Therefore, an in-house counsel does not serve as the lawyer for any of the corporation's officers, employees, directors or shareholders. Even though the in-house counsel may be aware of this distinction, such people may not appreciate the difference. When his corporation's interests are adverse to those of its officers, directors, employees or CEO, the in-house counsel must explain that he or she represents the corporation and not that individual.

So, does the in-house counsel take directions from his boss or his CEO even if it may conflict with the interests of the corporation? If an in-house counsel does not agree with his boss's or CEO's directions, who should he turn to? The board of directors? And what if the conflict is with the board of directors? Tricky isn't it? When caught in such a position, some may decide that it is time to go back to private practice. If this is not an option, consider the following.

SOMETIMES, JUST BE THE LAWYER

The in-house counsel is very often expected to serve as "business partners" or as "members of the strategic team". This, in fact, is an important aspect of good lawyering and is the in-house counsel's edge over an external counsel, but striving to be a good business partner or strategic team member is not an excuse for falling short of one's ethical obligations. Internal stakeholders must understand this priority of in-house counsel.

For example, when an in-house counsel is handling sensitive legal information where jeopardising the applicability of the attorney-client privilege rule would create material legal risks, the in-house counsel must function strictly in a legal capacity. In such instances, the in-house counsel must make a judgment call on when he should revert to just wearing the "legal hat" and have the courage to take off the "business hat". This in itself poses a dilemma for in-house counsel since, very often, one of the main reasons that lawyers go in-house (and one of the main reasons that corporations hire in-house counsel) is so that they can be closer to the business decisions.

CORPORATE ETHICS AND LEGAL ETHICS

Many MNCs have their own set of corporate ethics or corporate values whether they call them "Code of Conduct", "Business Conduct Guidelines" or "Standards of Business Conduct" and so on. These rules usually encompass conflicts of interest situations, guidelines on external employment, policies on giving and accepting gifts from third parties, workplace policies, policies on protecting the environment and on other related areas. All employees of such corporations (including in-house counsel) are bound to follow such rules. Such rules may actually make life for the in-house counsel easier especially if all employees are bound to follow them. It is only when enforcement of such rules become piecemeal or worse, non-existent, that in-house counsel is placed in a difficult position.

Furthermore it may make life unpleasant for the in-house counsel if he or she has to take enforcement action against co-workers bearing in mind that the in-house counsel works in the same office and sees his co-workers every day, and would have developed personal and social friendships with them. If the in-house counsel feels that such relationships could impair his or her independence in investigating any breaches of corporate ethics, the in-house counsel should not be afraid to recommend such investigations to independent external parties.

WHAT TO DO? WHAT TO DO?

The Australian Corporate Lawyers' Association (ACLA) and the Corporate Lawyers Association of New Zealand (CLANZ) have jointly published a handbook entitled "Ethics For In-house Counsel" which is very instructive. The Singapore Corporate Counsel Association (SCCA) is currently in discussions on the topic of legal ethics instruction for in-house counsel and the end-result could mean a code of ethics for in-house counsel in Singapore which will be very much welcomed. I also look forward to reading my

> What is integrity? Someone once said that "integrity is doing the right thing, even if nobody is watching". It is about being honest and not being afraid to do what is right even if it may be personally costly for you.

former law lecturer's new book entitled *Ethics and Professional Responsibility: A Code for the Advocate and Solicitor* by Jeffery Pinsler, to gain more insight into this issue from a respected author's perspective.

In the meantime however, what can in-house counsel do to ensure that he acts ethically in balancing his roles as business partner and as lawyer?

One writer unhelpfully described the in-house counsel as "[h]aving one foot planted firmly in the shifting treacherous terrain of the law, and the other planted just as firmly in the oozing swamp of business".

In-house counsel are still bound by the Legal Profession Act and many are still on the Rolls having been called to the Singapore Bar. And, yes, they are at the same time bound by their company's corporate ethics and employment contracts not to mention the various laws and regulations in place if they work in a regulated industry. Then there are the stock-exchange regulations to factor in if they work for a public-listed company. The challenge is multiplied if you are an in-house counsel working in a global organisation with businesses in multiple jurisdictions with different sets of laws and regulations.

I unfortunately don't have any answers to the big question: What must in-house counsel do to ensure that they act ethically at all times? Instead, I would like to share some personal views on how one might begin to discharge one's duties as in-house counsel with diligence – perspective gleaned from my over ten years working as an in-house lawyer for MNCs. It starts with having personal integrity.

Personal integrity

What is integrity? Someone once said that "integrity is doing the right thing, even if nobody is watching". It is about being honest and not being afraid to do what is right even if it may be personally costly for you.

If everyone had integrity, would we need to device systems of checks and balances and counter-balances under the wide framework of corporate governance? Would we need to have Sarbanes-Oxley which costs businesses millions of dollars to implement and follow in the US? Would US authorities need to freeze the account of a couple who were suspected of insider trading on US$15m worth of Dow Jones shares? Closer to home, would we have former CEOs and chief financial officers of publicly-listed companies having to serve out jail terms for cheating their customers and investors?

When we are all alone, with no peer pressure keeping us on the straight and narrow path, that's when our real character is put to the test. A story was told of a man sitting on a plane ordering a drink. The

stewardess was busy and said that she would come back for his money which he left on the tray. The stewardess passed up and down the aisle several times and it became obvious that the stewardess had forgotten his money. After a few trips by the stewardess, the man reached over, picked up the money and slipped it back into his coat pocket. Integrity: What's the price? Sold for a few dollars.

Along with exhibiting personal integrity as a cornerstone of acting ethically, here are some useful rules of thumb which I have found helpful.

Educate your business colleagues

In-house counsel should educate their non-law colleagues on the following areas:

(a) Let them know who your ultimate client is, *ie* the corporation.

(b) Make sure that they are informed about the details of the company's ethics policy.

(c) Help them to understand how attorney-client privilege communication works since not everything that is communicated to in-house counsel is privileged.

(d) State clearly that the in-house counsel's obligation is not to facilitate fraudulent or criminal conduct.

(e) Ensure that they are aware that it is the in-house counsel's obligation to escalate matters to the board of directors or to the audit committee where necessary.

Escalate issues if necessary

There should be a culture where the company's values and corporate ethics are respected from top down and the employees in the company should know that if things are amiss, there will be investigations and the wrongdoers will be brought to task. In this regard, it is useful to have a clear escalation policy for in-house lawyers. For example, there can be a three-step escalation process if in-house lawyers face any legal ethics or corporate ethics issue. First, require the officer in charge of the business where the problem originated to consider or reconsider the issue. Second, if there is no resolution of the problem, then the matter should be escalated to the CEO or chairman of the board of directors. Third, if there is still no resolution of the matter, then it may be escalated to the independent director, the chairman of the audit committee or the board of directors for resolution.

When in doubt ask

When in doubt, seek the advice of a trusted external counsel for an objective viewpoint or even seek the views of your general counsel directly.

Be diligent, competent and communicative

Do not procrastinate or hide important information from your corporation about

"When we are all alone, with no peer pressure keeping us on the straight and narrow path, that's when our real character is put to the test."

legal matters. Know when to use outside counsel. If the job demands exceed your ability to meet professional standards, speak up and fix the situation.

Avoid conflicts of interest

Watch out for these situations in particular. Whether you are acting for your corporation or the individuals in that corporation, your primary obligation is to the corporation.

Choose your corporation well

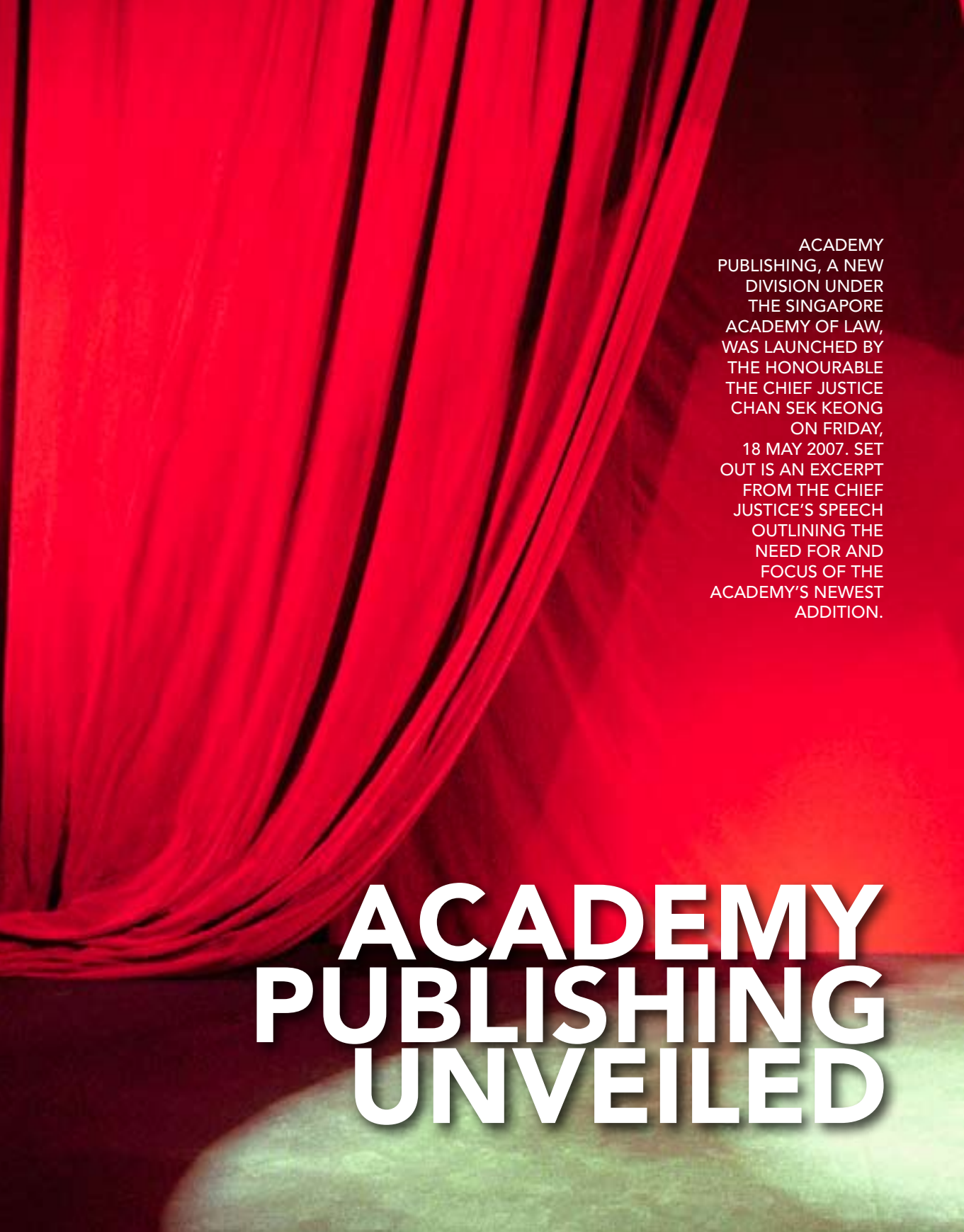
Look before you leap. When considering your next move, conduct enough due diligence to understand the type of company you are going to work for. You may want to ask permission to speak to the audit committee or its management team.

IN CLOSING

This has been a very quick and cursory analysis of the legal ethical issues faced by in-house counsel and I hope this will generate more discussion within the in-house legal community. I hope that lawyers wanting to take the plunge into in-house waters will not be discouraged by some of these issues. At the end of the day, it is truly an enriching experience working as an in-house lawyer where you are close to the business, there are no fee disputes, no client account issues and no need for extensive marketing. That said, like practice, in-house work has its challenges and not a few of them are ethical ones. Perhaps the best advice that can be given is simple – whenever you find yourself having to navigate through the labyrinth of law, legal ethics and business concerns, do so knowing that your integrity is priceless.*is*

Andrew Ong works for Nokia as the head of its legal department in Asia-Pacific. He is also a member of the Professional Affairs Committee of the Singapore Academy of Law and a member of the Policy & Legal Affairs Committee of the Singapore Corporate Counsel Association ("SCCA"). The opinions expressed in this article are entirely his. They are in no way endorsed by the SCCA, the Academy or by his employer. For information on the SCCA and its activities, please visit www.scca.org.sg.

academy buzz



ACADEMY PUBLISHING, A NEW DIVISION UNDER THE SINGAPORE ACADEMY OF LAW, WAS LAUNCHED BY THE HONOURABLE THE CHIEF JUSTICE CHAN SEK KEONG ON FRIDAY, 18 MAY 2007. SET OUT IS AN EXCERPT FROM THE CHIEF JUSTICE'S SPEECH OUTLINING THE NEED FOR AND FOCUS OF THE ACADEMY'S NEWEST ADDITION.

ACADEMY PUBLISHING UNVEILED

SINCE the Academy became self-sufficient financially, it has expanded and improved its services to its members in many areas of legal studies, especially in making effective legal research materials affordable and readily accessible – mainly through LawNet, which today reaches 70% of the profession. Before then, when we were anxiously looking for financial resources to carry out the statutory functions of the Academy, I had even suggested that the Academy set up a bookshop to sell law books to practitioners and students since there was a real likelihood that we would get the support of the majority of consumers of law books. The idea came to nothing.

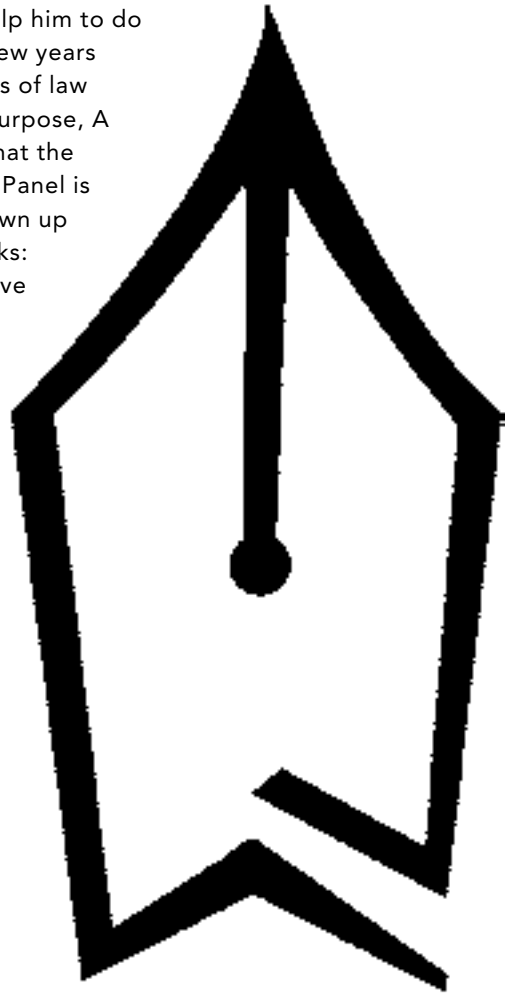
But, today, we are witnessing the fruition of a very recent idea, which is that the Academy should embark on the venture of publishing law books and legal texts. I am convinced that notwithstanding the availability of online legal materials, especially case law, text books continue to have an edge over screen texts in terms of convenience and efficiency in providing access to the law in a distilled and easily digestible form. I am given to understand in local academic circles, general textbooks on the law are regarded as being at a lower order of intellectual accomplishment and have a lower value than, for example, monographs or articles on esoteric areas of law or, to adopt a buzz expression, cutting-edge research in the law. In my view, there is room for both types of high-flown academic and highly practical legal works. Both play their roles in the development of the law. Theoretical ideas are good but, in the daily life of the law, I would say that as a general rule, a well-written text book which sets out the law clearly and comprehensively performs a more immediate and, therefore, more valuable societal role in the administration of justice. It is therefore my hope that the efforts of the writers of the law books and the legal texts that the Academy intends to publish will be given due recognition by those who decide on their career advancement.

Today is, therefore, an important day for the Academy, as well as for the legal profession, and I hope for two law schools. We are here to mark the launch of Academy Publishing, a new division within the Academy that has been set up recently to publish books and other texts on the law of Singapore (and Malaysia, where the source of Malaysian law is the same as that of Singapore law). The aims of this division are threefold: first, to provide affordable legal materials to the legal profession (including corporate counsel), law academics, law students, and not least the judiciary in Singapore; secondly, to provide an alternative avenue to the academics in our two law schools to publish their writings and thereby to encourage them to produce more works; and thirdly, to disseminate the laws of Singapore to a wider public in the region or internationally.

It is not the intention of the Academy to become a purely commercial publishing house as profit is not its primary aim. It is more important that we create a learning environment where, if an academic or a practitioner is able to increase the body of

Balasakher Shunmugam, Deputy Director Publishing, SAL, answers some frequently-asked questions about Academy Publishing.

knowledge of our laws and wishes to share his knowledge with the profession and the public, the Academy will be there to help him to do so. But our priority in the next few years will be to publish books on areas of law that are of practical importance to the profession. For this purpose, A Commissioning Panel has been set up to identify the titles that the Academy should publish and the authors to write them. The Panel is chaired by Justice Andrew Phang. The Panel has already drawn up a plan for Academy Publishing to produce two series of books: the Law Practice Series and the Monographs Series. They have drawn up a list of the titles for the Law Practice Series and have also secured commitments from the authors invited to write the books. Many of these authors are here today, and I take this opportunity to thank all of you for agreeing to produce these works. This is really a worthy cause for the legal profession, and Academy Publishing will do its best to ensure that your efforts are rewarded with satisfactory sales and subsequent editions. ...



ACADEMY PUBLISHING FAQs

Q: What does the Academy Publishing logo mean?

A: The Academy Publishing logo is a stylised fountain pen nib, bearing a resemblance both to an upstanding arrowhead and to the letter "A". It represents the Academy's noblest aspirations and ideals in legal publishing.

Q: What are the other titles that Academy Publishing plans to publish?

A: For the immediate future, Academy Publishing will be

producing a couple of monographs on Arbitration and Corruption. There is also in the works an upcoming title on Advocacy. Down the line, the aim is to publish seminal works in the key areas of law that would be of practical importance to the legal fraternity.

Q: Who are the authors?

A: The authors who will be working with Academy Publishing on our upcoming titles include academics from both law schools, practitioners (including Senior Counsel) and even Supreme Court Judges.

Q: When will these books be available?

A: These books will be published over the next two to three years.

Q: The Chief Justice said that one of the aims of Academy Publishing is to make law books and materials more affordable. How much lower will prices of Academy Publishing publications be compared to those published elsewhere?

A: Academy Publishing does not intend to be a purely commercial publishing house as profit is not its primary aim. We expect to be able to price our books at least 50% lower than most comparable law text books currently in the local market.

Q: Who are your major competitors?

A: Academy Publishing does not seek to compete with the commercial publishers. Our objective is to produce quality local text books at affordable prices so as to encourage lawyers, students and the general public to own and refer to more law books. Where it is desirable in the interests of disseminating quality legal works, we hope to work closely with the established commercial publishers.

Q: How many titles does Academy Publishing plan to bring out in a year?

A: We do not have a rigid target to meet every year, but will roll out publications as and when we identify the need for specific titles and can find suitable authors to write them. Based on the current projection, we expect to bring out about 15 to 20 titles within the next two to three years.

Q: What are your plans in marketing legal titles from Singapore to the region?

A: Academy Publishing will focus primarily on local law to serve the local community. For topics where our laws are similar to the laws of other countries in the region or beyond, and may be useful to the legal community there, we will explore ways to market these titles to such countries.

Q: Will publications from Academy Publishing be available in major bookstores?

A: Yes, our publications will be sold in selected bookstores, such as Books Kinokuniya (Orchard Road) and the National University of Singapore's and Singapore Management University's bookshops. Both members and non-members can also use the Academy's online bookshop at its homepage www.sal.org.sg to make purchases. *is*

ETHICS CODE FIRST IN SERIES OF COMMISSIONED WORKS BY ACADEMY PUBLISHING

ETHICS AND PROFESSIONAL RESPONSIBILITY: A CODE FOR THE ADVOCATE AND SOLICITOR BY PROFESSOR JEFFREY PINSLER IS A MANUAL FOR SINGAPORE LAWYERS TO GUIDE THEM THROUGH THE MANY ETHICAL ISSUES THAT THEY WILL INEVITABLY FACE IN THEIR PROFESSIONAL LIFE. THE ACADEMY PRESENTED NEWLY-ADMITTED ADVOCATES AND SOLICITORS AT THE MASS CALL ON 26 MAY 2007 WITH COMPLIMENTARY COPIES OF THE BOOK. IN AN EXCERPT TAKEN FROM THE SPEECH DELIVERED BY THE CHIEF JUSTICE AT THE BOOK LAUNCH, THE CHIEF JUSTICE EXPLAINS WHY HE FELT THE NEED TO COMMISSION SUCH A WORK AND HAVE IT BE THE FIRST PUBLICATION PRODUCED BY ACADEMY PUBLISHING.

THE first work to be published under the auspices of Academy Publishing is one which I selected to start the Law Practice Series, *viz, Ethics and Professional Responsibility: A Code for the Advocate and Solicitor*. In view of the ethical problems faced by a section of the legal profession today, it seemed somehow odd to me that we did not have a convenient and accessible source, such as a code, of the principles of professional ethics and conduct that our lawyers have to follow and live by every day of their professional lives. I felt that we really needed a *vade mecum*, and quickly too, for our lawyers, young and old, so that they would be always reminded of the ethical principles and practices on which depend their public standing as providers of legal services. Professor Jeffrey Pinsler, who is of course well know for his prolific writings on civil procedure, was invited to write this book because of his academic and practice background and because this is a book for lawyers, who regularly encounter ethical and professional problems in the course of their work. It is also a book for law undergraduates so that they can have some idea of the kinds of ethical and professional issues that they may face when they become practising lawyers. That we are here today shows that we found the right person to write this book. So, on behalf of the Academy, I wish to thank him for his great effort in completing this work well within the time schedule given to him.

Of course, this book by itself cannot raise the standard of professional ethics and conduct among lawyers. The information it contains has to be read, digested and remembered or recalled whenever the occasion arises. So I hope that each practitioner should have a copy of this book on his table at all times to remind him of the high standards of professionalism that each of his peers expects of him. In this respect, I also hope that our small and large law firms, but especially the large law firms, will not only purchase one or two copies of the book for their libraries. I request them to buy as many copies as they can afford in order to promote the worthy causes that I have mentioned earlier. The Academy itself has formed a chapter (the Professional Values Chapter) within its Professional Affairs Committee to continue its work to enhance professional ethics and values. Over the last year, the Committee (through the work of the Chapter comprising representatives from all sectors of the legal community: academia, the Bar, the Legal Service, in-house and corporate counsel) has drawn up a comprehensive report on the state of legal ethics education in Singapore and has made a number of proposals on ways to instil such values in our lawyers starting from law school. The PAC's Professional Values Chapter will be liaising with the various relevant bodies in its effort to flesh out these proposals. … *is*

By **The Honourable Justice Choo Han Teck, Supreme Court**

REVIEWING THE *ETHICS CODE*

Title: Ethics and Professional Responsibility: A Code for the Advocate and Solicitor
Author: Professor Jeffrey Pinsler
Publisher: Academy Publishing, 2007
Extent: 594pp (Hardcover)
Price: $80 (Academy members and students); $120 (non-members). Prices exclude GST.

THE life and work of a lawyer are inextricably governed by the same set of principles. An honest lawyer must first be an honest person; a courteous lawyer must first be a courteous person; and a responsible lawyer must first be a responsible person. Otherwise, that person would be living the life of a hypocrite. The principles that personify and idealise a human being are thankfully few. The ones that constantly stand out are honesty and fellowship, for these are deep wells from which most of the principles of the virtuous life can be drawn.

The complexities of human relationships and the testing nature of arrogance and greed, however, complicate the otherwise simple virtues of honesty and fellowship and because of that, life in general, and the lawyer's professional life in particular, seem more complicated, a point emphasised by the voluminous *Ethics and Professional Responsibility: A Code for the Advocate and Solicitor* by Professor Jeffrey Pinsler *("the Ethics Code").*

Within the 594 pages of the *Ethics Code*, written with the intention of presenting itself as a code of legal ethics, are 29 chapters of commentary with relevant cases illustrating the principles of ethical conduct being discussed. The last part of the *Ethics Code*, Pt VII, sets out the relevant statutory materials and that final part rounds up the comprehensiveness of the book. The expansiveness of the *Ethics Code* is its own virtue because it covers a huge portion of the myriad ethical and professional cases that are likely to cause grief to a lawyer, or his client, or the Court. It also provides clear and detailed rules and precepts in anticipation of likely areas of unworthy or unethical conduct on the part of a lawyer. That is what makes the *Ethics Code* invaluable not only to the lawyer himself, but to the court and layman as well.

In the introductory chapter under Pt I, Prof Pinsler modestly defines his book as "code, commentary and illustrations". Prof Pinsler goes on to describe the disciplinary process and its connections with the Law Society of Singapore, the

> The nature and structure of Prof Pinsler's work in writing the book is to present a code for practical reference and the *Ethics Code* has been structured and written to accord with this aim.

courts, and the lawyers (local and foreign ones) and pupils, who are subject to the disciplinary process. The main body of Pt I introduces the rules and principles of ethical conduct which are neatly set out under "six core principles" identified by the author. The first principle concerns the lawyer's role in the administration of justice as an officer of the Court. The second principle relates to his dealings with his clients. The third deals with the lawyer's relationship and dealings with other lawyers. The fourth concerns the lawyer's dealings with the public. The fifth principle deals with his management of the law office. The sixth and final principle concerns the need to know the rules of professional conduct. These core principles are then discussed in greater detail under various subheadings, each with an introductory note on the core principle being discussed.

The *Ethics Code* contains useful rules and practice guidelines relating to a wide range of subjects. Useful notes span from minor tips on appropriate court attire (see the reminder to gentlemen counsel to wear ties "of a subdued or sober colour") to more complex discussions of what the definition of a "client" is and on such matters as the propriety and efficacy of "Chinese walls" in averting conflicts of interest and breach of confidentiality situations. The nature and structure of Prof Pinsler's work in writing the book is to present a code for practical reference and the *Ethics Code* has been structured and written to accord with this aim.

However, academic discussion is never exhausted in rich fields such as the application of the "cab-rank" rule in Singapore which is addressed in Chap 12. This rule is more easily observed by lawyers who act only as counsel, or who are not already fully engaged in other work. A full discussion of this rule might have to include how much work a lawyer may delegate to junior lawyers and the degree of supervision of junior lawyers by the senior lawyer that is required after such delegation has taken place.

Another such issue is the apparent conflict between counsel's duty to truthfulness and the requirement that he does "not allow his personal feelings to affect his professional assessment of the facts or the law or to affect his duty to the court". Prof Pinsler discusses this aspect in Chaps 5, 8, and 21. An example of the many cases of interest and importance is the recently decided case of *Re Shanker Alan s/o Anant Kulkarni* [2007] 1 SLR 85. This case is referred to

and discussed under the heading of "Conflict of Interests Between Clients" at para 16-50 and in the context of the decision of the High Court to set aside the findings of the disciplinary committee on grounds of a breach of the rules of natural justice on the part of the disciplinary committee at para 01-64. That case is a useful reminder to lawyers and laypersons who sit in such committees that they have a duty towards the lawyer charged as well as to the Law Society on whose behalf they are empanelled to act.

Chapter 17, under the title of "Professional Conduct Uninfluenced by Personal Interest", deals with the professional distance a lawyer should keep between himself and his client. This duty is sometimes complicated when the lawyer and his client become friends. How, if at all, might a lawyer act for his friend?

Then, there is a chapter (Chap 28) on the sometimes neglected area of professional practice – the management and running of a law practice. Although this chapter appears most relevant to lawyers who run their own firms and to managing partners of law corporations, all lawyers ought to be familiar with the rules of setting up and running a law office because they should not be unconcerned about the environment in which they work, and if they are in a partnership or law corporation, there is a shared responsibility, however junior the lawyer may be, in many areas of office management. For example, a salaried lawyer would also be obliged to see that no unauthorised persons are working in the firm's office even though he is not a partner in the firm.

"It is fair to say that Prof Pinsler's book should be read at least once from start to end by every lawyer and, thereafter, be kept close at hand for ready reference."

It is fair to say that Prof Pinsler's book should be read at least once from start to end by every lawyer and, thereafter, be kept close at hand for ready reference. One should, however, remember that rules are only guides that help one determine how one should act in a given situation. To fully understand why one should so act requires greater and deeper contemplation, and although the *Ethics Code* addresses mainly lawyers in practice, it deserves careful study by everyone who sits in judgment of the ethical conduct of other people; and consequently, requires reflecting on the importance of judging from humility and compassion.*is*

Ethics and Professional Responsibility: A Code for the Advocate and Solicitor *is available for purchase through the Academy's website at www.sal.org.sg. The book will be available for purchase at major bookstores shortly.*

INDIAN COMPANIES CHOOSE SINGAPORE

AS THEIR PARTNER FOR LEGAL SOLUTIONS

FOUR leading Indian institutions have signed a Statement of Endorsement to support the use of Singapore law to govern their transactions when an alternative to Indian law is required, and to use Singapore as a venue for dispute resolution.

The institutions are the Indian Merchants' Chamber ("IMC"), Agri Trade India Services Pvt Ltd, Multi Commodity Exchange of India Ltd and Transworld Group.

The signing ceremony was witnessed by Mr Tharman Shanmugaratnam, Minister for Education and Second Minister for Finance, and the Honourable Justice V K Rajah, Chairman, *SingaporeLaw* Committee, at a dinner presentation organised by the Singapore Academy of Law ("the Academy") in Mumbai on 13 April 2007.

More than 150 key executives from the business and legal communities in India and Singapore attended the dinner presentation, which was hosted by V K Rajah JA.

Representatives from the four Indian institutions signing the Statement of Endorsement. From left to right: Mr D M Popat (Indian Merchants' Chamber), Mr Vijay Iyengar (Agri Trade India Services Pvt Ltd), Mr Jignesh Shah (Multi Commodity Exchange of India Ltd) and Mr Ramnarayan (Transworld Group).

By **Lina Tong, Senior Manager, International Promotion of Singapore Law, SAL**

The dinner presentation was supported by the Singapore Indian Chamber of Commerce & Industry ("SICCI") and IMC. Mr M Rajaram, Chairman of SICCI and a member of the India Desk, *SingaporeLaw* Committee, was chiefly responsible for establishing important links between IMC and its members and the Academy, making the dinner presentation possible. The other members of the India Desk also made invaluable contributions, rendering the event a success.

Asian corporations have traditionally adopted English law or New York law as the governing law of their regional contracts and typically stipulate that their disputes would be settled by arbitration in Europe and the United States. With the rising economic and political presence of Asia as the global centre of trade and industry in the 21st century, the time has come for established Asian legal systems in India and Singapore to showcase their distinct comparative advantage and natural suitability over traditional Western favourites. Disputes in Asia should be settled in Asia especially where the parties or transactions are within Asia.

"There is already much synergy and commonality between the legal systems of Singapore and India which can translate into substantial cost savings, advantages and convenience for Indian corporations," noted Mr Cavinder Bull from Drew & Napier LLC.

V K Rajah JA commented: "Singapore's pro-business legal framework is widely and internationally acknowledged for its impartiality and its reputation for unstinting integrity and incorruptibility. The legal system of Singapore is one that Indian corporations and lawyers will have no difficulty adopting and adapting to, if they are not already familiar with it. It is the prerogative of Indian corporations to nominate Indian arbitrators to preside over their arbitration proceedings, and to instruct Indian lawyers to represent them in such proceedings if they so desire. There are many international law firms that use Singapore as their hub for regional work and we would like to see more Indian law firms follow suit."

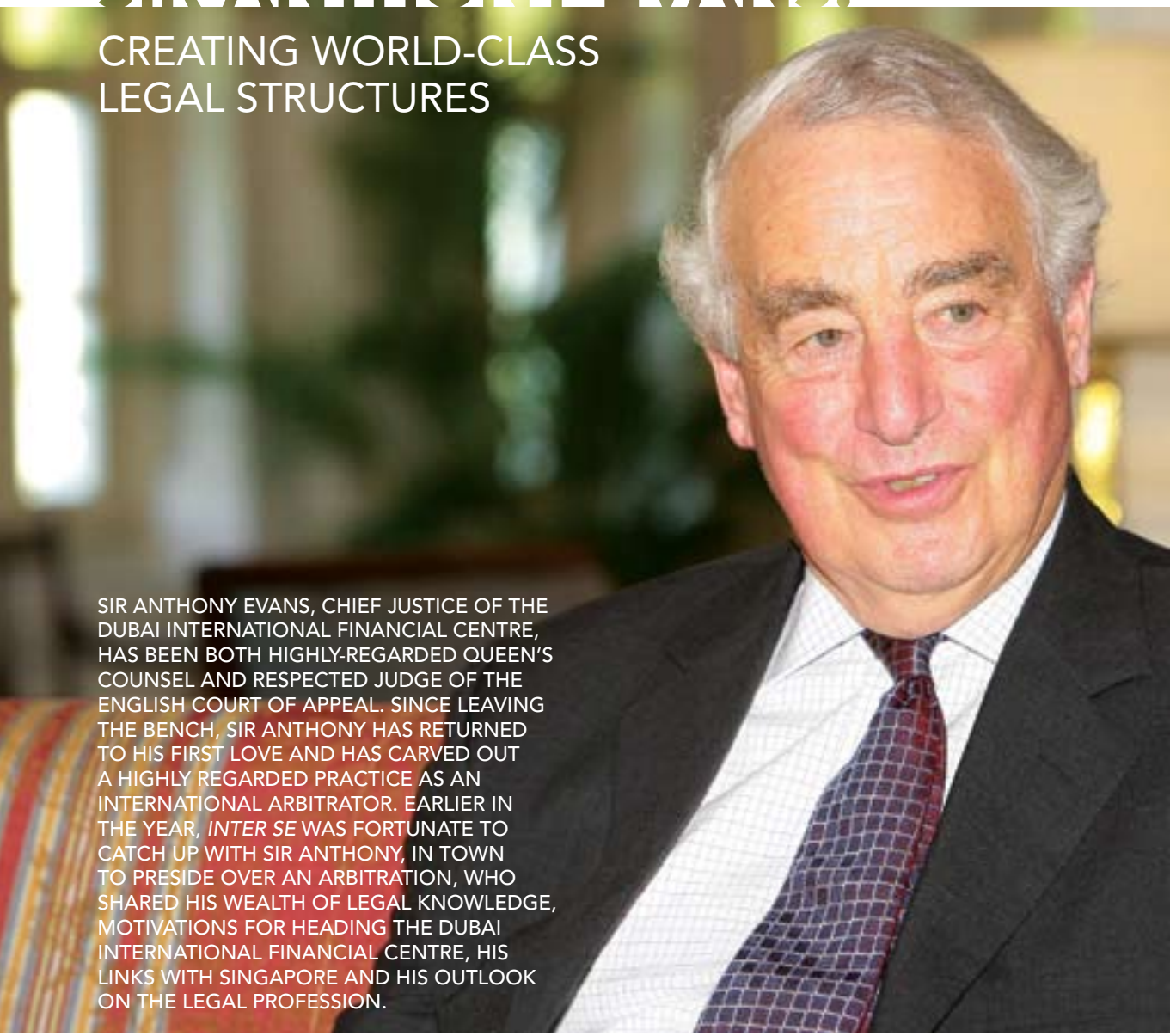
V K Rajah JA also pointed out that the Singapore International Arbitration Centre and the Singapore Mediation Centre have arbitrators and mediators on their regional and international panels who are experienced in handling cases involving Indian parties. The geographical proximity of India and Singapore also means that it is more efficient and cost effective to arbitrate and mediate in Singapore rather than in Europe or the US.

The signing of the Statement of Endorsement signifies the continued success of the efforts of the *SingaporeLaw* Committee. The awareness for Singapore law generated amongst leaders of the Indian business and legal communities, and the new and meaningful partnerships forged between India and Singapore at the event, augur well for even greater collaborations in the future.

The *SingaporeLaw* Committee was formed by the Academy and the Ministry of Law to encourage the use of Singapore law where a neutral law to govern contracts is required, and to promote the use of Singapore as a neutral venue for dispute resolution. For more information on activities by *SingaporeLaw* and for resources on Singapore law, please visit www.singaporelaw.sg.*is*

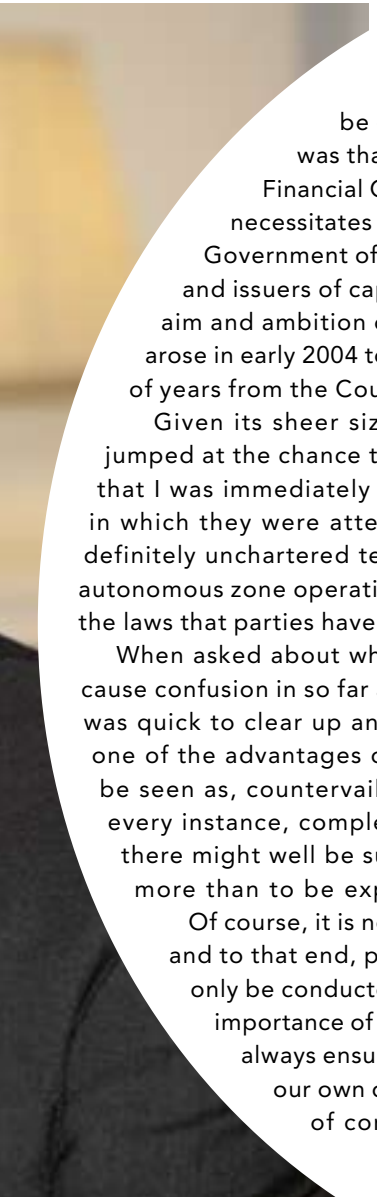
SIR ANTHONY EVANS:

CREATING WORLD-CLASS LEGAL STRUCTURES



SIR ANTHONY EVANS, CHIEF JUSTICE OF THE DUBAI INTERNATIONAL FINANCIAL CENTRE, HAS BEEN BOTH HIGHLY-REGARDED QUEEN'S COUNSEL AND RESPECTED JUDGE OF THE ENGLISH COURT OF APPEAL. SINCE LEAVING THE BENCH, SIR ANTHONY HAS RETURNED TO HIS FIRST LOVE AND HAS CARVED OUT A HIGHLY REGARDED PRACTICE AS AN INTERNATIONAL ARBITRATOR. EARLIER IN THE YEAR, *INTER SE* WAS FORTUNATE TO CATCH UP WITH SIR ANTHONY, IN TOWN TO PRESIDE OVER AN ARBITRATION, WHO SHARED HIS WEALTH OF LEGAL KNOWLEDGE, MOTIVATIONS FOR HEADING THE DUBAI INTERNATIONAL FINANCIAL CENTRE, HIS LINKS WITH SINGAPORE AND HIS OUTLOOK ON THE LEGAL PROFESSION.

By **Mohamed Faizal, Assistant Registrar, Supreme Court**



THE DUBAI INTERNATIONAL FINANCIAL CENTRE

Given the sheer magnitude of the project, it should be of little surprise that the first matter that was discussed was that of Sir Anthony's involvement with the Dubai International Financial Centre ("DIFC"). To those in the business world, the DIFC barely necessitates introduction: a mammoth project that had been conceived by the Government of Dubai in a bid to create a regional capital market offering investors and issuers of capital transparent and unstinting regulations and standards, it has the aim and ambition of becoming one of the world's largest financial centres. "The chance arose in early 2004 to be involved in this initiative. At that time, I had been retired for a couple of years from the Court of Appeal in England and was building up a practice as an arbitrator."

Given its sheer size and potential, it is hardly surprising to hear that Sir Anthony Evans jumped at the chance to be involved in the setting up of the Court for the DIFC: "I have to admit that I was immediately very taken by the idea – it was an extraordinary concept and the manner in which they were attempting to realise the idea was remarkable." As he explained: "This was definitely unchartered territory – it was not just another free trade zone, but, literally speaking, an autonomous zone operating on its own unique three-fold legal system consisting of its own legislation, the laws that parties have freely chosen to apply and when applicable, the commercial law of England."

When asked about whether the unique amalgamation of so many competing legal systems could cause confusion in so far as it might serve to detract from certainty in the name of justice, Sir Anthony was quick to clear up any such misconception, clarifying that such a question failed to appreciate one of the advantages of the common law system. "Certainty and Justice are not, and should not be seen as, countervailing considerations. On the contrary, these considerations are, in almost every instance, complementary. Of course, one would expect that in a small number of cases, there might well be such a conflict as the one you mentioned – but, of course, that is nothing more than to be expected from any Court, including the Commercial Court in London."

Of course, it is not lost on Sir Anthony that a Court is only as good as its representatives, and to that end, plans have been laid to ensure that the proceedings at the DIFC would only be conducted in accordance with the highest professional standards. Noting the importance of professional and ethical conduct, he stressed, "The DIFC Courts will always ensure that appropriate standards are maintained, both by exercising our own disciplinary powers and, where necessary, by referring matters of complaint to authorities in the lawyers` home countries."

Acutely aware of the task before him, Sir Anthony highlighted that there are four pillars that he

must attempt to erect before the end of his term as Chief Justice. "The first, which I think we've already achieved with the assistance of the Dubai government, is the availability and existence of modern and world-class premises with state of the art facilities that we can be rightly proud of." Sir Anthony continued, "The second goal, for me, would be to staff the judiciary of the DIFC with persons of considerable repute hailing from all around the common law world, including New Zealand, Australia, Hong Kong, Malaysia and the West Indies, as well as Singapore and England and Wales and judges with commercial law experience from Scotland, Canada and the United States."

Sir Anthony's final two aims are a reflection of his cognisance of the importance of a proper administrative and procedural framework under which the Court is able to discharge its functions. "The third goal, for me, would be to appoint a full-time registrar in Dubai – one who probably has to be endowed with more powers than a registrar typically is in the common-law world to compensate for the fact that the judges are not themselves resident in Dubai. Finally, it would be necessary for us to adopt a unique set of rules of court that would be based on the Commercial Court Rules (CPR) but reflecting the cultural norms of Dubai. We are in the process of doing so – the recommended rules have been published for public consultation and should be in place soon." Once these measures have materialised, Sir Anthony admitted that it would be good to be remembered as assisting in the, "creation of a court that is established and recognised as a common law court with a regional and international reputation in commercial matters in the same way the Commercial Court in London is regarded." After one appreciates the detailed nature of his blueprint for success for the Court, it is difficult not to have every confidence that with Sir Anthony at the helm, the initiative will be bound to succeed.

SINGAPORE

It may surprise many that the DIFC has a Singapore connection – its deputy Chief Justice is none other than Mr Michael Hwang SC. Sir Anthony explained, "I know him personally in London as we are based in the same Chambers, so I met him through there as well as during some arbitration events." From the off, it was clear to him that Mr Hwang would have been the perfect candidate for deputy Chief Justice. Elaborating, Sir Anthony noted: "Michael Hwang had exactly what I wanted the Court to have – an international outlook with the necessary experience, and a deep understanding of the common law world. In that context, he became an obvious candidate to become a judge of the new Court – where we were looking for exactly what he brought to the

table – namely, a reputable judge who had an intimate knowledge of the common law."

Being a frequent visitor to Singapore, Sir Anthony is no doubt in a well-placed position to discern the changes that have taken place over the course of the past 40 years. In this regard, he notes two particularly impressive changes. The first relates to the infrastructure by which litigation takes place. "The facilities in the Supreme Court Building are superb. I agree wholeheartedly with comments made by other quarters that this is something that even London has to look up to and should attempt to emulate. The building is clearly well-designed and I get the distinct impression that this is the exact kind of building that lawyers would love to work, and be comfortable, in."

The second change relates not to infrastructure, but to the manner in which the Singapore legal profession wholeheartedly embraces other forms of alternative dispute resolution: "It impresses me how the current court system appears to be wholeheartedly embracing other forms of dispute resolution such as arbitration and mediation." Using a succinct example to press his point, he observed, "The embracing of alternative dispute resolution here is not merely lip service – indeed, I can see it from the context of my current work. I am currently presiding in an arbitration that is taking place in the mediation chambers in the Supreme Court!" Clearly impressed by the interlinked nature of the various alternative dispute resolution forums in Singapore, he continued, "To me, the provision of such facilities to alternative dispute resolution processes is a clear indication of support from the judiciary and court system of their belief in these processes. Indeed, this is the exact same system we're attempting to put in place in Dubai. With the support of the authorities, we have put in place a building in which, under one roof there are court facilities, an arbitration centre and a conference centre to assist negotiations and mediations."

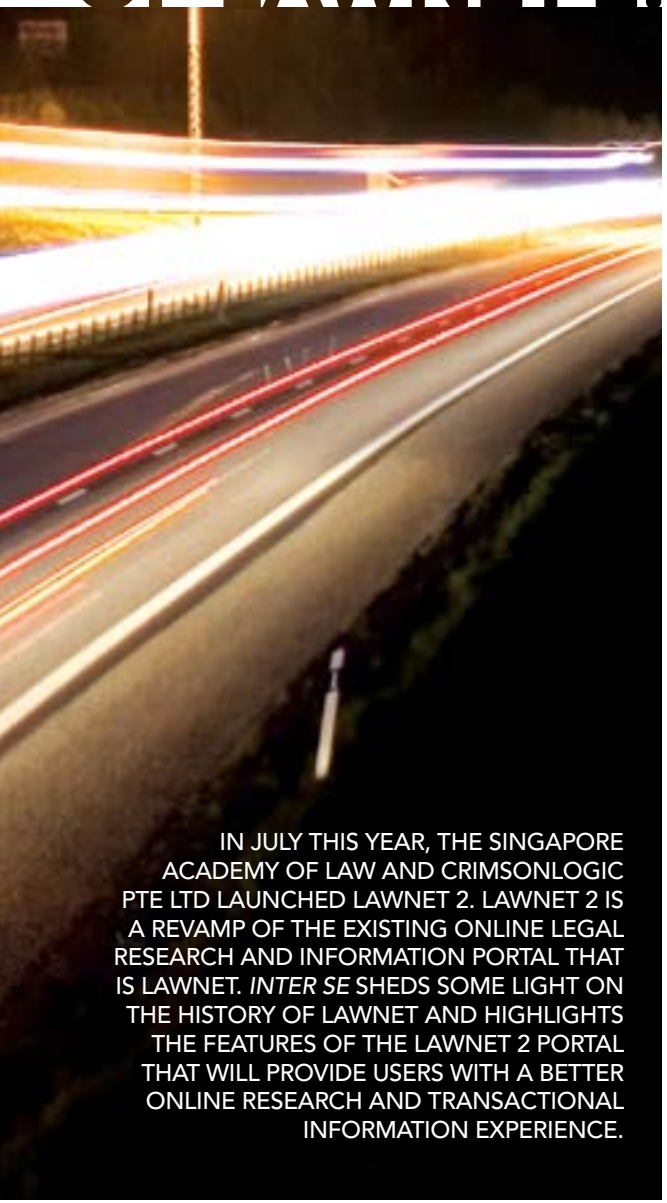
WHAT LAWYERS TODAY SHOULD KEEP IN MIND

Ending off the interview, Sir Anthony expressed that it is important for young lawyers today not to get overly bogged down by work. "It would be a serious mistake on the part of any young lawyer to let their teenage years go by – instead, aspiring young lawyers should make the most of their opportunities to learn about things outside the law, from travel as well as formal education" he reasoned, though he added that such a philosophy of getting the most out of life should not be limited to younger practitioners, "family life and a balanced lifestyle remains extremely important for all lawyers and should not be disregarded at any stage of their careers."*IS*

THE WHAT WHY AND WHEN

BUILDING A ROAD TO THE LEGAL INFORMATION SUPERHIGHWAY

OF LAWNET 2:



IN JULY THIS YEAR, THE SINGAPORE ACADEMY OF LAW AND CRIMSONLOGIC PTE LTD LAUNCHED LAWNET 2. LAWNET 2 IS A REVAMP OF THE EXISTING ONLINE LEGAL RESEARCH AND INFORMATION PORTAL THAT IS LAWNET. *INTER SE* SHEDS SOME LIGHT ON THE HISTORY OF LAWNET AND HIGHLIGHTS THE FEATURES OF THE LAWNET 2 PORTAL THAT WILL PROVIDE USERS WITH A BETTER ONLINE RESEARCH AND TRANSACTIONAL INFORMATION EXPERIENCE.

By **Clifford Wong, Assistant Director (LawNet), SAL**

LAWNET: SINGAPORE'S VERY OWN

The LawNet brand is synonymous with Singapore legal research. For almost a decade, LawNet and its primary research module known as the Legal WorkBench have provided the legal community with the ability to search and view cases and legislation, as well as access to key legal information modules such as the Electronic Filing System (EFS) and the Integrated Legal Requisition System (InteReq) amongst others. In return for a very affordable monthly subscription, over 70% of practising lawyers in Singapore have user IDs and login access to Legal WorkBench. This low-cost approach also doubles in attraction when coupled with the fact that subscribers are not restricted by time or search quotas. For almost a decade, the LawNet Secretariat has been able to provide an irreplaceable service to the legal community; high-value legal information at a low cost.

From humble beginnings

LawNet has always been driven by a few guiding philosophies – facilitate access to legal information; lower barriers for the legal community; and adapt new technologies for legal service. However, the road to providing service in such a way has been long and varied. LawNet has evolved, adapted and changed in the light of information-technology trends and the changing needs of the legal community. Originally, LawNet was created as a network access provider, relying on simple dial-up technology. The range of content that was available centred on primary law such as statutes and databases of the

Supreme Court. Each year, access to a new database was added and functionality was enhanced, allowing LawNet to stay relevant to users' needs.

The Internet accelerator pedal

The Internet boom in the late 1990's served as an exciting backdrop to launch a dedicated legal research application known as the Legal WorkBench ("LWB"). LWB is the legal research service that brings together content from the Singapore Academy of Law (Legal Prospector for case law and journals), Attorney-General's Chambers (the Versioned Legislation Database for statutes and subsidiary legislation) and Parliament (Singapore Parliament Reports System for parliamentary debates). The Legal Prospector was an application which ideally suited research needs, allowing users to access a dedicated database of case law using keywords, conduct free text searches and, where possible, providing access to PDF versions of the case. Varied searchable content on Legal Prospector was of undeniable value to legal research. Accordingly, the now longstanding policy was implemented to continually add legal content to maximise user research and time.

Changing gears

LawNet policy often goes hand in hand with changing computer trends. As such, the decision to add more content required the harnessing of new technology. In order to be able to manage a range of content effectively, the go-ahead was given to develop a replacement content management system to Legal Prospector. October 2003 saw the soft-launch of Legal Prospector 2 ("LP 2") – the public-facing aspect of the content management system. New material and categories were added to what was originally a stable of primary legal content (statutes and judgments).

Since late 2003, there have been sustained additions of secondary and reference content to LP 2. This content ranges from textbooks from the Subordinate Courts Practitioners Library, Academy publications such as the Annual Review of Singapore Cases, decisions of various tribunals and boards, legal journals, and legal updates and newsletters from law firms, public institutions and government departments. Such material has been added to cater for a wider user audience of academics, students and paralegals. In late September 2004, the PDF files for Malayan Law Journal and Singapore Law Report cases were migrated and made available on LP 2. After a parallel run of 11 months with LP 2, Legal Prospector was decommissioned in September 2004.

LAWNET 2: OVERDRIVE

In the continuing effort to maintain the Singapore legal industry's competitive edge in online research and work, the LawNet Secretariat has been working on a new portal featuring a complete refresh in look, functionality and technology. Known as LawNet 2, this revamp will provide users with a better online research and transactional information experience.

Legal research and search

technology is not complete without a direction. In order to maintain its relevance, the vision of the new LawNet portal was built with the input of the users. Focus groups were held in August and September 2004 to gather feedback on the suggested functionalities of the new portal. The LawNet Secretariat then consolidated the findings and conducted intensive requirements study sessions. The requirements-gathering process was signed off on and in mid-2005 the project entered the development and design phase.

After an intensive two-year period, key changes in philosophy and design have been implemented. What follows is an overview of new and improved functionalities which users can look forward to.

Seamless searches

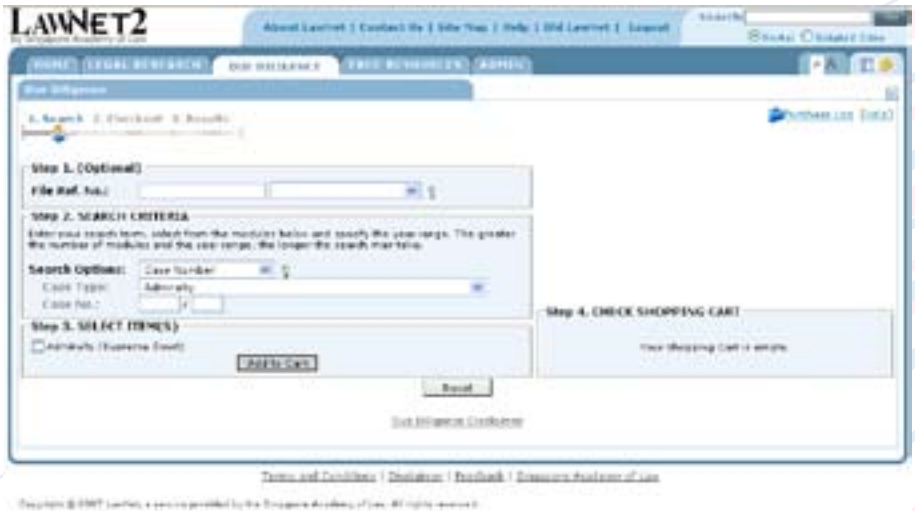
LawNet 2 has redefined the ambit of LawNet's modules so that the approach is more generic. Accordingly, Legal Workbench is a sub-module of a more general module entitled "Legal Research". Legal Research merges the Legal Prospector 2 and Versioned Legislation Database with the addition of English case law (the complete archive of the Weekly Law Reports and the Law Reports from 1865, as provided by Justis Publishing Ltd and the Incorporated Council of Law Reporting for England and Wales) into a single search and results display. A convenient window to the Singapore Parliament Reports System will also allow the user to compare results with a Legal Research search.

Continuing in the same vein, legal research content is split into tailored search interfaces. Each interface allows the user to drill specifically into the content. As such, there is a case-search interface and a reference-material search interface as well as a legislation interface (also known as the Versioned Legislation Database). Overall, there is also a single combined-search interface which brings together all the content under a single search box for ease of use.

"Due Diligence" is the new integrated module which groups the Litigation and Biznet modules. Instead of a user having to re-conduct multiple searches across different databases, a shopping cart concept has been implemented. The shopping cart is a person-centric search, such that instead of conducting a search in each module, a single search for persons can be conducted across all the modules. This speeds up the information-collecting process and minimises the time and effort involved.

"Due Diligence" is the new integrated module which groups the Litigation and Biznet modules. Instead of a user having to re-conduct multiple searches across different databases, a shopping cart concept has been implemented.

LawNet 2's Due Diligence Module allows users to search various modules simultaneously.



Information comes to you

When viewing legal research content in the portal, links and other ambient information have been provided to maximise your research experience.

For example, whilst looking at a case that refers to many types of information, including legislation and other cases, instead of having to separately access the Versioned Legislation Database, either a direct link to the most current version of legislation is conveniently provided or you will be taken to a results page showing the most likely legislation that is of interest.

Also, where possible, LawNet 2 provides links to articles from academic and legal commentary, journal articles, textbook chapters and legal newsletters and updates that have dealt with the case in view. This makes the research process multi-dimensional, especially in unfamiliar areas of law, anchoring case material to varied points of view.

Another aspect is the ability to directly browse for similar content in the same subject area. This is done by the presence of an abbreviated subject tree which only displays the relevant legal branches according to the content at hand.

“Another aspect is the ability to directly browse for similar content in the same subject area. This is done by the presence of an abbreviated subject tree which only displays the relevant legal branches according to the content at hand.”

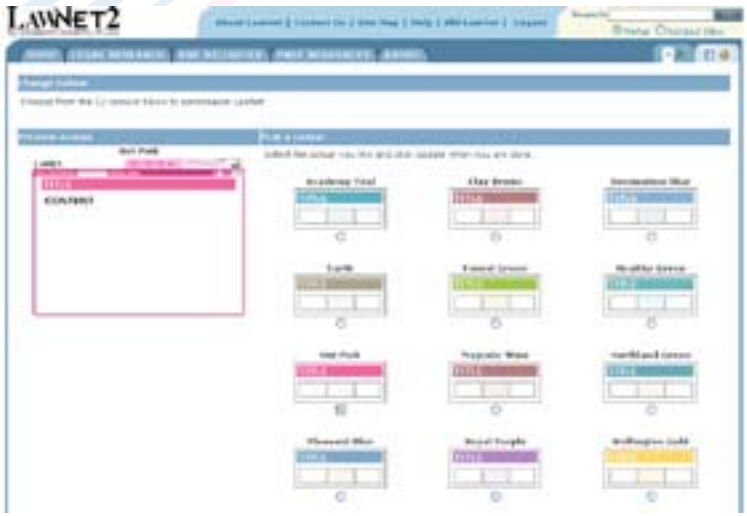
Information management

To manage all the information and content at hand, useful tools have been created for effective knowledge management.

The "Client Tracker" is a basic time-management tool, which allows users to track time spent researching in the portal for specific clients. The times can be stored in a downloadable spreadsheet for record and billing purposes. Users can also save searches for a later date and choose to be reminded via e-mail to re-conduct the same search. This makes keeping track of work much more manageable. The user also has the ability to bookmark pages within or outside the portal for ease of reference and to view a search trail for that log-in session to keep track of research done in the portal.

Administration and customisation

LawNet 2 is all about the individual user. Recognising that each user has different needs and preferences, LawNet 2 has a customisable view-screen option. Users will be able to select the colour of their portal and the font-size of the text displayed each time they log into the portal for a session.



↑ LawNet 2 comes in more than just one colour!

Additionally, to meet specific feedback, users now have the ability to manage their own account via a self-administration page. In this regard, law firms can create and delete users, assign access rights, update company details and settle their own password reset issues. Users can also enquire about billing transactions to do with a particular client based on a client reference number and/or transaction date and have the facility to export the details into a spreadsheet. Training courses for this self-administration feature are available and will be free for a limited period.

THE ROAD AHEAD

LawNet 2 is the next phase in the development of online legal technologies to help the legal community do more in less time. In the exciting times that lie ahead, we value your feedback and comments. To find out more about LawNet 2, please call 6887 7888 or e-mail sales@crimsonlogic.com.*is*

Get More Done in Less Time

Introducing

LawNet2

by Singapore Academy of Law

Now Available - Official English Case Law Dating Back to 1865

The Singapore Academy of Law and its technology partner, Crimsonlogic, launched an enhanced version of the LawNet portal on 5 July 2007.

With improved functionality and interface, LawNet2 offers you a sophisticated online research experience.

LawNet 2 enables you to:

- Access a complete archive of the Weekly Law Reports series from 1865 and the Law Reports (1865 to current) as provided by Justis Publishing and the Incorporated Council for Law Reporting (ICLR) for England and Wales
- Perform complex searches with one click over cases, legislation (Versioned Legislation Database), Reference Material and English cases
- Make your work easier with the Legal Workbench Tools:
  - Client Tracker - a basic time keeping tool for billing • Saved Searches and Reminders • Bookmarks • E-mail alerts
- Under the Due Diligence module, extract due diligence reports quicker with one-click access to Biznet and litigation databases

Visit LawNet2 at http://www.lawnet.com.sg

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