

LEX LOCI

2008 Autumn Edition



LEE & LEE FIRM PROFILE
by Christopher Yee

THE KHATTARWONG
EXPERIENCE *by Josephus Tan*

INTERVIEW WITH
SC DEBORAH BARKER
by Teng Wen Liang

WONGPARTNERSHIP
PERSONALITY PROFILES
by Daphne Goh

AN INSIGHT ON ALLEN &
GLEDHILL *by Lin Yenn Wei*

JESSUP MOOTING EXPERIENCE
by Hauwa Shewu

LAWYERS ACROSS THE POND
by Caroline Camp

GOING DUTCH *by Lin Huiying*

AUGUST *by Daniel Leong*



Advocates & Solicitors
Notaries Public
Commissioners for Oaths
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A REWARDING CAREER LEE & LEE

The Library



Main Reception



The Boardroom



Lift Lobby



Reception



Lovells Lee & Lee

About the firm

Lee & Lee is one of Singapore's leading law firms. It was founded in 1955 by Mr Lee Kuan Yew, Mr Lee Kim Yew and Mdm Kwa Geok Choo.

Lee & Lee has about 70 lawyers, and has the following departments:

- Banking
- Corporate
- Intellectual property
- Litigation and dispute resolution
- Real estate

For more information, please visit our website at www.leenlee.com.sg

Internship

We offer Internships to 2nd and 3rd year students for periods of 2 to 4 weeks.

You can apply to us for an Internship at any time by sending your application to Matthew Saw and Julian Tay at matthewsaw@leenlee.com.sg and juliantay@leenlee.com.sg respectively

Pupillage

In order to be called to the Singapore bar, you have to undergo Pupillage of 6 months.

We recruit our Pupils with the view of retaining them. We also place great importance in the training and nurturing of our Pupils.

You can apply to us for a Pupillage position in or before the month of June of the year you graduate by sending your application to Matthew Saw and Julian Tay at matthewsaw@leenlee.com.sg and juliantay@leenlee.com.sg respectively.

THE SENIOR PARTNERS



< Kwa Kim Li



Quek Mong Hua >



< Ow Yong Thian Soo



Lee Han Tiong >



< Yang Yung Chong



Michael Kuah >



< Koh Juay Kheng



Tah Kok Seng >

< Adrian Chan

Louise Tan >

< Tan Tee Jim SC

EDITORS NOTE

CHONG SIEW LIN GRACE

EM FORSTER ONCE DECLARED THAT WE NEED 'ONLY connect the prose in us with the passion'. It is a living motto for both the lawyer and earnest university student. While the law is undoubtedly prosaic, it is also capable of great passion. To seek and understand the affected individual- the face behind the seeming cold logic of the law - is often one of the lawyer's greatest challenges, yet also one of his most cherished rewards. Most importantly, as I have personally learnt, through this process you will learn a lot about law, but you will also learn a tremendous amount about yourself.

In this fall edition of Lex Loci, this theme unfolds itself in various visages. Beginning with an interview with regulatory lawyers Ng Heng Fatt and Denise Wong, passion features as a key attribute of an effective lawyer, in leading the way to view the law as a living framework to meet policy objectives and industrial realities. A reflective accompaniment is Teng Wen Liang's interview with Deborah Barker SC, who reflects on her passion for her job which fuels a strong sense of job satisfaction and teamwork. Similarly, intern Lim Yenn Weii's ~~experience, which culminated in a real life 'ship arrest'~~ experience in her time in the Shipping department of Allen & Gledhill only serves as a vivid reminder that there are surprises and learning experiences that await us, events which put these laws to work in sometimes unexpected ways. As Alastair Hudson often quips, "We should never lose sight of the people involved in the machinations of the law, or the physical impact which law has on our world."

We then see the subtle re-emergence of this theme in the light dispatches of student writers. In Erwin Yau's note on intellectual property law, he advocates incorporating a personality aspect to copyright law development, and introduces an interesting idea of 'romantic authorship'. Crossing boundaries, the theme of passion surfaces again as guest writers Gerrard Tin, Helen Edwards and Caroline Park discuss the contrast between education systems and career possibilities in US and UK, provoking a lively debate which goes to the heart of one's ambitions and affections. On yet another plane, a shared passion for the law triggers our reflective faculties, as Chie Kameyama's discourse on the disparities between China and Japan's constitutions, illustrates.

In the tradition of Lex Loci, it has always been our desire to deliver a forum which is truly relevant, engaging and applicable to the needs of students which has kept it alive. Apart from seeking to be a medium to sharpen and strengthen intellectual debate among students and practitioners of law, Lex Loci also seeks to unite the law community by the sharing of manifold experiences such as

COMMITTEE

CHERYL HO

is our chief sub-editor. She is currently reading Law in University College London.

KWOK JIA CHUAN

is our deputy editor and writes frequently for other political and social journals.

KONG CHUAN WEI

is our business and sponsorship manager.

CHRISTOPHER YEE

is our cheerful features editor. He writes the firm cover of our Gold Sponsor firm, Lee & Lee.

DANIEL WONG

is a dedicated future businessman, lawyer, and sportsman. In this volume, he shares about his experiences and reflections on university.

MOSES KIM

is a talent movie director and law student.

MELISSA LEONG

is our professional adviser. Having managed the magazine the previous year, her advice has been very helpful and encouraging in this process.


university life overseas, vacation schemes, internships and professional practice. This year has also marked the opening of our new Lex Loci blog (<http://ukslss.wordpress.com>), portending a future series of news- bites for students who will grow to be part of our contribution community. Moreover, we have also extended our distribution networks and plan to distribute Lex Loci at a broad range of events, marking it as the main publication of the UK-Singapore Law Students Society (UKSLSS). In closing, I am truly grateful for the efforts of my wonderful team, as well as our Gold [Lee & Lee, Ince & Co, Contact Singapore], Silver [KhattarWong, WongPartnership] and Bronze [Ashurst, Tan Kok Quan Partnership] sponsors for their generous and unstinting support. Our advisors, Josephus Tan and Melissa Leong, have also been gracious in their support through the process.

I believe we can continue to look forward to great things in the coming term!

Truly yours,

Grace Chong

Editor of Lex Loci 08

Acting Vice-President of UKSLSS 2007-08 

PRESIDENTS NOTE

WU ZHUANG-HUI

There has never been a time more exciting than this. From our humble beginnings organising recruitment tea sessions with a handful of law firms, our Society has truly come a long way.

For the second year running, we have jointly organised a welcome tea session in London with Contact Singapore, inviting alumni of the Society to share their views on career choices in law with many of our members. Our annual publication *Lex Loci* continues to feature a wide range of articles from recruitment, work experience, lifestyle and interviews, and is circulated among our members, UK universities, law firms and government bodies. We hope to continue to hold social drinks in London and in Singapore, vacation recruitment tea sessions with law firms, a tea session with the Singapore Law Society or the Singapore Academy of Law.

In many ways, we have silenced the sceptics among us who have said from the beginning that none of this was possible. Nothing happens unless first a dream. I am heartened by our success, yet am reminded from time to time that if we have seen farther, it is by 'standing on the shoulders' of our predecessors. Most recently, the Singapore Government has accepted key recommendations of Justice VK Rajah's committee on the comprehensive review of the legal services sector. As a graduating law student, I am moved to know that our initiatives as an independent student body have been met with nothing less than overwhelming support and encouragement by the practitioners – the very same people in our positions not so many years ago; the very same people we will become not so many years later.

I am grateful for the support you have given us in the past years, and hope to continue to have your support in the exciting times ahead.

Wu Zhuang-Hui
President
2007-2008

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FIRM PROFILE: LEE & LEE

CHRISTOPHER YEE

Over the past five decades, Lee & Lee has grown and developed in tandem with Singapore. It is the firm to watch.

In the local legal arena, the name of Lee & Lee needs no introduction. A perennial powerhouse since the 1950s, Lee & Lee continues to attract reputable clients and budding legal practitioners with its own unique brand of service and expertise. Recently, I was given the opportunity to interview Mr Matthew Saw, one of the two recruitment partners at Lee & Lee, to find out more about the firm and their internship and pupillage programs.

Could you tell us more about the firm and its history?

Lee & Lee was founded in 1955 by Lee Kuan Yew, Lee Kim Yew and Kwa Geok Choo. Lee & Lee is a full service law firm and has 5 departments: banking, corporate, intellectual property, litigation, and real estate. Currently, the firm has about 70 lawyers. In 2001, it entered into a joint venture with Lovells, an international law firm.

How would you describe the firm culture to be like at Lee & Lee?

I started work in a medium sized law firm for about one year before moving to Lee & Lee where I have been for the last ten years. Lee & Lee is known to have a friendly working environment, and this is what attracts people to join our firm. Our senior partners are approachable, while our junior lawyers are treated with respect. Nobody is going to scream and shout at you.

Could you outline the internship program at Lee & Lee?

Currently, we take in about 70 interns a year. Most of the interns are from NUS, and a few are from Australian and English universities. We would like to attract more students from English universities.

We prefer to take in 2nd or 3rd year students because they have studied some law, and are able to apply some of the skills that they have learnt. It is harder for us to give

meaningful work to students who have not studied law or are only in their 1st year. Our interns come in for 2 to 4 weeks. They are attached to a mentor of their department of their choice, and will be given real work by their mentor. We also ask our interns to prepare a legal opinion on facts similar to that of an actual case.

What would a student gain from an internship with Lee & Lee?

An internship can help a student decide which practice area they wish to go into when he or she starts working as a lawyer. Practice is totally different from studying law. Just because you enjoy studying a certain subject may not mean that you will enjoy working in that area. An internship can also help a student decide whether to undertake a pupillage with Lee & Lee. Our internship program is successful in that a lot of our interns do find us sufficiently attractive to apply to us for pupillage. We also make offers of pupillages to students who perform well in their internship.

5) How does one apply for an internship with Lee & Lee?

You can apply for an internship with Lee & Lee by emailing your application to Julian Tay, the other recruitment partner, and myself, at juliantay@leenlee.com.sg and matthewsaw@leenlee.com.sg. You can apply any time provided you will be in your 2nd or 3rd year when you intern with us. Even if we are full for say the summer vacation, we can slot you in for the winter vacation or the next summer vacation.

Could you outline the pupillage program at Lee & Lee?

The pupillage period is 6 months. After you graduate from your English university with your law degree in June/ July, you will have to study the Diploma in Singapore law course at NUS from August to May. You will then start your

“Our junior lawyers are given responsibilities early on in their careers. For example, you could argue a trial in Court in your 1st or 2nd year of practice”

pupillage in June for 1 month. Next, you will attend the Practical Law Course for 6 months from July to December, and resume your pupillage for 5 months from December to the following May. You will be called to the Singapore bar in May and will move into the next phase of your legal career as an associate.

Pupils start in the department that they are recruited for. They will be assigned to a pupil master from that department who will act as their mentor. The pupillage program is flexible in that we allow pupils to change departments, or to start in 2 departments first if they are not sure which department they want to work in. Our pupils are trained by our partners including a Senior Counsel and 10 partners each with more than 20 year experience.

Our junior lawyers are given responsibilities early on in their careers. For example, you could argue a trial in Court in your 1st or 2nd year of practice. We pay our pupils the market rate, which is currently S\$2,000 per month during pupillage, and S\$500 per month during the Practical Law Course. We also pay our new associates the market rate which is currently S\$4,500 per month.

How does one apply for pupillage with Lee & Lee and what are the requirements which your firm looks for?

Currently, you should apply in June of the year that you finish your 3rd year of university or earlier. This is because the NUS students have an agreement amongst themselves to apply for pupillage on the first Monday of July of the year they finish their 3rd year of university. I am not sure whether this agreement will still exist when law students from SMU start graduating and competing for pupillage positions.

You can send your pupillage applications to Julian Tay and me at juliantay@leenlee.com.sg and matthewsaw@leenlee.com.sg. Shortlisted candidates will be interviewed in person or over the phone. Like all other law firms, we look for dynamic individuals who are hardworking and organised, and who also have social interaction skills. Although grades are important, they alone do not determine whether one will be a good lawyer.

With competition for fresh graduates between top firms in Singapore getting stiffer, how does Lee & Lee intend to stay ahead of the curve when it comes to recruiting and attracting new talent?

We have to maintain ourselves as one of Singapore's leading law firms, and to continue to train and treat our existing pupils and associates well in order to attract talent.

Currently, the vast majority of our interns and pupils are from NUS. We hope to attract more students from English universities.

Working together with your society is an excellent way to reach out to the students studying in England. We also hope to take part in events which will enable us to interact with students studying in England. For example, the London School of Economics Careers office is organising a Careers fair on 5 September 2008 in Singapore, and we will be taking part in that fair.

For more information on Lee & Lee, please visit their website at www.leenlee.com.sg 

THE KHATTARWONG EXPERIENCE

BY JOSEPHUS TAN

It is an experience many law students dream of - to train under renowned criminal lawyer, Subhas Anandan. Josephus Tan talks about serving his pupillage at the firm and what he gained from it.



STARTING AS A PUPIL AT ONE OF SINGAPORE'S TOP LAW firms KhattarWong, I wasn't quite sure what to expect. I had heard several "horror stories" from others who had served their pupillages at large law firms. These ranged from common grievances regarding long hours to more worrying complaints about harsh superiors and a top-down culture.

My nervousness was compounded by the fact that I would be working under renowned criminal lawyer, Mr Subhas Anandan – undoubtedly one of Singapore's most prolific figures in the courtroom.

My fears were quickly laid to rest on my first day at work though, as upon discovering that my pupil master, Mr Anandan, was busy at court with a trial, the friendly HR Director quickly arranged a lunch for me with the legal associates in the firm.

The informal affair allowed me to find out more about the firm and how it worked. The legal associates were friendly and open and encouraged any questions I might have. Far from possessing superior attitudes, they were down to earth and treated me as an equal, expressing interest in my views. They also made it very clear that working hours were 8.30am to 5.30pm, and everyone was encouraged to work hard while at work, but leave work on time as well, to ensure a healthy work-life balance.

Buoyed by the lunch, I returned to the office in high spirits where I was shown to my office – a room boasting a breathtaking view of the Singapore River and Supreme Court.

My second day at the law firm saw me thrust straight into work under my pupil master. Understandably, my pupil

master ran a busy practice and I quickly learnt how to write memorandum notes at Pre-Trial Conferences (PTCs) and Mentions in the Subordinate Courts. I was also given the opportunity to sit in on meetings with clients, where I was entrusted with taking down instructions.

Among the many highlights of my pupillage at KhattarWong was an urgent interview conducted at the lockup at police headquarters and a pre-sentencing reconciliatory meeting (a Community Court Conference) which involved the Courts' psychiatrist, the investigation officer, victims, probation officers and our clients.

These valuable experiences did more than just provide me with an inside view to the workings of the judicial system. They also provided me with a first hand account of how the best advocates performed their duties.

While I had been warned by friends that many lawyers often didn't take the trouble to guide younger lawyers along or have much time for them, I was pleasantly surprised

"KhattarWong turned out to be a big firm with family values that made me feel right at home."



and grateful to find that this was far from the case in KhattarWong.

Lawyers of all levels in the firm – from legal associates to senior counsel – would often ask how I was doing and remind me to grab a bite at lunchtime. We were encouraged to ask questions and approach anyone when in doubt.

Perhaps, most importantly, I was made to feel like an



important member of the team and that my work was valued. My pupil master, Mr Anandan, made it a point to introduce me to members of the Bar and Bench as well as members of the press whenever he could.

Also, during a high profile trial, my pupil master asked for a break because a fellow intern and I had worked through the night researching a case. The judge gladly complied and the small gesture left a deep and lasting impression on me.

There was also a clear open door policy where we were encouraged to approach senior lawyers should we have any questions. One of the biggest challenges I faced was writing submissions after a trial. I was reluctant to bother my pupil master with questions as he was incredibly busy, but with the implementation of a buddy system, I was able to turn to a lawyer who patiently explained the ins and outs of completing such submissions. Despite his busy schedule, he never once turned me away whenever I had a question. His highly experienced and affable secretary was also a great help to me whenever I had questions.

As I neared the end of my pupillage, I found I had learnt many important lessons about the legal practice. Perhaps more importantly, my notions about large firms had been changed.

While I know of many who have had different experiences in large law firms, I've changed my mind thanks to KhattarWong. KhattarWong turned out to be a big firm with family values that made me feel right at home. I would not have had it any other way and am grateful to the firm for having made my pupillage stint a truly exceptional one.

TEAM VIGILANT

GRACE CHONG

Interview with Ng Heng Fatt, General Counsel, Head of the Legal Department in the Monetary Authority of Singapore (MAS), and Denise Wong, Deputy General Counsel of MAS



What is the day-to-day work in the General Counsel's Office (GCO) like?

GCO provides legal advice on a whole range of legal queries raised by our colleagues in the course of administering the numerous legislation, regulations and notices under MAS' purview whether in the course of dealings with the financial institutions or when conducting inspections. These would include, for example, whether certain activities or conduct of a financial institution are in compliance with the law or whether different types of new financial instruments or transactions satisfy regulatory capital requirements.

A key area that GCO is responsible for is legal drafting. This encompasses developing the legal framework for new Acts and regulations or fine-tuning current ones as well as drafting of Notices and Guidelines issued by MAS. Drafting is a most exacting and demanding task, requiring not only a good grasp of the law but also a clear understanding of the policy and operational objectives as well as having to factor in market practices.

Another aspect under our charge is the review and drafting of international agreements, Memorandums of Understanding, and assisting our colleagues from the Reserve and Management Department in addressing issues arising from their fund management operations and in reviewing fund management agreements.

How does this differ from private practice or work as an in-house lawyer in an investment bank?

Compared to the private sector, the focus is less transactional in nature and



“One must have a passion for the law. This means looking at the law not as a set of commandments, but rather as a living framework”

is not restricted to a particular financial institution or group. GCO’s work is more concentrated in the regulatory and international fields; with a financial sector wide outlook and a longer term view.

The responsibilities of GCO are distinctive in encompassing a regulatory aspect. What does this entail for lawyers in GCO?

The regulatory aspect is not unique to GCO, as legal practitioners specialising in financial services will also have to take into account the regulatory perspective when advising. What is unique is that MAS as an integrated financial supervisor has oversight over a wide spectrum of the financial industry. This in turn provides GCO officers with the opportunity to exercise their minds to address a whole range of interesting and challenging regulatory issues from the legal perspective.

What personality traits, attributes or skills do you think make for a good, effective lawyer, especially one who is working for MAS?

First, one must have a passion for the law. This means looking at the law not as a set of commandments, but rather as a living framework to meet policy and operational objectives as well as market realities. This entails keeping abreast of key legal developments affecting Regulators and the financial industry.

Second, and following from the first, having taken into account policy goals and regulatory objectives, one also has to have a commercial bend—how can we apply and adapt the law to meet the commercial realities of the financial sector? Be it new business models, esoteric financial instruments and products or meeting the continuing developments in the financial industry but without sacrificing the legal principles and regulatory philosophy underpinning the legislation or the law.

Third, this in turn calls for an open mind – a willingness to explore new ideas, to do things differently, to depart from precedents. In short, not to be fossilized by the past. Fourth, this leads to adopting a creative and solution-centered approach in dealing with legal issues – be it legal advice or legislative drafting. Fifth, team spirit is important, not just within GCO but also with our other colleagues, as we are involved in cross department projects and working with external agencies as well.

As a central bank lawyer, the implications of your work reaches out to society, and affects banks, insurance companies and the common layman. How do you ensure that the whole team keeps abreast of significant legal issues to administer good and effective legal advice?

The onus is upon each GCO officer to keep abreast of key legal developments. However, we facilitate this process by providing the tools to do so and the process to achieve this.

Given the scope of the financial sector regulated by MAS and the need to have in-depth knowledge of the industry, GCO has established 3 specialist teams, namely the Banking, Capital Markets and the Insurance and Payment Systems to provide targeted advice to our colleagues. As a corollary, each Team focuses on monitoring legal developments in its specialized field. In turn, each team conducts regular briefings to the other Teams on these developments.

We also provide both in-house and external training through participation in conferences and seminars conducted by well-known international practitioners or the Singapore Academy of Law for example. Further, we are able to tap the network of our counterparts.

For example, as a member of the Financial Markets Law Group – a grouping of central bank and monetary authority lawyers from major financial centres – we have regular video conferences to update each other and exchange views on key legal issues and developments affecting financial regulators. The BIS Legal Experts meet periodically to discuss current legal topics. GCO officers attending these training conferences and meetings would share the lessons learnt with the rest in GCO. There are also opportunities for exchange programmes with other central banks and attachments with the legal departments of international organizations.

Whom does GCO work most closely with, and what is the team structure like within GCO?

GCO provides legal support to the various MAS departments in the carrying out of their objectives. For instance, GCO works with our policy and supervision colleagues in the shaping of the regulatory infrastructure of the financial sector. Additionally, GCO engages with other stakeholders including other government agencies and other regulatory agencies both domestic and foreign, in the furtherance of MAS' objectives.

As was mentioned earlier, GCO has 3 specialist Teams, each of which has in-depth specialist knowledge of the legal aspects of the MAS' operations which they cover. The heads in turn work with and guide the individual officers to achieve the highest possible standard in our legal advice.

Could you share about some of GCO's past and present organisational initiatives, and some of the more memorable experiences on the job?

We have had the opportunity to be involved in the bold move to liberalise the Singapore financial sector in the midst of the Asian financial crises. This exercise saw a fundamental shift in policies, for example, from a merit based system to a disclosure based approach and adopting a risk based framework. Looking back, the Pan Electric* and the Barings*² saga provided some of the best learning opportunities, as they draw on one's legal knowledge and skills to deal with both the knowns and unknowns.

What kind of experience is useful if one aspires to work in GCO?

Our officers in GCO come from diverse practice backgrounds (including corporate, financial services, intellectual property, civil/criminal litigation). Such a diversity of experiences has facilitated the development of sound, commercially minded legal solutions to the issues raised. ↓

* Pan Electric Industries was a holding company with interests in hotels, property and marine operations. It went into receivership in November 1985, threatening the solvency of many stock-broking firms with whom it had forward contracts.

*² In the case of Barings, a merchant bank, one of its Singapore based traders had engaged in highly leveraged trading in futures and options, resulting in massive losses and the eventual acquisition of Barings by another financial institution.

CHOOSING A PUPILLAGE

CHERYL HO

The pupillage – the six month stint prior to qualification akin to the two year training contract in the United Kingdom – is generally regarded locally as the first rung of a lawyer’s career rather than a training process.

Graduating law students battle to earn a place in one of the top firms in the belief that earning a coveted spot in an esteemed firm’s pupillage program will undoubtedly lead to an illustrious legal career.

Presently, due to the acute shortage of lawyers in Singapore, firms strive to keep retention rates as high as possible. As such, a pupillage at a particular firm most certainly may lead to an offer of a job at the firm after being called to the bar. An associate position at a top firm should, however, not be equated to a rewarding career. There are many other factors aside from pay and prestige that contribute to job satisfaction. Since a pupillage in Singapore tends to lead to a job at the same firm, it becomes exceptionally important that the pupillage is chosen with the utmost care.

“Pupils are expected to spend time in each of the firm’s four departments so as to give them an idea of what each department does, to prepare them when the time comes to choosing a practice area.”

Which Firm?

Many of the local firms share similarities in the structure of their pupillage programs, such as the appointment of a mentor. However, there are certain differences, of varying degrees, between firms and these could be considered carefully as they may contribute to the overall experience during the pupillage.

Exposure

Most firms choose to place pupils in the same department for the entire length of their pupillages because six months is deemed the minimum span of time required to expose a young lawyer to the full span of work in a particular practice area. At the same time, they do not waste any time settling into different departments and can be tasked with work of increasing levels of difficulty. They can then learn and hone their legal skills to a higher level. The only exception I came across during my research was Rodyk and Davidson LLP, which believes in a rotational system. Pupils are expected to spend time in each of the firm’s four departments so as to give them an idea of what each department does and so, a broader perspective when the time comes to choosing a practice area.

There is no better style of the two and the choice can only be dependant on one’s own preferences. Some to – be pupils may already have had their hearts set on a particular practice area and spending their entire pupillage period in that department may give them a head start in the field. Others who are unsure may prefer to sample different departments before making an informed choice, but might also want to experience one practice area thoroughly to see they are suited for it.

Provision of In-House Training

Any sort of organised training, whether in the form of workshops, courses or talks held by professionals or lawyers within the firm, can go far in helping fresh graduates acclimatise to working life in the corporate world. It cuts some slack on the steep learning curve many will face in the first few months of their pupillage and may also prevent embarrassing mistakes that zap up the self-esteem and confidence necessary to be an impressive lawyer. For instance, Allen & Gledhill offers dedicated training for pupils in areas like drafting and procedure. Pupils could perhaps have learnt such skills along the course of their pupillage but taking the further step to simplifying and explaining it to them, the firm has saved the pupils much pain in trawling through thick textbooks and statutes trying to make sense of the not uncomplicated system.

On a different note, provision of in-house training can reflect a firm's attitude towards its pupils and perhaps an insight into the working culture at the firm.

Mentoring Schemes

Mentoring tends to be relatively straightforward; the pupil is assigned a pupil master or mentor whose role is to guide the pupil.

Drew & Napier distinguishes itself by giving pupils both pupil master and a junior lawyer as a mentor. This arrangement enables pupils to learn firsthand from the best while drawing support from a mentor who is perhaps in a better position to advise on career paths, work-related personal issues, and many other matters that a partner would not appear too approachable on. This facilitates a more comfortable learning environment.

Work Hours

While prioritising work is a personal choice, there will always be others who strive for a balance between work and relaxation. Work hours vary. Due to the office politics at play, you would find it hard-pressed to leave hours before

your peers even if you are ten times as efficient. It is thus probably a good idea to enquire about the average work day in the firm before choosing to spend your pupillage there. It would be especially useful to know the rough number of working hours the lawyers in the particular department you are interested in work in a day, as the count can fluctuate between departments. However, proceed with caution, as an associate at a top firm warns that firms may expect pupils to work far longer hours after qualification.

Conclusion

At the end of the day, it is important to remember that the pupillage is only the means to an end. It is neither uncommon nor frowned upon in the industry for young lawyers to switch firms during their pupillage or after qualification. It is far more valuable to focus on finding a firm and practice area that suits you and that will lead to a rewarding career. ⬇



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BREAKING THE GLASS CEILING

TENG WEN LIANG

*Teng Wen Liang speaks to
Deborah Barker, one of the
few female Senior Counsel
appointed in Singapore.*



How long have you been in practice and what made you decide to read law?

I was called to the bar in 1977 and have been in practice for more than two decades. Although I was too shy to say this then, I wanted to be a lawyer from an early age. The fact that my father was a lawyer no doubt played a significant role in this, but he did not actively encourage me to take up the study of law. On the contrary, he made a special effort to explain to my elder sister (who is also a lawyer) the drawbacks of a legal career. Neither of us was dissuaded, although I now know exactly what he was talking about. My father used to talk at home about some important legal decisions (for example, Denning's decision in the High Trees case and the case of *Yousoupoff v MGM*). I found these insights into the law exciting. The combination of human interest and logic involved in the study of law was appealing to me.

You were appointed as Senior Counsel in January 2001. So how do you feel about being one of the first few female SCs in Singapore?

I am definitely proud and pleased to be appointed as one of the first few female Senior Counsels in Singapore. Being appointed as SC does not mean that the biggest and most exciting cases come your way, but it does mean that you are not shut out from the more significant cases. Some big corporations prefer to appoint Senior Counsel to act on their behalf.

Having been awarded this coveted title, what are the basic expectations you feel that you are required to meet?

When you are one of the first few female Senior Counsel, you do feel pressured to meet people's expectations. I feel that I am obliged to attend various functions, as well as to make some contribution to public service. Moreover, I feel that I have a duty to set a good example to my peers as well as to the public. »

It had been noted that many of the SC are seen less and less in court. Do you agree? And is there a reason for the fading presence of SC in court?

I believe that Senior Counsel are still very active in court. One reason why some Senior Counsel are less active would be that they are heavily involved in arbitration. Also, some Senior Counsel may be less active due to their age.

Also, what is your view on the concern that the Senior Counsels are slowly evolving into corporate lawyers in light of this lucrative industry?

I do not believe that this is really happening. Part of the work of Senior Counsel is advisory, including providing advice on banking and corporate matters. In these uncertain times, many Senior Counsel will be involved in advising on such matters. Whether litigation results is yet to be seen. What has happened recently is that corporate work has become the “glamorous” side of the law and more young people are being attracted to it. (Singaporeans being Singaporeans naturally react to the economy). This trend may be affected by the recent economic upheaval.


Having authored a book titled “A Guide to Termination of Employment in Singapore”, how do you view Employment Law in Singapore in 10 years time?

As it stands now, there are few statutory protections for employees. For example, there is no automatic statutory entitlement to retrenchment benefits. There are moves to increase the protections given to employees under the Employment Act and to widen the class of employees covered by it. In 10 years time, I would expect more protections to be in place. There was a time when litigation involving employees was relatively uncommon. This is changing. For example, in the past employers did not always insist on strictly enforcing non-competition clauses. Today there is a trend of employers both wanting to impose such covenants and to enforce them by legal action.

Issues on maternity and termination have resurfaced yet again when expecting mothers in SMEs were pressured into cutting short their leave in fear of being fired. Therefore, how would you see employment law in this area being shaped in order to provide the necessary protection for these mothers in SME? Will it be difficult to balance the law and social policies?

In 2004, the Employment Act was amended to allow female employees better maternity benefits and the Children Development Co-Savings Act made provision for the mothers of Singapore citizens to enjoy 3 months paid maternity leave. I believe as time goes by, the protections available to expectant mothers will improve. Any improvement in maternity benefits, however, must be weighed against their impact on businesses. Small and medium enterprises, in particular, must have the flexibility to respond to the exigencies of the economy. Balancing social policies and economic considerations is always a difficult exercise.

Last but not least, what advice do you have for aspiring civil and commercial litigators, and of course for the future SCs?

Litigation involves a lot of hard work. My advice to aspiring litigators would be to “just do it”: it is definitely worth a try. The reason why it is worthwhile is the satisfaction that you get from the work. Every job has its own aspects of stress and boredom. I believe that at the end of the day, what keeps lawyers going is the satisfaction to be derived from working to achieve justice in an uncertain world. 

PERSONALITY PROFILE: JOY TAN

DAHPNE GOH

Joy Tan shares about her experiences in her legal career, and more about her firm, WongPartnership LLP.



Joy with her husband and children on holiday at a Hokkaido ski resort

JOY TAN CO-HEADS THE CORPORATE GOVERNANCE & COMPLIANCE Practice and is a Partner in the Litigation and Dispute Resolution Department at WongPartnership LLP. Prior to joining WongPartnership, Joy was with the Singapore Legal Service as a Justices' Law Clerk, after having graduated with First Class Honours from Cambridge University and winning various prizes for academic merit. Joy spent her early years living and studying in various countries including Switzerland, Brunei, Egypt and the United Kingdom.

What in your opinion is the draw of doing a law degree?

I chose law because I was young and idealistic! But the study of law was very interesting, and actually very practical - it teaches you to think critically, to think on your feet and then put your thoughts forward in a concise and convincing way, which is a vital skill in many careers in the business and finance world, not just in the legal profession. I studied maths and science in secondary school, and whilst at first, writing essays for law school was quite a challenge for me, I do feel my science background helped me analyse problems logically.

Describe your experience studying law overseas in Cambridge.

Cambridge is the most beautiful campus in the world although I must admit, the facilities don't all work all the time, and most of the buildings are freezing! It was definitely an intellectually challenging environment - many of the professors are the most eminent academics in their fields, although some of them may have been a little eccentric. It gave me the chance to meet students not just from the UK but from all over the world.

Having lived around the world, why did you choose to return to Singapore to practice law?

I was enticed by the prestigious Justice Law Clerks' scheme that had just started in Singapore. It was an opportunity to work in the Supreme Court, interact with the Judges, and see first-hand the justice system at work. The early 1990s was not the best time for the UK economy, especially when >>

"The Firm struck me as being dynamic and forward-looking, with a congenial and inspiring management style that sets it apart from other firms."

compared to Singapore then, which was growing so quickly and dynamically and had, I felt, more to offer.

When you decided to leave for the private practice, why did you choose WongPartnership, which was then a small firm?

I joined the Firm in 1995, and yes, it was then still a small firm with young partners. However, from my stint as a JLC, you could say I had the front seat in watching all the lawyers in action from different firms, and I was impressed with the quality of lawyers from WongPartnership, which was then led by Wong Meng Meng, Senior Counsel, now the Firm's Founder-Consultant, and also featured the then young and rising stars Alvin Yeo and Sundaresh Menon, both of whom are now extremely grand and eminent Senior Counsel! At the time, WongPartnership may have been a small firm, going up against the big guns, but they were among the very best. Also, the firm struck me as being dynamic and forward-looking, with a congenial and inspiring management style that sets it apart from the other firms. I was happy to discover this was in fact true, and I believe it is still true today. However, I do appreciate the weekends and I set aside some time for my family. At the end of the day, it is a question of focus and time management.

Have you considered switching to Corporate work where there are more women?

First, it is not true that corporate work is any less rigorous than litigation! In fact, it can be particularly challenging, especially in top tier transactional work, where clients demand round the clock attention, and constant overseas travel is a given. In litigation, it is often easier to plan your time, taking into account the hearing schedule that is fixed by the Court. Also, depending on the nature of the work, it is also often easier to dictate the progress and schedule with the client - the litigation lawyer is more often in the driving seat, as opposed to playing a supportive role.

Being a wife, a mother of two and a Partner in the rigorous, male-dominated Litigation field, have you ever wanted to quit law?

I'm happy to note that there are an increasing number of bright young women in litigation today, although we do see a number of them leaving the profession, from both the litigation and corporate fields. While it is true that the profession has become more demanding, I believe also that today, the work environment is much more encouraging and understanding of a woman's family commitments and of the need for work-life balance, and these days women have room for negotiating more flexi-work arrangements.

I would encourage our young women lawyers to stay the course - as I have found, it is certainly possible to balance a fulfilling family life with a rewarding career in the law.

What are the qualities and values you think a lawyer needs to succeed?

The most essential quality of a good lawyer is integrity - it doesn't matter how intelligent, or good with clients you are, if your conduct as a lawyer is not ethical and upright. I think the other important quality is diligence. If you're willing to work hard, and are committed to staying the course, that will take you a long way to success in anything, be it in work or in life. 📌

PERSONALITY PROFILE: RAYMOND TONG

DAPHNE GOH

Raymond Tong heads the Equity Capital Markets Practice and is a Partner in the Capital Markets and Corporate Department at WongPartnership LLP.



Raymond with his wife, Lynn and children (left-right) Nicole, 7, Kevin, 9 and Jason, 12

Described by Who's Who Legal - Singapore 2008 as 'one of the leading equity capital market lawyers in Singapore', Raymond Tong has been in practice for 15 years. Raymond read Law at the University of Nottingham and was very active in campus life, serving as President of the Malaysian Singaporean Society and representing the university in badminton. He is married to Lynn, a doctor and has three children aged 7, 9 and 12.

Have you always known you wanted to be a lawyer?

Not really. Who ever knows what they want to do at a young age? My father is a doctor and having seen the hours he worked, I thought law was a better (and easier) option. Little did I know!

You led quite a full campus life, having been President of the Malaysian Singaporean Society in university and playing badminton competitively for the university. What is your most memorable experience in university?

There were too many to count but the one thing that springs to mind is the summer I spent working in Ocean City, Maryland, in the US. I worked from 8a.m. to 6p.m. as a housekeeper and from 7p.m. to 1a.m. at a stall selling hot dogs, nachos and funnel cakes! Cleaning toilets and making beds are a far cry from legal practice but it was a great experience. I still make a mean hospital corner to this day!

Why did you choose to return to Singapore to practise law?

Much as I enjoyed myself in the UK, I had never considered working there for the simple reason that, to me,

there is no place like home. Besides, my then-girlfriend, now wife, was in Singapore, so it was a no-brainer about coming back. Having been away for 4 years, I learnt to appreciate all the things that are good about Singapore.

You started out as a litigator but switched to corporate work. Why?

Simply put, I didn't enjoy the adversarial process and the "You win, I lose" mentality. After two and a half years, I made the switch and have not looked back since. That being said, I believe the time I spent in litigation has been invaluable in my corporate practice.

Describe your life as a young lawyer in Singapore and why you chose to stay in this profession.

As a young lawyer, life was tough. We weren't paid as much as young lawyers starting out in the profession today. Long hours and weekends were par for the course but the satisfaction of getting a deal done was always a great motivator. I have to admit I'm a deal junkie and that's what keeps me going to this day.

What advice would you give a young aspiring lawyer?

Work hard, think long-term and enjoy yourself. If you don't enjoy what you're doing, you will give it up sooner rather than later. And also, make time for things outside of work to keep things in perspective. †

AN INSIGHT ON ALLEN & GLEDHILL

LIM YENN WEI

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*Lim Yenn Wei shares about
her summer experience in the
Litigation department of
Allen & Gledhill*

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After finishing my first year in law school, I was definitely piqued with curiosity on what law in action would be like. Having faced questions on the life of a lawyer for a year, I realize that much of the actual reality still eluded me, beneath the glamorous façade. In a bid to witness the actual slogging and sacrifice, I took up my first internship this summer with renowned commercial law firm – Allen & Gledhill (A&G). Naturally, many questions were on my mind – Would my love for law truly surpass this new experience?

Truth to say, I penned this article at the end of my first week in A&G. I still have two more weeks to go and another department to experience but already it has been an eye-opener. Beginning in A&G in the litigation and dispute resolution department, my first sight of the posh interior of the A&G reception gave me the impression of professionalism and glamour. The interns were brought into the auditorium where we were given a briefing of what to expect during our 3-week attachment programme. The firm has a good learning culture, with talks on a range of legal topics (eg. Collateral contracts, legal ethics) arranged regularly for the lawyers. The interns were even invited to attend some of them. I have yet to attend one but I do look forward to the upcoming talk on collateral contracts in my second week.

After the briefing, we were shown around the office and were given a tour of the firm's library. Big law firms definitely do not have a lack of resources. I am amazed to find that despite being one of the most prestigious law firms in Singapore, everyone at A&G had no airs at all. Everyone goes by their first name, even up to the managing partner. This to me ranks in contrast to the formal rigid atmosphere that engulfs a court of law.

I was assigned to the shipping section of litigation. Before this, I always had the impression that shipping/maritime law was more mundane facts and numbers. It seems to be a curious technical expertise, only concerned with bill of ladings, charters, collisions etc. How mistaken I was. It was perhaps fated that I was sent to shipping to clear my grievous misconception. Shipping



law actually incorporates elements like tort, contract law, arbitration and even commercial law. As long as there is a ship in the case (it does not have to be the main actor), the shipping lawyers take charge.

I followed my mentor to a witness meeting on the second day. It is interesting to see how witnesses prepare before a case. Having anticipated what the opposing lawyer will ask, my mentor guides the witnesses on how to answer regarding each issue and what not to say. For witnesses, there is so much pressure on them to maintain their composure. It makes me wonder how they manage to give the information required in that difficult position. The meeting was an overwhelming experience. It was such a tedious yet necessary process. Dealing with clients and witnesses is definitely one of the more intriguing aspects of being a lawyer.

My time in the office is spent mostly doing research work for my mentor and buddy. I never knew that a lawyer's job actually constituted so much researching, but it has been good to learn. I am seated in the pupils' room with all the other litigation interns and there is truly international diversity here within the office! There is a Scottish, a Canadian, an Indian, Malaysians and of course, Singaporeans. They are a good, friendly bunch and it is very captivating interacting with them.


Another highlight was attending a defamation case, which was my first court attendance, which unusually, also involved a real life arrest! Seeing lawyers in action in reality might not be as exciting as watching Law and Order but still it really intrigued me on the goings on and the series of question. What was more out of the ordinary, however, was

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“Dealing with clients and witnesses is definitely one of the more intriguing aspects of being a lawyer.”

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the ship arrest. I jumped at the opportunity to witness the arrest, despite being in the wrong kind of attire (dress and heels) for such a rough job. A barge had to be served an arrest warrant but it was playing hide-and-seek. The whereabouts of the barge was not known. While on a boat searching for the barge, the office assistant gave me a crash course on the procedures of the arrest. He also made an effort to show me and tell me about different kinds of ships and the many areas of Jurong Island. I am glad I chose to go on this mission as it is quite unlikely that I would be able to get such a close look at those huge commercial ships and barges again. Not much law involved here but it is always a good thing to see the processes that take place behind all those paperwork.

It has been an eventful week so far. I am delighted to say that I am not put off by the work load and job scope of lawyers and can actually see myself practising in the future! 

MOOTING AT JESSUP

HAUWA SHEHU

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“In the future, world leaders will look at each other differently because they first met here as friends” Hauwa Shehu shares on one of her participation in one of the most prestigious moot court competitions in the world.

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The Jessup is open to law students across the globe. Teams are required to present their case on a hypothetical international law issue before a simulated International Court of Justice. This year, for Jessup 2008, the problem focused on some of the most important, controversial and timely issues that face society today, such as the tension between ensuring human rights and responding to acts of terrorism. There were also issues incorporated, that challenged the legality of military commissions, questioned rendition, and highlighted the controversial conditions in detention under international humanitarian law.

My ambition has always been to become a successful barrister and I couldn't help but think that somehow, by participating as the team researcher, Jessup was bringing me closer to realising my dream. My first meeting with Claire, the coach for the team, is one I'll never forget. She told me that she had competed in Jessup many years ago and the competition had instilled in her a passion for public international law. She informed me that for many people, participating in Jessup could be a life changing experience. Most judges and team coaches are ex-competitors and this creates a wonderful, familiar society of people who benefit from the competition then help to run the competition in future years so that others may benefit in the way they did. Claire warned me that if I were to join the Jessup team I had to be prepared to be committed, dedicated and prepared to work extremely hard which could involve making sacrifices.

Receiving the Compromis & Drafting Memorials

And so the preparations began. The first thing we started to do was work through understanding the set problem. For me, reading through the Compromis was where my excitement began. I was used to mooting a problem that was a maximum of one A4 page long; however the Compromis was pages long consisting of over 40 paragraphs. The Compromis sets the scene and tells a story of the course of events that have led to the dispute reaching the International Court of Justice. What I found most interesting about the problem, was just how topical it was. The Compromis is very

“As a team we had weekly meetings amongst ourselves to discuss our findings and difficulties in understanding certain issues. Many long nights were spent together in the UCL main library, researching doctrines and cases.”

carefully drafted and every piece of information is there for a reason. There were echoes of Guantanamo Bay, International Terrorism, racial discrimination, use of force, non state actors reminiscent of the Taliban and Al Qaeda groups and much more. Having no previous background in international law, I began familiarising myself with international law doctrines to best be able to research the problems surrounding the grounds of appeal.

The wonderful thing about the Jessup moot competition is that each team is required to prepare not only the Applicant argument but also the Respondent argument. Through this process one develops a skill that is highly important for any lawyer to possess and that is the skill of being able to see both sides of any argument, anticipating the other side to your argument and being aware that for every argument that one can present, there exists a strong defence.

As the team researcher, I had to familiarise myself with all eight grounds of appeal and I quickly became extremely familiar with the compromise in its entirety. As a team we had weekly meetings amongst ourselves to discuss our findings and difficulties in understanding certain issues. Many long nights were spent together in the UCL main library, researching doctrines and cases.

Leading up to the submission deadline was a very stressful time for all of us. A great amount of team work and team support is required to create a great memorial. Memorial points are of great significance in the competition as points are deducted for mistakes and lack of adherence to the rules and in the international rounds of the competition, if the competition is very close, the deciding factor on who wins or loses really can boil down to which team received the highest memorial points. I would say that it was during this »

“The fact that you face different judges each time also ensures that each moot has a completely different dynamic. One can never apprehend whether you’ll have a quiet bench or a very interventionist bench.”

period that we as a team really began to bond. We were meeting numerous times every week, and Claire our coach was always there to support us and prevent us from getting overly worked up.

UK Nationals- The Honourable Society of Gray’s Inn

With the memorials out of the way, our next big challenge was to be the UK national qualifying rounds of the competition which were due to take place in February. The UK national rounds of the competition came upon us before we even realised it.

Each round was judged by an average of three judges. Again, being used to only the UCL internal moot competition where I faced a maximum of two judges in a round, having the three ‘ICJ’ judges facing us in the Jessup nationals was rather daunting. Despite arguing the same problem again and again, the moot is never boring and each moot is always different. The Compromis is so multi-faceted that you never know which aspect the judges are really going to ‘grill’ you on in any given round. The fact that you face different judges each time also ensures that each moot has a completely different dynamic. One can never apprehend whether you’ll have a quiet bench or a very interventionist bench. Whichever is the case it is always important for the mooters to remain calm and unperturbed as it can be unnerving if you expect to be questioned on a controversial submission, but the bench remains silent. Just as it can be unsettling to have three judges firing questions at you as your submission time is rapidly decreasing.

Finally the results were announced. Four teams were through to the semi-finals; Kings College London, University College London, Inner Temple and Oxford University. Straws were drawn and it was decided Oxford would be facing Kings and UCL would be facing Inner Temple. There was no time to celebrate; we had to head home for some rest so that the following day we would be ready for the challenge that would face us.

The semi finals took place at the same time and our moot against Inner Temple was extremely nerve racking. With the oralists facing a 5 judge bench, the questions did not stop coming. Each team has 45 minutes to submit in a round but

for some reason this round felt as though it continued for hours. It was a long wait for the results but the judges finally announced that we, the UCL team were through to the final. This was such amazing news as the finalists are the two teams that also go to Washington DC for the world championships. It was one of the most amazing feelings in the world. My teammates and I were over the moon and we all got straight on to the phone to call our loved ones to tell them the wonderful news!

We had very little time to dwell on our success as we had to begin preparing for the final. We had less than two months in which to prepare ourselves for the world championships in Washington and so our practices became extremely intensive. For the next few weeks, Jessup became our lives. We saw more of each other as team mates than we did our friends. We ate, dreamt, and breathed Jessup. As a team, we helped each other develop new arguments, perfect the old ones and research more cases. Surprisingly enough, during this period, rather than growing to hate the fact this competition was consuming my life, my passion just grew and grew. Working on Jessup 24/7 didn’t feel like an unreasonable commitment because it was so enjoyable. We had been working on the problem for months and yet we were still discovering new angles in the compromis and new arguments that could be made.

World Championship Finals Washington DC

Before we knew it, the day was upon us and we were off to Washington. It was the first time for all of us except for Izza so we were extremely excited. Every year the Jessup is held at the five star Fairmont Hotel. We were one of the teams lucky enough to actually stay at the hotel for the duration of the competition. The experience was surreal, and I am forever grateful to have had the opportunity to be part of it all. Meeting the other teams for me was one of the most amazing aspects of competing in the international rounds. Never have I met so many people from so many different places in such a short space of time. Despite being highly competitive in the court room, outside, teams were friendly and amiable.

On the third evening of mooting, the teams that are progressing to the advanced rounds of the competition are

announced. The Jessup coordinators arranged for us all to have an evening at a club and the results of the preliminary rounds were announced. Again we were overjoyed to hear that we were one of the 24 teams that had succeeded in progressing to the advanced rounds, having achieved the rank of fifth place (out of 105 teams) in the preliminary rounds of the Competition. This news however cut our night of fun socialising short as we headed straight back to the hotel to rest up for the day ahead. The advanced rounds were extremely tough as we faced many extremely strong teams. The great thing about Jessup is that as the competition progresses, teams who are not eliminated tend to become stronger and stronger as they learn from their own mistakes as well as learning from mistakes they have seen made by other teams.


In the end, despite not winning the Competition, we the UCL team were extremely proud of our achievements. In Jessup 2008, we reached the Semi-finals.

Conclusion

Going to Washington DC really brought it home to me, how through being part of Jessup, I was part of something really big. One of my favourite social events during the week has to have been the 'Go National Ball' which is held in one of the ball rooms of the hotel. On this night, all teams are required to wear their national dress and it really is a feast for the eyes! It is such a wonderful opportunity for all of us as participants to learn about each others cultural backgrounds in a social setting. It really was a surreal experience.

One of the things I learnt from the competition is that

there really is no magic formula to mooting. Different judges like different things. Some find it impressive if you moot free from a script whereas others will see it as a sign of arrogance. Some may like mooters who are soft spoken and gentle whereas others may see it as a sign of weak confidence. Therefore to succeed in mooting, one must find one's own signature style in which they are comfortable and then learn to read the judges. If you are confident and true to yourself and you avoid alienating the judges then you are sure to go far!

I think what distinguishes the Jessup and makes it such a life changing experience for those who participate in it, is the fact that it really is the biggest moot competition in the world. Its sheer size and numbers are so great that no other competition can compete with that! Jessup brings together such a diverse group of people who in other circumstances may seem to have very little in common but in the Jessup we are all unified. It is wonderful to hear the plethora of views different teams have on Public International Law issues and topical issues affecting our modern day society, as their views are often so heavily influenced by their domestic background that it is so far from something you would have thought of yourself. The other thing is that the Jessup offers one, as a budding law student, the unique experience of having numerous opportunities to meet and socialise with leading International Law scholars and practitioners and learn from them. In what other context would a law student not only be able to hear such opinions, ideas and thoughts from such important figures in our field but also to have them hear your own thoughts and feelings on the same topical issues? 

“Therefore to succeed in mooting, one must find one’s own signature style in which they are comfortable and then learn to read the judges. If you are confident and true to yourself and you avoid alienating the judges then you are sure to go far!”

THE TRUTH ABOUT LAW

DANIEL WONG

At 18, Daniel Wong already had an illustrious claim to being the Top A-Level Law student in the world. However, he soon discovers Law in university was not as simple as he thought...

LAW IS NOT WHAT I WISHED IT HAD BEEN. The fun part often comes after lectures or after completing your law degree when you actually get a chance at developing advocacy skills in moot courts. Not being able to argue all day long besides against a silent paper – one of the things I wished my predecessors had shared with me before I embarked on this journey of discovery. Hence this article aims to dispel common myths and to place things in perspective for current and future law students.

When I attended the International Student's Briefing in my university, a second-year international student actually told us to take it easy for the first few months, especially since the first year does not count in most universities, including University College London, King's College, and London School of Economics. Advice 1: Take it seriously from the start. My non-conformist attitude might well have saved me in my first year. Now, you might be wondering: from what, since first year does not even count? From rejection and disappointment. Although first year counts for nuts, it is vital to securing attachments with major law firms, especially magic circles ones. And why does that matter? Because work experience may well get you a training contract after your third year. All your years are important if not only for self-motivation but also to avoid doors of opportunity being shut right in your face by those major firms.

If you do manage to get an interview with a major law

firm, take time to figure out what field in law you would like to strive in. Advice 2: Know what you want from the beginning. This is crucial for 2 main reasons. Firstly, there are simply too many fields in law. By focusing your efforts throughout the year for example in corporate, you increase your chances of impressing your interviewers with a wealth of knowledge gathered not just 2 weeks before the interview but over the entire year. Furthermore, you can hold the knowledge with conviction - knowing where you want to go from the beginning and being excited about getting there.

No excuses like: "Oh... lemme see when I do that in my third year."

Secondly, knowing what you want from the beginning will fully maximise the purpose of an attachment. Let us be honest. Attachments are pretty much the same everywhere. You do the same job like research, due diligence, briefs, drafting and much more. However, if you are interested in a particular field, you should actually make an effort to know the people who are already in that field. Once you have developed a relationship with say Mr. X, you can apply to that firm he is in because you want Mr. X to train you for your training contract. Advice 3: Apply to a particular person, not a particular firm. Get where you need to be and know how to get there by developing relationships. The only way you are going to stand out from the vicious pack is to increase your own value by focusing on an area of law and knowing the people who are pioneers in that field.

For the tonnes of law students who are thinking of qualifying in the United Kingdom, advice 4: Take the BVC. It opens more doors of opportunity for practice locally and also in the United Kingdom. The BVC (Bar Vocational Course) offers advocacy skills that every lawyers need, and that includes solicitors. Negotiation, persuasion, critically thinking skills – these are crucial weapons of a lawyer

“The only way you are going to stand out from the vicious pack is to increase your own value by focusing on an area of law and knowing the people who are pioneers in that field.”

that would give you more leverage when waging war with opposing counsel. Is there any other reason why QC (Queen’s Counsel) are only offered to barristers? And honestly, the LPC (Legal Practice Course) does not offer those skills that is the essence of being a lawyer. For students planning to practice locally, the BVC is the only path. Even for those wanting to be a solicitor in the United Kingdom, there is always a conversion course after the BVC. Through that route, you qualify as a solicitor one year faster than those taking the LPC (a tip many fail to notice). In short the term “Legal Practice Course” is just misleading. If there is any course best suited for a legal practitioner, it must be the BVC.

Advice 5: Join an Inns of Court. Know the particular field you want to practice in and join an Inns of Court that specialises in that field. Through that, get to know the judges who write leading judgements and apply to work for them part time. This is known as shadowing. There is hardly anything more exciting as a law student than sitting next to a judge facing counsels and writing junk while the judge is sleeping. And besides, you get to dine with judges and QCs when you join an Inns. It is all part of the fringe benefits.

Advice 6: All work and no play make Jack a dull boy. There are two kinds of people who do not enjoy London. Those who work too hard and those who are too stingy with their money. Maybe add those who are selfish in that list. London is a multi-cultural metropolitan. And if you spend all day locked up in your room or spend all your money on yourself, you are not going to meet the great people that come from all around the world. You have to spend when you socialise, a fact that most people, who eat at home before they leave their flat, forget. I think that the saying “a family that eats together stays together” can be applied universally here. But the main point is to put things in perspective. Your wasting your money if you study too hard because you could have done that at home locally with an external programme from University of London. ●

TWO SIDES OF THE COIN

GERRARD N. TIN & HELEN EDWARDS

Barrister or Solicitor - Why do we have this dualist approach to giving legal advice and making legal representations? Gerrard Tin and Helen Edwards offer their insights.



It is reasonable to assume that the majority of career choices are not made on a coin toss. But if they were, the choice would be simple: heads, or tails? By extension: one, or the other? In the United Kingdom, the word ‘lawyer’ is understood by the layman to mean one learned in the law: a suit, an expert, a legal pedant. But what is often not understood is that a lawyer takes two forms in this jurisdiction: that is, a lawyer is either a solicitor, or a barrister.

The Solicitor

The marked distinctions between the two legal professions can be clearly seen in the route by which the eager law graduate must train to be either a solicitor or a barrister. The Legal Practice Course (LPC) is the required postgraduate qualification that solicitors have, which most graduates complete within a year. The cost of the LPC in London ranges between £10,500 – £11,500, and these ever-increasing fees are a major factor in the fierce competition for training contracts, made worse by the current economic climate. The training contract is the saving grace for penniless graduates facing extortionate fees: usually applied for in the penultimate or sometimes final year of undergraduate study, securing a training contract in the City usually guarantees LPC sponsorship as well as the subsequent traineeship thereafter.

The possibility of a training contract makes the career path of a solicitor a much cheaper and more secure one than that of a barrister, and therefore ought to be seriously considered. Although congratulations are in order if you have gotten your hands on a lucrative training contract, do not think the hard work stops there, as trainees are expected to work hard during their 2-year training period. Training contracts typically consist of four six-month seats, in which the trainee will experience the different departments and the breadth of work undertaken by large firms, such as legal research and liaisons with clients, before completing the final seat in their chosen speciality. The largest commercial law firms traditionally deal

in tax, corporate finance, intellectual property, employment and property law, among others.

Many students are attracted to firms by the financial rewards on offer, yet the size of the firm chosen is arguably the most influential factor on your experience as a trainee. The largest City firms (‘magic’ and upper ‘silver circle’), almost without fail, require incredibly long working days and expect the trainees to work very hard. Most of these firms are so large that they could easily be accused of being impersonal and a daunting workplace for many students, though this is not necessarily the case. On the flip side, a general rule of thumb is that the larger the firm, the greater the financial rewards are; there is also more scope for working in overseas offices, possibly even as part of your training contract, when working for a large international firm. Despite the obvious financial drawback, there is always scope for cross-promotion into a larger firm and the diversity of different solicitors’ firms, even in the City, is in sharp contrast to the life of a self-employed barrister.

Now that the main differences between the two professions have been set out, we should turn to the obvious advantages that being a solicitor affords. As mentioned above, there is much better financial stability in the future of the student who chooses to become a solicitor, due to being salaried and never needing to worry about building a loyal client base. There are numerous opportunities for teamwork when working for a commercial law firm and as a solicitor depends on their clients for work, rather than other lawyers, there is much more client interaction involved in their everyday work, and therefore those with strong interpersonal skills could be better suited to this type of career. But what of advocacy, I hear you ask? Fear not: an increasing number of solicitors in this country now have rights of audience in the higher courts, for both civil and criminal proceedings, and this has become an attractive career option. Offering the

stability of the life of a solicitor and the excitement of being an advocate, it seems very likely that the number of solicitor advocates in the United Kingdom will continue to increase.

The Barrister

The other side of the coin looks deceptively similar at first: students who have completed either their LLB or the postgraduate Graduate Diploma in Law (GDL) conversion course must do the Bar Vocational Course (BVC) if they want to be a barrister. The BVC is, again, a year-long stage of training (if taken full-time) which consists of all the vocational skills that any specialist advocate is going to need. Amongst conferencing, negotiation, and advanced litigation modules exist the obvious advocacy modules, where spoken and oral advocacy are taught, developed, and trained to perfection. Despite this specialist training one must shell out for to receive their call to the Bar, there is still no guarantee of a job at the end of it all. All that money spent on both your degree and your vocational training (not to mention the second life you must live developing a curriculum vitae worth hanging over your fireplace) hangs in the balance as you fish amongst 300 pupillages for someone to accept you, facing stiff competition from almost 3000 other applicants each year.

Still, there are 300 pupillages available, and if you can get one then you will be entering the toughest interview of your life, because pupillage is seen as one year-long interview. Forget the LLB, GDL, BVC, and your success in reaching this far: it is at this point where the real game begins. Pupillage is often split into two stages; the non-practising first six months, and the practising second six months, where the pupil will take on workloads of their own after having shadowed other barristers. If there is space, and you're worth your salt, Chambers – by means of a voting or committee process unique to each set – will offer you a tenancy to stay and conduct your legal practice with them, sharing their reputation whilst you develop your own and consequently contribute to theirs.

Barristers are advocates. They have been specially trained, and develop their knowledge, to become experts in both written and oral advocacy in the area of law that they have chosen to specialise in. If a solicitor is policing the borders of a contractual agreement between two parties and wants confirmation of a difficult point of law, they will often seek 'counsel's advice'. When the Crown Prosecution Service have built a strong enough case, they will get the prosecution barrister to decide whether or not it is worth taking the case to trial, and likewise the defence barrister will respond appropriately to a legal aid lawyer's brief.

This highlights the fact that a career at the Bar is made by respecting that it is a referral profession. If you do a good job, then perhaps you will get more work from that particular client in the future. If you do a bad job, then you can be sure everyone will know about it. People don't like to waste their money, and one of the key considerations of pursuing a career at the Bar is that you will be able to charge a premium on your services, so you better make sure your clients are getting


excellent value for their money. Without clients, you won't have a practice, and even the most diligent clerks these days aren't in the habit of literally going out and bringing work into chambers for the baby juniors to flit away.

So, if your ego is up to it, you could be the barrister who the buck stops with. Be warned, the Bar can be a lonely place, with drafting and even oral advocacy requiring a largely solo effort. If you need the comfort of having a project manager look after your work and orientate your efforts, then – once again – the Bar is not for you. The financial promise can also be deceptive: the legal aid bar is starting to dry up amongst cutbacks and increasing numbers of in-house advocates being drafted, so choose wisely before setting your sights on a career at the Bar. If you are afraid of public speaking, the Bar is not for you.

Convergence?

The professions purportedly exist independently of each other, but we have also seen how the two can overlap. But what of convergence? There is a remote possibility that the legal landscape is changing so as to require the slow death of the distinction between the solicitor and the barrister. The credit crunch is already threatening the global economy, and amongst the tidal wave of cutbacks, tightening of budgets, and slimming of wallets emerges the prospect of the legal profession converging: surely paying one lawyer for the services of both a solicitor and a barrister is a more attractive, and cheaper, prospect than paying for two legal specialists?

However, it seems that the inevitable consequence of living in a world where there is a prevalent attitude of "if it ain't broken, don't fix it" is that the legal profession will remain split, as this has traditionally been the case. There are also advantages to our current system. Businesses will always require lawyers to perform all of their corporate legal bidding, and the frantic pace of change in commercial law means that professional lawyers will naturally tend towards specialisation. The same might also be said for criminal law, in which lawyers are required to build a case before the courtroom drama can take place. There will always be a need for paper lawyers, and it is only in a perfect utopia where litigation never arises, so the requirement for trial lawyers will remain also. For the sake of preserving the quality of the legal advice and the legal advocacy on offer, it is in the interest of the legal profession in the United Kingdom that it remains split: if the quality of lawyers decreases due to a lack of specialisation, businesses could begin to look elsewhere for their lawyers.

Our knowledge of the intricacies of our legal system makes us the best equipped to give legal advice and advocate difficult points of law in court, but it is because of our split profession that we can continue to provide the quality currently on offer in both of these services, due to the different personality traits each of the professions demands. It would be prudent for legal commentators not to push for a convergence in these two, distinct, legal professions as a knee-jerk reaction to the global financial climate, but instead to advocate the excellence enduring integrity of British lawyers. 

LAWYERS ACROSS THE POND

A Cross-examination of English and American Legal Education

CAROLINE CAMP

Caroline Camp examines school culture, job opportunities and more across the other side of the pond - America.



Borden Ladner Gervais, a law firm in Vancouver

Can 17-year-olds truly know they want to spend the prime of their careers carrying out due diligence? It is easy enough for adolescents to say they want to be a “lawyer”, but it seems unlikely that they could know enough about what that entails to truly mean what they say.

17-year-olds in America have a much less difficult decision to make. Upon entering university, all they must choose is whether they want to study arts or sciences. During their third year of university, when students in the U.K. are scrambling to secure training contracts, the Americans only have to do one thing – decide what they want to major and minor in.

“Time yet for a hundred indecisions”?

Only after obtaining their first degree (a B.A. or a BS.c.) can an American student begin their legal education. One lawyer, now practising at a commercial firm in Chicago, said she only started considering law during her final two years of her undergraduate degree. Even then, she “wasn’t completely sure” and so after graduation she worked in advertising before deciding to go to Law school. Such sentiments indicate that the American system might take the decision a touch more seriously.

Just as the American college student is beginning to tire of the experimental undergraduate scene – reality has already set in for the young UK law student. How many of these students are repeatedly told that their first year marks don’t

count? While a factually true statement, out of context it constitutes a bad piece of advice. The path to being a lawyer is short, and that makes it a tight sprint. Without good first year marks, a student won’t secure a vacation scheme, and without proper legal work experience, they won’t be able to secure a training contract.

For Americans, the legal career path is much more flexible. An American university graduate, now practising at a well-known City firm in London, went out and experienced the “real world”, working in everything from costume design to editing, before she began contemplating law school. She did not decide to go to law school until six years after obtaining her undergraduate degree.

And time “for a hundred visions and revisions”?

Rather than obtaining an LL.B., an American will study for three years at a Law School to earn a J.D. Each State that the student wants to practice in will have different requirements. Each prospective lawyer must also earn a Bar Examination Certificate upon passing the state’s legal examination (colloquially known as ‘passing the bar’).

In comparison, prospective lawyers in the U.K. must have an LL.B. or have an undergraduate degree in a different subject and take the GLC, and all must take either the LPC or the BVC. The prospective UK lawyer has to make a lot of smaller decisions quite quickly, and the prospective American lawyer has to make one heftier decision.

It is more common in the UK for students to obtain a Law degree and then not go on to practice law. One blogger, Barely Legal, claims that when those who go to law school say, “I don’t plan on ever practicing law, but having a J.D. looks good,” it is akin to saying, “I don’t ever plan on working at Starbucks, but having a Ph.D. in Philosophy looks good on my resume.” Most Americans aren’t going to go through that long, costly haul of legal education and not become a lawyer.

The legwork

This summer, I worked at various law firms in North America, along with other law students seeking work experience. In their eyes, my three years of law were no different than their three years of History or Politics. I wasn’t a “real” lawyer. It was a blow to my lawyerly pride every time the following conversation took place: “You’re in Law School? Where did you go for undergrad?” “I study in England, and Law is an undergraduate degree there.” “Oh,” followed by an awkward ending of the conversation.

Does their superiority in age really merit such snobbery? Having 20 year olds at Clifford Chance in London does make one a bit nervous about the stock market, but the truth is that the real training for all young lawyers, no matter where they have received their education, is in actual legal practice. Although, one lawyer was shocked that I didn’t know how to file an affidavit in court. Her exact words: “but you’re a baby lawyer?!” I discovered that American students are given some practical training during the actual degree, and don’t need to take an LPC.

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“It is easy enough for adolescents to say they want to be a “lawyer”, but it seems unlikely that they could know enough about what that entails to truly mean what they say.”

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Even with everyone starting legal practice from roughly the same line, it does seem that more Americans who start the race will stay in it until the end. Between the undergraduate degree and the law degree, UK students don’t have that luxurious chunk of time to fraternize with the real world, because those degrees are one and the same. There is a natural self-selection process for lawyers during that chunk of time. After getting an undergraduate degree, and out in the real world, people tend to fall into careers that they are suited for. UK law students are unlikely to drop out of law school because they don’t feel suited to the profession – they need the undergraduate degree.

Beyond the Classroom

By not having law as an undergraduate degree, the American legal career path allows time for lawyers to try hacking it in the real world before they try to hack it in the legal world. One of the lawyers I spoke with believes that the six years she spent in between undergraduate education and entering law school have been very beneficial to her legal practice. All of the lawyers I spoke with conceded that the undergraduate liberal arts education they received has also helped their legal practice because the classes they took developed skills for thinking ‘outside the box’. Such comments make one wonder if the waves of students moving from an LLB into the City have all been given the same box to think within.

The American system can be admired for its commitment to education. Many UK law students miss out on math, philosophy, and literature. There is no room on an LL.B. programme for such courses. Arguably, the American degree affords more opportunity to become a well-rounded individual, thus one more capable of handling the complexities of the law.

On the other hand, the American system can be perceived as inefficient. Do students really take advantage of the time they’ve been given, or is it wasted at keg parties, and in lectures for classes like Medieval Art. Students in the UK make a career choice at age 17, whereas Americans wait another three years before confirming a career path. After a few extra years and diverse experiences, will a student really be any better equipped to appreciate the law?

In the end, a lawyer can only be as successful as his or her legal education and work experience will allow, whenever or however they have been gained. Oh, and I hate to be the bearer of bad news, but hard work might have just a little something to do with a lawyer’s success. 🍷

THE DIP SING BRIDGE

CLEMENT EE & JACK OW

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With the publishing of the Rajah Report in 2007, it seems only a matter of time before the Graduate Diploma in Singapore Law (commonly known as the “DipSing”) will be abolished.

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Until that time, this one-year full-time course remains a necessary step for all Singaporeans reading for an LLB at the various approved law schools in UK (and more recently, Australia, New Zealand and those reading for a J.D. in the US) will have to undertake in order to practise law in Singapore.

The DipSing commences in August of each year, the start of the normal academic year at the NUS law school. Applications are made between November and March of the year of entry. The DipSing, we are told, is meant to give overseas law graduates a grounding in the laws and principles peculiar to the Singapore legal system, and thus students are required to take compulsory modules in Singapore Law Land, Singapore Evidence & Procedure Law, Singapore Legal System & Constitutional Law and Singapore Criminal Law. Students are also required to have take Company Law as well, unless they have already done so in the course of their LLBs. Students are also able to choose from a list of optional modules to make up the total of 32 credits required for the course.

It is no surprise that many students will feel that this course is a complete waste of time. This attitude seems to be mirrored by the Rajah Report, which acknowledged that the course has outlived its utility. However, here are some tips on how to make the best of time in DipSing:

Socialise

DipSing is a time for socialising and networking as the opportunities to meet people are endless. You should take this period to interact with NUS Law students and graduates from other Commonwealth jurisdictions for a richer and more diverse law school experience. Socialising with NUS Year 4 students will be all the more important as they are going to be your

“DipSing is a time for socialising and networking as the opportunities to meet people are endless. You should take this period to interact with NUS. Law students and graduates from other Commonwealth jurisdictions for a richer and more diverse law school experience”

coursemates in the Practical Law Course (“PLC”) as well as your future colleagues in practice. Get to know as many people as possible. For us, quite apart from having a largely common timetable, our academic calendar was packed with fun-filled faculty activities such as the inter-year soccer league, house parties, barbecues, and the weekly (or daily) clubbing and drinking sessions.

Travel

You will be glad to learn that attendance is generally not taken for DipSing classes. Coupled with the relatively manageable timetable, this is an excellent period to go on holidays and truly enjoy some free time before you enter practice. Many of us took advantage of this, as well as the slew of UK-style budget flights around the region, to recharge

from our pressurising undergraduate days (bear in mind that only a pass is necessary in all modules undertaken as opposed to a second upper – there are no prizes up for grabs for topping DipSing). The DipSing will probably your best and ‘final’ opportunity to travel as attendance will be taken for certain modules during the PLC and the PLC workload is substantially heavier.

Muggers

The detailed course notes for the various modules are affectionately known as “Muggers” within DipSing circles. These are notes that have been compiled and continually refined by students of yesteryears. For many of us, it constituted the only set of course materials we ever went through all year. So, make sure you secure at least a set. Do note, however, that there may be more than one version in circulation and there are bound to be variations. It is also imperative that you check them for both currency and accuracy.

Exams

As with most courses, exams are inevitable. Although successful completion of the DipSing only requires a passing grade for all modules undertaken, some engagement of the course materials will still be required. You will be glad to know, however, that all DipSing exams are conducted in an open-book fashion. This method would alien to most of us who studied in the UK. Candidates are allowed to bring into an examination all manner of materials in print. However, there is only so much one can refer under examination conditions and therefore you will have to be selective with your reference materials. A technique often used, is to rely on a comprehensive set of exam notes. This is where the Muggers (stated above) would be useful for both your revision and examinations. Organise your notes in a manner that would assist you the most for examination purposes.

Bottom line: Make the most of your time during DipSing... and Have some Fun! 🎉

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IN SEARCH FOR PERSONALITY IN COPYRIGHT AND MORAL RIGHT LAW

ERWIN YAU

Although the common law has not explicitly adopted a Kantian justification for copyright, it is possible that a personality related justification has crept its way into the law in the guise of the romantic image of authorship.

THE AUTHOR IN SOME WAYS IS AN ANCHOR buttressing the whole of copyright law as no copyright would exist if the author does not put pen to paper and create the work. Traditionally though, the common law has built its legal foundations on a more pragmatic and economic reality. The common law, influenced by growing international and EC pressures to harmonise, has gradually extended its roots into more author-centric grounds in the form of increasing recognition of authors' moral rights in his/her work. This brief note suggests that a personality-based justification would provide a more focused theoretical basis for English law to pave a road that would give authors better protection over his/her work.

Author's Personality

For Hegel, the actualisation of one's will lies at the heart of the necessity of private property. It is through the acquisition of property that personality, an abstract determination of the will, is externalised in a concrete form in order to attain Hegelian 'freedom'. Copyright protection for artistic creations seems to epitomise the Hegelian idea of the objectification of personality, for what could be more personal than the author's expression of who he is in the form



“There is an argument to be made that the fruits cultivated and ripened from an author’s mental processes encapsulates a part of his personality.”



of an artistic creation?

Hegel's authors have an inalienable interest in their mental aptitude, but once the author's internal ideas are expressed and externalised in a reproducible form they become alienable products of the mind. There is some disagreement as to whether Hegel's author can then alienate his right to reproduce copies of the work. It is commonly suggested that by alienating moral rights the author would be voluntarily locking away a fundamental part of his personality from himself. Kant saw the communication of thought in the form of a literary work as an author's innate right based on his autonomy which would be infringed if (i) the work was illegally disseminated for the infringer would be 'speaking in the author's name' without his consent or (ii) if the work was published in a different form as the infringer would be 'forcing the author to speak against his will... through a vehicle that is not of the author's choosing.'

Based on this theory, there is an argument to be made that the fruits cultivated and ripened from an author's mental processes encapsulates a part of his personality. Whilst an author can protect his own personality by his words and actions, his work may potentially reach audiences who do not know the author personally and thus necessitates that the author retains certain rights over the work to ensure that what is communicated accurately reflects that part of his personality he intends to present to the world.

From the perspective of the author, the creation of a work represents a fulfilment of self perception and self consciousness, as it enables the author to project and define his personality both to himself and to the public, thereby developing his personality in the process. It is also via expression that one is understood, perceived and (according to Hegel) recognisable as a person by those around us. As Hegel writes '[intellectual] property is also a manifestation of will, and the other, for which it exists, is the

will of another person.' As such self-realisation functions of expression could only be valuable to the author if it is attributed to the author and is an authentic reflection of the author's communication. Inalienable moral rights ensure that the author (and post mortem his successors) can maintain the self-realisation of his personality via expression, each time the work is 'communicated' to an audience anew.

English courts have yet to adopt such a Kantian interpretation of moral rights. The very idea of giving authors an inherent right in their expression is contradicted by the

"It is possible that a personality related justification has crept its way into the law in the guise of the romantic image of authorship"


requirement of assertion which will have to be abolished before English law can seriously consider the issues raised by the Kantian theory. Since the common law has traditionally protected principles capable of evaluation in monetary terms such as the quantifiable damage to reputation under the tort of defamation, the courts' approach have favoured considerations of an author's honour or reputation as an artist when assessing claims for an infringement of integrity. Although this is still a far mimicry from the development of inalienable moral rights, the idea of an artist's honour may serve as a way the Kantian personality justification can be introduced into the common law.

Romantic Authorship

Although the common law has not explicitly adopted a Kantian justification for copyright, it is possible that a personality related justification has crept its way into the law in the guise of the romantic image of authorship. Romantic authorship does not rely so much on the view of the work as an embodiment of the author's personality, but grants the author property rights by virtue of 'the unique genius of the author and the originality of the work.' It is the author's originality of expression that merits giving them intellectual property rights in their work for what is in fact merely the appropriation of ideas, language and genre provided by the public commons.

If the romantic authorship justification is to continue to inform copyright law development, it is suggested that a higher originality criterion, perhaps incorporating a personality aspect to the criterion as suggested by EU harmonisation directive, would have to be adopted. Such a change would also pave the way for the development of better moral rights protection.

Conclusion

The image of the romantic author pouring his/her soul into a work of art is one which can be found hovering over the law of copyright and moral rights. If England's legal protection of authors is to develop in a coherent manner, it is time that the misty evocations of the personality justification is materialised in the law so that first, the value of an author's democratic self-expression and second, the romantic spirit of genius associated with originality could be recognised. 

A BRIEF OVERVIEW OF JAPAN AND CHINA'S CONSTITUTIONS

CHIE KAMEYAMA

A CONSTITUTION DETERMINES THE BASIC RIGHTS OF the people, the system of state institutions, as well as the relationship between those institutions and the people. Going back to the Magna Carta, the concept of avoiding concentration of powers in one entity in order to establish a democratic society has been well established. So the theory goes, if one entity possessed absolute power within a state, logically speaking, it would result in a system incapable of influencing the view of the majority. But is this really so? Might the quality of hardness or softness in a constitution be a symptomatic quality differing amongst cultures? Let us examine this issue briefly, at a time when cross border and comparative issues become more important to an international lawyer practicing in UK or even in Singapore.

The Constitution of Japan

The current Japanese state system regulated under the constitution can be characterised as a mixture of the US model of the separation of powers and the UK model of parliamentary cabinet model. The Constitution of Japan separates state powers into three categories: legislative, executive, and judicial power, and each power is vested in separate organs, the Diet, the Cabinet, and the Supreme Court and other courts.

With regard to the executive power, there is a strong inter-relationship between the Cabinet and the Diet in Japan, which is similar to the UK system. In addition, more than a half of the Ministers of the Cabinet must be chosen from the members of the Diet (Article 68). The executive body possesses the power to designate the Chief Judge of the Supreme Court (Article 6) as well as the power to appoint judges (Article 79 and 80).

The Judiciary exercises an independent power to safeguard and implement the laws (Article 81). In the light of Article 76, the Supreme Court shall be the final judicial resort and prohibits any violation by the executive body.

The Constitution of China

Unlike other constitutions mentioned above, Communist China has a distinct constitution. Although it declares the supremacy of the Constitution (Preamble, and Article 5(3)) and the separation of powers to some extent, it has several contradictions. The theoretical supremacy of the constitution may not however mean much in practice, and it is suggested the constitution is more like an aim rather than a supreme law of the state.

Currently, legislative power is vested to the National People's Congress possessing the authority to amend the



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“Might the quality of hardness or softness in a constitution be a symptomatic quality differing amongst cultures?”

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constitution, to make fundamental rules, to elect and remove top officials, to consider and approve state budget, and to plan national economic and social development (Article 62, 63). However the judiciary does not have power to review the constitutionality of legislation. In other words, the judiciary in China has no power to check the workings of other branches.

Contradictions within the constitution are easily noticeable. For instance, obvious inconsistencies are with regards to the sovereignty, and the freedom of speech. Although Article 2 states, “All power in the People’s Republic of China belongs to the People”, a contradicting statement can be found in Preamble. If the people have to obey the Communist Party, Article 2 has no real meaning in practice. The right to freedom of speech, the press, assembly, association, procession, and demonstration are ensured under Article 35, nevertheless Article 1 and Preamble weaken the possibility of the enforcement of Article 35.

The examples of unconstitutionality of governmental conducts are the decision to suppress the student’s pro-democracy movement of April-June 1989, as well as the decision to suppress the Falun-Gong in 1999. Those decisions were made unofficially by the Communist Party, which resulted in executing many civilians. These unconstitutional conducts by Government can happen, because there is no independent judiciary as a safeguard of the Constitution.


Hence there is hardly any separation of powers in China in practice. It can be concluded that the Constitution of China is to protect the Communist Party, and not the People.

Amending the Constitution?

The constitution of Japan is rigid and amendments never happened since its promulgation in 1946, though several attempts to amend it have been taken especially with regards to Article 9, ‘renunciation of war’. Famously, one of the former Prime Ministers of Japan, Nakasone tried to amend Article 9 without any success. The US argues that it is time for Japan to contribute to the humanitarian interventions in international scope using military force. Still, many Japanese nationals strongly disagree the amendment of Article 9 with the memories of the tragedy of the world wars.

In contrast to the rigid Japanese Constitution, these have been four amendments to 1982 Chinese Constitution so far, in 1988, 1993, 1999, and 2004. This however includes no direct influence of the view of the people, and the amount of affirmative vote needed in amending the constitution is so diminutive. It is also regrettable that the NPC but not the judiciary has the right to supervise whether the constitution is adhered to as it would not be very effective when supervise is undertaken within the same institution.

Conclusion

It may be perceived that there is a stronger enforcement power in the Japanese constitution with the system of separation of powers between state organs along with checks and balances system. China on the contrary, possesses a rather incomplete constitution, as there are contradictions in the constitution and the Communist Party can influence each state organ significantly. It is, however, not necessarily detrimental for China to have a soft constitution because those four amendments made so far have brought a positive influence on people such as rights to private property. Since the Japanese Constitution ensures protection of peace and the sovereignty of the people, it is reasonable for Japan to have a hard constitution. Perhaps China can achieve a more democratic state system if more power is given to the judiciary to check the conduct of other organs. 

IN SEARCH FOR SELF-ASSOCIATION

JIA-CHUAN KWOK

Human beings, by nature, are forced to make choices all the time. Our cognitive functions do not allow us to process everything that we come across, and so we selectively process information, a process which over time shapes our identities – our conception of what we are, why we exist and what we do.

THE BASIC IDEA OF THE SINGULAR IDENTITY IS THAT INDIVIDUALS often deal with each other on the basis of one distinguishing identity, despite the fact that the other person can be seen in many different ways. Indeed, individuals selectively and unconsciously view others through a different set of “societal lenses”, based on a consideration of the situation and issue at hand. Consider an ordinary citizen walking down the street – he can be at the same time a Tory supporter, a Manchester United football fan, a Lehman Brothers investment banker and a passionate lover of Chinese food. Yet to the business client trying to secure a loan, none of these matter much except the investment banker persona, while at the Tory party conference his food preferences are hardly relevant to the party treasurer in search of donations. Extrapolated onto a societal model, such identifiers contribute toward distinct cleavages such as nationality, territory, religion and race. In this sense, the dominating perception at any one time is imagined and not fixed in any permanent sense but at the same time grounded in the distinction between various competing identifiers.

A nation-state is thus founded on such an imagination of society, where a group of individuals associate each other by certain identifiers that are perceived to be possessed in commonality. In this sense, there is an individual – based understanding of what the definition of a certain group is; this has been termed by Tajfel and Turner as “social identity theory (SIT)” Specifically, Brewer cites the subset of “collective identity” in this case, asserting that it “involves shared representations of the group based on common experiences but also refers to an active process of shaping and forging an image of the group.” For example, the term “American” has been associated by the citizens of the United States with “freedom” in the popular consciousness, as if the artificial label of “American” represented a developed image of the liberal

and democratic ideals of Thomas Jefferson and Benjamin Franklin. In dynastic China, to be included within the Han Chinese was to be “civilized” in contrast to the “barbarians” outside the country, even when the “barbarians” of Europe arrived with modern cannon and rifles. More recently, the passport was popularized as a method of formalizing the identifier of citizenship, in that it provided a visible means of association and a definite identifier that a certain individual belonged to a group.

In this respect, once an individual has associated themselves with a group based on some distinct identifier and artificially termed a “nation”, the individual identity becomes subsumed within what Turner calls “a shift from the perception of self as an interchangeable exemplar of some social category. Yet this is a two-way process; just as the individual associates, so the group recognizes, and acknowledges their “membership” by certain expressions of uniqueness, be it a passport or a religious conversion. It does not matter that the individual is but one of many within the group; as Anderson notes, “the (person in question) has complete confidence in their steady, anonymous, simultaneous activity.” The foundation of this confidence

person’s attention.” For all the validity of the latter claim, the practical nature of “communitarian thinking” and the seeming comfort it offers to individual perception makes it a foundation in the “collective identity” of society.

In this respect, there is a clear need to stop assigning a single identity to individuals in order to avoid drawing the world in terms of clearly delineated lines and viewing, for example, Americans as merely partners in a “Zionist conspiracy” or the entirety of Islamic civilization as “terrorists.” This does not mean simply elevating one identifier of one individual above all others and then applying it universally to the larger entities of organization, society and nation. Instead, one needs to attribute more universal, shared identifiers to foster a sense of unity.

Here, one example is provided by Mahatma Ghandi’s nationalist movement, which he clearly separated from the charge that he was leading a Hindu movement. Sen writes that “While he saw that a distinction could be made along religious lengths, Ghandi made a powerful plea... to see the plurality of the diverse identities of Indians.” Indeed, Ghandi refused to see the Indian population as being split into Hindu and Muslim factions but rather as a universal movement to

*“one needs to attribute more universal, shared identifiers
to foster a sense of unity...”*

rests in the basis of identity – that he as, say, a fellow American trusts that they will abide by the imagined, self-constructed “American identity.” In this societal framework based on a common identifier, the individual is no longer unique, but rather an extension of an “in-group” which displays similarity in belief.

Unfortunately, the politics of inclusion also lead to the possibility of exclusion; that is, the rejection or even violence against those perceived to harm the interests of the in-group in question. Michael Sandel has noted the prevalence of “communitarian thinking,” whereby “(the individual’s) social background, firmly based on community and culture, determines the feasible patterns of reasoning and ethics that are available to her”. Given such a basis for a pre-determined identity, the reason behind an individual’s actions must naturally be based on the specific values of the community which they belong to, and this by extension implies that any subsequent judgment can only be made within the context of the same values. Here, the economist and intellectual Amartya Sen has argued forcefully against this assertion, claiming that it “entails a denial of competing norms on the

secure independence for the Indian state as a whole. For an increasingly polarized international order, it seems that the ability to step back and see competing identities within a single issue is a rarity. The need to critically distinguish the relative importance of these identities without falling into the trap of assigning a singular, overriding stereotype to each group, however difficult, is a step of fundamental importance in eliminating the barriers between nations.

The concept of a “social identity” is ultimately up to how the individuals composing the population choose to define it – self-association and the desire for recognition within an “in-group”, combined with the suspicion and reaction against any possible competing ideologies. Here, the mass media plays a double role – not just affirming the concept of identity but also denying the validity or even existence of alternative concepts through non-attention. New media may represent a viable solution to mass non-attention, but in the final analysis it will take the action of individuals who have a desire to move beyond simple and comforting cultural stereotypes to reduce the misunderstandings within international relations.



GOING DUTCH

LIN HUIYING

Lin Huiying shares with us about her lovely experience in her one year exchange in the Land of the Tulips.



JUST BEFORE I LEFT FOR MY STUDENT EXCHANGE programme in Utrecht, The Netherlands, a friend asked what expectations I had from this one year away from home. My reply was “Nothing, we’ll see what comes my way.” And what a blast it was. The past year has been amazing in more ways than I could ever have imagined.

When I first arrived at the accommodation I was assigned to, I was disgusted at the state my room was in, with broken glass and dust balls littering the floor. After a big cleanup and some decorating, it became my room. With seven other international students, we shared common facilities like the shower, toilet and kitchen. We learnt to accommodate each other, understand each other’s cultures (that resulted in different living habits, for example, the reason for the need to hound others to clean up when they were on duty) and love each other. We learnt about each other, and learnt words and phrases in different languages, though most aren’t suitable for polite conversation. We shared music, movies, stories, alcohol and food, and cried our eyes out when it was finally time to part.

Utrecht University specializes in criminal and theoretical law, and I grasped the opportunity to take modules that are not offered in Singapore. My course units included European law, forensic mental health in criminal law, and an insight into the Chinese legal system amongst others. Although the modules were not taught to such depth as the professors do in Singapore, I received an overview of what each area of law concerns and I enjoyed most of my subjects and my lecturers were always approachable. A part I liked most about class is the fact that many of my lecturers are distinguished judges, practitioners or academics in their field of expertise, and they

“once you befriend a Dutch, they are your friends for life.”






always had interesting stories to tell us relating to a certain law or situation that we were learning about.

Utrecht is a university town with beautiful canals (like every other city and town in the Netherlands) and it is the only city in the entire Netherlands that has banks along the canal with restaurants and shops on the banks. The streets of the Netherlands are so clean that my friends from other European countries have complained that it “doesn’t feel real”. The Dutch are a polite people, but well-known for their difficulty to befriend as a foreigner. Yet, once you befriend a Dutch, they are your friends for life. Among many little quirks – the Dutch eat dinner early, usually around 6pm. They drink the most amount of beer in Europe and are proud of their cheese and milk. They enjoy sweet and deep fried foods, especially stroopwafels, fries with mayonnaise, bitterballens (deep fried meat puree) and cheese schnitzel.

“the Dutch annually hope for a cold winter, so that the canals will freeze and they can hold the Elfstedentocht”

Also, despite the moderate winter the Netherlands receives every year, the Dutch annually hope for a cold winter, so that the canals will freeze and they can hold the Elfstedentocht (Eleven Towns Race) ice-skating marathon, held in Friesland, the northern part of the Netherlands, that stretches through 11 towns for 200 kilometres! Another fascinating thing I learnt about the Netherlands – the entire nation conspires during Sinterklaas (St. Nicholas, also commonly thought of as Santa Claus), traditionally held on the 5th or 6th of December. All parents tell their children that Sinterklaas really exists, and sightings of Sinterklaas are announced in the national news and newspapers. If children misbehave, they’re going to be sent to Spain with Sinterklaas. This is probably the most effective way to have obedient children for an entire month!

The past year has been enriching in so many aspects, I can barely begin to count my blessings. This has been a wonderful year for me, and I doubt I will ever have such a wonderful mix of good friends, carefree travelling, endless laughter and work to keeps my mind active, in a while. I strongly encourage anyone with the chance to go on an overseas programme to jump at it, because you never know what it will bring you. The knowledge you leave with is not merely academic, the friendships forged may prove to be more than temporary, you learn to know yourself better when you’re away from home, and all these are things to be infinitely thankful for. 



AUGUST

DANIEL LEONG

For Columbia-bound student, Daniel Leong, the yearly departures bear a sweet aftertaste of yearning and memories.

MY FRIENDS STARTED TO LEAVE THIS ISLAND TO trace out their lives elsewhere two years ago. That was when I first learned that there is a special kind of yearning that is reserved for people who are left behind. One after another, they took their leave through the glass departure gates at the airport. Some of their faces shone with anticipation for what lay beyond all that glass; some of their faces looked to me to be so radiant. Others' faces shone because they could not hold back tears. And who could blame them? For what you feel at the glass border is an anticipation so great that it is terrifying. You know that you must step through that border, and whether you embrace it or you shrink away, you cannot look away from the enormity of the territory of the unknown before you.

That anticipation is one thread of commonality that ran through all those departures. That inability to look away from the immensity of the imminent fact of their yearlong absence. The other common thread was my deepest wish that I could also look forward to an imminent departure. That wish was irrevocably frustrated at that point in time, and that frustration combined with the desire that had generated it to form the yearning. That special sort of yearning. The one that kept me at the glass border, gazing at my friends who were leaving, gazing at their first steps past the immigration counters, gazing at their backs when they finally turned resolutely towards the planes humming on the tarmac in the night, until there was no denying the fact that there was nothing left to see.

This was how the long wait started: two years of having life put on hold, of a disconcerting feeling of being detached from the things that were happening to me. Whenever I had the time and the presence of mind to think, I was thinking of Elsewhere, I was trying to live Elsewhere. But imagination can only do so much to bridge the gap between the known and the unknown, between the experienced





and the unimaginable, a gap that became increasingly oceanic as time went by. This yearning kept me going, because when you yearn you are looking for something more, and you cannot settle for what you have in front of you. But it also created a deep and abiding feeling of being lost, because though I knew I wanted something more than what was available at the time, I could not begin to identify what exactly it was that I wanted. So, the answer to the question “What are you waiting for?” was “Something else”; the answer to the question “What is something else?” was “Not this”. Together, both left me not only unsatisfied, but also unsatisfiable.

And then, one morning, a call came in during work, and the long wait ended.

Should it strike you as odd that people can be real without being tangible? Proximity is a sensation more than a fact. When I picked up the call, I thought the unknown number meant a telemarketer, and I did not recognise her voice at first. But G was quick to identify herself, and just like that, someone who had for all purposes been on the other side of the world from me was suddenly back in town again. The shift in perspective was stunning; the idea of her proximity came crashing down on me, and left me grasping for words through the rush.

However, believing is not the same as seeing, and so, in quick order, we arranged a meeting in person. And over the course of a bike trip up and down the breadth of this tiny island, my old yearning transmuted itself into really acute anticipation. This person who had left and had come back, enriched with stories from Elsewhere, yet still recognisable as someone who had departed at the glass gates – it really drove home the fact that there really was a whole wide world out there, a world that she had been to and had returned from, a world that was evidenced in her anecdotes. A world that was waiting for me. And soon enough, it would be my turn to meet it.

A Thursday, and I was in a bar with J. Over the long wait, we had developed a sort of tradition that was good for the

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“Whenever I had the time and the presence of mind to think, I was thinking of Elsewhere, I was trying to live Elsewhere.”

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conversation, but bad for our wallets. A taste in alcohol is a full-time commitment in this small island. However, it would not be the case where we were going, and we were savouring the flavour of the tall, frosty and expensive beers, secure in the knowledge that we would not have to put up with alcohol that was more costly than bar food for much longer.

For him, something to look forward to had come late, and the imminence of his departure was only just beginning to sink in. He pointed out that from his point of view, everything suddenly seemed much more urgent. And it is true; under the pressure of a clear deadline, the present gains the urgency of finality. You are kept on your toes, wondering whether this would be the last time before your departure that you will get to walk down this street, or meet this person, or eat this dish. You gain an added desire to participate. You can't let things simply happen to you anymore, because if it were to be the last time something like this happened before you left, you would not forgive yourself for screwing it up. You find yourself unwilling to settle for anything less than total effort. You work for neat finishes; loose ends cannot be tolerated.

After two years of waiting on the sidelines for my own life to resume, the sharpness of the urgency, the acuteness of my awareness of the things around me, the immediacy of every day were exhilarating – delicious. The wonder that I feel at being so involved in the moments of the day can stop me in my tracks. Sometimes, on the way to work in the heart of the business district, I stop and stare at the golden dawn reflecting off the mighty flanks of the vaulted towers as the rest of the morning crowd rushes briskly past. I keep finding myself looking up at the play of lights, and wondering at how so few others seem interested in the spectacle above our heads that is giving itself so freely to everyone.

Then again, I daresay they also wonder reciprocally at this fool who is always blocking their way on the sun-drenched sidewalks and gazing up into nothingness. >>



“We stand on the brink of tomorrow, leaning forward, to discern a pattern that can give us a hint of what lies ahead.”

And then you came back, and we went out for dinner. In a quaint little restaurant with a delightfully irreverent owner, we settled down to steaming bowls of soup and stew, and slowly picked our way through the last two years. Tearing into the soft, warm breads, we marvelled at how things had worked out; at how things have come to this. Everything that has happened is connected to one another, making an obscure and intricate web of inter-relations. The rabbit hole runs deeper and darker than we can imagine, and these tangled circumstances throw up experiences that take us by surprise. And yet, sometimes we wonder at how we could not have seen them coming.

Thankfully, though, not all things change at the same time. Some things remain the same long enough for us to use them as anchor points from which to survey our lives. Some people look only to themselves as the sole constant in an amorphous universe. Others look further afield and place their trust in their families. Still others may find solidity in something that is bigger than big, and smaller than small. I count myself immensely lucky to be able to count all these as

my personal anchors. And in addition to all this, I am amazed at how many people I can trust with no reservations. I have gotten more than my fair share on this front. It is a great privilege; it is a solemn responsibility.

Of course, one understands that all things must eventually pass. Departing itself is a commitment to change, and one of the most fundamental forms of change at that. Nonetheless, one can still hope that some things never change. And what a comfort – what a joy – it is, in this time of deep shifts that are just getting under way, to be able to place that kind of trust in the people around you.

So, I stand on a brink. We stand on a brink. We stand on the brink of tomorrow, leaning forward, leaning on each other, trying to pierce the gloom, to discern a pattern that can give us a hint of what lies ahead. We want to know what is to come. But at the same time, I also appreciate this anticipation, this invincible feeling of hope alloyed with confidence. However the pieces of the future may fall together, I feel confident that they will fall into place for the better. More importantly, I have cause to hope that no matter how the pieces fall together, I will not have to face them alone.

There are still people who have yet to return. There are loose ends that still need to be picked up, stories that need to be resumed. And at the same time, other people are preparing to depart once again. The undercurrents of circumstance continue to flow. They take us apart, and they also bring us back together. People come and people go. But now, I find in me the strength to see that this flux is good, that this is as it should be.

And still – always – I look forward to August. 🌕

THE EXODUS ROAD

CHRISTOPHER YEE

Is the alternative road all that golden? Christopher Yee shares about a recently popular option for graduating law students- Banking

Everyone the world over knows that a career in the legal profession is a rewarding experience. Both emotionally as well as financially. However, as much as a place within the legal career circle is a continuous and ever sought after position, recent years has seen more and more lawyers, young and old alike, leave this exclusive fraternity to pursue their careers in other arenas.

In a constantly shrinking world, players in this game of life must continue to be savvy and on the lookout for new areas of development with which to ply their trade. Indeed, such people are spoilt for choice as law graduates are more oft than not, equally sought after for their skills in critical thinking and ability to work under pressure. It comes then as no surprise, that the banking industry has been a perennial hotspot for young law graduates seeking employment outside of their traditional field. The common impression that I have received from feedback from friends and acquaintances both during and before university has simply been: "If I have to sell away my life, it might as well be for a good price!"

Yes, the hours may longer but the difference in pay is substantial and let us be honest here: Money makes the world go round. To pretend otherwise would be to live in a state of denial. The fact that monetary considerations are the driving force behind most of life's decisions is telling and only serves to further enhance the appeal of a career with greater monetary reward. However, to be fair, not everyone who makes the switch are driven by present day market forces. To the contrary many find the high octane, pressure cooker environment of the banking industry right up their proverbial alley.

Regardless of whatever reasons, the road to success as a banker is perilous and one not to be taken lightly.

It must be stated at the outset, that banks in general are welcoming of law graduates for the skill sets that they bring to table. In a conversation with a current employee of »

“Regardless of whatever reasons, the road to success as a banker is perilous and one not to be taken lightly”.

UBS, who would prefer to be known simply as Mrs Yeong, I managed to glean a small insight into the world of banking and what awaits law graduates who decide to make the leap from a career in law to one of banking.

The road “less” traveled

The first piece of advice that I can now offer to current undergraduates still in the midst of their legal degree is this: an internship at a bank is crucial. The work and life in a bank is vastly different from that of a law firm and the more detailed a picture one has of the banking industry before embarking down that path the better. The business world casts the old adage “It is not what you know, but who you know” into stark relief. Truly, experience is everything. Similar to how a non-law graduate would have to play catch-up ball upon entering a law firm, a law graduate in the banking industry would find oneself immediately at a disadvantage when compared to those who graduated with a business related degree. There is much to learn and the earlier this process begins the better it is in general.

The good news, however, is that whatever disadvantage perceived is only temporary; due diligence and hard work more than equalizes the playing field. The success of ex-lawyers in major banks serve as a testament to this fact.

For those currently approaching the end of their degrees and for whom an internship at a bank may be hard to come by, there is no need to regret. Several years of working experience in a law firm will not dampen any chances of being employed by a bank. Some would go so far as to say that this route is more beneficial when compared to an entry straight out of University. Naturally, in order to make the transition smoother still, one must place oneself in the right position. Many law firms have a department dedicated to banking. A ‘seat’ in this department either during the training contract or after would serve to acclimatize oneself to how banks operate. Granted, the work will never be identical but every little bit helps, if nothing more than to gain familiarity with business jargon.

And in today’s news...

Everyone striving towards a profession as a corporate lawyer should be familiar with the term “Commercial Awareness”. An important aspect of a corporate lawyers

repertoire, commercial awareness becomes doubly so if one wishes to cross over to the banking industry.

Regrettably, there are no secrets or short cuts when it comes to this and one must put in the effort to keep abreast of happenings in and around the world of business and not just for the interview process either! The resources available on the internet, in magazines and newspapers really does make this more of a conscientious effort than anything else and the only advice left to give is that if one has not already started building up commercial awareness, one should do so post haste.

The house that lawyers built

Furthermore, do not be disillusioned into thinking that life in the banking industry revolves around investments and hedge funds. Moving away from a dedicated law firm to work as in-house council in a bank can prove to be an equally rewarding experience as common consensus suggests that such a move would offer a greater work-life balance.

Think of it as the middle ground offering up the best of both worlds.

Even if working as an investment banker is the ultimate goal, a year or two serving with the in-house legal team would help tremendously at breaching that gap in experience and knowledge all the while providing a keen insight into the banks inner goings-on. It also makes the transition easier not just for yourself but for the bank as well as they would have had some time to build up confidence in both your work ethic and capabilities.

Lowliness is young ambition’s ladder

To reiterate an earlier point, there is always much to be learned in a new environment and one must never seek to rise above oneself. Ask when in doubt and view every event as an opportunity to learn and to improve. Very general advice to be certain but crucial no matter what ventures we embark upon.

There exist numerous opportunities outside of the legal arena waiting to be explored. Yet the journey is really sculpted to the individual and more important than financial gain or social status would be that everyone discover their own niche at whatever it is they choose to do, whichever road they choose to follow. That is perhaps, the true mark of success.

“Moving away from a dedicated law firm to work as in-house council in a bank can prove to be an equally rewarding experience as common consensus suggests that such a move would offer a greater work-life balance.”

AFTERWORD

DANIEL WONG

After two years in university, Daniel Wong shares a final word about his thoughts on the four Ls - Love, Lust, Look and Law.

Being away from home is a time of adventure and self-discovery. However, the primordial need to protect oneself is a prerequisite to embarking on this incredible journey. It occurred to me to observe the four Ls- Love, Lust, Look, Law.


The sacred word 'love' is rarely used nowadays for a good reason - it is rare to find if you are looking in the wrong places. Pursuing a love interest overseas can be beneficial to a student who is vulnerable to loneliness or highly dependent emotionally. Having a personal confidant(e) can provide a sense of security and reassurance. You might be pleasantly surprised too as to how much you could appreciate someone of the same nationality or speaks the same dialect as you - that sense of belonging.

However, more importantly there is the family aspect. Plenty of students improve their relationships with parents after going overseas simply because they begin to appreciate the pillar of support that has been by their side all these years. Alternatively, whilst having a shoulder to cry on is on top of my need list too, I prefer to resort to friendship. I have a handful of very close friends from different countries, albeit all Asians, with whom I can share my precious moments with and also confide in. I truly believe that putting 'making friends' as your top priority is generally the more responsible and sensible route to take as a student to protect yourself and your education, and thirdly to act fairly towards your parents' hard-earned money. Who can foretell that you might not find an angel amidst your gem of friends?

Your law education is very much concerned with love. Having done your A-levels, some of you might be familiar with the canons of interpretation. One of them is the literal rule where the letter of the law is applied rigidly. I personally find the literal rule easiest to apply but with devastating effects. The rule looks towards the surface of things by neglecting the underlying purpose behind the wordings.

Being educated as a lawyer has taught me the power of words, which when used effectively can produce results favourable to me. But before you start mentally demolishing your partner's arguments and producing counter-arguments even before he or she finishes speaking, it might be useful to see beyond what is being uttered and discover the reason for the utterance. Law and love are not akin to water and oil - they complement each other more often than realised.

Lust for materials, lust for the opposite sex, lust for success and lust for pleasure are common pitfalls for anyone who has just achieved extraordinary results, scoring many A*, and is more than self-confident. Keeping your feet on the ground, although overstated, has not lost its vigour. Maintaining a humble approach to learning law and keeping your purpose overseas in perspective is a lesson I have learned the hard way. The pursuit of success, desirable as it may be, has to be realistic and healthy. It would be self-defeating to be overseas at the cost of social imprisonment or isolation otherwise.

I hope that stretching these 3 L words has allowed me to ward off first years against the most common of all threats in the new world! As your peer, I urge you to address your mind to the preliminary issues brought up here and to appreciate the complexity of living overseas and why it has helped changed the lives of countless students overseas. With mature thinking and a readiness to act, you might just get to that live changing state earlier and with less pain than your predecessors. 

“Law and love are not akin to water and oil- they complement each other more often than realised.”



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