Academics, lawyers say such work is necessary to ensure standards remain high

BY KHUSHWANT SINGH

A FAIR amount of litigation work is crucial if a Senior Counsel (SC) is to remain an excellent advocate, say those in legal circles.

An SC who cuts back on court appearances may lose his edge in litigation and compromise standards, said Professor Jeffrey Dan Pinsler of the National University of Singapore.

Prof Pinsler, an SC, added: “Then the public will find it difficult to select an SC as standards would differ.”

Law academics and SC were asked by The Straits Times for their views on Chief Justice Chan Sek Keong’s plan to set up a committee to see if future appointments of top advocates as SC should be subject to certain practice considerations.

It was an indication that a minimum amount of courtroom work might become necessary, given CJ Chan’s concern that SC were “pleading less and less” and going for more lucrative work in corporate law.

Prof Pinsler said: “Only a good court lawyer is recognised with the title of SC and litigation work would ensure that the standard of advocacy remains high.”

An SC who performed mainly managerial duties could undermine this objective, he added.

He acknowledged, however, that some SC were putting in ample court time despite being managing or senior partners, such as Mr Steven Chong of Rajah & Tann and Mr Alvin Yeo of Wong Partnership.

Some SC told The Straits Times that while they were not doing as much litigation as before, they were now doing more mediation and arbitration, which also tap their litigation skills.

“It still involves dispute resolution,” said Mr Kenneth Michael Tan, 49, of Kenneth Tan Partnership.

Law professor Eugene Tan of the Singapore Management University said the system allows any lawyer who thinks he can make the cut to be considered.

Chief Justice Chan Sek Keong, in an interview with Inter Se, a publication of the Singapore Academy of Law, said while there was no particular reason for not taking the appointment route, the application method could not be criticised.

“I do not see how an application system has prevented due credit from being given to the deserving,” he said.

England also uses the application method for its Queen’s Counsel.

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when he was 64 a decade ago. He ceased going to court soon after and focused on arbitration and mediation until last year.

These days, the Drew & Napier consultant advises clients and young lawyers in litigation as a way of giving back to the profession and “setting an appropriate example to younger practitioners”.

Besides keeping up court appearances, SC should also be more involved in legal education, legal aid and pro bono work, say three law dons and SC Jimmy Yim of Drew & Napier.

Said Prof Tan: “They can set a powerful example to young lawyers if they set aside their lucrative billable hours to do social work.”

His SMU colleague, Professor Chandra Mohan, added writing for legal journals, legal education and pro bono work to the list.

ADDITIONAL REPORTING BY CAROLYN QUEK