

SAVING THE PROFESSION, ONE YOUNG LAWYER AT A TIME

The plight of young lawyers is not a new subject, but the recently announced changes to professional training¹ has brought the struggles and challenges they face to the forefront of debate and commentary within the profession.² While the true impact of the proposed changes can only be measured some years from now, the writer takes the view that the wave of current interest and concern is in and of itself a triumph. The next step is to ride on this momentum, and to create impactful and lasting change that will improve the lives of young lawyers specifically, and lawyers generally, for good.

Sim Khadijah Binte Mohammed

LLB & LLM, National University of Singapore

Founder & Principal Legal Skills Trainer, Lacuna Training Solutions

Legal Skills Instructor, National University of Singapore

Advocate & Solicitor, Singapore

In December 2016, I left my position as District Judge at the Family Justice Courts, and took up the cause of training and mentoring young lawyers. I was (and remain) of the view that too many young lawyers were drowning in an ocean of too much work and too little guidance, and quitting the profession too soon.

To my mind, the reasons for this alarming attrition came from both push and pull factors. The push factors included feelings that they were not being sufficiently invested in, that they were part of a mere factory line, that they were replaceable, and that nobody cared. The pull factors were that they could make an easier living outside legal practice, or that their passions could be put to better use elsewhere.

I wish to be clear that I do not blame the senior members of the profession for this attrition. They too are struggling. They too are finding it hard to achieve work-life balance. Most of them are, in fact, drowning in their own oceans of trying to keep their firms afloat, and trying to do right by their clients.

The pressures are immense all around, and present at every tier of the profession. Those in the senior tier face growing commercial concerns (from profit-making to solvency issues), stiff competition from foreign firms, and an increasingly savvy and demanding client base. Those in the junior tier face a steep learning curve, as well as time and other pressures from bosses and clients. Some are starving for guidance and mentorship; others are starving for sleep. It is no wonder then that the middle tier, sandwiched between the needs and pressures of senior and junior, are “hollowing out”.³

I cannot make a better case than the one Mr Hri Kumar Nair SC has made in his article on 26 November 2018, where he methodically listed all the factors that may have contributed to the current state of affairs, and helpfully suggested possible steps we can take to better the lives of young lawyers (using the Attorney-General’s Chambers as an example). His insight vis-à-vis the deep-rooted and interconnected problems facing our profession is remarkable, and we should definitely adopt some of the structural changes proposed insofar as they are applicable to the firms and organisations to which we belong.

What I can offer on my part is another perspective, which is that legal skills training is the solution not only to the problems faced by young practitioners. If successful in our implementation of better legal skills training for young lawyers, this initiative will have far-reaching benefits for the profession as a whole.

Developing and honing the skills of young lawyers will, first and foremost, improve their morale. The importance of feeling in control of your tasks, and feeling invested in by your firm, cannot be overstated. What will follow is a sense of accomplishment, purpose, and pride in your work. This will combat the negative feelings of aimlessness and lack of appreciation. As young lawyers grow in confidence and professionalism, they will become invaluable assets to their seniors and to their firms. They will grow into better lawyers, as well as better mentors to their juniors. I have seen this happen in the organisations I was a part of. Those who were invested in went on to invest in others. Kindness begets kindness, mentorship begets mentorship, and success begets success.

As we break the negative cycles that have landed our profession in its present state, so too should we generate positive cycles that will lift our profession above the challenges it now faces. It has been said that every generation faces a new and distinct challenge from its predecessors. The saying is true for the legal profession as well. The challenge we face in our generation is one of sustainability in an age of fierce competition and technology that could either replace or be wielded by us.⁴

At the same time, we must redefine our understanding of what “legal skills” entails. Legal skills goes beyond the usual research, analysis, drafting, and advocacy skills. These are no doubt the foundational skills that every young lawyer must develop and hone. But the skills essential for young lawyers go beyond what has been covered in traditional textbooks. It includes general skills such as client care, time management, and self-care for professional longevity. It includes educating young lawyers on how to prevent and treat lawyer burnout, and how to develop the stamina and mental fortitude displayed by the longest-serving members of the profession.

Helping young lawyers specifically, and lawyers generally, has been the driving force behind me setting up Lacuna Training Solutions (“Lacuna”). Through my work at Lacuna, I hope to impress upon senior members of the Bar the importance of investing in their young. Through my training and mentoring of young lawyers, I hope to equip and empower them for a long and fulfilling legal career. Creating a syllabus on every aspect of lawyering has not been easy, and I have faced my fair share of detractors who have told me that certain skills simply cannot be “taught”. I could not disagree more, and I sincerely hope that my upcoming legal skills textbook will ease the lives of lawyers and law students alike.

I do not believe that the issues we face as a profession are insurmountable. I do not believe that the senior and junior members of our profession have divergent interests. And I do not believe that we will “*go gentle into that good night*”.⁵ Quite the contrary, in fact.

I believe that we stand on the precipice of something truly amazing. In the past few years, Singapore has fought hard towards establishing its dominance within the region as a dispute resolution hub offering unparalleled, multi-faceted domestic and international litigation, arbitration, and mediation services. As foreign firms descended upon our tiny island, so too have our local firms expanded into various parts of Asia. The tie-ups between local and foreign firms bring not only competition to our shores, but our name and brand to the rest of the world. Change is never easy – that is why it is called “change”. Yet, far from facing the “*dying of the light*”,⁶ our profession is, instead, in its chrysalis stage, on the verge of its next

metamorphosis. I believe we are approaching the “Golden Age” of the legal profession in Singapore, with its best and brightest at the helm, and I hope we bring as many young lawyers into that age as we can.

Through the commentary and debate on the plight of young lawyers, we have engaged in vital introspection. Through the proposed changes to professional training, we are setting the stage for better quality of services for our clients, and better quality of life for our younger members. Now, it is time to stand shoulder-to-shoulder as we forge a new path ahead through challenges known and unknown.

To the senior and middle tier lawyers who face their own unique struggles, please keep on carrying on, because we look to you to lead by example. To the young lawyer who is struggling to cope with the immense stresses of legal practice and the relentless workload, I will share a piece of advice my father gave me when I stood where you stand:

“Hang on tight, and let the massive wave pass. For it will pass, and you will breathe easy again.”

Finally, on behalf of those among your seniors who have made it our life’s mission to help, nurture, and “rescue” the young, I say this:

“We hear you, and we care for you. Just hold on a little while longer. Help is on the way.”

About the Writer

MS SIM KHADIJAH BINTE MOHAMMED is the founder of Lacuna Training Solutions (“Lacuna”), a dedicated legal skills training firm with a special focus on developing young lawyers. She is the author of the first comprehensive textbook on legal skills written from the Singapore perspective, entitled *Legal Skills: A Complete Guide* (Sweet & Maxwell, 2019), slated to be published in March to April 2019.



Khadijah was formerly a commercial litigation lawyer with Rajah & Tann LLP, an Assistant Registrar of the Supreme Court, and a District Judge of the Family Justice Courts. She is a Certified Mediator with the Singapore Mediation Centre (“SMC”) and Singapore International Mediation Institute.

Khadijah has been actively involved in training for 10 years. As Principal Legal Skills Trainer for Lacuna, Khadijah customises and delivers legal skills training programmes to law firms, aimed at developing competencies in young practitioners and providing refreshers for more senior practitioners. Khadijah is also a Legal Skills Instructor for the NUS Faculty of Law and a Mediation Trainer for the SMC. She previously served as an Advocacy Trainer for The Law Society, and as a Negotiation Tutor for the Singapore Institute of Legal Education Part B Course. A full write-up of Khadijah’s qualifications, publications, and testimonials by her former students can be found at: www.lacuna.com.sg/trainer. You can also reach Khadijah directly at sim.khadijah@lacuna.com.sg.

About Lacuna Training Solutions

Lacuna Training Solutions is a ‘one-stop shop’ for assessing your law firm’s training needs and providing a customised legal skills Training Programme. Our Trainer also conducts one-on-one Coaching Sessions for your lawyers. To find out more about our services, please visit our website at www.lacuna.com.sg or contact us with your enquiries at enquiry@lacuna.com.sg.

- ¹ See Faris Mokhtar, “Training Regime for Lawyers to be Overhauled”, *Today* (30 August 2018), online: <https://www.todayonline.com/singapore/training-regime-lawyers-overhauled>. For a full write-up on the proposed changes, see the press release by the Ministry of Law, “Law Ministry Accepts Recommendations to Strengthen Professional Training of Lawyers”, Ministry of Law website (30 August 2018), online: <https://www.mlaw.gov.sg/content/minlaw/en/news/press-releases/law-ministry-accepts-recommendations-to-strengthen-professional-.html>.
- ² See, for example:
 - a. Fabian Koh, “Beware of Burnout, New Senior Counsel Tells Junior Lawyers”, *The Straits Times* (8 Jan 2019), online: <https://www.straitstimes.com/singapore/beware-of-burnout-new-senior-counsel-tells-junior-lawyers>;
 - b. Lee Kwok Weng, “Are There Laws to Prevent Long Working Hours”, *The Straits Times* (14 Jan 2019), online: <https://www.straitstimes.com/forum/letters-on-the-web/are-there-laws-to-prevent-long-working-hours>; and
 - c. Shawn Toh, “Law Society Working Hard at Improving Welfare of Young Lawyers”, *The Straits Times* (18 Jan 2019), online: <https://www.singaporelawwatch.sg/Headlines/law-society-working-hard-at-improving-welfare-of-young-lawyers-forum>.
- ³ Hri Kumar Nair SC, “In Search of Purpose and Mentorship” [2018] SAL Prac 15 (26 November 2019), reproduced in Hri Kumar Nair SC, “Law – Building the Next Generation”, *The Straits Times* (28 November 2019), online: <https://www.straitstimes.com/opinion/law-building-the-next-generation>
- ⁴ Albert Chua, “The Big Read: Rise of the Machine — How Technology is Disrupting Singapore’s Law Firms”, *Channel News Asia* (21 Jan 2019), online: <https://www.channelnewsasia.com/news/singapore/lawyers-law-sector-disrupted-technology-artificial-intelligence-11145088>. See also Omni Legal, “Artificial Intelligence Won’t Replace Lawyers – It Will Free Them”, *Law Technology Today* (27 February 2018), online: <https://www.lawtechnologytoday.org/2018/02/artificial-intelligence-wont-replace-lawyers-it-will-free-them/>.
- ⁵ Dylan Thomas, “Do Not Go Gentle into That Good Night”, in *Dylan Thomas: Selected Poems 1934 – 1952* (New Directions Publishing Corporation, 2003) at Page 122.
- ⁶ *Ibid.*