



Guide On The
**Development
Of Junior Civil
Commercial Litigators
In Oral Advocacy**

Foreword

The renewal of the Bar is a matter of the highest importance because a strong and vibrant Bar is an essential component of our legal system. The Bar plays a vital role in the administration of justice, advising those who seek to vindicate their legal rights, supporting the efficient and effective operation of the courts, and serving as a pool of talent from which members of the judiciary may be drawn.

Over the decades, the market for legal services has grown in size and sophistication. But that growth has not come without challenges. As cases grow in complexity and value, clients naturally prefer that senior lawyers have conduct of their briefs. This can present a problem if it results in fewer opportunities for junior counsel to take the lead, particularly since the advocate's craft is one best developed through practice and hands-on experience. As more new entrants join the ranks of the profession, the need to ensure that those who wish to pursue a career in advocacy have adequate opportunities to hone their skills has been and will continue to be a priority.

A number of initiatives have been launched in recent years to address this very need. In October 2018, 21 law practices, including some of Singapore's largest law practices, pledged to provide more opportunities for junior advocates to cut their teeth in court as lead counsel. In support of this initiative, the Supreme Court Practice Directions were amended to encourage senior counsel to apprise the client of the benefits of allocating certain advocacy tasks to junior counsel, and to require, unless the court otherwise orders, that junior assisting counsel be tasked with certain advocacy tasks such as delivery of the oral opening statement in civil trials.

This Guide on the Development of Junior Civil Commercial Litigators in Oral Advocacy complements those initiatives. One of the challenges it addresses is the reality that the availability and quality of advocacy opportunities can vary widely across different firms and areas of practice. The Guide helps to level the field by providing a set of quantitative and qualitative markers against which junior lawyers at varying levels of seniority may benchmark their progress. This will not only help aspiring advocates to better gauge their own progression and professional development, but also encourage law practices to ensure that the opportunities they offer are in keeping with industry best practice.

I commend the Professional Development and Practice Chapter and the Young Members Chapter of the Singapore Academy of Law's Professional Affairs Committee for the excellent work that has gone into this superbly meaningful initiative, which will, I am sure, serve as an invaluable guide to young lawyers and law practices alike and help support the renewal and rejuvenation of the Bar for generations to come.

Chief Justice Sundaresh Menon
Supreme Court of Singapore
May 2022

1. The Guide on the Development of Junior Civil Commercial Litigators in Oral Advocacy (“**Guide**”) is a joint initiative by the Professional Development and Practice Chapter and the Young Members Chapter of the Singapore Academy of Law (“**SAL**”)’s Professional Affairs Committee. It is intended to provide guidance on developmental milestones and areas of exposure that junior litigators (i.e., PQE 1 to 7¹) (“**JLs**”) should progressively seek to unlock in the area of oral advocacy² in civil commercial litigation³, taking into account consultation with and feedback received from the Law Society of Singapore, the SAL and members of the Singapore Judiciary.



OBJECTIVES OF THE GUIDE

2. The Guide is intended to complement ongoing initiatives implemented to address the lack of opportunities JLs have in order to hone their skills as advocates in contentious proceedings before the Singapore Courts. Those initiatives include (a) the Pledge, initiated by the Young Members Chapter of the SAL’s Professional Affairs Committee and signed by 21 law practices in October 2018, to provide more oral advocacy opportunities for young lawyers, and (b) Amendment No. 3 of 2018 to paragraph 19 of the Supreme Court Practice Directions.⁴
3. The Guide is not intended to impose binding commitments on JLs or their law practices. It seeks rather to further the twin aims of:
 - (a) *First*, providing JLs with a **guide** against which they may take ownership of and chart their own progression and skills development in the area of oral advocacy. This is necessary as the opportunities JLs are able to access differ across law practices. An objective guide would facilitate a JL’s assessment and understanding of where he or she stands in terms of skills development at an industry-level⁵.
 - (b) *Second*, **encouraging** law practices to proactively consider and finetune the level of exposure provided to their JLs (using the Guide as a benchmark tool), in order to further their internal training and talent-retention objectives.

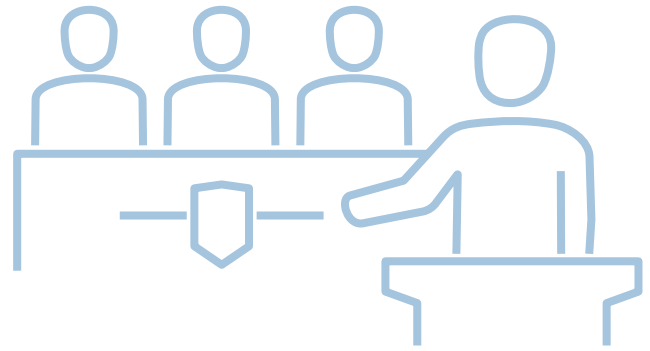


- 1 For purposes of the Guide, a JL who is called to the Singapore Bar in 2021 is considered to be at PQE 1 during his or her post-call portion of the year 2021, and to be at PQE 2 in 2022.
- 2 The Guide targets *oral advocacy*, which is identified as the area in which the problem of a lack of opportunities for JLs is most pressing. Guidelines may be considered at a later stage for other equally important skills JLs should develop and hone (e.g., in the areas of written advocacy and negotiations).
- 3 This Guide is limited to JLs in *civil commercial litigation* practice where the issue of there being a lack of oral advocacy opportunities for JLs is observed to be most acute. Similar guidelines may be considered at a later stage for junior practitioners in criminal litigation and other areas of civil litigation (e.g., family law practice).
- 4 The Amendment (among other things) added paragraphs 19(5)-(6) of the Supreme Court Practice Directions, which were the predecessor of paragraphs 96(4)-(5) of the Supreme Court Practice Directions 2021 (wef 1 April 2022) set out below:
“4. For civil proceedings, lead counsel are strongly encouraged to apprise the client of the benefits of allocating certain advocacy tasks to junior assisting counsel, including the potential benefits of reduced legal costs and increased focus by lead counsel on the main advocacy tasks, and to therefore consider obtaining instructions to make an application in accordance with sub-paragraph (2). In this regard, lead counsel are encouraged to consider that giving junior assisting counsel more opportunities for oral advocacy could potentially benefit the client and, at the same time, promote renewal of the Bar.
5. For civil trials: (a) Notwithstanding sub-paragraphs (1) and (2), and save where lead counsel is a junior counsel, the junior assisting counsel must deliver the oral opening statement unless the Court otherwise orders; and (b) lead counsel are to inform the trial judge at the Judge Case Conference (“JCC”), or if a JCC has not been fixed, at the start of the trial, whether their client will be making an application pursuant to sub-paragraph (2) above and, if so, the proposed division of advocacy tasks between lead counsel and junior assisting counsel.”
- 5 It is noted that there has been a competency framework for Singapore in-house counsel (published by the Singapore Corporate Counsel Association) since 2018 (<https://www.scca.org.sg/competency-framework>).



MECHANICS OF THE GUIDE

4. The Guide is set out in **Annex A**. It charts the first 7 years⁶ of a JL's career based on a continuum of three-year periods: PQE 1-3 ("**Level 1**"), PQE 3-5 ("**Level 2**") and PQE 5-7 ("**Level 3**"). Three-year (rather than yearly) periods have been adopted since year-on-year opportunities invariably differ amongst JLs (being dependent on, among other things, the complexity and contentiousness of cases assigned to JLs, the profile of clients involved, the stage of proceedings at which JLs are brought on cases, and the possibility of settlements occurring).
5. The Guide focuses on hearings (first instance and appeals) up to the High Court (General Division) level⁷. These are categorised into those of a procedural nature and those of a substantive nature, as defined below:
- (a) "**Procedural Hearings**" refer to hearings which are convened for parties to take timelines and directions for the further conduct of the matter (*i.e.*, Case Conferences⁸ and attendances before Duty Registrar to take directions), including to seek extensions of time and adjournments.
- (b) "**Substantive Hearings**" refer to all other hearings. These are sub-divided into three categories of typically increasing levels of complexity:
- (i) "**Category I Substantive Hearings**" refer to:
- hearings (first instance and appeals) for interlocutory matters⁹ which do not have a direct bearing on the substantive outcome or progress of the case (e.g., further and better particulars, document production, security for costs, bifurcation, amendment);
 - hearings (first instance and appeals) for enforcement orders (e.g., attachment of debt, seizure and sale of property); and
 - hearings for assessment of costs (or reviews therefrom).



(ii) "**Category II Substantive Hearings**" refer to:

- Hearings (first instance and appeals) for interlocutory matters having a direct bearing on the substantive outcome or progress of the case (*e.g.*, striking out, summary judgment, challenge to Court's jurisdiction, setting aside of judgment or service, permission to appeal);
- hearings (first instance and appeals) for injunction, search orders and other interim relief; and
- hearings for examination of enforcement debtor.

(iii) "**Category III Substantive Hearings**" refer to:

- trial hearings arising from Originating Claims¹⁰ and appeals therefrom;
- hearings (first instance and appeals) for Originating Applications¹¹; and
- hearings (first instance and appeals) for assessment of damages.

⁶ Litigators beyond PQE 7 are typically at or close to transitioning into partnership roles in their law practices, and would be expected to have achieved competence in the independent handling of most types of hearings at least up to the High Court (General Division) level.

⁷ Given the complexity and stakes typically involved in hearings before the Appellate Division and Court of Appeal, it is less realistic to expect JLs to achieve competence as lead counsel for such hearings. The Guide does not therefore include such a qualitative milestone. However, where circumstances permit, JLs (particularly those in Level 3) should seek to gain airtime at hearings before the Appellate Division and Court of Appeal (whether as lead counsel or assisting counsel arguing discrete issue(s) at the hearing) in preparation for the next stage of their careers.

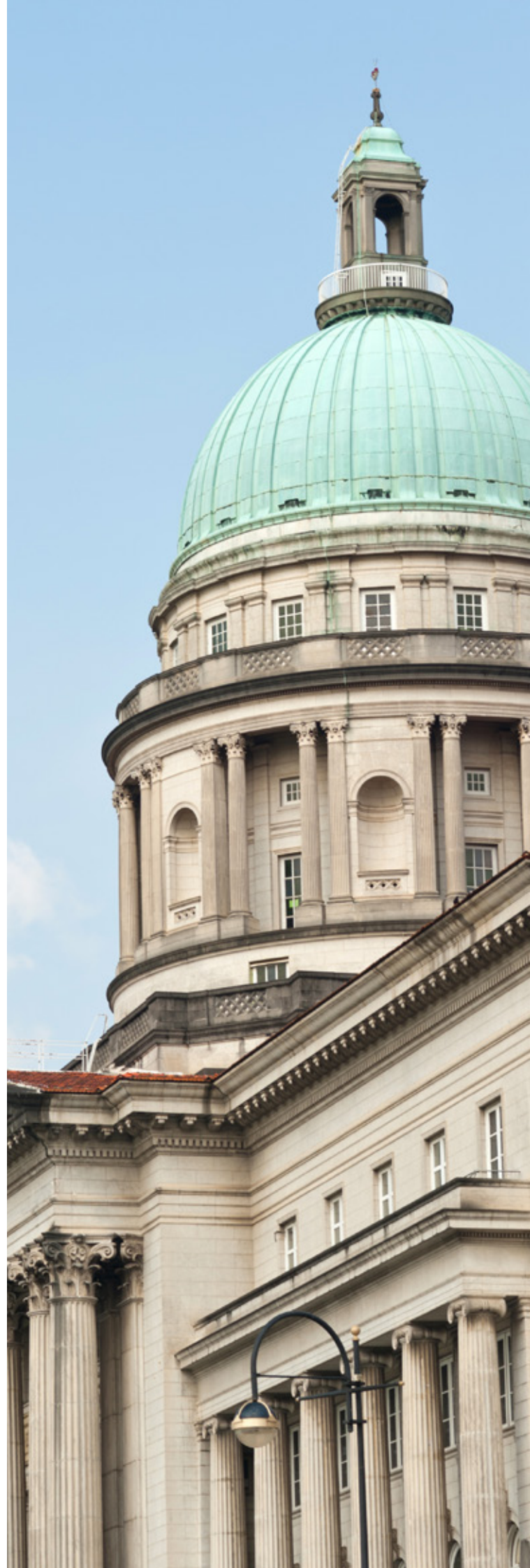
⁸ As defined in the Rules of Court 2021 (wef 1 April 2022) ("**ROC 2021**") and governed by Order 9 rule 1 therein.

⁹ Order 9 rule 9 of ROC 2021 provides that, as far as possible, a single application is to be made dealing with all matters that are necessary for the case to proceed expeditiously. References in this Guide to "hearings" include portions of a single hearing which may be fixed for a single application dealing with several matters.

¹⁰ As defined in ROC 2021.

¹¹ As defined in ROC 2021.

6. **Qualitative Milestones:** The Guide sets out qualitative milestones JLs should seek to achieve by the end of each three-year Level. JLs are to apply increasingly advanced skill sets in each Level as his or her career progresses.
- (a) At **Level 1**, the focus is on (i) gaining exposure to as broad a range of hearings as possible (typically as assisting counsel), and (ii) increasingly taking on leading roles at lower-stakes hearings (i.e., Procedural Hearings and Category I Substantive Hearings) with the attendance of a senior lawyer to goal-keep if necessary.
 - (b) At **Level 2**, JLs are typically close to or transitioning into senior associate roles at their law practices, and should (i) seek to achieve readiness in the independent handling of Category I Substantive Hearings, (ii) begin to take on leading roles at Category II Substantive Hearings, and (iii) where possible, seek to obtain airtime at Category III Hearings.
 - (c) At **Level 3**, JLs should (i) seek to achieve readiness in the independent handling of Category I and II Substantive Hearings, and (iii) continue to gain exposure at Category III Hearings.
7. **Quantitative Measures:** Recognising the importance of practice for purposes of skills development, the Guide includes a recommendation on the number of Court attendances JLs should generally strive towards (including in pro bono cases) in order to work towards achieving the Qualitative Milestones within each Level.
8. As the complexity and contentiousness of hearings inevitably vary (even within the category of “Procedural Hearings” and within each of Categories I, II and III Substantive Hearings), this Guide is intended only as a non-binding, indicative guide for practitioners. The Guide may be reviewed from time to time.



Level 1 (PQE 1–3) **Qualitative Milestones**

1. Gain exposure as assisting counsel at all manner of Procedural Hearings.
2. Gain exposure as assisting counsel at all manner of Substantive Hearings, i.e.:
 - hearings for (a) interlocutory applications which do not have a direct bearing on the substantive outcome or progress of the case, (b) enforcement orders, and (c) assessment of costs [**“Category I Substantive Hearings”**]
 - hearings for (a) interlocutory applications having a direct bearing on the substantive outcome or progress of the case, (b) injunction, search orders and other interim relief, and (c) examination of enforcement debtor [**“Category II Substantive Hearings”**]
 - trial hearings, hearings for Originating Applications, and assessment of damages [**“Category III Substantive Hearings”**]
3. By the end of this Level, JLS should have accumulated experience as lead counsel at:
 - Procedural Hearings
 - Category I Substantive Hearings before Registrar (with supervision in attendance, if needed)

 **Quantitative Measures**

4. Level 1 JLS should seek to conduct an average minimum of 2 court attendances per month (at Procedural and/or Substantive Hearings), whether as lead or assisting counsel

Level 2 (PQE 3–5) **Qualitative Milestones**

5. Continue to accumulate experience as lead counsel at Category I Substantive Hearings before Registrar and Judge
6. Gain exposure as lead counsel at Category II Substantive Hearings (with supervision in attendance, if necessary)
7. Where possible, gain exposure to Category III Substantive Hearings, whether as lead counsel or as assisting counsel handling discrete aspects of the hearing e.g.:
 - delivery of opening statement at trial;
 - examination, cross-examination and re-examination of witness(es) at trial;
 - arguing discrete issue(s) at hearing of Originating Applications

 **Quantitative Measures**

8. Level 2 JLS should seek to conduct an average minimum of 2 court attendances per month (at Procedural and/or Substantive Hearings), whether as lead or assisting counsel
9. By PQE 4, JLS should seek to conduct an average minimum of 2 court attendances per year at Substantive Hearings, as lead counsel

Level 3 (PQE 5–7) **Qualitative Milestones**

10. Continue to accumulate experience as lead counsel at Category I & II Substantive Hearings before Registrar and Judge
11. Continue to gain exposure to Category III Hearings, whether as lead counsel or as assisting counsel arguing discrete issues(s) at the hearing

 **Quantitative Measures**

12. By PQE 5-6, JLS should conduct an average minimum of 3 court attendances per year at Substantive Hearings, as lead counsel
13. By PQE 7, JLS should conduct an average minimum of 4 court attendances per year at Substantive Hearings, as lead counsel

Beyond PQE 7

Readiness to independently handle most Category I, II & III Substantive Hearings



