

**The Law Society of Singapore Annual Continuing Professional Development Day 2016**  
**1 November 2016, Suntec Singapore Convention and Exhibition Centre**

**Keynote Address**

“You cannot step into the same river twice” – that is the constant reminder of change, but change is also the master of inconsistency. Extreme preoccupations with change tend to lead us directly into the danger of obliterating things that we ought to preserve and, conversely, we must guard against creating a clutter of things that we do not require. In the last twenty years or so, technology has been forcing the pace on life and work at such speed that we often have no time to worry about whether we are going nowhere in spite of great movements. The rapid and constant turnarounds that we encounter in our daily lives, at work, at play, and even in our leisure times (Facebook and the rest of social media) leave us with the impression that change means progress. That is not entirely false, but we mislead ourselves when we take that tiny grain of truth to be a full harvest. That is why we have to be wise enough to know what changes are necessary and have the courage to resist when they are not. Laws and regulations, procedure and practices, those are things that can change and will always be changing. But a lawyer’s craft does not change much. One might tweak it a little to keep up-to-date with modern language, but otherwise, the skills that a lawyer needs remain the same.

CPD is not just a chasing of points; if chasing points is the objective, Pokemon hunting is probably a better alternative. No one is born a great lawyer, nor does he become one. He is always in the process of becoming. That is the idea of CPD. The CPD programme should be designed to develop lawyers into competent and wholesome professionals, and that includes inculcating in all lawyers a burning life-long desire for self-improvement. That sounds simple but it is a statement that carries a huge mission. The word ‘wholesome’ denotes the idea of completeness. The complete lawyer is not just a good cross-examiner; he is not just a good orator; and just looking wholesomely good is also not enough. How then should CPD be viewed from the eyes of the participants and the organisers?

CPD papers and topics are usually informative and instructive, and when well delivered, they make the course thoroughly enjoyable. But if the instructor is unable to captivate his audience, then it may be time for him to attend CPD courses himself. A lawyer’s audience is not just the court. He cannot expect to become an effective advocate unless he can be sensible,

knowledgeable, and articulate – whether in discussion with his client, or negotiating with other lawyers, or addressing the court, or speaking to an audience in search of CPD points.

Of course, the lawyer needs to understand the rudiments of the substantive laws in his area of practice. The commercial lawyer must know about offer and acceptance; the criminal lawyer must understand the burden of proof. Then he must have a firm knowledge of evidence and procedure – these are the skeletons of practice upon which law and facts are the flesh. A massive body with strong bones and muscular flesh looks good but is useless unless it is mobile – there is no point having an atomic bomb with no means of delivery. The complete lawyer is a person of substance and yet, is flexible and mobile. He cannot be a professional if he does not possess the professional skills required of him. His craft is developed with and through the mastery of language. That is the most important tool that he carries with him.

It is the command of the language that enables us to carve through the skin, past the flesh, and to the bones. Words, well put together, reveal the big picture that covers the entire canvass, then we can focus our attention on specific spots to examine in depth. Clarity of words leads to clarity in thought. And we need that clarity to understand not just the difference between necessity and luxury, but also between utility and futility. The ability to do this is the foundation of efficiency.

No lawyer can remain wholesome without discipline. Discipline manifests itself in little ways. Many lawyers do not even know how to speak in their first few minutes before a judge. “Good morning Your Honour’ they tend to say nowadays. The judge is not interested in the morning or how good it might be. The judge is a professional no less than the lawyer. He wants to get down to business expeditiously. Lawyers set a dark and gloomy stage for the rest of the proceedings when they do not even know who should speak first, or what they ought to say. They will likely splutter and splutter along the same pattern they set in a muddled introduction. What is so difficult about getting into court, looking at the judge, and saying:

“May it please the court? My name is Adrian Somebody, I appear together with Mr Bernard Nobody. We are for the plaintiff. My learned friend Mr Charles Highhopes and his assisting counsel Mr Darren Nohope appear for the defendant.”

That should create a sufficient momentum to carry you into the next line which may be:

“We are here on the plaintiff’s application to seek a court order compelling the defendant to answer the interrogatories served on him.”

And so on. One brick at a time. Opening gambits in court have few variations, but it is crucial that we do not fluff our lines so that we can have the confidence and momentum to get to the tough bits. So we must therefore get through the baby talk quickly and steadily. That needs discipline and practice – and some sensible instructions.

Finally, a well-trained man who commands language to his bidding is but a knave unless he has a sense of etiquette and a moral sense. He must know how to behave towards others (the etiquette part) and how to behave himself in the absence of others (the moral part). Unless the lawyer looks to becoming wholesome in the sense I describe, and CPD courses are developed to help him achieve that, the lawyer will not even realise that he is merely a technician instead of the professional that he ought to be. Training never ends. One does not eat just for a day. One eats every day.

Justice Choo Han Teck

1 November 2016