



Pro Bono Practices and Opportunities in Singapore

INTRODUCTION

The Singapore legal community has an important tradition of rendering pro bono work and has made a number of efforts to encourage participation in pro bono legal services. In 2006, the Law Society recommended that every Singapore qualified lawyer commit to at least 25 hours of pro bono work per year. More recently, since 2012, there has been a push to make pro bono work mandatory for lawyers who hold a practising certificate. The following sections describe in more detail the Singapore legal system, and the growing emphasis on pro bono engagement.

OVERVIEW OF THE LEGAL SYSTEM

The Justice System

Constitution and Governing Laws

The Constitution of the Republic of Singapore is accorded legal supremacy under Singapore law. It is specifically provided in the Singapore Constitution that any law enacted by Parliament which is inconsistent with the Singapore Constitution shall be void to the extent of the inconsistency. With certain limited exceptions, an amendment to the Singapore Constitution may be effected by the vote of two-thirds of the total number of elected Members of the Singapore Parliament.¹

The Singapore legal system is primarily based on the English legal system. Singapore legislation provides that the common law and rules of equity of England, to the extent it was part of Singapore law immediately before November 12, 1993, shall continue to be part of Singapore law (subject to its applicability to the circumstances of Singapore and subject to modification as those circumstances require), and various English statutes (relating primarily to maritime, corporate, commercial and contract matters) have been received or incorporated into Singapore law, subject to various exceptions and limitations.²

The doctrine of judicial precedent applies in Singapore, such that the operative reasons (the *ratio decidendi*) for the judgment of a court are binding on courts which are lower in the judicial hierarchy. The decisions of the courts of other jurisdictions are not binding in Singapore, though those of various leading jurisdictions (especially in the English common law tradition) such as England and Australia can potentially carry persuasive value, in particular in commercial cases.

The Courts

Court System

The Singapore judicial system is comprised of two tiers: the Supreme Court and the State Courts. The Supreme Court is constituted by the Court of Appeal and the High Court. The Court of Appeal is the highest appellate court in Singapore. The High Court exercises original and appellate jurisdiction in civil and criminal cases, hearing both cases in the first instance, as well as cases on appeal from the State Courts. The State Courts consist of the District Courts and Magistrates' Courts as well as specialized courts such as the Juvenile Court, the Family Court, the Traffic Court, the Night Courts, the Coroner's Courts and the Small Claims Tribunal.

¹ See SINGAPORE CONST. art. 4 and 5, 1963. The text of the Constitution of Singapore is available at the Attorney-General's Chambers – Singapore, homepage, <http://statutes.agc.gov.sg> (last visited on September 4, 2015).

² See sections 3 and 4, Application of English Law Act (Chapter 7A of the Laws of Singapore).



In 2013, the Supreme Court heard a total of 15,249 civil and criminal matters, whereas the State Courts heard a total of 342,246 civil and criminal matters³. As these statistics reveal, the bulk of civil and criminal cases originate in the State Courts. While the High Court has original jurisdiction in all cases, it generally only deals with civil matters where the value of the subject matter of the claim exceeds S\$250,000 (the general pecuniary jurisdictional limit for State Courts) and criminal matters where the punishment involves the death penalty or more than ten years of imprisonment. Consequently, the greatest need for pro bono assistance arises at the level of the State Courts.

Appointment of Judges

Judges of the Singapore courts are appointed and not elected to the Bench.

Supreme Court judges are appointed by the President on the advice of the Prime Minister, who is required to consult the Chief Justice before tendering his advice on the appointment of any such judge.⁴ The only formal qualification requirement for such an appointment is that the prospective appointee must essentially have been, for an aggregate period of not less than ten years, qualified to practice law or been a member of the Singapore Legal Service, or both.⁵ In practice, appointments to the Supreme Court Bench have tended towards senior and established lawyers in private practice, academia and the Singapore Legal Service.

State Court judges (comprising District Judges and Magistrates) are appointed by the President on the recommendation of the Chief Justice.⁶ The formal qualification for such appointment is that the prospective appointee must essentially have been, for an aggregate period of not less than five years for a District Judge and one year for a Magistrate, qualified to practice law or been a member of the Singapore Legal Service, or both.⁷

The Practice of Law

Education

Singapore has two law schools that offer a law degree that is recognized under the Legal Profession Act for legal practice in Singapore.⁸ Prior to the establishment of law schools in Singapore, lawyers in Singapore were typically educated in the United Kingdom.⁹ There were 19 institutions in the United Kingdom that confer degrees on their graduates that were officially recognized under the Legal Profession Act, thus enabling their graduates to meet the academic requirements necessary to sit the Singapore Bar examinations. In addition, there are currently another ten institutions in Australia, two institutions in New Zealand and four institutions in the United States that may similarly confer qualifications meeting these academic requirements. With effect from the 2016/2017 academic year, degrees conferred by eight of the aforementioned institutions in the United Kingdom will no longer be regarded as satisfying such academic requirements, subject to various transitional arrangements for Singapore citizens and permanent residents who may have already secured places to read law in these eight institutions.¹⁰

³ Figures are subject to revision.

⁴ See Singapore Const. art. 95, 1963.

⁵ See Singapore Const. art. 96, 1963.

⁶ See sections 9 and 10, State Courts Act (Chapter 321 of the Laws of Singapore).

⁷ See sections 9 and 10, State Courts Act (Chapter 321 of the Laws of Singapore).

⁸ See MINISTRY OF LAW – RELEVANT LEGISLATION, Legal Profession Act, Legal Profession (Qualified Persons) Rules, available at https://www.mlaw.gov.sg/content/dam/minlaw/corp/Practising%20as%20a%20Lawyer/Legal%20Profession_Qualified%20Persons%20Rules_June2014.pdf (last visited on September 4, 2015).

⁹ See Tan Cheng Han, Legal Education in ASEAN, available at http://aseanlawassociation.org/9GAdocs/w2_Singapore.pdf (last visited on September 4, 2015).

¹⁰ See MINISTRY OF LAW – RELEVANT LEGISLATION, *supra* n.8.



Licensure

Lawyers in private practice in Singapore are required to hold a practicing certificate. Singapore operates a fused legal profession similar to the United States, with Singapore-qualified lawyers in private practice being licensed as both advocates and solicitors.

Any person seeking admission to the Singapore Bar would need to obtain a law degree from one of the approved universities in Singapore, the United Kingdom, Australia, New Zealand or the United States¹¹. Individuals who are not Singapore citizens or permanent residents and who do not hold a law degree from the National University of Singapore or the Singapore Management University are generally not eligible for admission to the Singapore Bar¹². Having obtained a law degree from an approved university, overseas graduates will have to complete Parts A and B of the bar examinations while both local graduates will only have to complete Part B of the bar examinations. Part A is a Singapore law focused conversion examination course, and Part B is a five-month long practical law course which focuses on procedural law and practice in Singapore relevant to civil and criminal litigation. In addition to the Part A and Part B courses, all individuals must go through a compulsory training period of not less than six months within a continuous period of eight months with a Singapore law practice in order to be admitted to the Singapore bar¹³.

Foreign qualified lawyers can practice in permitted areas of Singapore law by applying for a Foreign Practitioner Certificate (“FPC”) from the Attorney-General. In order to apply for the FPC, applicants must pass the Foreign Practitioner Examinations (“FPE”)¹⁴. Generally, foreign qualified lawyers must have at least three years of relevant legal practice or work which may be gained in Singapore or overseas before they can apply to sit for the FPE. Permitted areas of practice for holders of the FPC include areas such as banking and finance, mergers and acquisitions and intellectual property law.

Demographics

There were, as of August 31, 2014, approximately 4,400 Singapore law qualified lawyers with a practicing certificate in Singapore. This figure does not include local lawyers without a current practicing certificate or foreign qualified lawyers (whether working in private practice, in-house or non-legal roles) for which data is not available. According to statistics provided by The Law Society of Singapore, as of August 31, 2014, there were over 800 law practices in Singapore, more than 700 of which comprised between one to five lawyers. As of August 31, 2014, there were 18 law practices in Singapore that comprised more than 31 lawyers.¹⁵

Legal Regulation of Lawyers

Lawyers in Singapore are regulated under the Legal Profession Act.¹⁶ Among other things, this Act constitutes the Law Society of Singapore¹⁷ (the “**Law Society**”) and amends and consolidates the law

¹¹ See <https://www.mlaw.gov.sg/content/minlaw/en/practising-as-a-lawyer/approved-universities.html> for a list of approved universities (last visited on September 4, 2015).

¹² See Part II and III of the Legal Profession (Qualified Persons) Rules available at <https://www.mlaw.gov.sg/content/dam/minlaw/corp/assets/documents/linkclick0667.pdf> (last visited on September 4, 2015).

¹³ Ibid at Section 6.

¹⁴ See Section 4 of the Legal Profession (Foreign Practitioner Examinations) Rules 2011 available at <http://statutes.agc.gov.sg/aol/search/display/view.w3p?page=0;query=Compld%3A1eb8e2b2-be97-426b-9ab0-bd24de489291%20ValidTime%3A20140919000000%20TransactionTime%3A20140919000000;rec=0;resUrl=http%3A%2F%2Fstatutes.agc.gov.sg%2Faol%2Fbrowse%2FtitleResults.w3p%3Bletter%3DL%3Btype%3DactsAll#pr6-he-> (last visited on September 4, 2015) for specific requirements to sit for the FPE.

¹⁵ See The Law Society of Singapore, General Statistics, available at <http://www.lawsociety.org.sg/about/genStatistic.aspx> (last visited on September 4, 2015).

¹⁶ See the Legal Professional Act, available at <http://statutes.agc.gov.sg/aol/home.w3p> (last visited on September 4, 2015).



relating to the legal profession. There is no mandatory obligation under Singapore legal professional rules or legislation to provide pro bono services in Singapore. In addition, there are no specific professional conduct laws and rules applicable to pro bono representation. The general Legal Profession (Professional Conduct) Rules under the Legal Profession Act, Chapter 161 of Singapore (the “PCR”), remain applicable to lawyers undertaking pro bono representation.¹⁸

Currently, only lawyers practicing Singapore law are subject to the PCR. Foreign lawyers are subject to limited regulation by the Attorney-General of Singapore. However, following a review of the legal regulatory framework in Singapore, proposals have been made, and are anticipated to be accepted, for a revision of that regulatory framework which will, among other things, revise the PCR and make foreign lawyers subject to the provisions of the revised PCR.¹⁹

In-house counsel in Singapore are not regulated, and there is no requirement for in-house counsel to be admitted to a bar association, either in Singapore or elsewhere, or to hold a practicing certificate before they may be employed in such capacity. In-house counsel do however remain subject to any relevant disciplinary rules which may be applicable to them in any jurisdiction in which they have been admitted.

LEGAL RESOURCES FOR INDIGENT PERSONS AND ENTITIES

The Right to Legal Assistance

The Constitution of Singapore provides Singapore citizens and non-Singapore citizens the right “to consult and be defended by” counsel of their choice upon their arrest. While such right to counsel is entrenched in the Singapore Constitution, the application of this constitutional right has been limited by legislation and judicial decisions. For instance, the Criminal Procedure Code provides that the protection applies only when an accused person has been brought before a court (not prior to the accused person’s appearance at court). In addition, the High Court has held that there is no right to be informed of the right to legal counsel. Without any obligation on the arresting authority to inform an accused person of their right to legal counsel, a person in Singapore may be questioned, interrogated and held in (pre-trial) custody prior to having knowledge of the right to legal counsel in Singapore.

In Civil Proceedings

Various legal aid schemes are available in Singapore. The government funded Legal Aid Bureau (the “LAB”) is the agency of the Ministry of Law responsible for administering legal aid for civil matters in Singapore.

In Criminal Proceedings

The criminal legal aid schemes are comprised primarily of The Supreme Court Legal Assistance Scheme for Capital Offences (the “LASCO”), a scheme administered by the Supreme Court, and the enhanced Criminal Legal Aid Scheme (the “CLAS”), a scheme administered by the Pro Bono Services Office of the

¹⁷ The Law Society of Singapore was established in 1967 and is a not-for-profit corporate established under the Legal Profession Act. The Pro Bono Services Office is the administrative arm of the Law Society of Singapore’s charity, the Law Society of Singapore, Pro Bono, Learning and Support Services. See Law Society of Singapore Annual Report 2011, available at [http://probono.lawsociety.org.sg/Documents/Annual-Report-2011-\(V6111027\).pdf](http://probono.lawsociety.org.sg/Documents/Annual-Report-2011-(V6111027).pdf) versionv3.pdf (last visited on September 4, 2015).

¹⁸ See the Legal Profession (Professional Conduct) Rules under the Legal Profession Act, ch. 161 of Singapore, available at <http://www.lawsociety.org.sg/forPublic/YoutheLawyer/CodeofConductforLawyers.aspx> (last visited on September 4, 2015) which state that the rules are generally applicable to “every advocate and solicitor who has in force a practicing certificate,” and would therefore be applicable in the context of a pro bono representation.

¹⁹ See the Final Report of the Committee to Review the Regulatory Framework of the Singapore Legal Services Sector, available at <https://www.mlaw.gov.sg/content/dam/minlaw/corp/News/Final%20Report%20of%20the%20Committee%20to%20Review%20the%20Reg%20Framework%20of%20the%20Spore%20Legal%20Sector.pdf> (last visited on September 4, 2015).



Law Society. The LASCO seeks to provide legal representation to defendants facing capital charges in the High Court.

State-Subsidized Legal Aid

The Legal Aid Bureau (LAB)

In general, volunteer opportunities with the LAB are open only to Singapore qualified practising lawyers. However, non-practising lawyers and non-Singapore qualified lawyers may volunteer with the LAB by assisting with certain out of court tasks, such as interviewing applicants, drafting legal opinions and court documents and conducting legal research.

Eligibility

The LAB provides legal aid to Singapore citizens and permanent residents in civil proceedings where legal representation is allowed, including proceedings in the High Court, Court of Appeal, District Courts and Magistrates' Courts, Syariah Court²⁰ and Syariah Court Appeal Board, and under the Women's Charter²¹.

The LAB does not provide legal aid for certain criminal proceedings and civil proceedings including, among others, proceedings in respect of defamation, breach of promise of marriage or the inducement of one spouse to leave or remain apart from the other, proceedings before the Small Claims Tribunal and the Tribunal for the Maintenance of Parents, proceedings in the Family Court for maintenance and personal protection orders and any application under the Parliamentary Elections Act (Cap. 218) or the Presidential Elections Act (Cap. 240A)²².

To be eligible for legal aid, an applicant must (i) be a Singapore citizen or permanent resident in Singapore, (ii) satisfy a means test,²³ and (iii) satisfy a merits test.²⁴ Approved cases are handled by LAB in-house lawyers, as well as volunteer private lawyers. The legal aid provided by the LAB is not free, and a recipient of legal aid may be required to pay a contribution towards the costs of work done on their case. The total contribution usually does not exceed S\$1,000, but it may be more in some cases.²⁵ This required contribution will be determined by considering the financial means of the recipient, the nature of the case, the amount of work done and the amount of money recovered for the recipient.

²⁰ The Syariah court has jurisdiction to hear and continues to exist as a court of competent jurisdiction with power and jurisdiction to hear and determine disputes defined by the Administration of Muslim Law Act 1968.

²¹ The Women's Charter is a legislative act that was passed in 1961 to protect and advance the rights of women and girls in Singapore. It provides protection against family violence and penalty for offences against women and girls. <http://www.scwo.org.sg/index.php/resources/womens-charter> (last visited on September 4, 2015).

²² This acts set out the rules governing elections in Singapore.

²³ The Means Test is determined by § 8(2)(b) of the Legal Aid and Advice Act. An applicant must have a disposable income not in excess of S\$10,000 per annum (with some allowable deductions) and disposable capital not in excess of S\$10,000. In addition, the disposable income of the applicant together with the income (if any) of the applicant's spouse during the period of 12 months immediately preceding the date of the application must not exceed S\$10,000 per annum. See The Legal Aid Bureau's Assigned Solicitor's guide, available at, <https://www.mlaw.gov.sg/content/dam/minlaw/lab/Assigned%20Solicitors/LAB%20AS%20Guide.pdf> (last visited on September 4, 2015).

²⁴ The Merits Test is determined pursuant to § 8(2)(a) of the Legal Aid and Advice Act. An applicant must have reasonable grounds for taking, defending, continuing or being a party to the proceedings for which they are seeking legal aid. See The Legal Aid Bureau's Assigned Solicitor's guide, available at, <https://www.mlaw.gov.sg/content/dam/minlaw/lab/Assigned%20Solicitors/LAB%20AS%20Guide.pdf> (last visited on September 4, 2015). The Legal Aid Bureau reserves the right to extend legal aid, at the Director of Legal Aid's absolute discretion, to an applicant who fails the Means Test but is facing "hardship" and passes the Merits Test. See The Legal Aid and Advice Act Second Schedule ¶¶ 5 and 7.

²⁵ See <https://www.mlaw.gov.sg/content/lab/en/what-we-do/is-legal-aid-free.html> (last visited on September 4, 2015).



Scope of Legal Aid Provided to Eligible Persons

The legal assistance provided by the LAB extends to legal advice, legal documentation drafting and representation in court proceedings.

Assistance Scheme for Capital Offences (LASCO)

Approximately 90% of all capital cases before the High Court are defended by LASCO counsel and the remaining cases are defended either by paid counsel or by counsel from other pro bono schemes (e.g., the CLAS). Any lawyer seeking to participate in the LASCO must be on the Supreme Court's Register of Counsel and qualified to practice in Singapore. In addition, to apply to the Supreme Court's Register of Counsel, a lawyer must be in good standing and reputation and have a certain level of experience in criminal trials.

Eligibility

Any defendant who is charged with a capital offense is eligible for legal assistance under the scheme. There is no means or merit test to satisfy.

The Enhanced Criminal Legal Aid Scheme (CLAS)

An enhanced CLAS was launched in May 2015 which seeks to improve upon the existing CLAS scheme. The Pro Bono Services Office will continue to run CLAS and the legal services will still be provided by volunteer lawyers. However, the Government will now provide the bulk of funding, comprising S\$800,000 for start-up costs and an annual commitment of S\$3.5 million to cover operational costs, honoraria and disbursements. The State Courts estimate that there are about 12,000 litigants-in-person per year, of which half could benefit from some form of legal representation. Enhanced CLAS aims to help up to 6,000 accused persons per year, a tenfold increase from the number previously helped.

Eligibility

The enhanced CLAS does not limit its representation on the basis of citizenship or residency, but does require that potential clients satisfy a means test. To qualify for aid, applicants' disposable income may not exceed S\$10,000 per annum.

Provision of Services Under the Enhanced CLAS

If an application for legal aid is granted, the applicant will be assigned a Singapore law qualified volunteer lawyer (usually a criminal lawyer in private practice who is volunteering their services) to handle their case. To increase the pool of lawyers available, law firms will second or sponsor lawyers to work full-time at the Pro Bono Services Office.

Unmet Needs and Access Analysis

In 2010, it was reported that a significant proportion of litigants in the State Courts did not have legal representation; one-third of litigants in criminal cases and over 90% of litigants in maintenance and family violence cases were unrepresented. Although the Government is expanding the coverage of legal aid, pro bono representation remains necessary to plug the gap in providing legal representation to the community.

PRO BONO ASSISTANCE

Pro Bono Opportunities

Private Lawyers

There is currently no mandatory obligation under Singapore's legal professional rules or legislation to provide pro bono services in Singapore. However since 2012, there has been a push to make pro bono



mandatory for lawyers who hold a practicing certificate. A committee to study community legal services initiatives (the “**Committee**”) was set up in 2012. The Committee, comprising members from the judiciary and practicing lawyers, had proposed the concept of Community Legal Services (“**CLS**”) in their first consultation paper (circulated on October 31, 2012). The objective of CLS was to encourage lawyers of the Singapore Bar to provide legal assistance to low-income Singaporeans who might not be able to gain access to legal services. It was proposed that lawyers who hold a practicing certificate should fall within the remit of CLS and be required to fulfil at least 16 hours of pro bono work each year. It was also considered that lawyers could choose to give contributions-in-lieu if they could not fulfil their CLS requirements, at rates that would be calculated according to pre-determined hourly rates. The revenue from these contributions would then be channeled back into the operational costs of CLS.

Following feedback received from the first consultation paper, the Committee had recommended that mandatory pro bono be implemented in two stages: (i) an aspirational target of pro bono hours and mandatory reporting of the number of pro bono hours completed each year; and (ii) a mandatory minimum number of pro bono hours to be completed each year. The requirement of mandatory reporting has already taken effect as of 2015. The second stage of implementing mandatory pro bono hours will have to undergo further consultation before a decision can be made regarding its implementation.

Law Firm Pro Bono Programs

Law firms are free to initiate their own pro bono initiatives. As a matter of practice, most firms would liaise with various legal aid organizations such as the Community Legal Clinics (discussed below) as a platform to fulfill their pro bono targets. While there are no mandatory regulations or framework governing a firm’s pro bono initiatives, the Law Society does offer a number of schemes to help law firms optimize their pro bono services.

An example of such a scheme is the Ad Hoc Pro Bono Assessment Scheme (“**APA Scheme**”). Under the APA Scheme, the Law Society assists practitioners who are planning to do pro bono work for needy persons by conducting an assessment of the prospective client’s suitability for pro bono assistance. The aim of the assistance is to determine whether the prospective client would benefit from any social service agency referral and at the same time, provide the practitioner with a case synopsis and background on the client’s legal issues. The practitioner can then make an informed decision on whether to take on the case on a pro bono basis.

Another scheme offered by the Law Society is the Volunteer Initiative Support Scheme. The scheme seeks to assist practitioners with administrative support and volunteer coordination or mobilization. An example of the support provided by the scheme is the knowledge management database relating to the pro bono initiatives by capturing and synthesizing practice information, legal issues and client profile which may then be used as precedent for new pro bono cases.

Non-Governmental Organizations (“NGOs”)

In addition to the LASCO, the CLAS and the LAB, the Law Society, as well as a variety of NGOs, administers a host of pro bono programs in Singapore. The Law Society runs community legal clinics (the “**Legal Clinics**”) at two locations, four nights per week (other than on public holidays and the eve of public holidays). The Legal Clinics provide free legal advice to Singaporean citizens and permanent residents on individual non-business matters. Pursuant to a Project Law Help scheme, the Law Society coordinates the provision of free non-litigation commercial legal advice to qualifying NGOs. To qualify for Project Law Help, an NGO must be present in Singapore, seek to address a community need and have limited financial resources. The Law Society pairs qualifying organizations with participating law firms. To participate in the Project Law Help scheme, law firms must have a Singapore law corporate practice.

A variety of NGOs also administer pro bono programs in Singapore. The Association of Criminal Lawyers of Singapore has a pro bono scheme that offers representation to defendants in certain cases before the Community Court. Volunteering for this scheme is not limited to members of the Singapore bar but is open to all individuals who are law graduates from recognized universities. Many NGOs, such as the Association of Women for Action and Research, the Catholic Lawyers Guild, Jamiyah (Muslim Missionary Society of Singapore), Lawyers’ Christian Fellowship, the Singapore Association of Women Lawyers, the



Singapore Council of Women's Organizations, the Special Needs Trust Company and the Humanitarian Organization for Migration Economics, run legal clinics on a regular basis or legal helpdesks. To participate in these legal clinics, a lawyer must be a member of the organization hosting the clinic, which may limit the pool of volunteers on religious or gender grounds. In addition, as many of the clinics seek to address local law issues, most require volunteer lawyers to be qualified to practice in Singapore.

The Kind Exchange is a platform that matches professionals (including, but not limited to, legal professionals) with community organizations seeking assistance with project based tasks. Participating groups post tasks they need on The Kind Exchange and interested volunteers may respond to the posting and execute the posted task for free. There are often pro bono opportunities for attorneys on The Kind Exchange. The Joint International Pro Bono Committee (the "JIPBC") seeks to provide international and local law firms with pro bono projects that facilitate the economic or social development of emerging markets. JIPBC is an initiative among a group of international and local law firms and the Law Society. For The Kind Exchange and JIPBC, lawyers do not need to be Singapore qualified to volunteer. However, given that the tasks are non-litigation based tasks, participating attorneys ideally should have familiarity with transactional or corporate legal work.

Law Society Pro Bono Programs

On September 10, 2007, the Law Society established the Pro Bono Services Office ("PBSO"). The aim of the PBSO was to manage all of the Law Society's pro bono initiatives as well as to bolster volunteerism in pro bono. The PBSO currently runs three categories of programs, namely, those for (1) individuals; (2) community-serving organizations; and (3) the community at large.

PBSO initiatives include the CLAS and APA Scheme (discussed above). In addition, the PBSO also operates Community Legal Clinics ("CLCs"). The purpose of the CLCs is to offer free basic legal advice to Singaporeans and Permanent Residents on personal legal matters. Currently, there are four CLCs operating island wide, each located at key public housing townships in Singapore. Each CLC was intended to operate four nights a week and as such, each CLC required volunteer practitioners on a large scale. This provided an opportunity for law firms to engage in a large scale and longer term pro bono initiative by encouraging their lawyers to participate in CLC sessions. From October 1, 2010 to March 31, 2011, 1444 persons have sought the help of the CLCs, of which 1053 received free legal advice from volunteer practitioners.

University Legal Clinics and Law Students

The drive to expand awareness of pro bono services has not been confined to practitioners. In January 2012, the Chief Justice of Singapore, Chan Sek Keong, announced that Singapore law schools will pilot mandatory pro bono programs for undergraduate law students in collaboration with Singapore's two law schools, the National University of Singapore and the Singapore Management University, together with the Singapore Institute of Legal Education, the body which oversees professional legal training before and after qualification. While the detailed requirements for such programs are still being developed (both as to the scope and hours requirements), trial programs have already commenced.

Historic Development and the Current State of Pro Bono

Historic Development of Pro Bono

The Singapore legal community has an important tradition of rendering pro bono work. Singapore's commitment to pro bono was affirmed as early as 1956 when the Parliament recognized the need for an improved legal aid scheme. While there have been no proposed increases or decreases in legal aid funding by the Singapore government, efforts are being made to increase participation in pro bono legal services by the legal community in Singapore. In 2006, the Law Society recommended that every Singapore qualified lawyer commit at least 25 hours of their time to pro bono work each year. Certain Singapore law firms have entered into agreements with the PBSO to commit to such a target. A Law Society generated survey indicates that the total number of pro bono hours declared by Singapore



qualified lawyers increased by 25% from 2009 to 2010²⁶. The PBSO is also actively encouraging participation by non-Singapore qualified lawyers by meeting with international firms and reaching out to in-house counsel, retired lawyers and legally qualified persons not working in the legal industry to promote the pro bono volunteer opportunities available in Singapore.

Current State of Pro Bono including Barriers and other Considerations

The roll-out of mandatory pro bono representation reporting is hoped to facilitate data collection to determine the number of pro bono hours required to meet the unmet need for legal assistance.²⁷

In an effort to expand the supply of pro bono services, the Ministry of Law, on November 1, 2013, allowed solicitors who do not hold a current practicing certificate to provide certain “permitted pro bono legal services”. Solicitors who fall under this category would typically include in-house counsel. The “permitted pro bono legal services” essentially excludes (i) appearing in any Singapore court, or (ii) appearing in any hearing before a quasi-judicial or regulatory body, authority or tribunal in Singapore.

While there is a great need for pro bono services in Singapore, admission to practice law in Singapore is often a requirement to volunteer in the various initiatives providing such legal aid to individuals in Singapore. As previously mentioned, the vast majority of the pro bono schemes administered by the government of Singapore, the Law Society and NGOs in Singapore require volunteers to be qualified to practice in Singapore.

In addition, many volunteer lawyers have indicated that a language barrier often impedes their provision of legal aid. While English is the most widely spoken language in Singapore, many Singaporeans do not speak English fluently. Besides English, the languages commonly spoken in Singapore include Mandarin, Hokkien, Malay, and Tamil.

There is no mandatory minimum legal fee regulation in Singapore and Lawyers in Singapore are not required to charge VAT on services that they provide for free and local regulations do not require lawyers to charge minimum tariffs.

Pro Bono Resources

As described above, there are many organizations and agencies in Singapore actively working to provide or coordinate the provision of pro bono legal services. The web addresses for several of such agencies or organizations in Singapore are listed below:

- The LAB: <https://www.mlaw.gov.sg/content/lab/en.html> (last visited on September 4, 2015)
- The LASCO: <http://app.supremecourt.gov.sg/default.aspx?pgID=84> (last visited on September 4, 2015)
- The Law Society: <http://www.lawsociety.org.sg/> (last visited on September 4, 2015)
- The Association of Women for Action and Research: <http://www.aware.org.sg/> (last visited on September 4, 2015)
- The Singapore Council of Women’s Organisations: <http://www.scwo.org.sg/> (last visited on September 4, 2015)
- The Special Needs Trust Company: <http://www.sntc.org.sg/> (last visited on September 4, 2015)
- The Pro Bono Research Initiative: <http://probono.lawsociety.org.sg/> (last visited on September 4, 2015)
- List of free legal clinics in Singapore: <http://legalclinics.sg/index.php?showall=1> (last visited on September 4, 2015)

²⁶ The total number of declared pro bono hours was 45,094 hours compared to 35,634 in 2009. See The Law Society of Singapore Annual Report 2011 101, available at [http://probono.lawsociety.org.sg/Documents/Annual-Report-2011-\(V6111027\)pdf_versionv3.pdf](http://probono.lawsociety.org.sg/Documents/Annual-Report-2011-(V6111027)pdf_versionv3.pdf) (last visited on September 4, 2015).

²⁷ Second Consultation Paper on Community Legal Services, prepared by the Committee to Study Community Legal Services Initiatives (Annex A).



CONCLUSION

While the need for pro bono was recognized as early as 1956 when the Legal Aid and Advice Bill was introduced to parliament on April 4, 1956, it was only in the early 2000s that the local legal community began to place emphasis on the importance of pro bono work. As a result, the pro bono opportunities available to lawyers in Singapore have been growing steadily ever since. The pro bono initiatives in Singapore are a combination of efforts by the government and local NGOs working hand in hand. Where there are gaps left by the government funded legal aid schemes, these are being filled by the local NGOs with ad hoc support from the government. While there is no lack of pro bono opportunities and resources in Singapore, the push by the Committee to make pro bono mandatory suggests that there is certainly room to cultivate a culture of pro bono volunteerism.

September 2015

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