

Compulsory pro bono work? Some reject idea

Lawyers will have to offer free legal aid for 16 hours a year under proposal

By JOYCE LIM

ALTHOUGH about half of the criminal offenders here are unrepresented in court, some of Singapore's 4,200 lawyers recently said they are against the proposal of 16 compulsory hours of free legal work a year.

Lawyers who attended a townhall meeting on Nov 27 told The Straits Times that the majority of those present were against making free legal work compulsory.

One of the lawyers present - who did not want to be named - estimated that 90 per cent of the lawyers at the tense meeting took this stance.

Mr Gopinath Pillai, 42, chairman of the Criminal Legal Aid Scheme (Clas), said he has seen people pleading guilty in court just because they did not have access to lawyers or were unfamiliar with their legal rights.

Lawyer Gloria James, 42, said some defendants are advised that their offences are minor and they do not need a lawyer as they would only be fined. But they are not told of the consequences of having a criminal record, she said.

She said pro bono work should be made compulsory for junior lawyers with up to three years in practice.

"They would need to be exposed to all the different practices

of the law," she said.

Last year, the Subordinate Courts handled 234,141 charges and summonses. One-third of the accused who claimed trial did not have a lawyer at the pre-trial conference stage at which - among other procedures - the judge sets the trial date.

Those who face capital charges in the High Court are assured of legal representation under the Legal Assistance Scheme for Capital Offences. But those facing non-capital charges who cannot afford a lawyer can seek help under Clas at the Law Society of Singapore's Pro Bono Services Office.

These applicants need to pass a means test to qualify for free legal aid. Last year, 245 offenders benefited from the scheme. As of Nov 30, lawyers had been assigned to 295 people for free.

Under a proposed Community Legal Services scheme, whose details were issued in a discussion paper by the Singapore Academy of Law (SAL) on Oct 31, lawyers must do 16 hours of free legal work each year for low-income and disadvantaged Singaporeans.

Lawyers could fulfil their hours by taking on criminal cases or providing advice at legal clinics. SAL asked the legal fraternity and public for feedback by Nov 21.

Lawyer Barry Delaney, in his 60s, who attended the townhall

Busy, but these lawyers find time to help the disadvantaged with free legal aid

EIGHTEEN cases taking over 1,700 hours. That is the amount of pro bono work criminal lawyer Josephus Tan has carried out this year.

A self-confessed juvenile delinquent, the 33-year-old criminal lawyer of Patrick Tan LLC said it is his way of repaying society.

"My work is a mission to ensure that everybody is given a chance to right the wrongs in their lives," said Mr Tan.

"Many people have asked me why I am so driven. It is because I was first helped, and now it is time to return that help."

Called to the Bar in May 2009, he has completed 78 pro bono cases. Mr Tan said criminal practice should be holistic and not purely legal. He has no qualms about giving his clients his mobile number and responding to their calls 24/7.

Earlier this year, he acted for a youth facing multiple rape and sexual assault charges against two teenage girls. It later transpired that his client was mentally impaired and had a history of glue-sniffing.

Mr Tan said: "Even though the prosecution had urged a jail sentence of five to 10 years with caning, my client was sentenced to 18 months (without caning) at the reformatory training centre."

Mr Tan, known for his heart of gold, added: "The Criminal Legal Aid Scheme (Clas) can ensure that only the most genuine and deserving are granted aid. No need for lawyers to second-guess their dire personal circumstances."

Young lawyer Nadia Yeo said that through pro bono work,



she meets the needy and socially disadvantaged who are desperate for help. She works at least 10 hours a day, yet has found time to take on eight Clas cases this year.

One involved a 17-year-old bipolar disorder sufferer charged with criminal intimidation and voluntarily causing hurt - though the latter charge was dropped.

Miss Yeo, 26, an associate with Rodyk & Davidson LLP, said: "The boy had taken a knife, stood outside his neighbour's flat and waved it at the neighbour. He had also

punched the neighbour."

With Miss Yeo's help, the teen was given a mandatory treatment order. She said: "Their flat was so small and there were about seven people living in it. A few mattresses were stacked up in the living room, and the only electrical appliance I saw was an old refrigerator."

Mr Gopinath Pillai, 42, helps poorer foreigners get a fair trial. He has chaired Clas for five years, and said: "When they get into trouble (with the law), some are not aware of their rights."



Former juvenile delinquent Josephus Tan (left) sees pro bono work as a way to repay society. For Miss Nadia Yeo (above), it lets her help the needy and socially disadvantaged. Mr Gopinath Pillai (below) helps poorer foreigners get a fair trial.

ST PHOTOS: WONG KWAI CHOW



"Some may plead guilty, regardless of whether they have committed the crime, so that they can serve their sentence and return home. Many are unaware that free legal aid is also applicable to foreigners."

Mr Pillai, director in litigation and dispute resolution at TanJinHwee LLC, spends close to 400 hours on pro bono work a year.

He supports making pro bono work compulsory, adding: "A bigger pool of lawyers working pro bono will benefit the public at large."

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meeting, told The Straits Times: "It seems to be an oxymoron when one is forced to do charity."

"Those who were present were not happy. And I think those who turned up for the meeting were already doing pro bono work," added Mr Delaney, who does such work. He estimated that 30 lawyers attended the meeting.

Another lawyer who was

present, Mr Andrew Goh, 39, was unhappy that the legal fraternity had been picked to do compulsory pro bono work.

"I am against the idea of making it compulsory for a sector in Singapore to solve a wider social problem," said Mr Goh, who also does some pro bono work.

The feeling among law students is that compulsory pro bono

work is contrived, and resembles the Community Involvement Programme (CIP) in school.

But the students from the National University of Singapore (NUS) and Singapore Management University (SMU) acknowledged that it is a positive step.

"Having a bare quota to fulfil will be analogous to the CIP system... But it would (still) be a

nudge towards what most lawyers are already inclined to do," said Mr Norvin Chan, 21, a first-year student at NUS.

Mr Victor Looi, 21, a first-year SMU student, agreed: "(The scheme) would be a good start in inculcating in lawyers the importance of community service."

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