Young lawyers are ‘friends of the courts’

Bright legal eagles help in cases involving unusual, novel issues

BY SELINA LUM

SOME of the country’s brightest young lawyers have been picked to help the courts by arguing their views on novel points of law or matters of public policy.

These young amicus curiae – Latin for “friend of the court” – typically serve year-long terms, honing their advocacy skills in criminal cases that raise unusual legal issues, including those involving first-time prosecutions under new or amended provisions of the law.

They are not paid for this work.

There are now eight appointees under the year-old Young Amicus Curiae scheme, which not only gives young lawyers a chance to present a case in court, but also exposes them to legal issues, especially when the accused is unrepresented or under-represented by counsel.

The most recent case that involved a young amicus curiae was an appeal before the High Court last month by a woman jailed for money-laundering.

For a case involving the interpretation of a statute concerning the offence of money laundering, National University of Singapore (NUS) law faculty teaching assistant Goh Yihlan, 28, as a young amicus, had to tender written submissions and make oral submissions.

As judgment is still pending, he declined to say more about the case, which he said raised interesting legal issues from an academic point of view.

He added that it was a chance for him to hone his advocacy skills and apply his legal knowledge in a practical setting.

“This is especially valuable for me since, as an academic, I’m unlikely to get court experience,” he said.

He had about two weeks to prepare for his court appearance and said it was a challenge to get up to speed on the issues and do the necessary research while also fulfilling his teaching and research responsibilities at NUS.

“It was my first time addressing the court, and I was certainly nervous about it. Thankfully, though, as the hearing progressed, I felt more at ease,” he said.

Other young lawyers who have appeared as young amici curiae include Ms Kristy Tan, 28, from Allen & Gledhill, who represented a divorcee this year.

The woman was jailed for contempt of court for having failed to move out of the flat she once shared with her husband.

Law academic Goh Yihlan, one of eight appointees under the Young Amicus Curiae scheme, at the NUS law faculty, Bukit Timah campus. He said the scheme allows him to hone his advocacy skills and apply his legal knowledge in a practical setting. ST PHOTO: NURIA LING

GOOD OPPORTUNITY

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Ms Tan’s job in the case was to address a few legal issues on contempt, including whether the court can quash a jail term after an individual has already served the sentence. As some of these issues had not been examined here before, she had to look into English law.

“I felt the scheme offered a good learning experience and opportunity to present in court,” she said.

Her superiors at Allen & Gledhill were supportive of her taking time out for the case. Mr Edwin Tong, a senior partner, said: “We believe the Young Amicus Curiae scheme resonates with our firm’s policy of grooming our young talent.”

Mr Paul Tan, 29, who was in the pioneer batch of the scheme last year, agreed, saying: “As the stakes in large commercial cases are high, it’s rare for young lawyers to have the opportunity to be on their feet in open court and take responsibility for whatever they say.”

He was with Rajah & Tann when he was a young amicus in a case involving a serial sex offender, but is now pursuing postgraduate studies in Oxford.

His work as a young amicus entailed research into how British, American and Australian laws deal with repeat offenders and whether the law here needs to change to respond to such cases.

Above all, he said he felt the weight of responsibility: “Especially in criminal cases, one struggles because of the enormous implications on both the individual accused and the public interest, and you hope what you’re recommended to the court is sensible, practical and effective,” he said.

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About the scheme

THE Young Amicus Curiae scheme for criminal proceedings was announced by Chief Justice Chan Sek Keong in his address at the opening of the legal year last year.

The scheme applies only to criminal appeals in the High Court and criminal trials in the Subordinate Courts.

The aim is to allow young lawyers to help the court on novel legal points or important issues of public policy.

The young Amicus Curiae does not get any remuneration under the scheme.

A person who wants to apply to be a Young Amicus Curiae must have good academic grades and have two to seven years of experience in private practice or as a legal service officer.