

State Courts – NUS & SMU Clinical Clerkship Programme 2023 Course Syllabus

NUS Course Code: LL4094BV (Law & Practice – The Law Clinic)

5 Credits, Semester 1

SMU Course Code: Law 498 (State Courts Clerkship Programme)

1 Credit, Semester 1

A. COURSE OBJECTIVES

1. The State Courts – NUS & SMU Clerkship Programme (“the Clerkship Programme”) is a judicial clinical legal education programme designed to provide top law students with the opportunity to be tutored by senior District Court Judges (“Supervising Judges”) and acquire experiential knowledge of law practice through direct exposure to judicial work. The Clerkship Programme is focussed on the work undertaken in the Criminal Courts cluster, while exposing students to the work undertaken in the Civil Courts cluster and the Community Courts and Tribunals cluster. It is a unique course which allows law students to acquire a different perspective of legal work through personalised interaction with senior Judges, working on actual cases from a judicial perspective and experiencing legal practice in a real-life court setting.
2. In the course of the Clerkship Programme, clerks will observe court hearings and interact with the Supervising Judges and other Judges in the State Courts. From the vantage point of the decision-maker, Clerks will get to experience first-hand the adjudication process, including receiving and weighing relevant facts and evidence, and assessing the credibility of witnesses. From fortnightly Seminars and close interaction with the Supervising Judges and other Judges, Clerks will also gain an insight into the policy and workings of the judicial system.
3. The Clerkship Programme will allow Clerks to practice and consolidate legal skills already acquired under the core curricula of their respective law schools. Through observations, discussions with Supervising Judges and lecturing Judges, seminars, reflection pieces, and a bench memorandum, Clerks will be able to hone higher cognitive legal skills through critical analysis of facts, evidence, legal arguments and persuasion. Interactions with other legal professionals, such as lawyers and court staff, will give Clerks the opportunity to learn higher level professional skills in communication and court craft, which are critical in their future careers as lawyers. Clerks will learn the intricacies of various processes and rules in the context of judicial administration and engage in self-learning of substantive areas of law.
4. As the Clerkship Programme is intended to prepare Clerks for life as legal professionals and takes place in a real world setting where court schedules are subject to change and other exigencies, the learning experience can be expected to be a rich and varied one. As Supervising Judges are engaged in their own professional work, the range of support that Clerks can provide can vary depending on the types of cases that come before the Supervising Judges.
5. All Clerks must be prepared to take ownership of their own learning and time management by capitalising on opportunities for learning, discussion and reflection.

B. SUPERVISING JUDGES AND COURSE COORDINATION

6. Clerks who have been selected for the Clerkship Programme will be mentored by the State Courts Supervising Judges.
7. The State Courts Supervising Judges and Course Coordinators are:
 - (a) Supervising Judges:
 - a. Senior District Judge Mr Bala Reddy;
 - b. District Judge Ms Wong Li Tein; and
 - c. District Judge Ms Sarah Tan
 - (b) Course Coordinators:
 - a. Judicial Associate Ms Perveen Kaur; and
 - b. Judicial Associate Ms Rashvin Kaur
 - (c) Singapore Judicial College (SJC) Programme Manager
 - a. Ms Thashalini Selvarathnam
8. The Law Faculty Coordinators overseeing the programme are:
 - (a) NUS Law Faculty: Associate Professor Eleanor Wong; Associate Professor Mervyn Cheong; and
 - (b) SMU Yong Pung How School of Law: Professor Chan Wing Cheong

C. COURSE DURATION

9. The Clerkship Programme will run for **14 weeks between 7 August 2023 and 6 November 2023.**

D. CONTACT HOURS

10. In the course of the programme, all Clerks must attend:
 - (a) **Weekly** half-day **court observation sessions** (min 3 hours);
 - (b) **Fortnightly** 1.5-hour **seminars**; and
 - (c) **Fortnightly** 1-hour **lectures**.

E. REQUIRED TEXTS AND TRAINING

11. During the course of the Clerkship Programme, Clerks will be required to attend lectures on the work of the criminal courts, civil courts, civil registry, specialist courts, and tribunals conducted by State Courts Judges. Clerks will also be provided with a brief overview of the mission of the State Courts, and briefed on court processes, available guidelines and resources for performing assigned tasks, and office procedures in the State Courts.

12. Prior to the commencement of the Clerkship Programme, Clerks are required to be acquainted with the following legislation as well as related subsidiary legislation:
- (a) Criminal Procedure Code 2010;
 - (b) Penal Code 1871 and other relevant legislation e.g. Misuse of Drugs Act 1973, Road Traffic Act 1961;
 - (c) Coroners Act 2010;
 - (d) Rules of Court 2021;
 - (e) Protection from Harassment Act 2014 (“POHA”) and Supreme Court of Judicature (Protection from Harassment) Rules 2021;
 - (f) Small Claims Tribunals Act 1984 and Small Claims Tribunals Rules;
 - (g) Community Disputes Resolution Act 2015 and Community Disputes Resolution Tribunals Rules 2015;
 - (h) Employment Claims Act 2016, Employment Claims Regulations 2017 and Employment Claims Rules 2017; and
 - (i) Evidence Act 1893.

F. SCHEDULE

13. The Clerkship Programme Schedule is attached.

G. COURSE SYLLABUS

I. Weekly Court Observations

14. During the course of the Clerkship Programme, Clerks should observe the following court sessions at least once:
- (a) **In the Criminal Courts Cluster:**
 - a. Mentions;
 - b. PTCs / CCDs / CCRs;
 - c. Plead Guilty Mentions;
 - d. Trials;
 - e. Community Court hearings and Conferences;
 - f. Magistrate’s Appeals;
 - (b) **In the Civil Courts Cluster:**
 - a. Pre-trial hearings and CMCs / Post-trial hearings / Pre-enforcement hearings / Post-enforcement hearings;
 - b. Trials;
 - (c) **In the Community Courts and Tribunals Cluster:**
 - a. Magistrate’s Complaints;
 - b. Hearings under POHA;
 - c. Hearings in the Community Disputes Resolution Tribunals (“CDRT”);

- d. Hearings in the Small Claims Tribunals;
- e. Hearings in the Employment Claims Tribunals.

15. The State Courts Course Coordinators will provide assistance to schedule Clerks for the observations and will disseminate information on the schedule of hearings available for observation in due course. The State Courts Course Coordinators may vary the sequence of sessions to be observed.
16. When making court observations, Clerks should identify the following elements as learning and discussion points, depending on the type of proceedings being observed:
 - (a) The importance of due process;
 - (b) Adjudication – law, policy and facts;
 - (c) Fact-finding – assessing and weighing evidence;
 - (d) Fact-finding – assessment of witnesses;
 - (e) Elements of factual persuasion – how good advocates achieve desired outcomes;
 - (f) Elements of oral advocacy – assessing legal arguments;
 - (g) Elements of oral advocacy – assessing court craft;
 - (h) Elements of written advocacy – assessing written legal arguments;
 - (i) Judicial ethics – prior knowledge of matters in court, contact with the press, contact with advocates;
 - (j) Dealing with litigants-in-person – legal and evidentiary issues, and principles of natural justice;
 - (k) The importance of court etiquette and demeanour for an advocate;
 - (l) Court administration and the legal process – function and purpose of PTCs, mentions; and other administrative steps in the justice system.
17. All Clerks must be in full court attire for all court attendances and Seminars and must wear the Clerkship Programme lanyard at all times that they are within the State Courts. Where court observations are via Zoom, students should also be in court attire. Clerks will be seated in the public gallery.
18. All Clerks will be provided with lanyards for identification purposes and to facilitate their work within the State Courts.

II. Fortnightly Seminars and Lectures

19. Clerks will attend a total of 7 seminars on a fortnightly basis.
20. The 1.5 hour seminars will be conducted on Thursday evenings, from 5.30pm to 7.00pm.
21. During seminars, Clerks are required to report on their court observations through the **Reflections Form** and be prepared to discuss topics which have been assigned for the week's seminar discussion. This form should be completed and submitted by 11.59pm on the Sunday before the

Thursday seminar to the NUS / SMU Faculty Coordinator. The discussion topics for the session will be provided to the students before the seminar.

22. Clerks should be reflective and contemplative of court processes which they have observed and must attend seminars prepared with discussion questions for the Supervising Judges.
23. During Seminar 1, Supervising Judges may discuss the goals and learning outcomes as indicated by the Clerks in the **Goals and Learning Outcomes Form**. This form should be completed and submitted by 11.59pm on the Sunday before the Thursday seminar to the NUS / SMU Faculty Coordinator.
24. Clerks will also attend a total of 6 lectures on a fortnightly basis (on alternate weeks with seminars). The lectures will be conducted by assigned State Courts Judges, who will provide an overview of court processes and applicable law.

III. Bench Memorandum

25. Clerks are required to submit a Bench Memorandum of about 2,000 to 2,500 words (excluding the cover page and table of contents) during the course of the programme. The Bench Memorandum entails assessment of a criminal case to be provided. The assessment should include: (a) a review of the charging documents to assess whether the elements of the charge are made out for the purposes of conviction; (b) assessment of any issues which arise in the case; and (c) an assessment on the suggested sentence to be imposed, having regard to submissions on sentence and the applicable law.
26. All footnotes will be included in the final word count of the Bench Memorandum. Clerks must adopt the Singapore Academy of Law SLR Style Guide (2021 Edition) for all citations.
27. Further details relating to the form and substance of the Bench Memorandum will be provided in due course. Clerks should use the **Template for Bench Memorandum** that will be provided.

IV. Class Presentations

28. At the end of the programme, Clerks will make a 15 minutes group presentation, on a research topic of their choice with reference to criminal, civil or community law and/or procedure. Research topics should be submitted 1 week prior to the presentation. Presentations will be done orally with the aid of digital presentation tools, which will be submitted to the Supervising Judges. Clerks may use digital presentation tools during their presentation (e.g. slides and videos). Clerks are limited to 15 content slides per presentation excluding slides relating to the Title, Table of Contents and Conclusion. Clerks will be expected to respond to questions in order to advocate for and defend the positions which they have taken in their research.

H. ASSESSMENT AND GRADING CRITERIA

29. Clerks will be assessed based on the following criteria:

S/No.	Area	Abilities to be Assessed	Weightage
1	Applied Component	Ability to communicate and present ideas and reflections cogently to the Supervising Judges	40% Comprising: 6 Written Reflections (1,000 words) (30%) Class performance & participation (10%)
		Ability to take the lead in engaging and consulting with the Supervising Judges on the range of issues arising during Seminars	
		Ability to appreciate realities of legal practice and generate innovative ideas and suggestions for improvement	
		Ability to discuss topic assigned for the Seminar effectively and cogently, with a preparedness and critical analysis	
2	Academic Component	Ability to conduct in-depth investigative study into a question of law or judicial or sentencing policy or practice	30% Comprising: Bench Memorandum (2,000 - 2,500 words)
		Ability to demonstrate academic scholarship in writing and convey legal arguments clearly and concisely	
		Ability to apply the relevant law to issues presented in the course of the Programme	
		Ability to think through the legal and practical implications when presented with a case and identify the specific area(s) that need(s) to be addressed	
		Ability to grasp and analyse complex legal and factual issues and demonstrate intellectual flexibility and academic sensitivity	
3	Class Presentation	Ability to critically analyse topic given and present points of view convincingly	30%
		Ability to defend points of view during question and answer session, general composure and level of preparedness	

Grading Scheme for Reflections

Grade	Description
A+ / A	<p>Observed a wide spectrum of hearings.</p> <p>Showed a good understanding of the hearings observed.</p> <p>Made comprehensive and insightful observations.</p> <p>Provided critical analysis of what he/ she had observed.</p> <p>Made logical, practical and legally-sound suggestions to improve the status quo.</p>
A- / B+	<p>Observed a wide spectrum of hearings.</p> <p>Showed a good understanding of the hearings observed.</p> <p>Made comprehensive and insightful observations.</p> <p>Provided some critical analysis of what he/ she had observed.</p> <p>Made some logical, practical and legally-sound suggestions to improve the status quo.</p>
B / B-	<p>Observed a limited spectrum of hearings.</p> <p>Showed an average understanding of the hearings observed.</p> <p>Made some insightful observations.</p> <p>Provided largely superficial analysis of what he/ she had observed.</p> <p>Made some superficial suggestions to improve the status quo.</p>
C+ / C	<p>Observed a limited spectrum of hearings.</p> <p>Showed a limited understanding of the hearings observed.</p> <p>Made superficial observations.</p> <p>Provided superficial or no analysis of what he/ she had observed.</p> <p>Did not make any suggestions to improve the status quo.</p>

Grading Scheme for Class Participation

Grade	Description
A+ / A	<p>Demonstrates excellent understanding of the issues and the law and able to provide very clear and accurate identification of the issues.</p> <p>Demonstrates thorough preparation and excellent understanding of the topic to be discussed.</p> <p>Makes very clear, accurate and persuasive arguments on the statement and application of the relevant law.</p> <p>Good logical flow of presentation.</p> <p>Consistently able to think through legal issues and arguments in depth and able to contribute well-reasoned and original thoughts.</p> <p>Always responds to others respectfully and constructively.</p> <p>Analytical, creative, critical, enthusiastic and considerate.</p> <p>Excellent attendance record.</p> <p>Able to use appropriate examples to explain and clarify points.</p> <p>Able to respond clearly, accurately and persuasively to questions.</p>
A- / B+	<p>Demonstrates good understanding of the issues and the law and able to provide a clear and accurate identification of most of the issues.</p> <p>Demonstrates substantial preparation and good understanding of the topic to be discussed.</p> <p>Makes clear and accurate arguments on the statement and application of the relevant law.</p> <p>Good logical flow of presentation.</p> <p>Usually responds to others respectfully and constructively.</p> <p>Analytical, enthusiastic and considerate.</p> <p>Very good attendance record.</p> <p>Able to respond clearly to questions.</p>
B / B-	<p>Demonstrates a reasonable understanding of the issues and the law.</p> <p>Demonstrates some preparation and reasonable understanding of the topic and materials.</p> <p>Makes some incorrect arguments on the statement and application of the relevant law.</p>

	<p>Makes some inaccurate identifications of issues.</p> <p>Infrequent absences from class.</p> <p>Does not respond clearly to all questions.</p>
C+ / C	<p>Demonstrates a weak understanding of the issues and the law.</p> <p>Demonstrates weak understanding of the topic and materials.</p> <p>Most of the issues are not identified accurately.</p> <p>Usually only speaks when prompted.</p> <p>Often absent without legitimate excuse.</p> <p>Does not respond clearly to all questions.</p>

Grading Scheme for Bench Memorandum

Grade	Description
A+ / A	<p>Identifies all or substantially all of the relevant issues.</p> <p>States the law clearly and accurately.</p> <p>Demonstrates an excellent understanding of the law and its application.</p> <p>Analytical, creative and critical.</p> <p>Very clear structure and logical flow.</p> <p>Overall highly coherent and persuasive.</p> <p>Supervising Judge has no doubt as to what is being said.</p>
A- / B+	<p>Identifies most of the relevant issues.</p> <p>States the law clearly and accurately.</p> <p>Demonstrates a good understanding of the law and its application.</p> <p>Analytical, creative and critical to a large extent.</p> <p>Clear structure and logical flow.</p> <p>Generally coherent and persuasive.</p>
B / B-	<p>Identifies most or some of the relevant issues.</p> <p>Some imprecision in stating the law.</p> <p>Demonstrates a reasonable understanding of the law but there is some incomplete or inaccurate application of the law.</p> <p>Analytical, creative and critical to a limited extent only.</p> <p>Lacking in clear structure and logical flow.</p> <p>Some coherence.</p>
C+ / C	<p>Identifies few of the relevant issues.</p> <p>Imprecise in stating the law.</p> <p>Demonstrates a weak understanding of the law and its application.</p> <p>Lacking in analysis, creativity and critical thought.</p> <p>Lacking in clear structure and logical flow.</p> <p>Lacking in coherence.</p>

Grading Scheme for Class Presentation

Grade	Description
A+ / A	<p>Excellent grasp of the topic and issues.</p> <p>Research is thorough, with excellent breadth and depth.</p> <p>Flow of presentation is logical.</p> <p>Communication is very clear, accurate, persuasive and interesting.</p> <p>Ideas and proposals are original and innovative.</p> <p>Clearly showing maturity of thought and appreciation of the broader context and issues.</p> <p>Able to use appropriate examples to explain and clarify points.</p> <p>Excellent use of presentation aids.</p> <p>Able to respond clearly, accurately and persuasively to questions.</p>
A- / B+	<p>Very good grasp of the topic and issues.</p> <p>Research is thorough, with good breadth and depth.</p> <p>Flow of presentation is logical.</p> <p>Communication is clear, accurate, persuasive and interesting.</p> <p>Ideas and proposals are largely original and innovative.</p> <p>Showing some maturity of thought and appreciation of the broader context and issues.</p> <p>Largely able to use appropriate examples to explain and clarify points.</p> <p>Appropriate and effective use of presentation aids.</p> <p>Largely able to respond clearly, accurately and persuasively to questions.</p>
B / B-	<p>Good grasp of the topic and issues.</p> <p>Research is insufficiently thorough, with average breadth and depth.</p> <p>Flow of presentation is largely logical.</p> <p>Communication is largely clear, accurate, persuasive and interesting.</p> <p>Ideas and proposals are original and innovative to a limited extent.</p> <p>Showing some maturity of thought and appreciation of the broader context and issues.</p> <p>Somewhat able to use appropriate examples to explain and clarify points.</p> <p>Average use of presentation aids.</p>

	Generally able to respond clearly, accurately and persuasively to questions.
C+ / C	<p>Poor grasp of the topic and issues.</p> <p>Research is inadequate, lacking in breadth and depth.</p> <p>Flow of presentation is not logical.</p> <p>Communication is not clear, accurate, persuasive and interesting.</p> <p>Ideas and proposals are not original or innovative.</p> <p>Lacking in maturity of thought and appreciation of the broader context and issues.</p> <p>Not able to use appropriate examples to explain and clarify points.</p> <p>Ineffective use of presentation aids.</p> <p>Not able to respond clearly, accurately and persuasively to questions.</p>