Overview

The administration of criminal justice in Singapore relies on an ethical, professional and skilled disposition and management of criminal cases. A good criminal defence counsel needs sound grounding in criminal law and criminal procedure as well as a strong base of written and oral advocacy and communication skills. Always remember that you are dealing with life and liberty.

This experiential course that takes students through a case from taking instructions all the way through to an appeal, using the structure of the criminal process to teach criminal law, procedure and advocacy skills. This course will give an insight into the realities of criminal practice.

This module will be conducted through seminars and practice sessions which requires students to review materials and prepare beforehand to participate in the discussions. The seminars will take place from 3.00pm - 6.00pm on Tuesdays between 11 Aug 2015- 3 Nov 2015 (excluding 22 Sep 2015) ie. 12 seminars. The necessary instructions for each Tuesday afternoon seminar and/or practice session will be provided at the preceding lesson and this will provide ample time for necessary research, preparation & co-ordination (where appropriate).

Expectations

From the NUS Law core curriculum, students would already have covered local Criminal Law, basic legal drafting and general and trial advocacy. Students may be studying Evidence concurrently with this course - those who are not may require additional efforts to keep pace.

In this course, it will be assumed that students are proficient in local Criminal Law. The course will focus on criminal procedure and practice skills, with a particular emphasis on the skills demanded of Defence Counsel. Skills will be developed and honed through a combination of oral and written advocacy. Students will be expected to role play the different stages of criminal practice, ranging from taking instructions and giving advice, to Pre-Trial and Case Management conferences as well as conducting a mock trial, mitigation and appeal.

In this experiential course, students will work in teams and each team will be assigned a client to represent through the criminal justice process. Students will engage practicing Defence Counsel and Deputy Public Prosecutors to gain insights from real world experience.
Objectives

At the end of the course, students will have learned:

A. Substantive law
   - Criminal law
   - Criminal procedure
     - Mention & Pre-Trial Conference
     - Criminal Case Discovery Conference
     - Criminal Case Management / Resolution
     - Trial (and ancillary hearings)
     - Mitigation
     - Appeals

B. Practical skills
   - Drafting – advice, submissions, representation, mitigation
   - Client interviews, case theory & legal strategy
   - Plea negotiations and general court craft
   - Trial & appellate advocacy

C. Professional skills
   - Case and client management
   - Appropriate demeanour in court
   - Dealing with parties in proceedings

D. Professional ethics
   - Professional Conduct Rules
   - LASCO Guidelines

Working

The case is PP v Alphie Loong & Benji Choong. Both Alphie and Benji have been charged with the unauthorized importation of controlled drugs into Singapore - and the quantity of the controlled narcotic is sufficient to attract capital punishment ie. the death penalty.

Students will be representing the co-accused persons as assigned Junior Assisting Counsel (JAC) under the auspices of the Legal Assistance Scheme for Capital Offences (LASCO) administered by the Supreme Court. Please be familiar with the obligations of LASCO assigned counsel.

Students will work in teams of 3 within 2 groups ie. acting for either Alphie or Benji. Students will form teams and create Project Groups (PGs) on the IVLE. The PGs (A1 - A4 and B1 - B4) will be set up and the deadline for signup is 6.00 p.m. on Friday 14 August 2015. Students not signed up by then will be assigned to PGs.
Assessment

This module will be assessed primarily on practice sessions (professional skills as well as oral and written advocacy) and secondarily on class participation. This course will be assessed entirely on continual assessment, assignments and performance i.e. there is no final or written examination. To avoid an overly calculative approach to the tasks, specific percentage allocations will not be disclosed. The framework will be as follows :-

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<thead>
<tr>
<th>Drafting</th>
<th>40%</th>
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<tr>
<td>There will be 6 assignments. Larger assignments will be team efforts while smaller assignments will be individual efforts. Students will be notified of the parameters of each assignment beforehand.</td>
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<table>
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<tr>
<th>Performance</th>
<th>40%</th>
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<tr>
<td>There will be 6 tasks. Larger performance tasks will be team efforts and the roles should be divided within the team. Within each team, students will not perform the same tasks and will be assessed on an individual basis.</td>
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<th>Participation</th>
<th>20%</th>
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<td>This will be assessed on an individual basis.</td>
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Readings

No specific readings are assigned but students must be familiar with the following material.

Statutes
- Criminal Procedure Code (Cap. 68, 2012 Rev. Ed.)
- Misuse of Drugs Act (Cap. 185, 2008 Rev. Ed.)
- Evidence Act (Cap. 97, 1997 Rev. Ed.)
- Penal Code (Cap. 224, 2008 Rev. Ed.)
- Relevant statutes or subsidiary legislation.

Resources

© These materials have been prepared for use at the Faculty of Law, National University of Singapore.
Contact

I can be contacted via e-mail or mobile (if necessary) as below. Please do not use my NUS email. Consultations can be sought after each seminar but advance notice would be appreciated.

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I look forward to sharing this experience with you.

Mr Anand Nalachandran
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