

# Covenant News

2ND EDITION

ISSUE 3 | JUNE 2019

## TECH-CELERATE FOR LAW: EARLY MOVER ADVANTAGE

Covenant Chambers LLC has enjoyed the improved productivity and workflow by being a pioneer in tech-integration. We now set our sights for the next promising tech.

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## OUR EVERYDAY SUPERMAN WILBUR LUA

A litigator, a lecturer, and a father. Our Associate Director Wilbur Lua is our everyday superman standing up for justice, nurturing lawyers-to-be and raising his bundle of joy. Find out more about how he does it!

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## MALACCA FIRM TRIP 2019

We had the honour of visiting the illuminary Chee Siah Le Kee & Partners during our inaugural firm trip to Malacca, Malaysia. Find out more about our adventure and antics at the back!

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PRESENTED BY

**COVENANT**  
Chambers LLC

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The Law Society of Singapore, in partnership with The Ministry of Law Singapore (MINLAW), Enterprise Singapore, and Info-communications Media Development Authority of Singapore (IMDA) has launched the next iteration of their support scheme to encourage technology adoption amongst law firms in Singapore.

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The media coverage continues to validate the impactful work we've done for our clients in helping them attain the rightful judgement for each and every case matter.

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Our Associate Director and "everyday superhero", Wilbur Lua, has done what many others would struggle to do. Having to juggle the demands of the legal profession, being a full-time parent, and grooming the next generation of lawyers at NUS, he continues to exemplify the notion that "not all superhero wear capes".

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## 15 | MALACCA FIRM TRIP 2019

We work hard and we play hard! For our firm trip in January 2019, we'd head on over to Malacca where we soaked in the immersive culture, had a visit to CSILK and participated in knowledge sharing session.

# FOREWORD

Dear Clients and Partners,

I hope this newsletter finds you well. It has been a challenging 2019 with global growth clouded by uncertainties and downside risks amidst trade wars, slower than expected growth in the Chinese economy and the delay in Brexit until 31 October 2019. The economic outlook locally has been conservative. I am brought up as an optimist and I do believe that some of these "dark clouds" will eventually part and that the faithful shall eventually be rewarded.

At Covenant Chambers LLC, we are thankful that we have been provided with opportunities to serve all of you in a bigger way in 2019. Apart from domestic work, we are seeing a growing cross border practice with both disputes and transactional work, especially China related work. This can also be directly attributed to connections built up through business mission trips organised under the Lawyers Go Global program, first to Guangzhou in 2018 and to Beijing and Tokyo in 2019. I am personally thankful to Ministry of Law, Law Society and Enterprise Singapore for the initiative which has brought us many friends and partners in other jurisdictions.

We are also thankful for the mention by Minister for Communications and Information, S Iswaran, at the Tech-Celerate for Law Conference on 15 May 2019 that our firm is a successful pioneer under the Tech Start for Law program and has leveraged on the funding available to upgrade our tech capabilities. Indeed, we were able to defray most of the first year costs in adopting a practice management system (Core Matter), an online knowledge management library (Intellex) and place ourselves on a marketing platform (Asia Law Network), which has contributed in a big way to our firm's growth thus far. We are fully committed to further upgrade our tech capabilities under the new initiative Techcelerate to be even more cost effective and efficient for our clients.

Last but not least, we do highly value work-life balance in Covenant Chambers. In this newsletter, you would get a glimpse of our firm trip to Malacca in January 2019, where we had the honour of having a very edifying exchange with the partners of Chee Siah Le Kee & Partners ("CSilk"), one of the largest law firms in the southern region of Malaysia. We have been imparted by Datuk Chee Kok Chi, the founder of CSilk, with precious wisdom on practice philosophy and insights that have resulted in the phenomenal growth that they have experienced over almost 30 years. We are grateful to all the partners of CSilk, especially Datuk Chee and Mr Wong Fook Meng, for their hospitality and friendship.

Wishing all of you a great year ahead!



LEE EE YANG  
MANAGING DIRECTOR  
COVENANT CHAMBERS LLC

# UPDATES

## The Path Forward for Covenant Chambers LLC

We are proud to announce that Ronald JJ Wong has been awarded shareholding with the firm. The recognition holds testament to his tireless dedication in building the firm's branding and professional services within the legal fraternity, the Arts and Theatre scene, the Start-up and SME scene, the Blockchain and ICO industry and more. Thanks for all the contribution you've made to the family.



## Beyond Our Borders: Lawyers Go Global

As part of an initiative by MINLAW, LawSoc and Enterprise Singapore, the Lawyers Go Global program allows for local law firms and practitioners to reach out and establish a regional footprint. Our Managing Director, Mr. Lee Ee Yang, had flew over to Beijing (and subsequently Japan) as part of a working group to build relationships and bridge culture, expertise, and experiences beyond geographical and language boundaries.



## Our Family is Growing Ever Stronger

We would like to extend our warmest welcome to the newest staff members to our firm. Mr. Gan Cheng Leai (Finance and Risk Management Manager), Mr. Lemuel Teo (Community Branch Manager), Mrs. June Ahola (Receptionist). We wish you the very best and to have a fruitful journey ahead with us.



Photo Credits: Matthias (Shareholder Image)

Photo Credits: Law Society of Singapore

# TECH-CELERATE

## FOR LAW



As a pioneer under the Tech Start for Law program a little over 2 years ago, we had the great opportunity of exploring and integrating legal tech to improve the overall workflow and efficiency in our firm's operations.

Covenant Chambers LLC was barely over a year old then, but that allowed us to adopt practice management systems such as CoreMatter, working closely with Asia Law Network to better market our services, and Net-Documents to ensure seamless accounting from billing to invoicing. The cost-savings in time was immeasurable and was further aided by the heavily subsidised (70%) subscription in the first year.

For newly incorporated law practices or others who have not jumped on the bandwagon, the newest initiative "Tech-celerate for Law" provides that added incentive to try various legal tech solutions at an affordable

subscription rate with the accompanying grants for the first year of implementation.

With an increase in the number of legal tech providers with varying solutions encompassing AI driven software infrastructure for e-discovery, document review, and form generators, we've similarly exploring the likes of Litera Microsystems to further improve our resiliency against errors and reputational risks.

We're proud to be part of the SmartLaw Guild with our SmartLaw Accreditation mark emblazoned on all our collaterals and digital platform. We would also like to take this opportunity to thank the Minister of Communication and Information, S Iswaran for citing Covenant Chambers LLC as a case study as a technologically forward firm the rest can take precedence from.

# Owners sue Oxley unit in collective sale dispute

### They argue it isn't entitled to rescind deal for Ampas Apartment, claim error by both sides

**Selina Lum** Law Correspondent

laws, regulations and guidelines. The plaintiffs contend that the contract should be amended to state 112 units instead of 120. Oxley has applied to strike out the lawsuit, arguing that the 40 plaintiffs do not have the legal standing to sue. All 43 owners need to be on board, contends the buyer, represented by Rajah & Tann's Paul Tan. Oxley has applied to strike out the lawsuit, arguing that the 40 plaintiffs do not have the legal standing to sue. All 43 owners need to be on board, contends the buyer, represented by Rajah & Tann's Paul Tan. Oxley has applied to strike out the lawsuit, arguing that the 40 plaintiffs do not have the legal standing to sue. All 43 owners need to be on board, contends the buyer, represented by Rajah & Tann's Paul Tan.

# 40 home owners of Ampas Apartment sue Oxley subsidiary over collective sale dispute



An exterior view of the Ampas Apartment building situated at 5, Jalan Ampas, on Jan 18, 2019. ST PHOTO: SAHIBA CHAWHARY

Published: JAN 18, 2019, 9:49 PM SGT



Selina Lum Law Correspondent

SINGAPORE - Forty home owners of 43-unit freehold Ampas Apartment, which was sold last year in a \$95 million collective sale, have sued the buyer for wanting to pull out of the deal.

Buyer Oxley Jasper, a subsidiary of public-listed Oxley Holdings, said it was entitled to call off the deal after its proposal for a new residential development was rejected by planning authorities. The deal was subject to outline planning permission for a new development comprising at least 120 units, each averaging 700 sq ft.

The Urban Redevelopment Authority (URA) said the maximum allowable number of dwelling units for the site is 112, adding that the formula for computing the permissible number of units can be found in guidelines issued in 2012.

The 40 owners, who are suing for damages, argued in a High Court suit filed earlier this month that the buyer was not entitled to rescind the agreement. The suit, filed in the name of five owners representing 35 others, says the alleged rescission should be declared null and void.

The home owners, represented by Mr Lee Ee Yang of Covenant Chambers, contend that there was a mistake by both parties in the drafting of the condition, but it could be rectified.

The plaintiffs allege that Oxley's failure to pay the further deposit by Dec 1 was a breach of contract and thus they were entitled to forfeit the first deposit.

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# 集体出售破局公寓住户索赔 发展商申请撤销诉讼遭驳回

9500万元的集体出售交易破局后，安柏斯公寓的五名屋主今年1月代表其中40个单位，向高庭起诉发展商 Oxley Jasper索偿，包括没收一笔475万元订金。发展商事后申请撤销诉讼，但被高庭驳回。这是本地少数因集体出售不成，而把发展商告上庭的案件。

发展商事后申请撤销诉讼，但被高庭驳回。

发展商开价9500万元买下求售的安柏斯公寓，计划把43个单位的项目重建成120个单位，却因改建方案不获当局批准而取消交易。公寓住户为此起诉发展商，指对方刻意把不可能达成的条件列入合约中，让它可以选择单方面废除买卖合同。

按照市区重建局2012年设下的标准，这块地皮最多只能建112个住宅单位。

随着交易破局，安柏斯公寓(Ampas Apartments)的五名屋主今年1月代表其中40个单位，向高庭起诉发展商Oxley Jasper索偿，包括没收一笔475万元订金。

根据起诉状，协议中列明完成交易的先决条件之一，是新发展项目必须可建至少120个单位，每个单位平均面积为约65平方米。若重建方案无法在期限内得到市建局批准，获颁初步策划准证，买方有权废除和取消合约。

不过合约中也列明，发展商有权搁置任何先决条件。诉方形容，这等于给了发展商可任意终止交易的“空头支票”。

去年10月26日，发展商通知公寓集体出售委员会(简称委员会)说重建计划遭当局拒绝，因此要终止交易、取回订金。委员会反对并要买方照原先安排支付额外5%订金否则就算违约，有权没收已收取的订金。

由李一阳和赖威良律师(Covenant Chambers LLC)代表的诉方认为，买卖协议中的“先决条件”有误，只要修改这项条件就能继续交易。失误是由其中一方或双方造成的。

They say parties would not have concluded the agreement knowing that there was a condition which could not be met based on existing laws, regulations and guidelines.

The plaintiffs contend that the contract should be amended to state 112 units instead of 120.

Oxley has applied to strike out the lawsuit, arguing that the 40 plaintiffs do not have the legal standing to sue.

All 43 owners need to be on board, contends the buyer, represented by Rajah & Tann's Paul Tan.

It also argues that the plaintiffs' claim that the number 120 can be rectified to 112, was without basis.

According to court papers filed by the plaintiffs, the terms and conditions of the sale were discussed during a seven-hour meeting in March last year.

The plaintiffs contended that at the meeting, the collective sale committee members were assured by the marketing agent for the sale that the condition on planning permission could be met.

Under the agreement, if the buyer fails to receive planning permission, it was entitled to rescind and cancel the contract.

The buyer also has the right to waive this condition and proceed with the deal, but the owners do not have a corresponding right.

The deal was inked on March 27 and the buyer paid a first deposit of \$4.75 million, or 5 per cent of purchase price.

Under the contract, the buyer was to pay a further deposit of \$4.75 million within seven business days after receipt of written notice that the order for sale for the property had been obtained.

The deadline was extended to Dec 1 after Oxley's request.

On Sept 17, URA rejected Oxley's proposal.

On Oct 26, Oxley's lawyers wrote to the committee's lawyers, saying it was entitled to rescind and cancel the agreement on the basis that the condition has not been met. It demanded the return of the first deposit.

More legal correspondence followed, with the committee rejecting the purported rescission.

The committee also demanded payment of the further deposit by the deadline.

Oxley rejected the demand and maintained that the contract had been validly rescinded and cancelled. It repeated its demand for the first deposit to be refunded.

The plaintiffs allege that Oxley's failure to pay the further deposit by Dec 1 was a breach of contract and thus, they were entitled to forfeit the first deposit.

TOPICS: EN BLOC SALES, SINGAPORE COURTS, CIVIL LAWSUITS



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# 政府推出368万元津贴 助律师行加速采纳科技

由律政部、律师公会、资讯通信媒体发展局和新加坡企业发展局联合推出“法律科技加速计划”，除了基本系统外，也鼓励业界采用更高科技的解决方案，例如利用人工智能跟客户交谈、收集资料和预约时间等。

一些原本很耗时的工作像审讯前披露文件、检讨文件，若能以更快的速度和更高的效率完成，就能为客户省下时间和费用。

律政部卫生部部长唐振辉

信约律师事务所(Covenant Chambers LLC)2017年申请了法律科技加速计划，之后引进业务管理系统，法律信息搜寻和网络营销三套系统。

事务所执行总监李一阳律师告诉《联合早报》：“我们2016年开业时只有不到五名律师。要一次采用三套系统是重大的投资，还好当时有政府津贴。虽然津贴期已过，但是他们会到运用科技对事务所有益，所以仍继续使用这些系统。”

他举例，有了法律信息搜寻工具后，律师无需翻阅所有案例和判例，可以直接查看重点。为一个法律数据搜集资料可省两三个小时，进而减少客户费用。唐振辉指出：“一些原本很耗时的工作像是审讯前披露文件、检讨文件，若能以更快的速度和更高的效率完成，就能为客户省下时间和费用。”

至于这对公众有何好处，唐振辉指出：“一些原本很耗时的工作像是审讯前披露文件、检讨文件，若能以更快的速度和更高的效率完成，就能为客户省下时间和费用。”

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# 法律智点俱乐部新平台 助律师交流试行新科技

通讯及新闻部长易华仁指出，律师事务所人员将有更多机会参加企业转型工作坊，互相分享运用新科技的体验等等。

易华仁指出，本地多数的律师事务所是中小型事务所，他们要采纳科技方案可能需要一些援助。政府因此推出法律科技加速计划，而要加速科技的运用，其中一环是促进这些律师之间的交流。

新加坡目前有922家律师事务所，902家(97.8%)是中小型事务所，律师人数不超过30人。根据去年的一项调查，超过八成本地律师事务所认同科技能帮助它们提高服务水平。也对整个行业的未来发展至关重要。但真正已采用新科技的只有约12%。他大多仍未采取行动。

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也能受惠，包括能更快解决纠纷等。“其实影响的层面更广，因为法律服务会影响各行各业，是整个经济体制里关键的环节。”

《联合早报》本月初报道，政府宣布下来一年将拨款368万元，加速业者运用高科技系统的步伐。法律科技加速计划由律政、律政公会、资讯通信媒体发展局和新加坡企业发展局联合推出，有意采纳基本和高科技系统的律师事务所，第一年使用指定产品可获得最多70%资助，资助总额上限为13万元。

本报访问两家开业不到五年，但因积极运用科技，获法律智点俱乐部推荐为最佳律所。但真正已采用新科技的只有约12%。他大多仍未采取行动。

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Coming onstream: Laws banning sale of set-top boxes



SINGAPORE — Importers and sellers of set-top boxes that enable streaming of pirated movies or television shows will run afoul of laws that the Ministry of Law plans to table this year.

This means consumers may not be able to head to places such as Sim Lim Square in future for their pick of such devices, which cost about S\$89 and above, as reported by TODAY previously.

In a report released on Thursday (Jan 17), the Ministry of Law (MinLaw) and the Intellectual Property Office of Singapore (Ipos) said that new laws will be introduced to "impose civil and criminal liability on people who willfully make, import for sale, commercially distribute or sell" products that enable access to audio-visual content from unauthorised sources.

The new laws will also target those who sell software that allows access to pirated content or who provide "add-on" services such as instructions on how to access the content, the agencies stated in the Singapore Copyright Review Report.

"Our policy position is not to allow commercial gains derived from enabling access to content from unauthorised sources," they said.

The announcement comes after a three-year review of the Copyright Act and amendments will be tabled in Parliament sometime this year.

The legality of these set-top boxes has been a contentious issue because there are no laws governing the sale of these devices that stream copyrighted content through applications.

In December 2017, the Coalition Against Piracy — whose members include major entertainment companies — said that the devices facilitate " rampant " piracy in Singapore.

And in an unprecedented case in January last year, a group of rights owners — including two telcos Singtel and StarHub, as well as entertainment giant Fox and the organising body of the English Premier League (EPL) — sought a private prosecution against two companies and their directors for selling legitimate set-top boxes which give users unbridled access to copyrighted programmes.

Singapore Documents reveal children were filmed in toilet multiple times by NUS voyeur



SINGAPORE: A National University of Singapore (NUS) undergraduate who took photos of children in a toilet on multiple occasions was given a 24-month conditional warning in lieu of prosecution by the police, according to a document detailing offences heard by the school's disciplinary board between 2015 and 2018 and their outcomes.

The documents - which were obtained from the university's student portal and uploaded over the previous weekend by a group of NUS students on Facebook - reveal that the NUS' Board of Discipline heard at least 26 cases of sexual misconduct during the three academic years.

Several of the cases involved students taking photos and videos of male and female students in the shower and upskirt videos. In other incidents, offenders touched the thighs or buttocks of female students.

The document, however, also revealed that children were among the victims of the sexual voyeurs in NUS. It did not state where these offences took place.

► READ: NUS students call for school to be held accountable for sexual misconduct on campus

In the case contained in the document, an undergraduate had "entered a children's toilet and filmed children in the adjacent cubicle on multiple occasions" between 2015 and 2016, according to the document.

The perpetrator was given a 24-month conditional warning by the police. He was also temporarily suspended for two semesters, ordered to undergo mandatory counselling and psychological assessment, fined S\$1,000 and issued an official reprimand.

CNA has sought further information from NUS on the case.

► READ: 'We fell short': NUS president apologises to alumni over handling of sexual misconduct case

NEVER-ENDING TECH RACE?

Intellectual property lawyers had mixed reactions to Thursday's announcement.

Mr Mark Teng, who chairs the Intellectual Property Enforcement sub-committee of the Law Society of Singapore, said that the proposed amendments would give "enhanced protection" for copyright owners.

A key difference, he noted, is that the proposed changes would empower the police to launch an investigation and enforce the laws in Singapore.

Under current legislation, copyright owners have to make an application themselves.

Mr Samuel Yuen of Yuen Law said that the proposed changes could drive the market for audio-visual content "underground" or result in new ways to circumvent the law.

"When will the technology race ever end? I don't think it will," he said.

Mr Bryan Tan from law firm P'sent Masons wondered if proposed laws would be effective, given that previous "drastic" changes "did not work".

The Copyright Act was amended in 2014 to allow copyright owners to get Internet service providers to block piracy websites through a court order, he noted.

The popularity of set-top boxes shows that there is demand for media content, which copyright owners could make more readily available and affordable, lawyers said.

"We do pay a very high price for the content. It doesn't help the piracy situation," Mr Tan said.

Rights owners could consider imposing a usage fee for the viewing of their content, perhaps by working out a deal with the manufacturers of such set-top boxes, Mr Yuen suggested.

Mr Ronald Wong from law firm Covenant Chambers said that the law can keep pace with technological developments by being broad enough "to catch hardware and software that is designed or made primarily for giving access to pirated content".

He noted that as the proposed law criminalises only people who manufacture, import, distribute or sell such products, consumers may not be caught under this law. "It depends on how the new law will be worded," he said.

In their report, MinLaw and Ipos said they are mindful that new laws should not be overly broad, such that they inadvertently catch retailers of any device that allows users to access online content from unauthorised sources.

Retailers of "general" multi-purpose devices such as computers and mobile phones should not be made responsible for how buyers set up and use such devices, they said.

Besides retailers, legal action should also be possible against those higher up in the supply chain, such as manufacturers, they said.

Industry players welcomed the announcement.

Mr Neil Gan, general manager of advocacy group Coalition Against Piracy said the proposed legislation is a "positive development".

Among the members of the anti-piracy unit of the Asia Video Industry Association are media conglomerates such as The Walt Disney Company, HBO and Fox Networks.

Mr Gan said Sim Lim Square is one of the "most egregious" malls in Southeast Asia for the overt selling of set-top boxes. He hopes that these retailers will also no longer be represented at IT fairs in Singapore once the laws come into effect.

The proposal will also mean that retailers will no longer be able to mislead consumers into thinking that the content they are watching through the set-top boxes are accessed legally and that the subscription fees they are paying go to the rights holders, he said.

Mr Gan is also the complainant acting on behalf of the group of rights owners charging the two sellers of Android TV set-top boxes.

NUS' handling of sexual misconduct cases has been under the spotlight, after undergraduate Monica Baey took to Instagram to call for tougher action against a student who had filmed her taking a shower.

Education Minister Ong Ye Kung said on Monday the penalties meted out to Ms Baey's perpetrator - which included a one-semester suspension and ban from on-campus housing premises - were "manifestly inadequate".

Responding on the case involving children, lawyers CNA spoke to said that while universities have the right to decide how they wish to review incidents that happen on their premises, offences involving minors or children are generally viewed as more serious.

► READ: 'Extremely disappointed' with town hall on sexual misconduct: NUS Students' Union

Ms Cheryl Ng from Intelleigen Legal said that in the case of the student who filmed children in the toilet, while a conditional warning "does seem somewhat surprising", there could be facts that are unknown.

"The Attorney-General's Chambers (AGC) usually takes a very firm stance when children are victims in such situations. It is also more aggravated that children were the prime target. However, one factor that we know the AGC considers in whether to prosecute or not is the strength of the evidence," Ms Ng said.

"If there is no evidence, then it can be difficult to successfully prosecute the alleged accused. As such, the AGC or police will choose to issue a warning instead," Ms Ng added.

Lawyer Gloria-James Civetta from Gloria James-Civetta & Co said the fact that the offence took place within school premises gives the university "the right to discipline or refer the case to the police".

Taking into account that the offender is a student and the video was apparently not circulated, the decision made by the Board of Discipline "fits the crime", said Ms James-Civetta.

She added that the student could face charges under the Films Act or the Children and Young Persons Act.

► READ: 19-year-old man investigated for peeping Tom incident in male toilet at NTU residential hall

Mr Che Wei Chin from Covenant Chambers said that in cases of vulnerable victims like children, it is more likely that AGC will issue charges instead of merely a conditional warning.

"Some factors that AGC are likely to consider when deciding on issuing charge(s) are: The degree of culpability, the harm caused to the children (and) whether there are public policy considerations," Mr Che said.

Still, he added, it is within AGC's rights to ask the police to issue a conditional warning if they assess that the person's actions are an isolated incident and his chances of reoffending are not high.

However, if the person filmed children several times over different time periods, each occasion of filming could constitute one charge and the person could technically face multiple charges.

Some other proposed amendments to the Copyright Act:

- Giving creators the right to be attributed for their work, even if they have sold the copyright
- Creators of works such as photographs and sound recordings will own the copyright in all works they are commissioned to create by default, unless they agree otherwise in writing for copyright owners.
- Allowing the copying of copyrighted materials for data analysis



February 2019: Gojek Incident Raises Implications on Privacy Laws

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March 2019: Technology Disruption in the Legal Industry - Comparison of Online Wills Platform vs Lawyers' Drafted Wills

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**Question:** What/who inspired you to embark on a teaching career?

**Wilbur:** One big part of it is definitely about giving back. I have benefitted immensely from the dedication and efforts of many good teachers and mentors throughout my life, and without them, I wouldn't be where I am today.

But another part is that I really enjoy the process of helping my students reach their full potential and discover what they are actually capable of. As part of the LARC curriculum, all students will have to participate in a moot at the end of their first year where they will have to present their arguments before a mock court. It is extremely heartening especially to see the quiet and timid students slowly discovering their confidence through the semester, to eventually being able to hold their own and confidently make arguments even in the face of tough questions and constant interrogation by their instructors!

**Question:** What about educating our next generation of lawyers do you find fulfilling?

**Wilbur:** Lawyers play a huge role in the upholding of justice in society. A good lawyer must therefore not only be competent and skilful at presenting his client's case but must have a strong character as well. I find it especially meaningful to have a role in shaping the people who will eventually become future pillars of justice in our nation.

**Question:** What is so unique about legal education as compared to other fields?

**Wilbur:** Many people have the perception that studying the law is about acquiring knowledge of the law. While that is true, that to me is not the most significant thing to take away from a legal education.

The study of law shapes, even changes, the way that you think. You learn to analyse issues in a more methodical fashion; discover your own biases and presumptions. To be fair, there are other disciplines (such as philosophy) that also train you to have a very rigorous thinking process. But I suppose the main difference is that in law, you are also required to express yourself in a clear (and convincing) fashion because your job, at the end of the day, is to persuade.

**Question:** What are some of the biggest challenges you'd to face juggling the demands of being a full-time lawyer and an educator?

**Wilbur:** I actually think the two roles are quite synergistic! I find it very helpful that I am able to review my performance in court using the principles that I teach my students, and flesh out the principles in class by relating to my experiences in court.

**Question:** What are your thoughts/opinions regarding the extension of the "Practice Training" from 6 months to 1 year?

**Wilbur:** I think the extension will really force law graduates to think about whether they really want to pursue a career in the practice of law, given that the opportunity cost of training to be a lawyer has now increased. In light of the traditionally high levels of attrition within the legal industry, it may not actually be a bad thing to encourage

our young graduates to have a hard think about whether they truly desire to practice or are simply following the crowd.

**Question:** Do you believe in molding your students (Shaping) or growing your students (Nurturing)?

**Wilbur:** I would say grow - I believe that every student has his/her unique strengths, and so I won't try too hard to mould my students in a certain way.

**Question:** What are some of your inner thoughts that your students had never known but would be surprised to find out about?

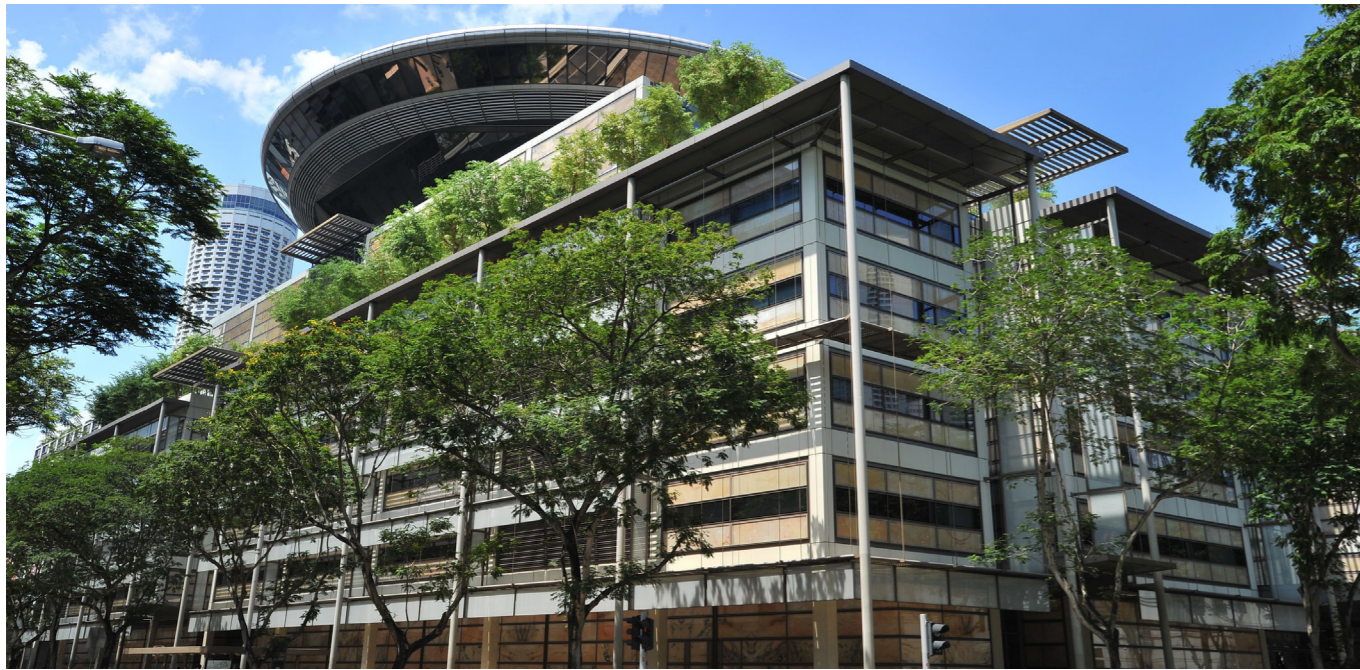
**Wilbur:** I sometimes imagine what it would be like if I suddenly became very fierce with them... (I'd never raise my voice in class)

**Question:** What was that one hurdle you had to cross as a lawyer and how has that made you stronger as a person?

**Wilbur:** Working through the night on submissions. But I'm not sure if that makes me stronger or more sleep deprived.

# CASE

## SUMMARY



### Case update: *UMU v UMT* [2018] SGHCF 16

This case centred on a dispute over the division of matrimonial assets in a marriage that lasted 22 years. In this case, the High Court considered the novel question of whether compensation monies received by a spouse as a result of a tortious wrong done to him was liable for division during matrimonial proceedings.

#### Facts

3 years before divorce proceedings were commenced, the Husband was involved in a road traffic accident. He suffered serious personal injuries as a result, and filed a personal injury claim in the High Court (“Personal Injury Suit”). Interlocutory judgment was entered in his favour, and parties eventually agreed on the sum of \$520,000 to be paid to the Husband. The Final Judgment was entered by consent. After payment of taxed costs to the Husband’s solicitors and costs for the divorce proceedings, the Husband received a total payment of \$433,828.94 (“Compensation Sum”).

The Husband contended that the Compensation Sum was not a matrimonial asset and thus not liable for division. The Wife disagreed. Parties also disagreed on what would be a just and equitable division of the matrimonial assets.

#### Lower Court’s Decision

The District Judge found that the Compensation Sum fell within the definition of a matrimonial asset under section 112(10) of the Women’s Charter, but that the Charter nevertheless gave the Court the discretion to divide only part of the asset if it would be just and equitable to do so. The District Judge then broke down the Compensation Sum into its various heads of damages and added only the sums awarded for pain and suffering and special damages to the pool of matrimonial assets. The award for future loss of earnings/loss of earning capacity and future medical expenses were excluded from division.

The District Judge then determined that it would be just and equitable to award 40% of the total pool of matrimonial assets to the Wife, after taking into account parties’ relative contributions to the pool, and drawing an adverse inference against the Husband for failing to make full and frank disclosure of his assets.

Both parties appealed against the District Judge’s decision.

#### High Court’s decision

There were two main issues on appeal.

**Issue 1:** Whether any part the Compensation Sum should have been divided

The High Court Judge upheld the District Judge’s decision to include special damages from the Compensation Sum in the pool of matrimonial assets, but held that general damages awarded for pain and suffering should have been excluded. The Court reasoned that the definition of a matrimonial asset in the Charter focuses on two key features: first, it is an asset acquired by effort and not by gift or inheritance, and second, it is an asset acquired during marriage or has a connection to the efforts of the spouses during marriage. The compensation received the Husband for pain and suffering were not assets acquired by the efforts of a spouse during marriage because the Husband’s entitlement to the compensation arose from him being the victim of a tort. Therefore, the award for pain and suffering should not have been included in the pool of matrimonial assets.

However, some components of the Compensation Sum, such as the Husband’s lost earnings due to the accident, could still be considered matrimonial assets, as they were intended as compensation for the income he would have expended effort to acquire had he not been injured. Special damages such as hospital and transport expenses could also be added to the pool of matrimonial assets as they were made to reimburse the Husband for expenses actually incurred.

**Issue 2:** Did the District Judge apply the correct division ratio?

The High Court Judge found that the District Judge should not have applied the structured approach laid down in *ANJ v ANK* [2015] 4 SLR 1043 (which was more appropriate for dual-income marriages)

when assessing the division of assets. Even though the wife had worked for a period of time at the start and towards the end of the marriage, the evidence showed that the Husband was primarily the breadwinner while Wife was primarily the homemaker in the marriage and it was therefore more appropriate to treat the marriage as a long single-income marriage. Accordingly, after considering that parties had a long marriage and the Wife had cared for the three children and the Husband (after his road traffic accident), the High Court added another 10% to the proportion awarded to the wife, thereby awarding the Wife 50% of the pool of matrimonial assets.

### Significance

The High Court's decision suggest that tortious damages awarded to a spouse would not be considered for division in matrimonial proceedings unless the damages were intended to compensate the spouse for assets that the spouse would have expended effort to acquire, or represent a reimbursement for expenses actually incurred by the spouse as a result of the tort.

The High Court also affirmed its recent decision in *UMB v UBN* [2017] 4 SLR 921, where it clarified that a single-income marriage also includes a marriage where one party was primarily the breadwinner and the other primarily the homemaker.

# MALACCA

## FIRM TRIP 2019



Our 2019 roadtrip saw us plowing miles along the highway heading up north to the quaint, cultural hotpot of Malacca. Even though there were a couple of us who had been there previously, travelling as a firm opened our eyes and hearts up to the locality and to one another.

Though the coach ride was a relatively long one, we were treated to the view of endless palm tree plantations along the way and a short glimpse into the everyday lives of Malaysians - imagine those "pop-top" bus tours with the comfort of a plush reclining chair and air-conditioning.

Our first stop was at Chee Siah Le Kee & Partners (CSILK), a well-respected law practice in the whole of Malacca and greater Malaysia. Established in 1981 with

just Datuk Chee Kong Chi and an administrative clerk, the firm has grown from strength to strength, having a team of 15 lawyers and 45 team members (comprising of legal support staff, administrative and operations staff). Starting out as a project conveyancing firm, they had expanded into other verticals including civil litigation, banking and finance, corporate and commercial, servicing a range of astute clients and government agencies.

The moment we'd stepped into CSILK, we were astounded by the modern facade that greeted us. The brick walls and wooden accents provided a warm, welcoming atmosphere for their clients. This is absolutely important for a law practice in not only providing a good first impression, but also a sense of calm and comfort for clients



going through litigious matters.

We had the honour of having Datuk Chee Kong Chi share with the combined audience comprising of staff members from CCLLC and CSILK on the right ingredients that makes a successful law practice. One of the pertinent points raised was the importance of inculcating an image of honesty and trust (and practising it too); Prioritising and respecting the privacy and confidentiality of legal clients is often of importance to them.



Another key point raised was the idea of effective communications and relationship building internally amongst staff members, and externally with clients. The legal sector has always been a “people business” where a keen listening ear and empathy can make a big difference in understanding our client’s issues and how we can eventually strategize and tackle the issue as a cohesive unit. The same applies for all staff members within the law practice as well; an open communications model allows for a more productive allocation of capitalization hours for various client matters and more importantly, for their own professional development.

CSILK also provided great hospitality throughout our time there with a great spread prepared for lunch and a tour of their office (we were moved by their connection with their hometowns by naming the meeting rooms them).

Covenant Chambers LLC spent the night at Holiday Inn Malacca, but of course, almost nobody would head over to Malacca and not explore the streets, people, and culture. A couple of memorable places we had headed down to was the “Huskitory” and the “Akita Cafe Gallery” where you would be greeted by the excitable little “bears” that are more than happy to do a few little tricks for you in exchange for a treat or two. The staff opened up and dropped their usual serious, focused professional self to give a sneak peak to the quirky and fun personalities hiding all these while.

We had another group who headed over to A Famosa and its old fort structure complete with a cannon or two and



immerse in the city’s history and colonial past. Situated right beside it is the iconic Christ Church Protestant Church with its red facade and definitive looks.

Nevertheless, there’s Jonker Street during the day with its various hipster cafes and traditional shops where some of us managed to snatch up some traditional local snacks and trinkets. By night, the entire landscape morphs into rows of street side stores flanking on both ends and a sea of people excited to find out what’s in store.

Another firm trip concludes with us chugging down the Malaysian highway towards Singapore. Those 2 1/2 days whizzed past in a bat of an eye, but we had grown to understand one another better on a personal level and seen the lighter side of people, away from the hustle and grind of an office environment.



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