

Harry Elias Partnership's Commitment to CLAS

Introduction

In March 2012, Harry Elias Partnership ("HEP") created history by becoming the first Singapore law practice to sign a Memorandum of Understanding ("MOU") with the Pro Bono Services Office ("PBSO") to mark its pledge to undertake at least 25 *pro bono* criminal cases annually under the Criminal Legal Aid Scheme ("CLAS"). HEP has delivered on their promise to defend the poor with distinction. Two years on, HEP's involvement with CLAS provides a rich case study and a promising blueprint for how large law practices can commit themselves as a firm to engage more fully in *pro bono* criminal defence work. This is the story of how it happened.

Harry Elias' Personal Commitment to the CLAS Cause Since 1985

Senior Counsel Harry Elias is the founder of HEP. He was also the founding Chairman of CLAS from 1985 to 1991. Some 30 years ago, Harry was part of a group of public-spirited and dedicated lawyers who came together to form CLAS in response to the fact that there was no organised system in Singapore for the provision of free legal services to people who were facing non-capital charges and could not afford legal representation. At that time, Harry was the President of the Law Society. With limited resources available, CLAS had to rely almost exclusively on the goodwill and support of volunteer lawyers who were willing to represent accused persons on a *pro bono* basis. Although Harry and other lawyers in his practice have been engaged at an individual level in *pro bono* defence work ever since, HEP as a firm did not have a systematic, firm-wide arrangement to taking up CLAS cases.

HEP's Pledge

In early 2012, PBSO gave a talk to the lawyers in HEP about the work that PBSO does, which includes administering CLAS. HEP's managing partner, Philip Fong, then mooted the idea of a more formal collaboration between PBSO and HEP. Philip nominated senior partner, Francis Goh, to make this collaboration a reality. To inculcate a *pro bono* culture amongst the young lawyers, a plan was devised to engage HEP lawyers in the representation of CLAS clients. The partners at HEP believed that CLAS work would not only benefit the represented defendants but also give young lawyers much needed exposure to advocacy. This project was close to Harry's heart as one of the founders and past Chairman of CLAS.

The motivation of HEP's senior management to get their lawyers involved in CLAS work culminated in the signing of an MOU in March 2012 between PBSO and HEP, where each lawyer in HEP committed to contribute at least 25 *pro bono* hours per year by supporting PBSO initiatives.

Yet, the signing of the MOU was only the first step. Pursuant to the MOU, HEP subsequently pledged to take up 25 CLAS cases a year as a firm.

As quite a number of HEP's commercial lawyers had little or no direct experience handling criminal defence work, HEP embarked on a project with several leading criminal practitioners in Singapore to develop a manual to guide their lawyers on the nuts and bolts of criminal procedure. The scope of the project was then enlarged so that HEP would work with CLAS to make the manual available to all CLAS volunteers and it has proven to be an infallible guide, particularly for volunteer lawyers who are new to the area of criminal practice and procedure.

HEP also approached PBSO to appoint a permanent *pro bono* mentor for their associates to advise them as they took their first few CLAS cases. Suresh Damodara, a very experienced criminal law expert and Vice-President of the Association of Criminal Lawyers of Singapore, was appointed as HEP's inaugural CLAS mentor. Inexperience is no longer a bar to serving as a CLAS volunteer.

What is truly remarkable about HEP's CLAS volunteering programme is that they did not have a dedicated criminal practice department or a core group of lawyers who could be described as specialist criminal practitioners at that time in 2012. However, HEP did not allow this to be an impediment, but rather an opportunity to expand their lawyers' skills base by getting them exposure to another area of practice and appointing a senior mentor to advise them.

Ultimately, HEP's *pro bono* initiative has proven to be a resounding success. In the last two years, HEP's lawyers have taken up over 55 CLAS cases. Their associates have gained a lot from their involvement in CLAS work as it afforded them a valuable opportunity to give back to society whilst developing their advocacy skills and professional competence in the area of criminal defence. Through their CLAS programme, HEP has developed the capacity of its associates to take on criminal work and given them the invaluable opportunity to clock valuable "air-time" in Court as lead counsel.

HEP's Chong Yi Mei, who represented an accused who had a history of shoplifting, says, "I was given many opportunities to help the underprivileged through my vocation which made it all the more meaningful." "Legal representation through CLAS is a splendid opportunity for me to apply my skills for the benefit of other people in my community," says Mr Zack Quek from HEP, who acted for an elderly man charged with hitting another person. Another young lawyer, Ms Farrah Joelle Isaac of HEP, says, "I benefitted from additional opportunities to run my own file and speak in Court. But more importantly, by providing such crucial resources as my time and skill, I had helped increase access to justice for those in need."

Conclusion

HEP's successful engagement with CLAS bears eloquent testimony to the substantial contribution that a commercial law practice can potentially make to criminal legal aid

in Singapore if there is sufficient commitment and buy-in from the senior management. CLAS hopes that the HEP example will motivate the largest law practices in Singapore to similarly pledge to do 50 or more CLAS assignments annually.

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