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Internships and the making of future lawyers

Tan Seow Hon

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CAN the ethical or good lawyer be nurtured? When does the making of a lawyer begin?

As law firm internships provide law students with their first substantial encounters with lawyers, in situations where they are especially eager to impress, a project was undertaken to examine the impact of private law firm internships on the professional identities of future lawyers.

Fifty-two volunteers from the Singapore Management University, which mandates 10 weeks of internships with approved partners, were surveyed. Most had done corporate or civil litigation work at local firms in Singapore.

The findings of this research project were presented at the fifth International Legal Ethics Conference, held in Canada in July.

Of special interest to the question of whether ethical or good lawyers can be nurtured are survey questions about the role-modelling that goes on during internships. What work ethic or values were imparted?

On this, 65 per cent of the interns surveyed said lawyers they had interacted with or observed were role models or sources of inspiration. Some answers as to how lawyers inspired them were, however, surprising in a deflating way.

A handful of interns aspired to the work-life balance they saw in lawyers, which they gathered from the lawyers having interests outside work, speaking fondly of their families, and so on.

Arguably, such identification of work-life balance as the predominant inspiring factor by some interns was troubling because it suggested that work was an undesirable necessity that one had to do but preferred to get away from.

Or perhaps it suggested that interns were tired of the all-consuming work culture of large law firms.

As Yale academic Anthony Kronman suggested in his 1995 book, *The Lost Lawyer*, those with "no extra-professional interests or involvements for which they feel they must reserve some portion of their strength" were most likely to succeed or emerge as "heroes".

Morally neutral inspiring traits included being excellent, being organised, being able to handle many different aspects of a client's case, being able to handle different cases at the same time, being on the ball, teaching well, decisiveness and passion.

Inspiring traits that were more directly aspects of virtue included the kindly supervision of interns, sincerity, treating everyone with dignity, treating opposing counsel well, presenting cases fairly to the court, helping people, giving the best to pro bono work, as well as treating the client as a person and "not just a money-making thing".

An intern who remained unimpressed said lawyers were not "shining beacons of light". Some lawyers were "living very luxurious lives" and had lost track of why they were in the profession; he said he had met few who were passionate about promoting justice.

When asked if they had seen any lawyer who was someone they would not want to be or who put them off - and also to rate the strength of their reaction - 38.4 per cent of the interns gave a rating of four and above out of five.

Off-putting lawyers were said to be "pompous, self-indulgent and arrogant", unhelpful or unapproachable to interns, created an "atmosphere of fear", demonstrated petty behaviour to administrative staff, scolded interns and trainees publicly, were hypocritical and treated clients and others differently, failed to work as hard on pro bono cases, or were part of a firm culture which contradicted values extolled in firm brochures.

Others objected to the treatment of clients. One intern decried lawyers for seeing clients as "cash-milking machine(s)".

Another raised the apparent lack of concern that lawyers had for their clients' fates as the intern had seen a lawyer being "relaxed" and "jovial" while acting for a client who was due to be sentenced to a few years' imprisonment.

What can we take away from these findings?

First, negative examples are found in any profession, and even a tiny minority of bad sheep may lend to the negative ratings.

Instead of being dismissive or defensive, however, lawyers might use the occasion for soul-searching and reflect on whether they are living inspiring lives.

Second, to some extent, interns, like all adults, are their own persons, and respond differently to the same encounters. Some with strong ethical fundamentals will steer clear of firms with values that they dislike; others are more malleable.

However, as interns use internships to suss out their suitability for the profession, lawyers can arise and be good stewards of the law.

If the law is founded on

ideals of justice and is truly a public good, a professional ethos which conveys that will go some way to attracting like-minded future lawyers, who would continue to safeguard such goods.

The writer teaches philosophy of law at the Singapore Management University.