



**LAW SOCIETY OF SINGAPORE
ADMISSIONS COMMITTEE**

FREQUENTLY ASKED QUESTIONS

APPLICATIONS FOR PRIVILEGE OF RESTRICTED AUDIENCE (PART-CALLS)

Q1. What is part-call?

Under the Legal Profession Act (“the Act”), generally only an advocate and solicitor of the Supreme Court holding a current practicing certificate shall have the exclusive right to appear and plead in all courts of justice in Singapore.

However, section 32(3) of the Act provides for a form of restricted audience for practice trainees receiving supervised training in relation to the practice of Singapore law under a practice training contract with a Singapore law practice, which is generally referred to as having been “**part-called**”.

If the practice trainee has completed at least 3 months of his or her practice training period, the practice trainee qualifies to be part-called whereupon he or she may then appear on behalf of the Singapore law practice before:

- (a) a Judge or the Registrar;
- (b) a judge (however described) of a Family Court or Youth Court, or the registrar, the deputy registrar or an assistant registrar of the Family Justice Courts; or
- (c) a judge (however described) of a District Court or Magistrate’s Court, or the registrar or a deputy registrar of the State Courts.

Q2. If I have completed my practice training contract, can I still be part-called?

When your practice training contract ends, your right to make an application to be part-called under section 32(3) also ends, subject to the proviso that if your application to be part-called is filed before your practice contract ends, it appears from the wording of section 32(3) that an order for part-call can still be made after your practice training contract ends. Accordingly, and as a general rule, the Law Society will not object to the making of such an order in such circumstances. However, please note that your right of part-call audience under section 32(3) will, in accordance with section 32(4), end on the earlier of —

- (i) the time you are admitted as an advocate and solicitor of the Supreme Court; or
- (ii) the expiration of 3 months after the last day of your practice training period.

Q3. Can I be part-called if I am undergoing relevant legal training as defined in the Legal Profession (Qualified Persons) Rules?

No, you are not eligible to be part-called as you are not a ‘qualified person’ under section

32(3) of the Act read with the Legal Profession (Qualified Persons) Rules.

Q4. Can I be part-called if I have yet to undertake the Preparatory Course leading to Part B of the Singapore Bar Examinations?

The default scenario is for a practice trainee to have completed the Preparatory Course leading to Part B Examinations prior to commencing practice training. Therefore, it would be exceptional for a person who has not taken or passed the Part B Examinations to be part-called.

A practice trainee who seeks to be part-called prior to completing Part B should demonstrate that he/she has sufficient knowledge and experience in the subject areas taught in the Part B Course and is able to carry out the duties owed to the court: see *Re Teo Jun Kiat, Evan (alias Zhang Junjie)* [2015] SGHC 274.

The Law Society will consider such applications on a case-by-case basis after they have been filed in Court. Cases in the past where part-call applications have been granted to persons who have yet to complete Part B largely involved practice trainees who had obtained a diploma in law from polytechnics like Temasek Polytechnic and had actually worked as paralegals in Singapore for a number of years before studying for a law degree. These persons were able to show in-depth knowledge and experience on areas of Singapore law and the standards that were expected of them as an advocate and solicitor of the Supreme Court, and this could compensate for them not having completed Part B prior to the filing of the part-call application. In *Re Teo Jun Kiat, Evan (alias Zhang Junjie)*, courses taught in an overseas university which were not geared towards imparting knowledge and skills on Singapore law and practice were held to be insufficient in demonstrating that the practice trainee had sufficient knowledge and experience.

Q5. How is the application for part-call made?

The application for part-call is by way of a Summons and can be made by the supervising solicitor or any advocate and solicitor with a valid practising certificate in a Singapore law practice where the practice trainee is serving the practice training, and no other person (including the practice trainee), to a Judge of the High Court.

Q6. Do any supporting affidavits need to be filed together with the application?

Both the applicant and the practice trainee must file supporting affidavits together with the application (Refer to Annex A for the sample affidavit header).

The applicant's affidavit should include the following information:

- details of the practice trainee as a qualified person;
- confirming that the practice trainee has passed the Part B of the Singapore Bar Examinations, where applicable;
- period of the practice training period served by the practice trainee with the law practice; and
- reasons why the court should grant the part-call application.

The practice trainee's affidavit should include the following information:

- confirmation of the relevant paragraphs of the applicant's affidavit concerning the practice trainee; and
- details of work undertaken and/or assisted by the practice trainee in the law practice.

The applicant and the practice trainee and may file a joint affidavit.

Q7. Is it necessary to attach exhibits to the practice trainee's affidavit to prove that he or she is a qualified person, has passed the Part B of the Singapore Bar Examinations and has served the requisite period of the practice training with the law practice?

- copy of the practice trainee's degree certificate;
- copy of a letter issued by the Singapore Institute of Legal Education ("SILE") certifying that the practice trainee has been registered with SILE as a qualified person for the purpose of admission as an advocate and solicitor in accordance with Rule 24 of the Legal Profession (Admission) Rules 2011;
- documentary evidence that the practice trainee has passed Part B of the Singapore Bar Examinations (if applicable) or other evidence that demonstrates that he has sufficient knowledge and experience in the subject areas taught in the Part B Course (see answer to Q4 above); and
- copy of a letter issued by SILE certifying that it has given its approval of the manner in which the practice trainee is to serve his practice training period in accordance with Rule 24 of the Legal Profession (Admission) Rules 2011.

Q8. Can the application for part-call be filed in Court before the completion of 3 months of my practice training period?

No, the part-call application should be made after the completion of 3 months of your practice training period as this is a requirement under section 32(3) of the Act. The applicant's affidavit must state that you have served not less than 3 months of your practice training period in accordance with section 32(3) of the Act.

Q9. What are some of the common errors in the application for part-call?

- incorrect reference in the supporting affidavit to the practice trainee as "the Applicant" or "the Petitioner", when the proper applicant under section 32(3) of the Act is "any advocate and solicitor in active practice in the Singapore law practice where the practice trainee is serving his practice training period" (normally, the practice trainee's supervising solicitor);
- the practice trainee is to appear on behalf of only the firm and **not** the applicant and/or the firm;
- error in the dates of the period of the Preparatory Course leading to Part B of the Singapore Bar Examinations;
- referring to the wrong section of the Legal Profession Act for the application e.g. referring to section 32(2), instead of section 32(3);
- inconsistency between the applicant's affidavit and the practice trainee's affidavit; and
- error in calculating the 3-month period.

Q10. How should errors in the supporting affidavits be corrected?

The Law Society may require the applicant and/or the practice trainee to file a supplementary affidavit pointing out the error and providing the correct information. Where the time frame does not allow for a written application, an oral application to the Judge in chambers to correct errors in the affidavit may suffice provided it is accompanied by an undertaking to file a supplementary affidavit correcting such errors within 7 days after the hearing. The applicant in this case should inform and seek the

consent of the Law Society, the Singapore Institute of Legal Education, and the Attorney-General's Chambers to proceed by way of oral application.

Q11. Do I need a mover for my part-call?

Only an advocate and solicitor has a right of audience for part-call applications. Whenever possible, the applicant himself should appear for these applications. If he or she is not able to appear, then another advocate and solicitor may appear with the leave of court.

Q12. What do I need to do after the application for part-call is heard?

If the application is granted, the Order of the Court to such effect is to be extracted.

Q13. What is the period during which I am entitled to appear in accordance with section 32(3) after my part-call application has been granted?

Section 32(4) of the Act provides that the practice trainee is entitled to appear at any time during the period:

- (a) beginning at the time that application is granted; and
- (b) ending on the earlier of –
 - (i) the time that the practice trainee is admitted as an advocate and solicitor of the Supreme Court; or
 - (ii) the expiration of 3 months after the last day of that practice trainee's practice training period.

Date: 22nd June 2018 (Updated)
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SAMPLE AFFIDAVIT HEADER

In the Matter of Section 32(3) of the Legal Profession Act (Chapter 161)

And

In the Matter of <Insert name of Practice Trainee> (<Insert NRIC of Practice Trainee>),
a qualified person defined in Section 2 of the Legal Profession Act (Chapter 161)

And

<Insert name of Supervising Solicitor / An advocate and solicitor in active practice in
the Singapore law practice where the practice trainee is serving his practice training
contract>

(<Insert NRIC of Supervising Solicitor / An advocate and solicitor in active practice in
the Singapore law practice where the practice trainee is serving his practice training
contract >)

Applicant