

Consultation Paper on the Continuing Professional Development Scheme (Phase 3)

Objectives

This Consultation Paper is prepared by the Singapore Institute of Legal Education ('the Institute'). As its starting point, it seeks to summarise the operational framework currently in place for the Continuing Professional Development ('CPD') scheme. The first phase of the CPD scheme ('Phase 1') was implemented on 1 April 2012, while the second phase ('Phase 2') commenced on 1 January 2015.

2. This paper then sets out the key proposals for the implementation of the third phase of the CPD scheme ('Phase 3'), and seeks feedback on the proposals.

Summary of CPD scheme framework to date

3. The CPD scheme was implemented with the broad aims of allowing advocates and solicitors of the Supreme Court of Singapore ('lawyers') to keep abreast of legal, regulatory and practice-related developments; enhance their ability to handle their work on a daily basis; and foster a sense of community building and camaraderie amongst themselves.

4. The key characteristics of the CPD scheme are as follows¹:

4.1 A CPD Year runs from 1 January to 31 December.

4.2 The CPD scheme is based on a points system. Generally, 1 hour spent on a learning activity translates into 1 CPD Point. A CPD activity is defined in the CPD Rules 2012 and may be accredited by the Institute or be a non-accredited activity.

4.3 Lawyers who have been in practice for less than 5 years ('Newly-Qualified Lawyers') and those who have been in practice for between 5 and 15 years ('Senior Lawyers') as at 1 January of a CPD Year must obtain CPD Points for that CPD Year. This includes those who are practising as locum solicitors.²

4.4 A minimum number of CPD Points to be obtained must be Public CPD Points, which may only be obtained by attending or participating in accredited CPD activities. The remaining CPD Points may be Private CPD Points, which may be obtained by attending or participating in a wide range of non-accredited CPD activities.

¹ The legislative framework of the CPD scheme is specified in the Legal Profession (Continuing Professional Development) Rules 2012 ('CPD Rules 2012'). This is supplemented by the administrative Guidelines on the Continuing Professional Development Scheme 2015 ('CPD Guidelines 2015').

² Extension of the CPD scheme to holders of the Foreign Practitioner Certificate ('FPC Holders') had been deferred pending the establishment of the Legal Services Regulatory Authority ('LSRA'). It is anticipated that the CPD scheme will be extended to the FPC Holders in Phase 3 of the CPD scheme.

4.5 The number of CPD Points to be obtained depends on the duration which the lawyer holds the practising certificate in a given CPD Year:

	Newly-Qualified Lawyers need to obtain:	Senior Lawyers need to obtain:
Holding a practising certificate for more than 8 months in a CPD Year	16 CPD Points, at least 8 must be Public CPD Points.	8 CPD Points, at least 4 must be Public CPD Points.
Holding a practising certificate for more than 5 months up to 8 months in a CPD Year	8 CPD Points, at least 4 must be Public CPD Points.	4 CPD Points, at least 2 must be Public CPD Points.
Holding a practising certificate for 5 months or less in a CPD Year	No minimum CPD Points.	No minimum CPD Points.

4.6 CPD Points obtained in a CPD Year may not be applied towards meeting the CPD Points requirements of another CPD Year.

4.7 Lawyers are required to make a declaration regarding their compliance with their CPD requirements as part of their application for a practising certificate. Lawyers may also be audited by the Institute to ascertain whether they have fulfilled their CPD requirements.

4.8 The Institute's three CPD committees (Programmes, Accreditation and Compliance) oversee the various aspects of the CPD scheme in consultation with the Institute's Board of Directors, and are supported by the CPD secretariat.

4.9 Lawyers in all lawyer categories may obtain Private CPD Points for undertaking 'other eligible activities', apart from those relating to the practice of law. These include activities targeted at improving the work-life skills of lawyers to become better equipped to handle their work on a daily basis. 'Other eligible activities' also include participating as members in approved committees of the Law Society of Singapore, the Singapore Academy of Law and the Institute, as well as participating as supervisors in the Pro Bono Programme for Law Students.

4.10 Lawyers in all lawyer categories may obtain Public CPD Points for teaching, or coordinating subjects for, or otherwise significantly contributing to the Institute's other programmes as may be determined by the Institute from time to time. These include contributions to the Singapore Bar Course and Examinations, as well as the Foreign Practitioner Examinations.

4.11 Senior Lawyers may obtain Public CPD Points for 'conducting' accredited CPD activities, or participating as panellists in panel discussions at accredited CPD activities.

5. The phased approach to introducing the CPD scheme was adopted to ease all stakeholders into the scheme: For the Institute, to develop the processes needed to administer all aspects of the scheme, such as accreditation and compliance audit; For the lawyers, to become familiar with the requirements of the scheme and to meet those requirements; For the providers, to ramp up the provision of quality and varied learning activities catered to the needs of the profession. A report on the key outcomes of the CPD scheme for CPD Year 2015, and a summary of the key statistics relating to the CPD Scheme from 2012 to 2015 is attached at **Annex A** to this Consultation Paper.

6. Almost four years since its introduction on 1 April 2012, a sound and workable framework has been established for the CPD scheme. It is now timely to proceed with the next phase.

Key aspects of proposed Phase 3 of the CPD scheme

7. It is proposed that Phase 3 of the CPD scheme will commence on 1 January 2017. The CPD scheme framework as it exists in Phase 1 and Phase 2 will continue to apply in the Phase 3 implementation.

A Third Category of Lawyers

8. In Phase 3, the CPD scheme will be extended to all practising lawyers. This means that lawyers with 15 or more years of post-admission experience would be required to obtain CPD Points if they hold a practising certificate in a given CPD Year. In this paper, the placeholder name used for this third category of lawyers is 'Experienced Lawyers'.

Consultation Question:

A. What do you think is an appropriate name for the third category of lawyers? For example, should they be called 'Experienced Lawyers' or 'Established Lawyers'? Do you have any other suggestions?

- Experienced Lawyers.
- Established Lawyers.
- Other. Please elaborate.

CPD Points requirement for Experienced Lawyers

9. It is proposed that Experienced Lawyers start off with a requirement to obtain 4 CPD Points, at least 2 of which must be Public CPD Points, if they have a practising certificate in force at any time within a CPD Year. The requirement corresponds with about 4 hours of learning activities each year, and an Experienced Lawyer can obtain CPD Points in the same ways a Senior Lawyer can.

10. The lower starting CPD Points requirement is proposed with the view of easing the Experienced Lawyers into the CPD scheme. This is consistent with the strategy adopted for the Phase 1 and Phase 2 implementations of the CPD scheme. As Phase 3 will see a doubling

of the number of lawyers³ having CPD requirements, this controlled increase will afford providers more time to adjust to and meet the increased demand for CPD activities. Providers will be encouraged to further enhance their activity offerings to cater to the learning needs and expectations of the senior practitioners, such as Master Classes and round-table discussions. Senior practitioners will also be encouraged to speak and teach at accredited CPD activities so as to share their experience and expertise with the profession.

11. Adjustments to the CPD Points requirement for the Experienced Lawyers may be made in conjunction with an overall review of the CPD scheme, including the CPD Points requirements for all lawyer categories, after Phase 3 has been implemented for a few years.

Consultation Question:

B. Do you agree with the proposed CPD Points requirement for the Experienced Lawyers (4 CPD Points, at least 2 of which are Public CPD Points)? If not, what should the CPD Points requirement be?

- Agree.
- Disagree. They should have the same CPD Points requirement as the Senior Lawyers (8 CPD Points, at least 4 of which are Public CPD Points).
- Other. Please elaborate.

No pro-ratio of CPD Points requirement

12. Under the present scheme, Newly-Qualified Lawyers and Senior Lawyers will have their CPD Points requirements halved if they hold a practising certificate for more than 5 months but up to 8 months in a CPD Year⁴. Given the low points requirement proposed for the Experienced Lawyers (as compared to the Senior Lawyers who need to obtain 8 CPD Points each year), and the relative ease with which it may be fulfilled, it is proposed that there should be no reduced requirement if the Experienced Lawyer holds a Practising Certificate for a corresponding reduced period. However, as with the Newly-Qualified Lawyers and Senior Lawyers, no CPD Points need to be obtained if the Experienced Lawyer holds a PC for less than 5 months in a CPD Year.

Consultation Questions:

C. Based on the proposed requirement of 4 CPD Points per year for the Experienced Lawyers, do you agree that there should be no reduced requirement regardless of the duration which they hold a practising certificate in a CPD Year? Do you have any other suggestions?

- Agree. The CPD Points requirement should not be halved if they hold a PC for more than 5 but up to 8 months in a CPD Year.

³ The number of lawyers with CPD requirements for CPD Year 2015 was 2,375. According to the Law Society of Singapore, there were 4,834 practitioners in 2015.

⁴ Please see paragraph 4.5.

- Disagree. The CPD Points requirement should be halved if they hold a PC for more than 5 but up to 8 months in a CPD Year.
- Other. Please elaborate.

D. Should any concession be given to any group of lawyers, such as those who have 35 or more years of post-admission experience? For example, could these lawyers be allowed to satisfy their CPD Points requirement wholly through Private CPD Points? Do you have any other suggestions?

- Yes, lawyers who have 35 or more years of post-admission experience should be allowed to satisfy their CPD Points requirement wholly through Private CPD Points.
- No, lawyers who have 35 or more years of post-admission experience should have the same requirements as other Experienced Lawyers.
- Other. Please elaborate.

Conclusion

13. The Institute invites members of the legal community and all other interested parties to provide feedback on the questions raised above, as well as any other views in relation to the CPD scheme. Feedback and comments can be sent to: cpd.consultation@sile.sg.

14. Responses to this Consultation Paper may be submitted through <https://www.surveymonkey.com/r/CPDPhase3Consultation> or in writing to:

**Director of Continuing Professional Development
Singapore Institute of Legal Education
1 Supreme Court Lane
Level 2
Singapore 178879**

15. Feedback and comments should reach the Institute on or before 15 April 2016.

Date of Consultation Paper: 1 March 2016

KEY CONTINUING PROFESSIONAL DEVELOPMENT STATISTICS for CPD Year 2015

1. In CPD Year 2015, there were approximately 1,556 Newly-Qualified Lawyers (NQLs) and 819 Senior Lawyers (SRLs) with CPD Points requirements.⁵ Based on the minimum of 8 Public CPD Points required for NQLs and 4 Public CPD Points required for SRLs, this translated to a requirement for 15,724 Public CPD Points to be provided by the CPD providers.

2. A total of 373 CPD activities were accredited, out of which 333 were successfully completed.⁶ 241 activities (i.e. 72% of all completed accredited CPD activities) were organised by Accredited Institutions ('AI')⁷ while the remaining 92 were organised by other providers. The 333 accredited CPD activities provided about 127,112 Public CPD Points (28,076 seats), which well exceeded the approximately 15,724 Public CPD Points required by the NQLs and SRLs for CPD Year 2015.

3. In CPD Year 2015, the AIs who organised accredited CPD activities⁸ were: IP Academy (Singapore) (16); National University of Singapore Faculty of Law (20); Singapore Academy of Law (including the activities of the LawNet Training Centre) (40); Singapore Institute of Arbitrators (11); Singapore International Arbitration Centre (2); Singapore Management University School of Law (42); Singapore Mediation Centre (23); Society of Construction Law (8); The Chartered Institute of Arbitrators (4); and The Law Society of Singapore (75).

4. In CPD Year 2015, ad-hoc providers organised a total of 92 accredited CPD activities. These providers were: ALB Thomson Reuters Corporation; BizNet-Global; 20 Essex Street; Beacon Law Corporation; Euromoney Singapore Pte Ltd; Family Justice Courts; Forensic Experts Pte Ltd; IBC Asia (S) Pte Ltd; Infinite Academy Pte Ltd; Insurance Law Association Singapore; International Chamber of Commerce; International Law Association (Singapore); Magnuslink Pte Ltd; Maritime Offshore Oil and Gas Association; Matson Driscoll and Damico; Maxwell Chambers Pte Ltd; Medico-Legal Society of Singapore; Rodyk & Davidson LLP; Securities Investors Association (Singapore); Singapore Chamber of Maritime Arbitration; Singapore Corporate Counsel Association; Singapore Institute of Accredited Tax Professionals; Singapore International Mediation Centre; Singapore Trustees Association; Sorbonne Assas International Law School; Tax Academy of Singapore; and The Society of Trust & Estate Practitioners.

⁵ The number of lawyers fluctuates throughout a CPD year due to individuals leaving or joining practice. This figure is based on data from the SILE CPD Centre systems extracted in January 2016.

⁶ Auditing courses by NUS Faculty of Law and SMU School of Law are excluded, as are accredited CPD activities which were cancelled or postponed and therefore not conducted in CPD Year 2015.

⁷ As listed in the First Schedule of the CPD Guidelines 2015.

⁸ The number of completed accredited CPD activities organised by the AI is in parenthesis. The statistics reported for accredited CPD activities by provider are based on the party which submits an activity for accreditation by the Institute. For example, activities submitted for accreditation by the Singapore Academy of Law (SAL) are identified as SAL activities. However, some of those activities may be co-organised with or facilitated by other providers.

5. There was a diverse range of accredited CPD activities to choose from in CPD Year 2015. Accredited CPD activities featured 17 subject categories (excluding those classified as ‘Others’)⁹: Alternative Dispute Resolution (41); Civil Procedure (25); Corporate/Commercial (85); Crime (36); Ethics and Professional Responsibility (10); Family (10); Government (3); Intellectual Property (29); Personal Injury (4); Private Client (6); Real Estate (2); Contemporary Issues in Legal Practice (9); Admiralty Practice/Shipping (8); Banking and Finance (11); Construction (10); Tax (10); and Professional Skills (29). The most frequently featured subject categories were: Alternative Dispute Resolution; Corporate/Commercial; Crime; Intellectual Property; and Professional Skills.

6. The table below sets out the key CPD statistics from the inception of the CPD scheme on 1 April 2012 to the end of CPD Year 2015.

Key CPD Statistics from CPD Year 2012 to 2015

		CPD Year 2012 ¹⁰	CPD Year 2013	CPD Year 2014	CPD Year 2015
A	Number of lawyers with CPD Points requirements	1,041 NQLs	1,235 NQLs	1,511 NQLs	1,556 NQLs; 819 SRLs
B	Public CPD Points required for compliance	4,164	9,880	12,088	15,724
C	Number of accredited CPD activities completed	199	286	268	333
D	Number of seats available at accredited CPD activities	20,188	29,661	26,906	28,076
E	Number of Public CPD Points available in the market	78,430	100,955	120,506	127,112

⁹ The number of completed accredited CPD activities for the subject category is in parenthesis.

¹⁰ CPD Year 2012 ran from 1 April 2012 to 31 December 2012. NQLs started with a requirement to obtain 8 CPD Points in the first year, of which at least 4 must be Public CPD Points. Thereafter, CPD Years ran for the full calendar year starting from CPD Year 2013.