

# Education of Common Lawyers in a Twenty-First-Century Environment

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I entered law school in 1968 and was admitted to the practice in 1971. I have been a practicing lawyer, a law professor, the dean of a law school, a university provost, and a university president. For more than half a century I have been a participant in countless discussions about the content and purposes of legal education not only in the United States but in other common-law jurisdictions, most especially in Australia, Hong Kong, Singapore, the United Kingdom, and New Zealand. One perennial issue within the United States is the cost of legal education, which, under current rules, requires seven years and two degrees followed by a bar examination and various administrative hurdles. Looking at the overall purposes of legal education through the lens of a different society can be helpful in dealing with questions about the content and length of study required to be licensed.

I was fortunate to be president of Singapore Management University during the first decade of the twenty-first century, and, in that capacity, to oversee the creation and development of a new law school in a common-law country with a private law system similar to that of the United States. The experience provides useful insights for legal education in the United States and other common-law nations. The Singapore law students generally follow a five-year track to licensure, which includes four years of university study, a portion of which is comprised of a modified liberal arts curriculum, plus an apprenticeship with a private law firm or within the public sector. Although the Singapore blueprint cannot easily be transferred directly to another jurisdiction, the model can be helpful in discussions about possible modifications to prevailing models in other common-law countries.

By any measure, the Republic of Singapore has a successful, sophisticated economy. The legal profession is of high quality in all respects, and Singapore has become one of the major legal centers in Asia. A number of leading American law firms have offices in Singapore along with firms from London, Australia, and other places. East Asia (China, Korea, Japan) and parts of Southeast Asia (Indonesia, Vietnam, Cambodia, Laos, the Philippines) are predominantly civil law countries, but common law prevails in South Asia (India, Pakistan,

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Bangladesh, Sri Lanka), Australia and New Zealand, and much of Southeast Asia (Malaysia, Singapore, Brunei, and, more or less, Myanmar). Hong Kong has remained a common-law jurisdiction as a Special Autonomous Region within China, but it has lost its predominance as a common-law center of dispute resolution and legal activity to Singapore in the twenty-first century.

Until the mid-twentieth century, aspiring lawyers in Singapore went to the United Kingdom for their studies. Some went to Australia or elsewhere, but England was the principal location for those seeking to become lawyers. In the 1950s, a few years before Singapore became an independent republic, the University of Singapore (now the National University of Singapore, or NUS) opened a law school based on the curriculum and pedagogy of the English universities. By the turn of the twenty-first century, Singapore no longer had a developing economy but had become one of the wealthiest nations in the world, and the demand for sophisticated, high-quality legal services had grown dramatically. In typical Singapore style, the government convened a blue-ribbon committee to study the profession and to make recommendations about how to supply lawyers to meet the growing demand. The goals were twofold: (1) to supply enough lawyers to meet domestic demand and (2) to create a larger, well-qualified profession to attract legal business to Singapore.

The blue-ribbon committee determined, rather quickly, that Singapore needed more lawyers to build a strong international center for legal services and dispute resolution. Two approaches were adopted almost immediately. First, the existing law school at NUS was expanded. Second, a new law school was authorized for the youngest of the public universities,<sup>1</sup> the Singapore Management University (SMU), which was chartered in 2000 and which, at the time the new law school was authorized, included a School of Business, a School of Accountancy,<sup>2</sup> a School of Economics and Social Sciences<sup>3</sup>, and a School of Information Systems.<sup>4</sup>

Adding a law school to SMU continued a pattern of experimentation. SMU was created to provide a separate competitive model of higher education within

1. Since then, a third law school has been approved for the Singapore University of Social Sciences (SUSS). That university has large cohorts of returning students, most of whom are working adults who pursue degrees on a part-time basis. A graduate of the SUSS Law School is licensed in the same way as graduates of NUS and SMU and is free to pursue any legal career path, but the school tends to focus on the education of lawyers who will serve individuals and small businesses within Singapore.
2. In Singapore and a number of other countries, accountancy is considered to be a separate discipline of its own, and to qualify for a CPA, a student must complete the degree requirements of a professional school of accountancy. In the United States, accountancy is more often a discipline within a business school.
3. In 2007 this school was divided into two schools, a School of Economics and a separate School of Social Sciences.
4. This school expanded rapidly and is now named the School of Computing and Information Systems. As of 2023, SMU also includes a College of Integrative Studies and numerous postgraduate programs. The Law School is now named for the late, long-serving chief justice of Singapore, Yong Pung How, who was an important counselor in the creation of the school.

Singapore. The two existing universities, NUS and Nanyang Technological University (NTU) were patterned after the British universities. A typical undergraduate program is three years in duration. Students apply to particular disciplines, e.g., business, economics, mathematics, mechanical engineering, etc., and, for those three years, study only within the chosen discipline. Most classes are presented in large lecture formats, with smaller tutorials led by postgraduate students or junior faculty. There are exceptions for lab courses and advanced seminars. SMU was designed to follow a more American-style curriculum and to use a more interactive pedagogy in smaller classes.<sup>5</sup> The undergraduate degree program is four years, and each student is expected to take a series of courses that are cross-disciplinary. The interdisciplinary university core courses are something like “distributional requirements” in American universities. The intention is to provide a base of liberal education with specialization in a particular discipline, generally in the third and fourth years. The new law school was intended to fit within the mandate of the new university.

Another committee was set up to discuss the curriculum for the new school. The committee included legal academics, judges, and lawyers from both the public and private sectors. Along with the Chair of the SMU Legal Studies Department, I also was a member of the committee. The simplest approach would have been to adopt essentially the same curriculum as the NUS Law School, which was a four-year LL.B. program comprising entirely law subjects taught in a typical lecture-tutorial format. The SMU representatives did not agree to that approach because it would have made the new law school inconsistent with the other SMU schools and with the overall goal of the new university to provide a more liberal education. A lively debate ensued, with one of the major issues being the “law” content of the curriculum. Everyone wanted a program that would prepare competent lawyers, but there was a considerable difference of opinion about the content.

Several of the practicing lawyers, notably ones from large corporate firms that represented a number of multinational businesses, argued for a curriculum that was about fifty percent pure “law” and about fifty percent nonlaw subjects that covered areas the lawyers thought were essential for the education of lawyers. Their argument was that the basics of the common law (contracts, torts, property, etc.) should form the backbone of the legal curriculum, but that aspiring lawyers should be trained in cross-cultural studies, history, economics, statistics, philosophy, and literature. As several of them argued, any new graduate will

5. SMU was experimental in several ways. It was organized as a private, not-for-profit autonomous institution with an independent board of trustees, but it received government support the same as the existing NUS and NTU. Instead of receiving specific directions and a line-item budget from the Ministry of Education, SMU entered into a series of multiyear performance agreements and received block grants from the government to be used as the university deemed best to fulfill the terms of each performance agreement. That approach proved to be so efficient and successful that the other two universities were reorganized into similar autonomous structures, and three more universities have joined the higher education sector: Singapore University of Technology and Design, Singapore Institute of Technology, and Singapore University of Social Sciences.

need some period of training on the job, and, further, the details of the law and regulations change regularly so that in-depth study of a particular area may be out of date quickly. What a law school should provide, so they argued, was basic training in the common law, education that provided the ability to understand cultural context and nuance, and education that developed skills in analysis and communication.

The academics tended to be the most conservative members of the committee. Some argued that four years was barely enough time to cover all the relevant law, and that every minute of the schedule should be devoted to law courses. The judges generally leaned toward a pragmatic middle ground. They wanted the curriculum to include law subjects in breadth and depth, but they agreed with the practitioners that lawyers must be culturally literate and that they must be liberally educated in order to be able to respond intelligently to continual change.

The net result was an agreed curriculum that is about seventy percent “law” and thirty percent nonlaw. In fact, the curriculum is a bit more complex than a simple seventy-thirty split would suggest. A four-year LL.B. program requires the satisfactory completion of thirty-six course units, each unit being a fourteen-week class that meets for three hours per week, plus a week of review followed by examinations. Some offerings are 0.5 units and some are 1.5 units, but the great majority are 1.0 units. Roughly half the required units must come from the law core, which includes the expected courses, such as contracts, torts, property, criminal law, constitutional law, evidence, legal research and writing, business organizations and administrative law. Within the core group are one unit on Ethics and Social Responsibility and another on Legal Theory and Philosophy. Students are free to select 8.5 units of law electives, which include courses such as competition law, dispute resolution, international sales, law and technology, intellectual property, and so on. There are two units required of “law-related” subjects, which include, among others, statistics, finance for lawyers, economics and society, political and policy studies, and accounting for lawyers. All SMU students, including those in the law school, must complete another six units in the university core. Subjects are arranged in three clusters: Capabilities (e.g., Managing; Modes of Thinking); Communities (e.g., Technology and Society; Cultures of the Modern World); and Civilizations (e.g., Big Questions: Happiness and Suffering; Wealth and Poverty; War and Peace; Local and Global; Climate Change). Students have two units to use for any electives that they wish to choose from any school or discipline—and they can take more if they wish to do so. Law students also can select a minor or second major in another discipline, which will cause some adjustments in their programs of study, and they can do double degrees, but completing a double degree may require an extra semester or two.<sup>6</sup>

6. Second majors or double degrees in collaboration with the School of Computing and Information Systems have become popular, as lawyers must deal regularly with issues of digital privacy, digital security, and artificial intelligence. For those interested in criminal law, training in information systems is important for conducting appropriate forensic research.

All SMU students must complete three other requirements: an internship, for which there are supervision standards; a minimum of eighty hours of community service, which many law students complete through the law school's pro bono clinic; and a "global exposure," which can be accomplished through a semester exchange program with another university, an internship overseas, or participation in one of the international moot court programs such as the Vis International, the Jessup International Law Moot, or several others. International experience is especially important to Singaporeans, because the nation is so small physically that some degree of international expertise is required for almost any career.

The law school's pedagogy is similar to that used by most American law schools in that students are expected to participate in class and are subject to being called upon at random by instructors to explain, critique, or discuss a case or legal principle. Most instructors take the interactive component a step further and require that small teams of students present on a particular problem or subject area and then respond to questions from their colleagues and from the instructor. These presentations help students become better at collegial work, at researching a topic in depth, and at making both oral and written presentations, as all lawyers will have to do at various times in their careers. Many classes also have individual research paper requirements. Some have midterm quizzes, and all have final examinations (except the clinical and experiential classes), but the final exams account for only a fraction of the overall grade for the class. A multiple-assessment approach means more work for the instructor, but it also provides opportunities for students to demonstrate their abilities in various ways—not just through a timed examination at the end of the term.

After successful completion of the four-year program, a graduate then undertakes a training contract with a private law firm or one of the public agencies of the government. That contract provides an apprenticeship through which the graduate learns to apply the knowledge gained in law school to actual legal issues. A trainee is not licensed to practice and can work only in a subordinate position, but the recent graduate is paid a modest salary. During the training contract period the trainees attend a series of "edu-dine" dinners together with a wide range of lawyers and judges of all ages and practice areas. There is a speaker and a fairly short discussion period along with social time during drinks and dinner. The practice is a variation on the British Inns of Court tradition and a way of integrating each new generation of lawyers into the profession. Before final admission to the practice and licensure, each graduate must pass a bar examination and satisfactorily pass a background examination on ethics.

All told, the time from matriculation to swearing-in as a newly licensed lawyer is about five years. Those five years include actual work in the profession as an intern and later as an apprentice trainee as well as traditional legal studies.

The Singapore approach to legal education cannot automatically be transferred elsewhere because there are some aspects that are peculiar to Singapore. Almost all applicants to law schools in Singapore are graduates of a "junior college" or an equivalent international baccalaureate secondary school. At first glance they

may appear to have had the same amount of education as a typical American high school graduate, but there are differences. Singapore students have more days of school annually, and by the time a student has completed twelve years of pre-university education, i.e., six years of primary school (roughly grades one to six), four years of secondary school (roughly grades seven to ten)<sup>7</sup> and two years of “junior college” (roughly grades eleven to twelve) that student has had the equivalent, in American terms, of more than thirteen years of study, perhaps almost fourteen years. The better junior college graduates are fairly close to the level of educational achievement of a typical American college sophomore.

All males in Singapore are required to complete two years of active national service<sup>8</sup> between the ages of 18 and 26, and the vast majority of them do so before starting university-level studies. Most of the male students who enter universities are about 20-21 years of age and have had two years of workforce training during national service. After completing their studies and their training contracts, most of the newly admitted male lawyers are 25-26 years of age, some a bit older. Most of the women are a couple of years younger, but the actual levels of maturity are similar.

Of course, there are many J.D. candidates in the United States who have worked, been in national service, pursued other postgraduate education, or even just taken a “gap year” or two before starting law school. That is true for some Singaporeans as well, and, in addition to opening the second law school in Singapore in 2007, SMU also offered the first J.D. program in Singapore. Students in that program tend to be older, and many have had substantial careers before making a change and seeking to earn a law degree. Because the J.D. candidates already have an undergraduate degree, they need to take only law classes. The typical J.D. program is three years, although many accelerate and complete the degree requirements in two and a half years.

There are several useful lessons from the Singapore experience. The central focus of the curriculum is much the same as one would expect to find in any law school in a common-law country. But there are points of emphasis that could be considered in other places.

7. Some students leave at this point, after taking the “O” level exams, and enter a polytechnic from which they can earn a diploma in three years, usually in a more technical or work-specific subject area, such as hospitality services, civil engineering, or basic IT design and maintenance.
8. All go through similar basic training, with adjustments made for those who may have some particular physical disability, and then are assigned to the army, navy, air force, coast guard, or police, depending on a consideration of needs, aptitudes, and an individual’s expression of interest. Those who perform at higher levels may be selected for officers’ school and have additional training. After the two years of active duty, each serviceman remains a reservist for a number of years and does an annual two-week refresher training course. All services have substantial numbers of women, but they are volunteers. There is an ongoing debate in Singapore about making the national service requirement apply to women as well as to men as in Israel, which provided the blueprint for the organization of Singapore’s military. Some men and women choose to remain on active duty and make a career in one of the military branches or the police.

1. The highly interactive pedagogy and multiple-assessment approach engages students fully in the educational experiences and recognizes that talent may be demonstrated in a variety of ways. Upper-level law school courses in the United States may have project work, papers, and other assessment opportunities, but the great majority of classes end with a single time-limited examination. In the practice of law, whether as a counselor, advisor, or advocate, a lawyer is not isolated for three to four hours with pen and paper or the digital equivalent and asked to write one or more essays about a hypothetical problem. For the most part, lawyers work collegially, and there is much give-and-take in both written and oral communications. With several different assessments, a student does not become disadvantaged by the bad luck of one morning or afternoon of illness or distraction.
2. The emphasis on analytical thinking in writing and speaking is important for all lawyers, and in Singapore it is a key factor in the overall pedagogy and in almost every individual course.
3. Liberal education is a critical part of legal education. Singapore students are all bilingual (and many have three or four languages). English is the language of instruction in the schools, but students must demonstrate competency in their “mother” tongue as well. The official “mother tongues” other than English are Mandarin, Malay, and Tamil, and many students are competent in another European or Asian language. The densely populated island nation is home to a wide variety of ethnicities, religions, and cultures. Simply by growing up in Singapore, students already have some sensitivity to cultural variances, but the university curriculum helps educate them about context, history, and overall cultural variances and complementarities. Exposure to other subjects provides a platform for understanding and managing change while also helping a student become a lifelong learner. The global exposure requirement furthers the overall goal of cultural literacy.
4. The internship and community service requirements add workplace experience and social sensitivity. The community service requirement has introduced many students to social, health, and economic problems within Singapore about which many middle- and upper-middle-class young adults are ignorant. Overseas projects have helped with cross-cultural literacy and also with education about a host of problems that students may have to face in their adult professional lives. One group of SMU law students worked as researchers and assistants during the trials of former Khmer Rouge leaders in Cambodia. Others have worked on rule of law projects in various locations. One of the key educational goals is to instill in the students an understanding of law as a profession of service and overall social responsibility.

Despite concerns expressed about the costs of legal education both in direct outlays for seven years of tuition and in opportunity costs, there is little likelihood that universities and leaders of the legal profession in the United States

will change the standard four-plus-three educational requirements (a bachelor's degree followed by a J.D.)<sup>9</sup> and move to a four-year LL.B. plus an apprenticeship year. However, there is much to be learned from the work done in Singapore to create a school and a curriculum suitable for the twenty-first century. The core remains essentially the same. Students read many of the same common-law cases as American students. Singapore's regulatory statutes, especially in the financial and securities areas, are quite similar to those in the United States. Competition law borrows heavily from the United Kingdom and the European Union, but with numerous nods to American antitrust law and the law and economics literature around antitrust law. The emphasis on "liberal," interdisciplinary education and cosmopolitan issues reflects, to some extent, the American requirement of a full undergraduate education through a bachelor's degree curriculum but in a shorter, more intense form that is directly tied to the responsibilities of the profession. Taken together with the community service requirement, the education of a Singapore law student is about becoming a responsible citizen as well as a competent professional.

As discussions continue in the United States about the costs of legal education, both in out-of-pocket payments for tuition and related fees, and in opportunity costs for the time required, the Singapore experience can help focus conversations on the essential elements of sound, high-quality training for lawyers.

The requirements in the United States are not likely to change radically anytime soon. The profession, the courts, accrediting agencies, and universities all have vested interests in maintaining the status quo. There are, in fact, fifty separate jurisdictions that establish the requirements for licensure, and so any changes are likely to be incremental. Any suggestion for a shorter educational program would be resisted with arguments about the need for depth and breadth of knowledge, quality control, and consumer welfare. Arguments about consumer welfare could be answered, in part, by noting that lawyers trained in the United Kingdom, Australia, Singapore, and Hong Kong, for example, are at least as highly regarded as those in the United States despite having, for the most part, spent fewer years in tertiary education. Many highly regarded American lawyers in years past never had formal university training in the law but simply "read law" under the guidance of a mentor. The four-plus-three requirement really dates from the mid-twentieth century, at least in the sense of being the "accepted norm" for entry into the profession.

Recognizing, however, the concerns that many aspiring lawyers have about time and costs, some universities have made available a six-year program in which a student earns both a bachelor's degree and a J.D. The curricular arrangements

9. The mechanistic application of the four-plus-three requirement became an issue while I was serving as dean of the Emory University Law School. One of our students earned her bachelor's degree at McGill University in Canada, where she followed a standard three-year curriculum. The Georgia rules on admission specified completion of a four-year undergraduate program. After discussion and an intervention, during which the three-year curriculum common at many Commonwealth universities was described in detail, a specific exception was made for our McGill alumna. Thereafter the Georgia rule was amended to require a bachelor's degree without mandating that the student have spent four years as an undergraduate.



are such that a six-year program works, as a practical matter, only for students who remain within a single university for the full six years. Of course, there are always a few students who can complete a full four-year curriculum in three calendar years, often using a combination of advanced placements and summer terms, and create their own six-year programs of study. Those students tend to be a small minority.

Some law schools spread the curriculum across the entire calendar year by using quarters, trimesters, or an intensive summer school, so that a committed J.D. candidate might be able to complete all degree requirements in two, or, more easily, in two and half years rather than in the standard three years. Doing so may not provide time for a summer internship or other forms of experiential learning, but at least an acceleration of the calendar reduces opportunity costs.<sup>10</sup>

A handful of universities have created new bachelor's programs in legal studies. The curricula vary among the two dozen or so institutions that offer such degrees, and the programs certainly may be useful in providing a student with knowledge and skills that could be helpful in any number of different areas, but these bachelor's programs do not lead to professional licensure.

The Singapore experience, however, provides a useful model for considering what is essential to the education of competent legal professionals for the twenty-first century in complex societies. The goal of educating students to become responsible citizens committed to the overall improvement of society as well as properly trained professionals was central to the creation of the Yong Pung How School of Law at Singapore Management University. That goal is a useful one for all legal academics and lawyers to keep in mind.

10. At SMU, the law school sets a total fee for the J.D. program, and a student can accelerate by enrolling in the summer terms or overloading and finish the degree requirements in two or two and a half years. Other students may choose to take a more leisurely path and spread classes over four to five years.