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**Teaching Law in the University –
Shaping Future Generations**

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Teaching Law in the University – Shaping Future Generations

Jack Tsen-Ta Lee

This paper, which was written for the book *The Practice of Law* (Singapore: LexisNexis, 2011), gives an insight into what teaching law in a Singapore university is like from the perspective of a young law academic. It considers various aspects of an academic's job – research and writing, teaching, and administration, for instance – and provides pointers on how one might best position oneself for an academic career.

Jack Lee is an Assistant Professor of Law at the School of Law, Singapore Management University. He has an LLB (Hons) from the National University of Singapore and an LLM from University College London, and is in the process of completing a PhD at the University of Birmingham. He was in private practice and was subsequently an assistant director of the Singapore Academy of Law before joining Singapore Management University where he teaches and researches constitutional and administrative law.

1. Introduction

'He who can, does. He who cannot, teaches.' It was George Bernard Shaw who gave us this pithy and often quoted and misquoted line ('Maxims for Revolutionists', *Man and Superman* (Archibald Constable & Co, 1903), 230). The statement was partly true in my case, though 'would rather not' is more accurate. It was really a matter of discovering my inclinations and strengths rather than – I hope – any real inability to practise law!

As I write this, I have been a law academic at the School of Law of the Singapore Management University ('SMU') for just over two and a half years. Before that, I was a litigator in a local law firm for about six years following my call to the Bar. After that I was engaged in postgraduate study, apart from a stint at the Singapore Academy of Law. I don't know if this can be regarded a 'typical' route into academia, but hope that my experiences give you some idea as to what is involved.

So, why did I decide to give up legal practice? I did enjoy the variety of work that came my way, but after a few years in the job, I discovered that there were aspects of it that did not appeal much to me. These included the long hours and short deadlines, and handling the administrative aspects of legal practice such as issuing

bills and reminding clients to pay them. I had some delightful clients – those who thanked me for helping them and surprised me with small gifts, even though we had not achieved the results we hoped for – but there were also difficult ones. One client called up several times a day demanding to know if there had been any developments. Another one refused to listen to advice from my colleague and me that the case was weak and ought to be settled, and then blamed us for incompetence after the claim was dismissed by a judge.

Ultimately, though, I think two things led me to realize I could not see myself continuing as a litigator for the rest of my working life. The first was that I lived with a constant niggling sense that something might go dreadfully wrong with a particular file – despite care being taken, the filing of a court document might be overlooked, or a key witness might refuse to testify at the last minute. These sorts of risks are inherent in a litigation practice, but I did not see why I had to subject myself to the anxiety they caused. Secondly, I found out I did not particularly enjoy the cut-and-thrust of court work, finding it exhausting rather than exhilarating. The sheen of litigation starts to wear off when you have been on your feet for three hours cross-examining an uncooperative witness who, despite your best efforts, does not break down and start spilling the beans as they are wont to do on television. There was also the uncertainty factor – no matter how prepared I was for a case, it was possible that a witness would start on an unexpected line of testimony, or the judge would ask an unforeseen question.

If litigation work interests you, I hope I have not put you off – I certainly do not intend to do so! I do not regret at all the practical experience that I gained as a litigator, and I feel it has informed my teaching in all sorts of ways. Volunteering with the Law Society's Criminal Legal Aid Scheme and being able to provide *pro bono* representation to accused persons unable to afford a lawyer was particularly rewarding. Nonetheless, I came to realise that the aspects of my work that really interested and engaged me were carrying out research and writing legal opinions. Thus, I felt I should find a career that maximised these skills, and began to consider whether academia was for me.

2. Will Academia Suit You?

Research and Writing

An important factor, therefore, when contemplating academia as a career is *whether you find legal research and writing interesting*. This is a significant aspect of a law professor's job as it is probably the predominant factor determining the prospects for your pay raises and promotion, and whether you will be offered tenure. As a junior academic I am presently not tenured, which means I am hired by the university for a certain number of years only. During this time, I have to demonstrate my teaching and research ability by generating positive feedback from my students about my teaching skills, and publishing legal articles in reputable journals. If I succeed in this, the university should offer me tenure – an employment contract that has no fixed ending date. I will then be able to work as an academic until retirement age unless either the university or I decide to give notice to terminate the contract.

I find legal writing challenging. When you are working on a paper at school or university, you will score a good grade if you consult a range of sources and summarize them in a clear and coherent way in your essay. If you are able to express some interesting personal views, you may even get an 'A'. However, when you are an

academic this is not enough. You have to make sure you have read and understood the most relevant books and articles relating to your topic. Next, your article has to make a useful contribution towards the field of law you are writing about, otherwise you will find it difficult to get published. For instance, this could mean commenting on a judgment recently handed down by a court, suggesting a new way of thinking about a legal issue, or applying existing rules and principles of law to a different situation. It will not be enough simply to parrot the views of other scholars without adding anything to them. Finally – and I don't find this easy – you need to be able to express yourself in writing clearly and convincingly, and to structure articles so that they are readily understandable. Like many things in life, it takes practice. Despite the exertion involved, it is particularly satisfying to see the results of your hard work in print, and perhaps even to have your opinions cited by judges and other academics.

I often set myself a target to write a paper for presentation at a conference to encourage myself to get some research and writing done, and to have an article I can submit to a journal for consideration for publication. Conferences are also a great opportunity to meet fellow academics from other parts of the world and find out about their research, not to mention the opportunity to travel they offer.

Teaching

Obviously, another thing to consider is *whether you can teach and enjoy it*. Teaching includes actual class time with students. At SMU we use a seminar system, so law instructors spend three or four-and-a-half hours a week teaching in a classroom setting. Over at the Faculty of Law of the National University of Singapore ('NUS'), classes are taught in a lecture (one teacher in a large class) – tutorial (small groups) style. However, teaching also encompasses spending time reviewing cases and other materials, drawing up reading lists and seminar sheets, preparing for lectures and seminars, meeting students to discuss problems or queries that they may have, setting assignments and examination papers, and, of course, marking the answers. I hazard that if you polled academics, a large majority would cite marking as their least favourite part of the job. Unfortunately, it is often monotonous, there is quite a lot of it, and it usually needs to be completed in less time than you actually need. But someone has to do it. Students also appreciate it when you take the time to provide useful suggestions on how they can improve their work.

If you want to be a primary or secondary school teacher, you are required to take a course in education and to do practical teaching stints. On the other hand, when you apply to join a university the main assessment of your teaching ability is a 'job talk'. This is a lecture on a topic of your choice that you deliver to faculty members, who will freely interrupt you from time to time and ask pointed questions. If you get through that, it is pretty much assumed that you are capable of handling students, and little or no formal training is given. You have to take the initiative to improve your teaching skills, for instance, by attending in-house courses and working with a peer coach who will sit in on your classes and give you feedback afterwards.

Responding to requests from journalists for quotes, and writing letters to newspapers and websites are also aspects of an academic's job. One of my colleagues appears regularly as a pundit on the radio and TV, and has a column in a daily newspaper. I am mentioning this under the heading of 'Teaching' because I believe it can be seen as part of a law professor's educative function. I know some academics prefer not to engage with the media as they dislike being misquoted or quoted out of

context. Unfortunately, this does happen from time to time. Nonetheless, these are ways of making one's research interests more widely accessible by stimulating public discussion of legal issues, and helping the person in the street to better understand what law is about. Speaking or writing in these fora may also help to raise one's profile and that of one's university.

How will you know if teaching is something that will suit you? Well, nothing beats actually trying it out. If you have just finished school or are an undergraduate, giving tuition to younger students may provide you with a sense of what it is like to be a teacher. If you are already working, consider offering to teach university students on an adjunct basis. I gave evening tutorials in public law to students at NUS for a semester, and also taught first-year undergrads Administrative and Human Rights law while I was working on my PhD at the University of Birmingham. These experiences helped me to decide that teaching was something that I wanted to make my career. You can also consider penning letters to the press, and making comments on or even writing short articles for websites, about issues that you feel strongly about.

One of the great things about teaching is that it is a two-way street of learning. I teach constitutional and administrative law, and each time I run the course I gain some new insight into legal issues or cases through the discussions my students and I have. This helps to inform my thinking and, eventually, my research.

Administration

Being an academic also means bearing your share of the *administrative work* that needs to be done around the faculty. Among others, I sit on the School of Law's JD Committee, which manages the School's Juris Doctor programme; as well as the Law School Building Taskforce, which examines issues involved in the construction of the School's new building that we hope will be ready in a few years. I am also a member of the Singapore Academy of Law's LawNet Management Committee, which oversees policy matters concerning LawNet, an online legal information portal widely used by law firms, government agencies and universities. My senior colleagues take turns to act as associate deans in charge of research, teaching and curriculum, and external relations.

Supporting school events is very much part of the job. This includes being present at recruitment open houses to talk to prospective applicants and their parents, interviewing shortlisted applicants, and attending convocation and commencement ceremonies. (Incidentally, the terminology relating to these ceremonies has completely changed since my undergraduate days at NUS. Back in the 1990s, my classmates and I were said to have matriculated when we first registered with the University at the start of our programme, and attended a convocation ceremony upon graduating with our LLBs. These days at SMU, one attends convocation to be welcomed as an incoming freshman, and a commencement ceremony when one is graduating. I suppose this is the American usage, but I still find myself having to stop and think in order not to confuse the two! Over at the NUS, they still matriculate, but subsequently commence.)

I also see it as a vital part of my duties as an academic to support students in their endeavours. This ranges from writing references for those applying for internships and training contracts, to judging debating and mooted competitions (which involve legal argumentation), to attending performances and social events organised by them. Another of my colleagues was a former Jessup mooter – the

Jessup Moots being the largest and most well known mooting competition in the world – and now trains students for this event and others like it. I am thoroughly impressed by how my students, occupied as they are with preparing for presentations and seminars, writing research papers, and studying for examinations, still find the time to take part in competitions and sports, and produce amateur musicals complete with original costumes, storylines and songs!

Other Considerations

When I was wondering whether to embark on the journey of becoming an academic, I spoke to a number of my former professors at NUS for advice. Some suggestions that they gave me stick in my mind. First, realise that *academia is often a rather solitary pursuit*. It is entirely possible to go through a whole day without seeing any of your colleagues. Everyone's schedule is different, and most academics shuttle between their classes, the library and their offices and do not hang around the corridors or the proverbial water-cooler. This, of course, means that you have to make a bit of an effort to catch up with your workmates over lunch, coffee or drinks in the evening. E-mail is a boon, because you can send a message to everyone to find out who would like to meet. However, if you are the sort of person who thrives on constant interaction with people, then be aware that you are more likely to find this in a law firm or a company than inside the halls of academia.

Another consideration is *pay*. If a handsome salary is important to you, then once again private practice or the government's Legal Service is likely to be a better paymaster than a university's bursar. The salary of an academic is decent, but if you were to compare it with the salary of a lawyer of the same seniority it is very likely to be rather lower. However, that is not the whole picture. Lawyers are paid more because much is expected of them – late nights in the office, higher stress levels and clients who need much hand-holding, for example. While academics are busy during term time, especially when assignments and exam scripts start flooding in for marking, their work schedules are far more flexible. Unless we have classes to teach, students to see or meetings to attend, we may work from home or, presumably, while sitting on a sun-drenched beach.

3. Positioning Yourself

How, then, can you best position yourself for an academic career? I'd say that one of the most important things is to do the best you can in law school. If you try for a university teaching position with a first-class honours or *summa cum laude* under your belt, it is hard to see why your application would not be favourably considered. What if you are only a 'mere mortal' and your law degree does not reach such dizzying heights? You will then have to bolster your academic credentials with further degrees, preferably combined with some practical experience. Though I had a fairly creditable LLB, I was not one of the two students in my year who achieved a first-class honours. If I had been, I suspect a university might have offered me a job fresh from graduation, and might even have agreed to pay for my postgraduate studies. (Whether this is the case at present depends very much on each institution's current policies.) I therefore decided I needed to attain higher academic degrees on my own, and was fortunate enough to be awarded scholarships to pursue an LLM at

University College London and a PhD at the University of Birmingham, which at the time of writing I am in the process of completing.

Next, start building up a publication record. When writing research papers during your undergraduate programme, aim to produce work that might be publishable with a bit of tweaking. Local law journals such as the student-managed *Singapore Law Review*, the NUS Faculty-run *Singapore Journal of Legal Studies* accept well-written submissions from students, and you might even try foreign journals such as the *Oxford University Commonwealth Law Journal*. Ask a professor to recommend suitable journals to submit your work to. In any case, try to publish in peer-reviewed journals issued by established institutions. Reputable journals usually have in place a double-blind review system, which means that your article is submitted to a reviewer with all references to your identity removed, and you are, in turn, not told as to who the reviewer is. This ensures that the article is judged on its merit and not on the person who wrote it.

It is harder to find time to write and publish when you are working in a law firm, but certainly not impossible. When I was in practice I set myself the modest goal of trying to complete one or two publishable pieces of writing each year. After a few years, I had built up a portfolio of journal articles and contributions to books such as *Halsbury's Laws of Singapore* and the *Singapore Court Practice*, which I could then cite in applications for postgraduate studies and scholarships, and eventually, for a university teaching position. As I mentioned earlier, try gaining some teaching exposure – this will, in turn, boost your CV.

Your research and writing should help you to begin contemplating the areas of law you might eventually focus on as an academic. I would suggest not picking too narrow a subject to start with. Try writing on a range of topics that are of interest to you, and after a while you will probably realise which ones appeal to you particularly. Do bear in mind that universities always need academics able to teach core law subjects such as company law, contract law, criminal law, equity and trust law, the law of evidence, legal theory, property law, public law and tort law. If you inform a prospective employer that you are happy to teach one of these subjects, you have a higher chance of being taken on than if your interests and teaching abilities lie only in rather more esoteric subjects!

I am still learning what being a law academic is about, but I like what I have seen so far. It is an opportunity to think deeply about subjects I find intellectually fascinating, expressing my thoughts on them in writing, and sharing and discussing them with others. I also feel I have been granted the privilege of shaping future generations of judges, legal officers, business people and politicians – perhaps even academics who will one day succeed me in this noble profession.