THE OPTIMUM NUMBER OF LAW STUDENTS

The Law Faculty of the University of Singapore has had a somewhat phenomenal growth in its rather short life. We now have some three hundred and seventy students; and the intake continues to increase. With these figures in mind, many persons ask whether the faculty is not attempting to educate too many students. The question is not, however, usually phrased in just this way. Rather, one is customarily asked whether the legal profession in this country is not likely to become overcrowded. The example of India, where briefless lawyers are known to stand around the law courts waiting for employment, is often cited. Examples from other countries, including those of the West, are also mentioned. The question is a very serious one. I have heard it remarked that a large number of unemployed lawyers can be expected to a be a major threat to the political stability of a country. Of course, there are people who think that lawyers in any number, whether employed or not, are a menace to society.

To attempt to answer the question as to whether we are admitting too many law students into the University, one must first ask what the purpose of legal education in the University is. In a system of legal education based on that of Britain, as is the case in Singapore, university legal education is clearly something other than merely the means of entry into the legal profession; for it is still possible to enter upon the practice of law without a university education. Moreover, university legal education is not here, as it is in India or the United States, graduate education, pursued only by those who have already acquired one university degree. At the University of Singapore legal education is undergraduate education, entered upon by students at a level of training equivalent to that of those who choose to pursue any other first degree. Legal education must, therefore, be viewed first as simply general education; and the teaching in this field must be, and is, devoted to more than a mere imparting of some body of knowledge which may or may not be directed to some specific vocational goal. Unless one is able to say of the University as a whole that it is educating too many people, it is not really possible to say that the law faculty, separately, is educating too many. There are, for example, 113 students studying geography, 151 in history, 53 in philosophy. I have never heard it suggested that these numbers are too large, although it is hard to imagine 53 persons, for instance, making their living as philosophers upon graduating from the University. People recognize that the purpose of these liberal arts courses of study is first to educate, to raise the level of knowledge in the society. The vocational implications of these courses, while by no means of negligible consideration, are, in fact, of secondary importance. We believe that graduates in the liberal arts will be better persons, ultimately more valuable to their country, whatever use they may make of their training. Some may become teachers, some salesman, some housewives, some even professional philosophers. Who is to say that each one, whatever he subsequently does, will not be an improved person because of his education. As to these fields one asks only that the University admit students of reasonable ability and that it graduate students who have demonstrated a reasonable degree of accomplishment. In other words, the concern is with standards, not numbers. Most persons will concede that each society should strive to educate at the highest level attainable as many persons as the resources of the society permit. Nothing different can be appropriately said of university legal education. It is, I think, fair to say in Singapore, as it has for centuries been in England, that university education in law is of the highest value as education, *per se*.

But this is not to dismiss the question of what graduates will do after graduation. It is to say, however, that the issue as to the numbers of those who are to enter upon the actual practice of law is for entities other than the university to decide, i.e., for the profession itself and for the State. For admission to the practice of law is not through the University.

The University would be most unwise if it attempted only to determine (assuming that it can be determined) the number of practising lawyers the society could absorb and to admit students accordingly. Even if the University takes a vocational approach, should it not ask itself what are the careers, available and potential, for which a legal education is relevant. Let me suggest a list, which, by the nature of things, can only be partial. It could easily be added to. In making it, I have simply asked myself whether, if I were the employer, and all other factors were equal, I would not prefer an applicant with an education in the law, over another. Let me start with government, which in nearly every country of the world is a major employer. Apart from the obvious posts which might require specialized knowledge in medicine or engineering or the like, can you think of a job in the vast bureaucracy of governmental administration for which education in the law would not be a superior form of education? Think of tax departments, those dealing with aliens and problems of citizenship, the police, national housing, public corporations, foreign relations and trade, *ad infinitum*. Or turn to the world of business. Is not legal training desirable in banking, insurance, brokerage, for corporate executives, labour leaders, etc.? Indeed, it is not easy to conclude in advance in what fields legal education is most relevant. One of our recent graduates, and a quite capable one, has chosen the ministry as a career. I have not the slightest doubt in my own mind that he will be the better minister for having undergone the rigid mental

discipline of studying the law, and for the heightened understanding of human error and the problems of society which form a part of the content of this branch of learning. Had the University chosen to try to admit numbers on the basis of absorption into practice this student and others like him would have been excluded. I think the society would be the poorer had it done so.

It is, thus, my thesis that agencies other than the University must concern themselves with the actual admission into the profession. But their task is not easy. By the application of what criteria does one determine whether there are enough lawyers? Should one take the lawyers' income as a criterion, holding that if their average income is today less than at some former day, there are now too many.

Or, the question of income aside, can one be certain that the volume of litigation should not increase and that it might do so if there were more lawyers? Let me illustrate. While many people think that society is best served the fewer the people who go to court, this is a proposition which at least merits analysis. It is my observation that there is far less tort litigation here than in the United States. Property owners and automobile drivers may say, "So much the better." But what happens when one is injured through the negligence of another, whether struck by an automobile, injured as the result of a fall on a broken stair in a store or any of innumerable other possibilities. If the loss falls only on the victim, he is generally the person least able to bear it. If the loss can be transferred to the property owner, he is usually individually better able to bear it than the victim; and, more importantly, if the negligent property owner can expect a law suit he will customarily take the precaution of being insured thus distributing the loss widely in society, where it is most easily borne. The presence of a comparatively large number of lawyers in the American society has not only meant that tort litigation is common, it has caused the bar to adopt the contingent fee system. By this system a person injured, with an apparently good claim, can employ a lawyer on an agreement by which the lawyer shares in the recovery but gets nothing if he loses the case. Some will say that legal aid would make this system unnecessary. The American experience has been otherwise. Legal aid, useful and important as it is, has there been found to have certain disadvantages. In the United States legal aid bureaus are most often staffed by very young and inexperienced lawyers and in any case, by lawyers who because of the general nature of their legal aid work are not necessarily specialists in any field of litigation, whereas the most competent and experienced lawyers do not hesitate to take a case on a contingent fee basis.

Again, there is a level of client for whom legal aid may not be available, nor the contingent fee appropriate and who, as a result, lacks the legal advice he needs. I am not, of course, speaking of the very poor, who are eligible for legal aid, nor of the rich and those sophisticated in the world of business, who in every society purchase the best of the legal talent. But there is a vast group whose incomes are comparatively low who often neglect important legal matters because, while they are not poor enough for legal aid, they are yet sufficiently poor that the fear of large legal fees for claims they consider problematical often causes them to neglect those matters which a rich man would immediately refer to a lawyer. Is society better off for the unpursued rights of these people? I doubt it. Again, in the United States, legal society has developed what is called referral services for just such people — a service not free, like legal aid, but scaled to the lesser ability of these people to pay. In many communities with this service, referrals are to the younger lawyers, thus improving their income while rendering a needed service to society. Unless matters such as those I have mentioned are fully explored, whether or not solutions similar to those I have cited are arrived at, it seems to me one does not have a right to conclude that there may or may not be too many lawyers.

But if after all this it can be safely concluded that there may be too many lawyers, what should be the approach of the profession and the government. Now that the nation does have available a university which teaches law, some may wish to consider the wisdom of continuing to accept foreign qualifications as a prerequisite to admission to the profession. This may also be an appropriate time to examine the question as to whether all future practitioners should not be required to possess a university degree in law. But, in any case, as of the present date, I am not aware of any body or organization which has accumulated, much less evaluated, the data from which an acceptable decision can be made as to the number of lawyers which this society needs now or will need thirty years from now, when persons entering the profession today will still be at the peak of their professional ability. But if, and when, these data are available, universities almost certainly should go on admitting those students for whom they have facilities who are capable of pursuing the course prescribed. Universities can and should concern themselves with their standards of admission and performance. Beyond this, I doubt that they have a right to go; nor am I convinced that society would be well served should they do so.

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