

# The CLAS Criminal Law Curriculum



CRIMINAL LEGAL  
AID SCHEME

THE LAW SOCIETY  
OF SINGAPORE

3rd Edition, 2017



Public CPD Points:  
1 Point per Module

## CLAS Criminal Law Training Programme 2017 - Calendar

All modules to be held at the State Courts Bar Room. All modules will commence at 5pm.

| Module     | Lesson  | Date                               |
|------------|---|------------------------------------|
| Module 1:  | Overview of the Criminal Justice Process            | 12 January 2017                    |
| Module 2:  | Role of Criminal Defence Counsel                    | 19 January 2017                    |
| Module 3:  | Managing Your Caseload                              | 26 January 2017                    |
| Module 4:  | Representing Young Clients                          | 2 February 2017                    |
| Module 5:  | Interviewing the Client and other Defence Witnesses | 9 February 2017                    |
| Module 6:  | Dealing with Difference                             | 16 February 2017                   |
| Module 7:  | Arrest and Intake                                   | 23 February 2017                   |
| Module 8:  | Securing Bail                                       | 2 March 2017                       |
| Module 9:  | Interactions with Police and Prosecutors            | 9 March 2017                       |
| Module 10: | Theory of the Case                                  | 16 March 2017                      |
| Module 11: | Investigation                                       | 23 March 2017                      |
| Module 12: | Pretrial Discovery Practice                         | 30 March 2017                      |
| Module 13: | Competence to Stand Trial                           | 6 April 2017                       |
| Module 14: | Evidence and Objections                             | 20 April 2017                      |
| Module 15: | Trial Preparation Masterclass                       | 27 April 2017                      |
| Module 16: | Cross-Examination                                   | 4 May 2017                         |
| Module 17: | Challenging Client Statements                       | 11 May 2017                        |
| Module 18: | Direct Examination and the Defence Witness          | 18 May 2017                        |
| Module 19: | Dealing with Forensic Evidence                      | 25 May 2017                        |
| Module 20: | Impeachment   | 1 June 2017                        |
| Module 21: | Guilty Pleas  | 8 June 2017                        |
| Module 22: | Experts   | 15 June 2017                       |
| Module 23: | Immigration Consequences                            | 24 August 2017<br><i>*new date</i> |
| Module 24: | Sexual Offences                                     | 29 June 2017                       |
| Module 25: | Drug Cases  | 6 July 2017                        |
| Module 26: | Military Prosecutions                               | 13 July 2017                       |
| Module 27: | Speech Crime  | 20 July 2017                       |
| Module 28: | No Case to Answer and Closing Submissions           | 27 July 2017                       |
| Module 29: | Sentencing Advocacy                                 | 3 August 2017                      |
| Module 30: | Understanding Probation                             | 10 August 2017                     |
| Module 31: | Appeals   | 17 August 2017                     |

## Curriculum Pricing Plans

| Module    | Lesson  | Difficulty   | Active CLAS Volunteer | Inactive CLAS Volunteer / Other Lawsoc Member | Non-Lawsoc Member |
|-----------|---|--------------|-----------------------|---|-------------------|
| Module 1  | Overview of the Criminal Justice Process            | Beginner     | FREE!                 | \$60  | \$90              |
| Module 2  | Role of Criminal Defence Counsel                    | Beginner     | FREE!                 | \$60  | \$90              |
| Module 3  | Managing Your Caseload                              | Beginner     | FREE!                 | \$60  | \$90              |
| Module 4  | Representing Young Clients                          | Beginner     | FREE!                 | \$60  | \$90              |
| Module 5  | Interviewing the Client and other Defence Witnesses | Beginner     | FREE!                 | \$60  | \$90              |
| Module 6  | Dealing with Difference                             | Intermediate | FREE!                 | \$60  | \$90              |
| Module 7  | Arrest and Intake                                   | Intermediate | FREE!                 | \$60  | \$90              |
| Module 8  | Securing Bail                                       | Intermediate | FREE!                 | \$60  | \$90              |
| Module 9  | Interactions with Police and Prosecutors            | Intermediate | FREE!                 | \$60  | \$90              |
| Module 10 | Theory of the Case                                  | Intermediate | FREE!                 | \$60  | \$90              |
| Module 11 | Investigation                                       | Intermediate | FREE!                 | \$60  | \$90              |
| Module 12 | Pretrial Discovery Practice                         | Intermediate | FREE!                 | \$60  | \$90              |
| Module 13 | Competence to Stand Trial                           | Intermediate | FREE!                 | \$60  | \$90              |
| Module 14 | Evidence and Objections                             | Intermediate | FREE!                 | \$60  | \$90              |
| Module 15 | Trial Preparation Masterclass                       | Advanced     | \$30                  | \$60  | \$90              |

|  |   |              |       |         |         |
|--|---|--------------|-------|---------|---------|
| <b>Module 16</b>   | <b>Cross-Examination</b>                          | Intermediate | FREE! | \$60    | \$90    |
| <b>Module 17</b>   | <b>Challenging Client Statements</b>              | Advanced     | \$30  | \$60    | \$90    |
| <b>Module 18</b>   | <b>Direct Examination and the Defence Witness</b> | Intermediate | FREE! | \$60    | \$90    |
| <b>Module 19</b>   | <b>Dealing with Forensic Evidence</b>             | Intermediate | FREE! | \$60    | \$90    |
| <b>Module 20</b>   | <b>Impeachment</b>                                | Advanced     | \$30  | \$60    | \$90    |
| <b>Module 21</b>   | <b>Guilty Pleas</b>                               | Beginner     | FREE! | \$60    | \$90    |
| <b>Module 22</b>   | <b>Experts</b>                                    | Intermediate | FREE! | \$60    | \$90    |
| <b>Module 23</b>   | <b>Immigration Consequences</b>                   | Beginner     | FREE! | \$60    | \$90    |
| <b>Module 24</b>   | <b>Sexual Offences</b>                            | Advanced     | \$30  | \$60    | \$90    |
| <b>Module 25</b>   | <b>Drug Cases</b>                                 | Advanced     | \$30  | \$60    | \$90    |
| <b>Module 26</b>   | <b>Military Prosecutions</b>                      | Advanced     | \$30  | \$60    | \$90    |
| <b>Module 27</b>   | <b>Speech Crime</b>                               | Advanced     | \$30  | \$60    | \$90    |
| <b>Module 28</b>   | <b>No Case to Answer and Closing Submissions</b>  | Intermediate | FREE! | \$60    | \$90    |
| <b>Module 29</b>   | <b>Sentencing Advocacy</b>                        | Beginner     | FREE! | \$60    | \$90    |
| <b>Module 30</b>   | <b>Understanding Probation</b>                    | Beginner     | FREE! | \$60    | \$90    |
| <b>Module 31</b>   | <b>Appeals</b>                                    | Advanced     | \$30  | \$60    | \$90    |
| <b>Entire Curriculum Subscription – Discount Package</b> |   |              | \$180 | \$1,600 | \$2,500 |

# Module 1: Overview of the Criminal Justice Process

CPD Points: 1

## Overarching Goal

This lesson provides an introductory survey of the criminal justice process. The primary goal is to develop a general understanding of the criminal justice system's response to crime in society, with emphasis on the origins and purpose of criminal courts, key terminology, the role of defence counsel and the key stages of a criminal case.

## Learning Outcomes

The criminal defender will:

- Understand the historical purpose of the criminal courts
  - What is the purpose/goal of the criminal justice system?
  - What are the historical purposes and current trends in criminal court?
- Learn criminal case terminology
  - Key terms and commonly used jargon and acronyms
  - Key players in the criminal process in Singapore
- Understand the right to counsel and the role of counsel
  - Defendant's right to counsel - case law and due process rights
  - Brief introduction to standards and ethical obligations of criminal defence counsel
- Recognise the severe consequences of being charged with a criminal offence
- Identify critical stages and key decision points to advance the strategic goals of your client in a criminal case
  - Chronological flow of a criminal case

## Difficulty Level

Beginner

## Programme Outline

|                    |  |
|--------------------|--|
| <b>4:30 – 5:00</b> | Registration   |
| <b>5:00 – 6:00</b> | Overview of the Criminal Justice Process<br><i>Mr Derek Kang - Partner, Ho &amp; Wee LLP</i> |

## Module 2: Role of Criminal Defence Counsel

CPD Points: 1

### Overarching Goal

The criminal defender will understand the ethical obligations to represent a client's expressed interests and ensure that their rights are sufficiently protected and advanced throughout the life of the case.

### Learning Outcomes

The criminal defender will:

- Understand how case law and statute dictate the ethical obligations of criminal defence counsel
- Know the concrete duties and responsibilities of defence counsel, and the key components of a solicitor-client relationship
- Appreciate the need to maintain loyalty to the client and his or her stated interests
- Appreciate, in addition to his duties to his client, his duty to assist the court in the administration of justice

### Difficulty Level

Beginner

### Programme Outline

|                    |   |
|--------------------|---|
| <b>4:30 – 5:00</b> | Registration  |
| <b>5:00 – 6:00</b> | Role of Criminal Defence Counsel<br><i>Mr Thrumurgan S/O Ramapiram @ Thiru – Partner, Trident Law Corporation LLC</i> |

## Module 3: Managing Your Caseload

CPD Points: 1

### Overarching Goal

The criminal defender will learn strategies to effectively manage, represent, and promote a client's goals.

### Learning Outcomes

The criminal defender will:

- Develop a proposed timeline and plan for representing a client at all stages of the case
- Understand the ethical obligation to maintain client files and document all developments in the client's case
- Learn organisational strategies to effectively manage, represent and promote the goals of each client, with consideration of:
  - Time-saving tools: individualised checklists that work best for a defender's work style and needs; use of templates
  - Tools to track a large caseload
  - Tools to identify next steps and track deadlines in a large caseload
- Learn to write a case planning/investigative memo at the outset of any new case and appreciate the benefits thereof
- Know the key components of an investigative or case planning memo
- Learn effective guidelines for trial preparation
- Identify tools and strategies for maintaining a healthy mental balance

### Difficulty Level

Beginner

### Programme Outline

|                    |  |
|--------------------|--|
| <b>4:30 – 5:00</b> | Registration   |
| <b>5:00 – 6:00</b> | <ul style="list-style-type: none"><li>❖ Time-saving and Organisational Tools</li><li>❖ Case Planning/Investigative Memos</li><li>❖ Trial Preparation</li></ul> <p><i>Mr Gino Hardial Singh - Head, Criminal Litigation Department, Eugene Thuraisingam LLP</i></p> |

## Module 4: Representing Young Clients

CPD Points: 1

### Overarching Goal

The criminal defender will understand key features of adolescent development, how those concepts affect a youth's involvement at all stages of the juvenile and adult criminal justice systems and how to use adolescent development arguments to advance the client's interests and the legal strategies of a case.

### Learning Outcomes

The criminal defender will:

- Understand key features of adolescent development and the far-ranging impact it can have on the solicitor-client relationship and case strategy
- Become familiar with important developmental research studies that are specifically related to adolescents' decision-making in legal contexts
- Understand how key features of adolescence affect youth's capacity to make knowing, voluntary and intelligent waivers of rights, e.g. right against self-incrimination, drawing of adverse inferences from silence etc.
- Understand adolescent development as it relates to all aspects of representation, such as youth's competency, mens rea and culpability at trial, disposition and transfer to adult court
- Be able to identify strategies for educating the court and other juvenile justice stakeholders about the impact of adolescent development at all stages of a case

### Difficulty Level

Beginner

### Programme Outline

|                    |   |
|--------------------|---|
| <b>4:30 - 5:00</b> | Registration  |
| <b>5:00 - 5:30</b> | Adolescent psychology<br><i>Dr Julia Lam - Consultant Forensic Psychologist, Forensic Psych Services, Singapore</i> |
| <b>5:30 - 6:00</b> | Applying knowledge of adolescent psychology in court<br><i>Mr Josephus Tan – Director, Fortis Law Corporation</i>   |

## Module 5: Interviewing the Client and Other Defence Witnesses

CPD Points: 1

### Overarching goal

The criminal defender will learn to effectively interview a client and other defence witnesses in order to pursue the client's expressed interests and develop a strong attorney-client relationship.

### Learning Outcomes

The criminal defender will:

- Identify the challenges associated with interviewing clients, and learn strategies to accommodate, enhance or overcome barriers to a successful interview
- Understand that the interview process is fluid over the life of a case and contingent on a number of environmental and interpersonal factors
- Understand the importance of interviewing collateral contacts to advance the strategic goals of a case
- Be able to explain the solicitor-client relationship to clients in appropriate language
- Identify important social and factual information needed from clients to secure bail at a mention, if consistent with clients' expressed interests
- Be able to establish trusting relationships with clients and learn to identify and address clients' primary concerns during the interview
- Be able to identify key contacts in the client's life
- Understand the importance of gathering information about the client's strengths and needs from the client's collateral contacts
- Review the defender's goals for interviewing a client's collateral contacts and how such interviews can be helpful in the representation of a client
- Review the potential information that a client's collateral contacts may be able to provide and how this information could serve to further the strategic goals of the case
- Understand the ethical obligations of confidentiality in communicating with collateral contacts
- Be able to explain the role of the defender to collateral contacts and conduct an effective interview
- Learn to gather educational, mental health, medical and other records that might affect the solicitor-client relationship, client's criminal responsibility or trial outcome
- Understand the need to obtain the client's permission before contacting or interviewing collateral clients

### Difficulty Level

Beginner

### Programme outline

|                    |   |
|--------------------|---|
| <b>4:30 - 5:00</b> | Registration  |
| <b>5:00 - 6:00</b> | Interviewing the Client and other Defence Witnesses<br><br><i>Mr Ramesh Tiwary - Sole Proprietor, Ramesh Tiwary</i> |

## Module 6: Dealing with Difference

CPD Points: 1

### Overarching Goal

The criminal defender will understand the importance of culturally competent lawyering and will discuss considerations in representing clients from different backgrounds than the lawyer and/or other institutional players in the criminal justice system.

### Learning Outcomes

The criminal defender will:

- Discuss common points of difference (such as class, language, culture and sexual orientation) between clients and institutional actors in the criminal justice system
- Focus on the particular impact of racial and cultural differences at all stages of the criminal justice system
- Understand the importance of recognising difference in developing an effective solicitor-client relationship
- Learn to help other criminal justice stakeholders understand the relevance of recognising difference at every stage of the criminal justice process
- Learn strategies for advocating for the expressed cultural needs of clients in the criminal justice system
- Learn practical ways of overcoming language barriers with the client

### Difficulty Level

Intermediate

### Programme Outline

|                    |  |
|--------------------|--|
| <b>4:30 - 5:00</b> | Registration   |
| <b>5:00 - 6:30</b> | Societal Expectations: Perceptions, Stereotypes and the Importance of Looking Beyond First Impressions;<br>Overcoming Language Barriers<br><br><i>Mr Tan Cheow Hung - Director, Beacon Law Corporation</i> |

## Module 7: Arrest and Intake

CPD Points: 1

### Overarching Goal

The criminal defender will learn to protect and advocate on behalf of clients at pre-arrest and pre-interview phases of the criminal justice system.

### Learning Outcomes

The criminal defender will:

- Understand the need to make himself/herself available to advise and protect the client's legal rights at the earliest possible stage of the criminal case
- Know the procedures a client may be subjected to between initial contact with police and first mention
- Identify ways to gain access to a client who is being detained for further investigations after 48 hours
- Understand the rights of clients in interacting with police at or before arrest
- Be able to advise the client about the consequences of giving statements to the police
- Develop strategies for negotiating with IOs and prosecutors during detention and charging decisions

### Difficulty Level

Intermediate

### Programme Outline

|                    |  |
|--------------------|--|
| <b>4:30 - 5:00</b> | Registration   |
| <b>5:00 - 6:00</b> | Assisting the Client at the Earliest Stages of the Criminal Investigation<br><br><i>Mr Steven Lam Kuet Keng - Director, Templars Law LLC</i> |

## Module 8: Securing Bail

CPD Points: 1

### Overarching Goal

The criminal defender will understand the importance of zealous advocacy at the mention stage to ensure that bail is granted, and will develop skills and strategies to advocate for alternatives to detention at every stage of the process.

### Learning Outcomes

The criminal defender will:

- Understand the psychological impact of detention on the client
- Understand the importance of release of the client pending trial for investigation, case preparation and case outcomes
- Understand the law supporting right to counsel at the first mention
- Understand the purpose of bail and the legal basis on which bail is set at certain amounts or denied entirely
- Understand difference between “IC bail” and “real bail”
- Understand the difference between bailable and non-bailable offences
- Know the basis on which review of bail can be sought

### Difficulty Level

Intermediate

### Programme Outline

|                    |  |
|--------------------|--|
| <b>4:30 - 5:00</b> | Registration   |
| <b>5:00 - 6:00</b> | Securing Bail<br><i>Mr Amolat Singh - Partner, Amolat Singh &amp; Partners</i> |

## Module 9: Interactions with Police and Prosecutors

CPD Points: 1

### Overarching Goal

The criminal defender will learn how to interact effectively with key players in a proceeding to further the client's stated interests and strategic goals in a case.

### Learning Outcomes

The criminal defender will:

- Learn to build allies among adversaries and other key players in a proceeding, while maintaining complete loyalty to the client
- Understand the importance of communication with other stakeholders in the criminal justice system, and learn fundamental principles of negotiation
- Learn to work effectively with DPPs to ensure the client's desired outcome without violating client confidence
- Learn strategies for appearing before difficult judges
- Ensure the client understands the defender's relationship with other parties and the purpose of negotiations

### Difficulty Level

Intermediate

### Programme Outline

|                    |   |
|--------------------|---|
| <b>5:00 - 5:30</b> | Registration  |
| <b>5:30 - 6:30</b> | Interactions with Police & Prosecutors<br><i>Mr Amarick Gill – Director, Amarick Gill LLC</i> |

## Module 10: Theory of the Case

CPD Points: 1

### Overarching Goal

The criminal defender will learn to develop a theory of the case that accounts for all of the admissible evidence and relevant law through a persuasive narrative that compels findings favourable to the client.

### Learning Outcomes

The criminal defender will:

- Understand the range of possible defence theories in every case
- Know the key components of a good case theory and the need to distill the theory into a succinct theme
- Understand the importance of thorough fact investigation in developing a theory of the case
- Understand the importance of the case theory in every phase of the case
- Understand the need to begin developing a case theory at the initial interview and the need to adjust/refine the case theory as the defender gathers new information through investigation and discovery
- Understand the law guaranteeing the right to present a defence
- Understand the law requiring notice to be given before presentation of certain defences

### Difficulty Level

Intermediate

### Programme Outline

|                    |   |
|--------------------|---|
| <b>4:30 - 5:00</b> | Registration  |
| <b>5:00 - 6:00</b> | Developing a Case Theory<br><i>Mr Abraham Vergis – Managing Director,<br/>Providence Law Asia LLC</i> |

## Module 11: Investigation

CPD Points: 1

### Overarching Goal

The criminal defender will understand the critical role of investigation in representing an accused client and develop strategies for effective investigation in every case.

### Learning Outcomes

The criminal defender will:

- Understand the importance of early and thorough investigation in every case before taking a plea
  - Know tips for learning the prosecution's case, preserving evidence and observing the scene of a crime
- Understand the ethical and statutory constraints associated with investigation
- Identify key steps in any investigation plan (people, places, things)
- Learn to write an investigative memo for each case, appreciating:
  - The importance of an investigative plan
  - How to use case theory to guide the investigation
- Understand the mechanics of interviewing witnesses and taking witness statements, learning:
  - The ethical rules pertaining to interviewing witnesses including prosecution witnesses
  - Strategies for interviewing witnesses (including goals, techniques and methods of taking statements from reluctant witnesses, public servants, police officers and young children)
- Understand the various methods of collecting documents and real evidence
- Discuss legal and other strategies for obtaining the assistance of an investigator in a criminal case
- Learn strategies for investigating with limited resources

### Difficulty Level

Intermediate

### Programme Outline

|                    |  |
|--------------------|--|
| <b>4:30 - 5:00</b> | Registration   |
| <b>5:00 - 6:00</b> | Investigation<br><i>Mr Siaw Kin Yeow, Richard - Counsel, JusEquity Law Corporation</i> |

## Module 12: Pretrial Discovery Practice

CPD Points: 1

### Overarching Goal

The criminal defender will understand the law governing the right to discovery and develop strategies for obtaining all discovery client is entitled to from prosecutor.

### Learning Outcomes

The criminal defender will:

Understand applicability and contents of CCDC regime and case law extending the regime

Understand what happens when CCDC does not apply

Be able to identify documents, photographs, records and other information to which client and defence counsel are entitled in a criminal case and when they are entitled to them

Identify effective legal and other strategies for obtaining complete discovery

Appreciate the importance of documenting all discovery requests and responses

Understand the government's ongoing obligations during trial

Learn when adverse inferences may be drawn from the government's failure to produce certain evidence

Understand defence counsel's discovery obligations

Understand how third party discovery works

Learn legal and non-legal strategies for extracting evidence from reluctant third parties, including legally compelling them to produce such evidence

### Difficulty Level

Intermediate

### Programme Outline

|                    |   |
|--------------------|---|
| <b>4:30 - 5:00</b> | Registration  |
| <b>5:00 - 6:00</b> | Discovery in Criminal Cases<br><i>Mr Wendell Wong – Director, Drew &amp; Napier LLC</i> |

## Module 13: Competence to Stand Trial

CPD Points: 1

### Overarching Goal

The criminal defender will understand the law and practice of challenging a client's competence to stand trial.

### Learning Outcomes

The criminal defender will:

- Review the law of competence to stand trial, learning:
  - The standard for determining competence to stand trial
  - Reasons for requiring competence
  - Relevant statutes and court rules
  - Factors considered in the evaluation of competence
  - Competence to stand trial vs. competence to waive rights
  - The consequences of establishing a lack of competence to stand trial
- Learn to gather documents to aid the evaluator and court in assessing the client's competence to stand trial
- Learn how to identify whether your client may not be competent and how to communicate with clients with various kinds of mental disability or illness
- Understand how to identify, hire, and prepare an expert to assist in assessing competence
- Learn how to spot common mistakes or weaknesses in unfavourable IMH reports
- Learn how to challenge an IMH psychiatrist in a competence hearing, considering the potential disadvantages of challenging competence
- Have an overview of the case law on competence to stand trial
- Consider how to maintain a normal client relationship when a client is found competent by the court, but is in fact unable to give instructions
- Explore ethical obligations that arise when representing clients who are found incompetent, particularly for minor offences

### Difficulty Level

Intermediate

### Programme Outline

|                    |  |
|--------------------|--|
| <b>4:30 - 5:00</b> | Registration   |
| <b>5:00 - 6:00</b> | Law of Competence to Stand Trial<br><i>Dr John Bosco Lee - Psychiatrist, Adelphi Psych Medicine Clinic</i><br><i>Mr Thiru – Partner, Trident Law Corporation LLC</i> |

## Module 14: Evidence and Objections

CPD Points: 1

### Overarching Goal

The criminal defender will review the rules of evidence and understand the concepts of relevance, probative value, prejudicial effect and the basis on which to object to the admission of evidence.

### Learning Outcomes

The criminal defender will:

- Identify the sources of the rules of evidence and evidentiary law
- Be able to determine when evidence is relevant
- Understand how to evaluate the probative value and prejudicial effect of evidence and weigh them against each other
- Understand the rule in *Kadar* on the prosecutorial duty to disclose relevant exculpatory evidence and how to use this rule to the client's advantage
- Learn tips on introducing real, physical and demonstrative evidence
- Be able to strategise about the timing and method of objections to evidence
- Be able to identify which objections apply in which contexts and make the accompanying arguments
- Anticipate objections that the defender can make during the government's case and objections that may be made during the defence case
- Be prepared to respond to potential objections and tie them into the defence theory of the case and/or counter-narrative
- Understand the value of drafting skeletal closing submissions at the outset of the case to focus the defender on the evidence he or she wants to get in and the evidence he or she wants to keep out

### Difficulty Level

Intermediate

### Programme Outline

|                    |  |
|--------------------|--|
| <b>4:30 - 5:00</b> | Registration   |
| <b>5:00 - 6:00</b> | Evidence and Objections<br><i>Mr Naresh Mahtani - Partner, Eldan Law LLP</i> |

## Module 15: Trial Preparation Masterclass

CPD Points: 1

### The Overarching Goal

The criminal defender will learn and understand the various facets of trial preparation

### Learning Outcomes

The criminal defender will learn techniques on:

- Pretrial Planning
- Organizing the Case File
- Gathering Information About the Case
- Information You Need for the Trial & Why
- Methods of Gathering Information Useful to Your Defense from, inter alia:-
  - The Client
  - Gathering Information About the Complainant:
  - Subpoenaing
  - Interviewing Witnesses as Part of Case Investigation
  - Locating and Engaging an Expert Witness
  - Visiting the Relevant Scene(s) and Gathering Useful Information
  - Using the Internet to Locate and Gather Information:
- Analyzing and Interpreting Information - Generating a Supportable Story of the Case
- Knowing the Opposition, the Judge, the Courtroom Layout, and the Applicable Rules:
- Openings and Arguments
- General Defence Strategies & Tactics

### Difficulty Level

Advanced

### Programme Outline

|                    |  |
|--------------------|--|
| <b>4:30 - 5:00</b> | Registration   |
| <b>5:00 - 6:00</b> | Trial Preparation Masterclass<br><i>Mr Suresh Damodara – Partner, Damodara Hazra LLP</i> |

## Module 16: Cross-Examination

CPD Points: 1

### Overarching Goal

The criminal defender will understand the law governing the right to cross and learn strategies and techniques needed to develop an effective cross-examination consistent with the case theory.

### Learning Outcomes

The criminal defender will:

- Understand the law governing the right to cross-examine
- Learn when to cross-examine and when not to
- Identify goals of effective cross-examination that advance the strategic goals in each case
- Learn techniques for effective cross-examination of different types of witnesses: police witnesses, accomplices, complainants who identify the client, complainants in a rape or sexual assault case and youth complainants or witnesses

### Difficulty Level

Intermediate

### Programme outline

|                    |  |
|--------------------|--|
| <b>4:30 - 5:00</b> | Registration   |
| <b>5:00 - 6:00</b> | Cross-Examination<br><i>Mr N. Sreenivasan SC - Managing Director, Straits Law Practice LLC</i> |

## Module 17 : Challenging Client Statements

CPD Points: 1

### Overarching Goal

The criminal defender will understand the law and strategy of challenging the admissibility of a client's statement.

### Learning Outcomes

The criminal defender will:

- Understand strategic reasons for seeking to suppress the client's statement, whether inculpatory or exculpatory
- Identify statutory, rule-based, and common law grounds for suppressing or excluding statements
- Learn the research on false confessions and strategies for challenging their admission pre-trial and/or their evidentiary value during trial
- Understand principles of law associated with interrogation
- Identify goals and practice techniques for cross-examination at hearings to suppress a statement
- Identify and prepare appropriate witnesses and experts to aid the defence case at hearings to suppress statements
- Prepare oral arguments for the suppression of statements

### Difficulty Level

Advanced

### Programme Outline

|                    |   |
|--------------------|---|
| <b>4:30 - 5:00</b> | Registration  |
| <b>5:00 - 6:00</b> | Challenging Client Statements<br><i>Mr Shashi Nathan – Partner, Withers Khattarwong</i> |

## Module 18: Direct Examination and the Defence Witness

CPD Points: 1

### Overarching Goal

The criminal defender will learn strategy, technique and law required to develop an effective direct examination that advances the defence theory of the case.

### Learning Outcomes

The criminal defender will:

- Understand the importance of effective communication with the client to facilitate investigation and identify witnesses and evidence that may be admissible and valuable for the defence theory of the case
- Consider the strategic implications involved in deciding whether to present a defence case, including character evidence, impeachment evidence and expert testimony
- Discuss strategic implications involved in deciding whether to call the client to testify
- Learn to identify goals of effective direct examination in order to advance the defence theory of the case, considering also:
  - Establishment of witness credibility
  - Organisation of direct examination
  - Themes and content for direct examination
  - Witness preparation
- Evaluate the use of demonstrative evidence such as charts, photos and maps, and understand whether such evidence will harm rather than help the theory of the case
- Practice techniques of effective direct examination

### Difficulty Level

Intermediate

### Programme Outline

|                    |   |
|--------------------|---|
| <b>4:30 - 5:00</b> | Registration  |
| <b>5:00 - 6:00</b> | Direct Examination and the Defence Witness<br><i>Mr Amolat Singh – Partner, Amolat Singh &amp; Partners</i> |

## Module 19: Dealing with Forensic Evidence

CPD Points: 1

### Overarching Goal

The criminal defender will be able to confidently represent an accused in a case involving forensic evidence of various kinds.

### Learning Outcomes

The criminal defender will:

- Learn how to match an expert with suitable expertise with the kind of forensic evidence to be examined
- Become familiar with the various kinds of forensic evidence that may be introduced in a criminal case
- Understand the rules of evidence that govern the admissibility of forensic evidence
- Understand rules relating to the chain of custody of forensic evidence
- Learn the basics of interpreting various kinds of forensic evidence
- Learn how to challenge subjective interpretations of objective forensic evidence
- Understand the limitations of forensic evidence and how these relate to the criminal standard of proof
- Understand how forensic evidence is evaluated by courts in the context of a criminal trial by reference to case studies.

### Difficulty Level

Intermediate

### Programme Outline

|                    |  |
|--------------------|--|
| <b>4:30 - 5:00</b> | Registration   |
| <b>5:00 - 6:00</b> | Dealing with Forensic Evidence<br><i>Ms Chia Poh Ling – Consultant Forensic Scientist,<br/>The Forensic Experts Group, Singapore</i><br><br><i>Ms Yang Chiew Yung - Consultant Forensic<br/>Scientist, The Forensic Experts Group, Singapore</i> |

## Module 20: Impeachment

CPD Points: 1

### Overarching Goal

The criminal defender will understand the importance of investigation, strategy and the mechanics of impeaching prosecution witnesses to advance the defence theory of the case.

### Learning Outcomes

The criminal defender will:

- Understand the importance of investigation and discovery in obtaining witness statements that may be used to impeach prosecution witnesses and advance the defence goals of the case
- Be able to decide whether conducting pre-trial interviews of prosecution witnesses for the purposes of taking statements which can be used to impeach them at trial will advance the strategic goals of the client
- Be able to make wise strategic decisions regarding whether or not to impeach a witness
- Identify various impeachment methods that achieve various goals within the case
- Understand the rules and principles of evidence that govern witness impeachment
- Develop effective impeachment skills

### Difficulty Level

Advanced

### Programme Outline

|             |  |
|-------------|--|
| 4:30 - 5:00 | Registration   |
| 5:00 - 6:00 | Impeachment<br><i>Mr N. Sreenivasan SC - Managing Director, Straits Law Practice LLC</i> |

## Module 21: Guilty Pleas

CPD Points: 1

### Overarching Goal

The criminal defender will understand the law relating to guilty pleas, learn how and when to advise the client in deciding whether to enter a plea and ensure that the client makes only knowing, voluntary, and intelligent waiver of the right to trial.

### Learning Outcomes

The criminal defender will:

- Understand the obligation to provide effective assistance of counsel during the plea negotiation stage
- Understand that the decision to accept or decline a plea offer is ultimately the decision of the client
- Understand the significant consequences of guilty pleas, including all long-term collateral consequences
- Develop skills and strategies to assist the client in weighing the advantages and disadvantages of plea or trial
- Understand the mechanics of entering a plea (including the bargaining factors most important to a plea negotiation) and the need to take client's instructions on the accuracy of the entire statement of facts to which he must agree when pleading guilty
- Understand the law regarding withdrawal of a guilty plea
- Understand the ethical duty to ensure the client's expressed interests are adhered to in plea offers
- Be able to fully advise and counsel clients regarding a plea offer to ensure the decision is knowing and voluntary

### Difficulty Level

Beginner

### Programme Outline

|                    |  |
|--------------------|--|
| <b>4:30 - 5:00</b> | Registration   |
| <b>5:00 - 6:00</b> | Guilty Pleas<br><i>Mr Sunil Sudheesan – Director, Head Criminal Department, Quahe Woo &amp; Palmer LLC</i> |

## Module 22: Experts

CPD Points: 1

### Overarching Goal

The criminal defender will consider the benefits of expert testimony in a criminal case, discuss strategy and technique for identifying, hiring, and preparing experts to testify, and will learn to challenge prosecution experts.

### Learning Outcomes

The criminal defender will:

- Identify a range of experts who may be called in a criminal case to advance the strategic goals of the case
- Be aware of discovery obligations associated with the use of an expert
- Learn how to locate and hire effective experts
- Learn how to use multiple experts for separate issues before, during, and after trial
- Learn how to obtain funding from CLAS for the appointment of an expert in a CLAS case
- Learn to use an expert either as a consultant to the defence or as a witness in the trial
- Be able to prepare an expert witness for trial
- Learn to evaluate and challenge the admissibility of the prosecution's expert reports
- Learn to cross-examine an expert at trial
- Be aware of the prosecution's discovery obligations related to expert witnesses

### Difficulty Level

Intermediate

### Programme Outline

|             |  |
|-------------|--|
| 4:30 - 5:00 | Registration   |
| 5:00 - 6:00 | Experts<br><i>Ms Lim Chin Chin – Senior Consultant Forensic Scientist, The Forensic Experts Group, Singapore</i><br><i>Mr Mahesh Rai – Associate Director, Dispute Resolution, Drew &amp; Napier LLC</i> |

## Module 23: Immigration Consequences

CPD Points: 1

### Overarching Goal

The criminal defender will understand and be able to provide clients with basic information on the possible immigration consequences associated with criminal charges as well as the possible immigration relief options to avoid deportation.

### Learning Outcomes

The criminal defender will:

- Understand basic immigration terms and concepts
- Be able to advise the client of the likelihood and timing of deportation in the event of acquittal, DAQ, DNAQ and conviction, respectively and any steps that can be taken to reduce this likelihood
- Remember to exercise cultural sensitivity when representing non-citizen clients
- Understand the implications of pleas, admissions, and convictions
- Be able to conduct an initial screening to determine potential immigration relief options and opportunities for improving a client's immigration status
- Understand the operation of the "special pass" regime and the consequences of the client being subject to it

### Difficulty Level

Beginner

### Programme Outline

|                    |  |
|--------------------|--|
| <b>4:30 - 5:00</b> | Registration   |
| <b>5:00 - 6:00</b> | Immigration Consequences<br><i>Mr Ramesh Tiwary - Sole Proprietor, Ramesh Tiwary</i> |

## Module 24: Sexual Offences

CPD Points: 1

### Overarching Goal

The criminal defender will be able to challenge allegations of outrage of modesty / rape by a client and address issues unique to a sexual offence case.

### Learning Outcomes

The criminal defender will:

- Learn how to interview a client in a sexual-offence case
- Be able to conduct effective investigation and seek discovery in sexual-offence cases
- Be able to identify and address special evidentiary and strategic issues associated with the complainant
- Learn to develop effective defence theories in sexual-offence cases, with a discussion of:
  - Consent
  - Fabrication
  - How complainant's past sexual acts may support consent
  - Adult contamination and suggestibility of youth
  - Credibility of witnesses
  - Misidentification
- Be able to identify and challenge potential prosecution and defence experts in sexual-offence cases
- Learn to raise mitigating factors and plan for sentencing in a sexual-offence case, consistent with the client's stated interests

### Difficulty Level

Advanced

### Programme Outline

|                    |  |
|--------------------|--|
| <b>4:30 - 5:00</b> | Registration   |
| <b>5:00 - 6:00</b> | Sexual Offences<br><i>Mr Kalidass Murugaiyan – Associate Director,<br/>Trident Law Corporation</i> |

## Module 25: Drug Cases

CPD Points: 1

### Overarching Goal

The criminal defender will be able to effectively and creatively challenge a variety of alleged drug offences.

### Learning Outcomes

The criminal defender will:

- Develop effective defence theories in a variety of common drug offence cases - e.g. standard HSA reports, informant cases, undercover buy cases etc.
- Become familiar with the process of gathering enough evidence to establish various defences such as the use of prescribed medicines in consumption cases or intent to personally consume drugs in trafficking cases
- Learn to challenge government experts and identify experts to aid the defence in drug cases
- Become familiar with the common evidentiary issues in drug cases, including the operation of the various applicable presumptions and how to rebut them
- Be able to identify common areas of testimony by experts in drug cases and learn how to effectively cross examine experts in these areas
- Know the thresholds that distinguish capital trafficking cases from non-capital trafficking cases and learn effective strategies for turning the former into the latter
- Understand how to use the amended MDA to save the client from the gallows by arguing the courier plus cooperation certificate exception and the mental disability exception, respectively

### Difficulty Level

Advanced

### Programme Outline

|                    |  |
|--------------------|--|
| <b>4:30 - 5:00</b> | Registration   |
| <b>5:00 - 6:00</b> | Drug Cases<br><i>Mr Gino Hardial Singh - Head, Criminal Litigation Department, Eugene Thuraisingam LLP</i> |

## Module 26: Military Prosecutions

CPD Points: 1

### Overarching Goal

The criminal defender will be able to effectively and creatively advocate for clients who are prosecuted in military court.

### Learning Outcomes

The criminal defender will:

- Understand the scope of the military court's jurisdiction
- Understand the basis on which prosecutions are pursued in military court rather than civil court
- Know some of the most common offences prosecuted in military court
- Develop a basic familiarity with the Singapore Armed Forces Act
- Understand the different sentencing options available in military court
- Be able to advise clients of what to expect in detention barracks vs. Changi prison
- Understand the different procedure and rules of evidence applicable in military court
- Know the identity of the relevant prosecuting authority in military court and how to negotiate with them to advance your client's interests

### Difficulty Level

Advanced

### Programme Outline

|                    |  |
|--------------------|--|
| <b>4:30 - 5:00</b> | Registration   |
| <b>5:00 - 6:00</b> | Military Prosecutions<br><i>Mr Amolat Singh - Partner, Amolat Singh &amp; Partners</i> |

## Module 27: Speech Crime

CPD Points: 1

### Overarching Goal

The criminal defender will be able to confidently advocate for clients facing charges for speech-related crimes.

### Learning Outcomes

The criminal defender will:

- Understand the different speech related offences he may encounter
- Know some of the common offences related to speech, e.g. sedition, contempt of Court, wounding religious feelings, incitement etc.
- Understand common defences to speech crime
- Understand evidence used to prove/disprove speech crimes
- Be familiar with sentencing ranges for different species of speech crime

### Difficulty Level

Advanced

### Programme Outline

|                    |   |
|--------------------|---|
| <b>4:30 - 5:00</b> | Registration  |
| <b>5:00 - 6:00</b> | Speech Crime<br><i>Mr Choo Zheng Xi – Director, Peter Low LLC</i> |

## Module 28: No Case to Answer and Closing Submissions

CPD Points: 1

### Overarching Goal

The criminal defender will understand the timing, content and law governing the plea of “no case to answer” at the conclusion of the prosecution’s case and will learn strategies and techniques for developing and delivering compelling and effective closing submissions.

### Learning Outcomes

The criminal defender will:

- Understand the timing and impact of the plea of “no case to answer”
- Understand the legal standards governing the plea of “no case to answer”
- Become familiar with cases in which “no case to answer” has been successfully argued
- Understand the importance of the elements of the charged offence in arguing for “no case to answer”
- Understand the value of the plea of “no case to answer” in advancing the defence theory of the case, even when the defender is certain it will be denied
- Understand the importance of closing submissions
- Review the legal standards governing the court’s determination of guilt or innocence
- Discuss the role of narrative, themes, and storytelling in the developing of compelling closing submissions
- Discuss the effect of inferences and presumptions
- Learn strategy and techniques for developing and delivering compelling closing submissions

### Difficulty Level

Beginner

### Programme Outline

|                    |  |
|--------------------|--|
| <b>4:30 - 5:00</b> | Registration   |
| <b>5:00 - 6:00</b> | No Case to Answer and Closing Submissions<br><i>Mr Alfred Dodwell – Managing Director, Dodwell &amp; Co LLC</i><br><i>Mr Peter Ong – Managing Director, Templars Law LLC</i> |

## Module 29: Sentencing Advocacy

CPD Points: 1

### Overarching Goal

The criminal defender will understand the role and obligations of counsel at sentencing and be able to advocate effectively for clients at the sentencing stage, consistent with the client's stated interests.

### Learning Outcomes

The criminal defender will:

- Understand the ethical and professional obligations of counsel at the sentencing stage
- Remember that continued client counselling and communication with the client is essential to ensure the sentencing arguments are consistent with the client's interests
- Understand that sentencing planning starts at the beginning of the case
- Be able to advise the client about the operation of early remission on his sentence and how the new conditional remission system instituted by amendments to the Prisons Act may affect him
- Understand statutory, common and constitutional law governing sentencing
- Understand the range of sentencing options available and understand when community-based sentencing is and is not available
- Be able to discuss all available sentencing options with the client from the beginning of the case
- Be able to write effective and compelling submissions on sentencing
- Learn to prepare the client for sentencing
- Be able to respond effectively to victim impact evidence
- Learn to set out, in advance of sentencing, the basis on which the client's case may be distinguished from any negative sentencing precedents

### Difficulty Level

Beginner

### Programme Outline

|                    |   |
|--------------------|---|
| <b>4:30 - 5:00</b> | Registration  |
| <b>5:00 - 6:00</b> | Sentencing Advocacy<br><i>District Judge Adam Nakhoda – State Courts of Singapore</i> |

## Module 30: Understanding Probation

CPD Points: 1

### Overarching Goal

The session will introduce community-based rehabilitation programmes and discuss how the various programmes complement the criminal justice system. It will also focus on developing a greater understanding about the rehabilitation and social services perspective in the management of offenders.

### Learning Outcomes

The participants will:

1. Understand the processes and programmes involved the community rehabilitation system
  - Stages in the referral process for diversionary programmes
  - Judicial process involved for Community-based sentencing options
2. Learn about the programmes available for offenders both preceding the judicial processes and post-sentencing, including the principals and purpose of each programme.
  - What are the programmes available pre- and post- sentencing?
  - Who are suitable for these programmes?
3. Identify critical information and decision points in the assessment of an individual's suitability for each programme
  - Brief introduction to assessment tools
  - Brief introduction to theoretical frameworks, considerations of risks and how they influence intervention
4. Insight into the current climate, demographic and trends concerning community rehabilitation
  - Statistics.

### Difficulty Level

Beginner

### Programme Outline

|                    |  |
|--------------------|--|
| <b>4:30 - 5:00</b> | Registration   |
| <b>5:00 - 6:00</b> | Understanding Probation<br><i>Miss Rathidevi Balakrishnan, Assistant Manager, Probation and Community Rehabilitation Service</i><br><i>Mr Gabriel Low, Assistant Manager, Probation and Community Rehabilitation Service</i> |

## Module 31: Appeals

CPD Points: 1

### Overarching Goal

The criminal defender will understand the law and mechanics of appeals

### Learning Outcomes

The criminal defender will:

- Understand the importance of preserving the record at the trial phase
- Understand the right to a transcript and grounds of decision
- Understand the procedures and law for filing an appeal and filing for criminal revision
- Become familiar with the circumstances in which one would seek to refer a matter of law to the High Court for decision during a State Courts trial and the procedure for doing so
- Understand the circumstances in which to apply for judicial review and the procedure for doing so
- Learn the importance of communicating with and counselling clients about the consequences of a conviction, their right to appeal and their legal status pending their appeal

### Difficulty Level

Advanced

### Programme Outline

|             |   |
|-------------|---|
| 4:30 - 5:00 | Registration  |
| 5:00 - 6:00 | Appeals<br><i>Mr Mohamed Muzammil Bin Mohamed – Sole Proprietor, Muzammil &amp; Company</i> |