

Speech for the Launch of
The Art of Family Lawyering

Philip Jeyaretnam SC

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Everyone recalls the opening words of Tolstoy's novel Anna Karenin, that *all happy families are alike but an unhappy family is unhappy after its own fashion*. Fewer will know the lines of Singaporean poet, Lee Tzu Pheng, that *Who would find treasure learns to hold / The gift of tears more dear than pearls*.

Both of these quotations tell us something about the challenges of practising family law. The first speaks of the many different ways in which men and women find ways to quarrel with each other, and to draw their children into their own unhappiness. Yet it also suggests that unhappiness is more common than we would like to imagine, and that unhappiness is inseparable from individuality and the human condition. The second suggests that unhappiness or tears - though not to be desired in themselves - may offer some reward. Not a material one perhaps, for family lawyering is no pearl farm, but a reward in deepened understanding, strengthened empathy and sharper insight.

The Art of Family Lawyering presents the work of the family lawyer not as a mere system of rules but as an art. This implies that to be a good family lawyer one must develop various skills, practising and improving them. It also hints at the importance of judgment - of understanding when legal remedies offer a solution to family problems and when they don't. It offers practical guidance to the practitioner - rules, tips and checklists. The lawyer's work goes well beyond the court room. Legal advice must be given, negotiation carried out and even, at times, counselling undertaken.

The end of marriage is felt by society to implicate the couple in failure - a feeling that is often strongly internalised by husband and wife. In reaction, many choose to blame the other, for that is the simplest emotional strategy to whitewash oneself. The lawyer acting for husband and wife must disentangle him or herself from the emotions of the parties, and yet be ready to act firmly and strongly when the interest of the client is at stake. This is a challenge in itself. Empathy requires that we put ourselves in the shoes of the other. Lawyering demands that we be the voice of our client. Yet somehow we must hold our-

selves back from emotional involvement, and remember always that the objective of the law, and of our role in the process, is to protect family obligations, so that even in the midst of personal acrimony the bonds and ties of family are preserved.

Any family dispute has ramifications that go beyond the immediate client - to children, grandparents and even future partners of the divorcing couple. This book helps the practitioner with interpretation and application of the law relating to divorce, children, property and financial settlements. It provides detailed assistance with how and when to go about valuing property, the position of insurance policies, and the special rules and departmental policies relating to HDB properties and CPF monies. Recent developments in the matrimonial proceedings rules are clearly explained.

What shines through the book is how much the contributors respect and value the law and the work done by family lawyers. As President of The Law Society, I know only too well how hard it is to manage lawyers, and so I must congratulate A/Prof Debbie Ong for managing to maintain some discipline and respect for deadlines.

The Family Court's logo is drawn from a statue done by a dear departed friend and artist, Brother McNally. It shows two children standing between and protected by their parents. It is a fitting representation of the aims of family law. When I met Brother McNally soon after the logo was unveiled, I asked him, tongue-in-cheek, why he had left out the lawyers. His answer was that the lawyer's role in the family arena must, ultimately, be self-effacing. Help the family through its darkest hour, so that when it emerges into sunlight again, it will not depend on rules, or arguments in Court, but be able once again to engage as a family, even if now in different households, to act toward each other with respect, concern and care. The good lawyer knows when to fade away.

The cover of the book is an echo of the same idea that motivated Brother McNally's statue: of ties that linger, hands that must be held no matter what. Again, the lawyer is noticed only by absence - somewhere beyond the frame of the picture, no doubt looking on with some satisfaction, having done her job to the best of her ability.

With that, I too must fade away. But before I do, may I declare how proud and honoured I am to launch this useful and worthy work - The Art of Family Lawyering.