



**PRACTICE DIRECTION 3 of 2022**

**PUPILLAGE FRAMEWORK**

The objective of pupillage training is to give an opportunity to pupils to gain practical skills by observing and being attached with an experienced advocate and solicitor before commencing practice.

The attached Pupillage Framework is a guideline that is encouraged to be adopted by all law firms in Brunei Darussalam. This guidance is issued to ensure that pupils receive adequate training and, for pupil masters to provide sufficient exposure in a structured manner during the pupillage.

This Practice Direction is to take effect from 1<sup>st</sup> November 2022.

A handwritten signature in black ink, appearing to read 'Steven Chong'.

**DATO SERI PADUKA STEVEN CHONG**

**CHIEF JUSTICE**

Dated this 15 day of October 2022

## **BRUNEI DARUSSALAM PUPILLAGE FRAMEWORK**

### **1. INTRODUCTION:**

- 1.1. The Legal Profession (Pupillage) Rules lays out the period of pupillage and defines the meaning of pupil and master. This framework acts as a guideline and sets out the recommended areas that ought to be covered during a pupillage to achieve consistency and uniformity of training.
- 1.2. The proper training of lawyers is necessary to ensure that there is an adequate pool of respectable and competent lawyers who work in Brunei Darussalam. Apart from training in legal areas, ethics, humility, and respect must be instilled in all legal practitioners. As a profession our future lawyers must keep in mind the importance of their public and social responsibilities and their contribution to the nation. As members of a larger Brunei Community, future members of the Law Society should strive together to achieve the Wawasan 2035 goals of attaining "*Educated, Highly Skilled and Accomplished People*" ensuring "*High Quality of Life*" and also having "*A Dynamic and Sustainable Economy*".

### **2. AIMS:**

- 2.1 To have a comprehensive framework for the training of pupils in order to better equip young lawyers to meet the multifaceted challenges of the legal profession.
- 2.2 To improve the standard and quality of pupillage training.
- 2.3 To enhance professionalism and the confidence of the public towards the integrity of the profession.

### **3 PERIOD:**

- 3.1 The period of pupillage is to be 9 months, unless an exception is granted, in which the pupillage must be completed within a period of 18 months.

### **4 REMUNERATION**

- 4.1 It is suggested that the law firm remunerate the pupil with a monthly sum of a minimum of \$400. The pupil may be paid more, at the discretion of the law firm.
- 4.2 There ought to be a written statement by the law firm to ensure that this has been done.

4.3 The master should not charge the pupil for the pupillage.

## 5 **THE MASTER**

5.1 The master will be a qualified practitioner who qualifies to act as a master under Rule 4(1) of the Legal Profession Rules (Pupillage).

5.2 The master has the primary responsibility for the pupil. He or she will allocate training assignments, supervise the training, and provide feedback on the pupil's performance.

5.3 The pupil may also be supervised by other counsel in the same law firm in specific areas/topics during the pupillage.

## 6 **THE PUPIL**

6.1 The pupil ought to undertake all training assignments faithfully and diligently.

6.2 At all times, the pupil ought to maintain the confidentiality of all client information and work processes of the law firm. The pupil should not disclose to any party outside the law firm any information or work processes that are of a confidential or proprietary nature to the law firm. Any information which relates to clients or to the law firm should not be for any purpose other than in the performance of work with the law firm.

6.3 Any property entrusted to the pupil must be dealt with properly and with propriety.

6.4 The pupil must comply with the prevailing general terms and conditions of service and policies, rules, and regulations of the law firm.

## 7 **THE PUPILLAGE:**

7.1 The master is responsible for ensuring that the pupil whom he or she supervises receives adequate training during the pupillage period, including matters relating to but not limited to professional responsibility, etiquette, and conduct.

### 7.2 **DEVELOPMENT OF LEGAL PRACTICE SKILLS**

7.2.1 Areas of training should include:

- a. client care and management, including:
  - i. interviewing clients and taking clients' instructions;

- ii. advising clients and preparing written opinions; and
  - iii. reviewing and drafting documents.
- b. drafting, including:
- i. general correspondence;
  - ii. court documents, such as any originating process, pleadings, summons, order of court, witness statements and affidavits or written submission; and
  - iii. other types of agreements;
- c. conducting legal research;
- d. conducting due diligence;
- e. case and transaction management, including monitoring files;
- f. negotiations, including:
- i. conducting negotiations; and
  - ii. advising on settlements.
- g. advocacy, including:
- i. court attire and court etiquette
  - ii. submissions before the court
  - iii. handling of witness in court
  - iv. online hearing practices
- h. exposure to 2 or more areas of practice selected from the following areas of practice as approved on application by the Master:
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- i. Civil Litigation;
  - ii. Criminal Litigation;
  - iii. Corporate Practice;
  - iv. Conveyancing Practice;
  - v. Intellectual Property and
  - vi. Alternative Dispute Resolution
- i. ethics and professional conduct;
- j. attending such courses, workshops, and programmes as the firm may specify.

### 7.3 CRIMINAL AND CIVIL LITIGATION

7.3.1 In relation to both criminal and civil litigation, the pupil ought to be exposed to practice in any of the following matters:

- a. assisting in preparations and attending trials and/or appeal hearings;
- b. assisting in preparations for interlocutory applications;
- c. client interviews and taking of statements;
- d. assisting in the drafting of an advice;
- e. assisting in the drafting of witness statements or pleadings and /or other cause papers;
- f. assisting in preparations for a plea of mitigation;

7.3.2 Pupils should be familiar with relevant statutes and procedures such as:

- a. Rules of the Supreme Court and Procedural time frames; Supreme Court Act (Cap.5), Intermediate Courts Act (Cap.162), Subordinate Courts Act (Cap.6), Magistrate Courts (Civil Procedure) Rules and the relevant procedural prescribed periods;
- b. Enforcement Proceedings under the procedural rules, proceedings including Bankruptcy Act (Cap.67) and Insolvency Order 2016 and Winding Up Rules 2018;
- c. Criminal Procedure Code (Cap.7) and/or Syariah Criminal Procedure Code;
- d. Penal Code (Cap.22), Syariah Penal Code;
- e. Misuse of Drugs Act (Cap.27);
- f. Prevention of Corruption Act (Cap.131);
- g. Companies Act (Cap.39);
- h. Business Names Act (Cap.92);



- i. Contracts Act (Cap.106);
- j. relevant statutes and procedures relating to intellectual property rights including the Copyright Order 1999, Patents Order 2011, Trademarks Act (Cap 98);
- k. relevant statutes and procedures with respect to Alternative Dispute Resolution (ADR) including the Arbitration Order 2009 and International Arbitration Order 2009;
- l. The Legal Profession Act and all subsidiary legislation concerning the legal profession such as the Advocates and Solicitors (Practice and Etiquette Rules) and Legal Profession (Law Society of Brunei Darussalam) Order.

#### 7.4 CONVEYANCING PRACTICE

- 7.4.1 In relation to conveyancing practice, the pupil ought to assist in conveyancing transactions including any of the following –
- a. receiving and taking instructions;
  - b. undertaking client and party due diligence;
  - c. reviewing and drafting conveyancing and/or financing documents;
  - d. familiarity and exposure to the preparation and drafting of a simple sale agreement and a simple tenancy agreement;

#### 7.5 OTHER PROCEDURES AND APPLICATIONS

- 7.5.1 Pupils should be familiar with other relevant procedures and applications such as:
- a. casting invoices;
  - b. Account Rules;
  - c. stamping of documents;
  - d. Land Office applications;

- e. Probate and Letters of Administration applications;
- f. Corporate forms;
- g. Bankruptcy proceedings.

## 7.6 ALTERNATIVE DISPUTE RESOLUTION MECHANISMS

7.6.1 In relation to Alternative Dispute Resolution mechanisms (ADR), the pupil should be exposed to ADR through assisting in arbitration, mediation or any other alternative dispute resolution mechanisms.

## 7.7 GENERAL WELLNESS

7.7.1 Pupils should be guided on how to maintain a healthy work-life balance and the management of stress arising from work commitments.

## 8 THE PUPILLAGE AGREEMENT

8.1 The master and pupil ought to enter into a pupillage agreement setting out the general terms and conditions of the pupillage. The sample pupillage agreement (see below) can be adopted and may be modified to suit the needs of the parties.

8.2 The Pupillage Agreement should clearly state:

- a. the areas of practice which a pupil will be exposed to in the law firm;
- b. the name of the master in the law firm;
- c. a general summary of the supervised training that will be provided by the law firm;
- d. the remuneration which the law firm will pay the pupil; and
- e. other general terms and conditions of the pupillage.

## SAMPLE PUPILLAGE AGREEMENT

\_\_\_\_\_ (name of firm) is pleased to confirm its offer of a pupillage for training in accordance with the Legal Profession Act, Cap 132, on the following terms:

1	Designation	Your position will be as a Pupil.
2	Commencement date and Period of Pupillage	Your pupillage will commence on __ (date) __ for a fixed continuous period of (__) months.
3	Master	Your master will be a qualified person who qualifies to act as a master under Rule 4(1) of the Legal Profession Rules (Pupillage). The master has the primary responsibility for your practice training. He or she will allocate training assignments, supervise your training, and provide feedback on your performance.
4	Pupillage	The Pupillage will be in accordance with the requirements of the Legal Profession Act ("the Act"), the Legal Profession Rules (Pupillage) and Practice Directions. For the avoidance of doubt, any reference to the Act, the Rules and Practice Directions shall include the Act, the Rules, and Practice Directions as may be amended and revised from time to time.
5	Remuneration (optional)	During the pupillage, your monthly remuneration will be BND\$ __ (insert amount) (including TAP/SCP).
6	Conditions of pupillage	<p>As a pupil, you agree to the following terms, the breach of which shall be regarded as a breach of this pupillage:</p> <p>(a) undertake all training assignments faithfully and diligently.</p> <p>(b) at all times, maintain the confidentiality of all client information and work processes of the law firm. You are not to disclose to any party outside the law firm any information or work processes that are of a confidential or proprietary nature to the law firm. You are not to use any information which relates to your client or to the law firm for any purpose other than in the performance of your work with the law firm. The only exception is in your dealings with the client to whom such information or work processes relate to or when consented to in writing by the law firm or client.</p> <p>(c) deal properly and with propriety any property entrusted to you.</p>



7	Areas of Practice	The areas of practice that have been offered and agreed on by between the master and the pupil.
8	Termination	<u>Termination by the law firm:</u> The law firm may terminate the pupillage upon one week's notice in writing. However, if there is good cause to do so, the law firm may serve notice immediately on you.  <u>Termination by the Pupil:</u> The pupil may terminate the pupillage upon one week's notice in writing. However, if there is good cause to do so, the pupil may serve immediate notice on the law firm.
9	General Terms and Conditions	In addition to the terms contained in this letter, your pupillage shall also be subject to the prevailing general terms and conditions of service and policies, rules and regulations of the law practice.
10	Governing Rules	This pupillage is governed by the Legal Profession Act and the Rules made thereunder.
10	Mediation	In the unlikely event of a dispute arising between you and your master, the first step will be to manage it internally i.e. within the law firm.  If this does not yield an outcome acceptable to both you and your master, there is an option to settle any issues through mediation. At all times, the parties shall keep the existence of the dispute confidential, including any settlement or terms thereof save (i) to the extent necessary to refer the dispute to mediation; or (ii) for any law or authority directing disclosure of such information.
11	Checklist	At the end of the Pupillage, the master must complete the Checklist to satisfy that the pupil has been exposed to the agreed areas of practice.  A copy of the Checklist is to be provided to the Pupil.
12	Governing Law	The terms of this pupillage shall be governed and construed in accordance with the law of Brunei.

Please sign the duplicate copy of this letter and return it to the law firm. This will serve as evidence of your acceptance of the above terms. Please retain your copy.

Yours faithfully

\_\_\_\_ (LAW FIRM) \_\_\_\_

## 9. PUPILLAGE CHECKLIST

9.1. The master is to provide a checklist to the pupil to certify the areas of law that the pupil was exposed to at the end of the pupillage. A sample check list is provided below and may be adapted to suit the needs of the parties.

Name of Pupil	
Name of Master and Law Firm	
Date of Commencement of Pupillage	
Duration of Pupillage	
End date of the Pupillage	

No.	Legal Skills	Date of completion	Remarks
<b>1.</b>	<b>Client Care and Management</b>		
1.1	Assisted in and received guidance on interviewing and taking instructions from clients		
1.2	Received instruction on the law on duty of confidentiality owed to clients		
1.3	Received instruction on the treatment of client's funds and trust accounts.		
<b>2.</b>	<b>Drafting</b>		
2.1	Received guidance on drafting general correspondence		
2.2	Received guidance on drafting court documents, such as any originating process, pleading, summons, order of court or written submission		

2.3	Received guidance on drafting different types of agreements		
2.4	Received guidance on the proper use of precedents		
<b>3.</b>	<b>Conducting Legal Research</b>		
3.1	Received guidance on and assisted in the conducting of legal research, including the use of on-line resources		
<b>4.</b>	<b>Conducting Due Diligence</b>		
4.1	Assisted in or received guidance on the conducting of due diligence		
<b>5.</b>	<b>Legal Skills</b>		
5.1	Case and transaction; received instruction on or reviewed the monitoring of case files		
<b>6.</b>	<b>Negotiation</b>		
6.1	Received instruction on or reviewed on conducting negotiations		
6.2	Received instruction on or reviewed on advising on settlement		
<b>7.</b>	<b>Advocacy</b>		
7.1	Received formal instruction on advocacy		
<b>8.</b>	<b>Well-being</b>		

(Signed by Pupil Master)

(date)