

## Guide to Working with Overseas Counsel

Samuel Sharpe and Justyn Jagger  
18 May 2020

### Introduction

Sharpe & Jagger LLC is a fully licensed Singapore law firm independent of any international law firm or legal network. Our advocates and solicitors welcome the opportunity of working with overseas legal counsel in matters arising within our legal qualification, specialist practice areas and core industry sectors. With that in mind, we thought that it would be helpful to provide an overview of how we work with overseas law firms and legal counsel.

### Advising on Singapore Law and Rights of Audience in the Singapore Courts

Pursuant to Singapore's Legal Profession Act, only advocates and solicitors of the Singapore Supreme Court who hold a valid practising certificate may advise on issues of Singapore law and, save in exceptional circumstances, appear before the Singapore Courts. Foreign lawyers who are registered may represent parties in proceedings before the Singapore International Commercial Court (the "SICC"), and any appeal from the SICC to the Court of Appeal, save that such representation is limited to submissions on foreign law. There are no restrictions on foreign lawyers representing a party to an international arbitration seated in Singapore.

### Working with Overseas Counsel: Three Steps

If we are selected to work with overseas counsel in advising and/or representing our mutual client then we take the following three steps. **First**, we decide with overseas counsel and the mutual client whether we are to be engaged by counsel or the client and agree upon a fee structure: hourly rates or a fixed fee. **Second**, we provide our letter of engagement and standard terms and conditions that sets out the scope of the engagement and fee structure. **Third**, we provide a letter of advice setting out our preliminary opinion as to the application of Singapore law and/or the strategy for the litigation or arbitration. For more information, please see our Fees and Rates and Guide to Managing and Selecting Legal Counsel.

### Working with Overseas Counsel: Client Care

All our solicitors and advocates have worked within international law firms. We understand that competition for clients is fierce, both in securing the client and in delivering the work product. We also recognise that the selection and performance of local counsel reflects on the reputation of the overseas counsel and their relationship with the client. As such, we always work with overseas counsel in identifying the issues, defining the strategy, producing the legal opinion and/or delivering the representation on behalf of the client. We work in a collaborative manner to ensure that overseas counsel is full appraised at every stage.

**Working with Overseas Counsel: Moving Forward**

At the conclusion of the instruction, we assess the conduct of the matter with both overseas counsel and the client. We acknowledge that the relationship rests between overseas counsel and the client and that our role was to supplement that relationship. When we hand the client back, we very much hope to work together with overseas counsel again in the future.