

Opening of the Legal Year 2018

Speeches by

- **The Honourable Attorney-General, Lucien Wong, SC**
- **The President of The Law Society, Gregory Vijayendran**
- **The Honourable the Chief Justice Sundaresh Menon**

The three speeches were delivered on 8 January 2018.

OPENING OF THE LEGAL YEAR 2018

*Speech by Attorney-General, Mr Lucien Wong, S.C.
Monday, 8 January 2017
Supreme Court Building, Level Basement 2, Auditorium*

May it please Your Honours, Chief Justice, Judges of Appeal, Judges and Judicial Commissioners of the Supreme Court,

Introduction

1 2017 was indeed a momentous year for the Attorney-General's Chambers (or AGC). It marked our 150th anniversary from the time Sir Thomas Braddell first took office as Attorney-General of the Straits Settlements in 1867. The leadership team at AGC has been humbled by the opportunity and privilege to lead AGC through such an important milestone in its history.

2 AGC occupies an important place in Singapore's legal system. We all know that AGC has two key functions:

- (a) First, as Public Prosecutor.
- (b) Second, we are also the Government's chief legal advisor.

Our work impacts Singapore and Singaporeans. They are (after all) our ultimate clients.

3 AGC has played an instrumental role in building the foundations to Singapore's legal system, especially since independence. For this, I must thank the former Attorney-General, V K Rajah SC, and his predecessors, some of whom are seated here this morning, for their efforts have collectively helped to mould the organisation into the premier legal institution that it is today. Previous AGs have, on earlier occasions, described our work using the analogy of

planting durian trees. It is apt for me to continue this imagery by stating that AGC, and Singapore in general, is reaping generous harvests from the seeds that each of the previous AGs have sown during their respective tenures (I dare say, of the “*Mao Shan Wang*” variety). I am fortunate to inherit a strong organisation, staffed with officers who embody a culture rooted in the pursuit of justice and excellence, and an unwavering commitment to public service.

4 Even as we celebrate our long and storied history, we need to plan ahead and advance with the times. AGC did not reach where it is today by standing still. All of us risk facing an unpleasant “Kodak” moment if we were to do so. We need to strategise and start sowing the seeds for the benefit of the next, and successive, generations. While we do not know what lies in store in the future, we will certainly need to keep thinking ahead to strengthen and empower the AGC of tomorrow.

5 As we gather this morning to mark the Opening of the Legal Year, it is fitting for me to speak about the steps that AGC is taking to future-proof the organisation. This is so that we can continue to remain a relevant and trusted institution in securing the rule of law in Singapore for the next 150 years and beyond. There are two main elements to this effort:

- (a) First, we will continue to strengthen the organisation, building up the capabilities and competencies that our officers will need to be equipped with to meet the challenges of the future.
- (b) Second, we will look outwards and take bold steps to deepen and expand our networks and connections with our stakeholders, the legal community, and the wider public.

First, strengthening AGC from within

6 AGC has excellent officers among its ranks. I have worked with many of them throughout the past year, and have been deeply impressed by their dedication and commitment to public service. I can state with confidence that the quality of work that AGC officers produce is just as good as what top lawyers in the private sector produce. I can certainly testify to this from my decades in private practice. This is no mean feat, given the diversity of issues that AGC has to deal with. Our officers have been able to produce quality work across varied fields of law because they have fully committed themselves to mastering their calling for the public interest.

7 I am privileged to inherit the challenge of improving what is already a first-class organisation. As a profession, we have always stressed the importance of continuous learning and development. Many of us here will also recall Your Honour's timely reminder this time last year that "*dramatic developments [in technology] will force us to rethink entire areas of practice*". AGC, like the rest of the profession, needs to start thinking about how we can train and equip our lawyers and executives to be ready for the future of legal practice.

8 AGC will focus strongly on continuous training and development. One of my roles as Attorney-General is to bring the best out of our excellent officers, now and in the future, and to develop them to the best of their abilities. With this in mind, we have substantially strengthened the AGC Academy ("Academy"), which is our in-house division dedicated towards continuous learning and development within the organisation. The Academy is now staffed by a team of full-time legal service officers and executives, working together to develop a complete suite of programmes for AGC officers at all levels. The Academy's focus is to develop the professional skills and leadership abilities of our officers in a structured manner.

9 To deepen their professional skills, we have just launched a “Legal Skills Competency Framework” to ensure that all our legal officers, regardless of seniority, receive best-in-class training in areas such as advocacy, advisory work, contract drafting and also client engagement. Another focus is to cross-train our legal officers to be familiar with all our practice areas. We expect our clients’ and stakeholders’ requests to become more complex as their needs evolve. This will require our officers to be well-versed in different skillsets to provide effective advice or representation. We will continue to attach our officers to Barristers’ chambers and commercial organisations, so they can benefit from first-hand private sector experience, and gain new skills and an understanding of commercial realities. We are also looking to set up more overseas postings so our officers can gain diplomatic experience and perspectives.

10 We do not forget our non-legal executives, who form the backbone of AGC, these people will continue to receive dedicated training, using a competency framework designed specifically to develop their professional skills.

11 I also firmly believe that we need to develop our next generation of leaders from within AGC. In addition to professional skills training, the Academy will provide broader leadership and management training. It will impart the right set of leadership values to our officers and provide them with practical leadership skills at an earlier stage of their careers.

12 Our efforts in training and development will ensure that our officers remain at the forefront of the profession in their areas of expertise. But even as we improve the “software” of AGC, we are also relooking our “hardware” – more specifically, the technical infrastructure in AGC, and the closer integration and use of technology in our work.

13 Thanks to the foresight of my predecessors, AGC has been an early adopter of technology. Since 2011, our law drafters have used a custom-built application software to draft

laws and publish legislation online. This has reduced the turnaround time for producing drafts and publishing legislation online. We have revamped our online legislation database and re-launched the “Singapore Statutes Online”, which continues to offer free public access to all Singapore laws. The new website has improved navigation facilities and is mobile-device friendly. In addition, our officers involved in litigation work now use cutting-edge software to search, analyse and organise documentary evidence in a faster and more systematic manner. In the spirit of innovation, we are also experimenting with software to automate specific aspects of our contract and mutual legal assistance work.

14 At a larger level, we are working closely with the law enforcement agencies to realise our collective vision of end-to-end integration and digitisation of all criminal files. AGC already digitises many of the hard-copy investigation papers we receive, but our aim is to completely remove the need for hard-copy files. This is a long-term target that has received the support of all agencies. I am confident that it will be achieved. It is a matter of time. A truly Smart Nation cannot afford to be held back by the legacies of how things worked in the past.

15 These initiatives are just the tip of the iceberg. Technology is developing rapidly and we need to identify and take advantage of new technological opportunities to benefit AGC’s work. This includes exploring the use of assistive technology to automate our work processes, and using AI, such as machine learning techniques, to help our officers conduct document review and legal research.

Turning on next to our relationships outside AGC

16 Training and technology will help to bring the best out of our officers. However, that is only one part of the equation, and it leads me to the next part of my address – which is the need for AGC and our officers to look outwards, and form new connections and deepen existing

ones with the legal community and the broader public. The AGC of tomorrow must look beyond the confines of Chambers, for we exist to serve a much larger purpose and must not lose sight of that.

17 We have asked ourselves what else it would take for AGC to remain relevant in the long run, and we think it boils down to the element of trust. As legal advisors, we need to maintain our clients' trust in our abilities, so that we can work together effectively to achieve broader policy imperatives and national goals. As prosecutors, we need all stakeholders in the criminal justice system to trust that we will protect the public interest in a fair and objective manner, so that we can advance the rule of law together. Above all, we need the public to trust that in all that we do as an institution, we are guided by the only objective that really matters – which is the furtherance of the public interest.

18 Let me begin with our constitutional role as chief legal advisor to the Government. It is a rare privilege to be in the position to advise the Government on the most important issues of the day. Our work can and does shape the laws and policies introduced by the Government for the nation. It is our responsibility to ensure that the Government receives sound and effective legal advice and legislative drafting support, so that it can make well-informed policies and decisions on behalf of, and in the best interests of, the public. This is an immense responsibility, one which our officers do not take lightly.

19 I envisage that the Government's requests will become more complex, as the geopolitical order shifts and technology continues to disrupt industries and the way we go about leading our lives. Many issues we encounter as legal advisors and law drafters today are novel. In some areas, we will need to work off a completely clean canvas with no precedent to rely on. To ensure that we can continue to provide sound advice to the Government and draft

effective legislation in this complex operating environment, we need to be able to put ourselves in the shoes of the agencies, to truly understand their perspectives, objectives and concerns. We are off to a strong start, as many client agencies already approach us at an early stage of their policy development, which means they see value in having our inputs from the outset. This creates a virtuous cycle: as our officers become more attuned to the niceties of policy-making, they will be empowered to provide advice that is more finely calibrated to meet our clients' needs. We will continue our regular dialogue sessions and engagement efforts with key clients to deepen these working relationships, and we will intensify our efforts at obtaining their feedback so that we can continually adapt to their needs.

20 Outside AGC, there is a larger ecosystem of public sector lawyers advising Ministries and statutory boards. While these lawyers are not strictly speaking AGC officers, our officers often interact or work with them. Presently, there is an informal network of public sector counsel. We see value in building up this network, by providing a key platform for the larger community of public sector lawyers to come together to share their deep knowledge and diverse experiences, and strengthen their networks with each other. To this end, we are planning to hold a conference in the second half of this year. This will help the public sector maintain a consistent position on legal issues which affect the public service, and foster stronger working relationships between agencies across the public sector.

21 In our capacity as Public Prosecutor, we will continue our longstanding tradition of engaging closely with our stakeholders, particularly the Bar and the Judiciary. In particular, we have a strong relationship with the Criminal Bar, with whom we hold regular dialogue sessions to exchange views on how we can improve the criminal justice system, for example, on issues relating to bail and the Appropriate Adults Scheme. We may be perceived to be on different sides in the courtroom, but we are ultimately partners in the administration of justice and have

in mind at all times a common objective – which is to ensure that the criminal justice system in Singapore remains effective, fair and robust.

22 As an institution, we are also taking active steps to engage our next generation of lawyers, who represent the future of the profession. We do this through various touch-points, from being actively involved in mooted competitions for example, to partnering law schools to give students a first-hand understanding of the criminal justice system and process. We also have comprehensive internship programmes for students to experience short stints in all our practice areas. Through these different modes of engagement, we hope the next generation of lawyers will gain a deeper and more authentic understanding of the legal issues that AGC deals with, and that this will pique their interest in pursuing a legal career in these meaningful areas of work, whether at AGC or in private practice.

23 Let me shift my attention to the wider public – what we are doing to maintain their trust in AGC. AGC can only be an effective guardian of the public interest and steward of the rule of law if we continue to command the confidence of the public as an institution. This should not be taken for granted. Misinformation can now be propagated and proliferated easily, and it shifts the contest from who makes the most sense, to who has the loudest voice. We do not intend to join the shouting game. However, I think there is ample room for AGC to contribute to the public discourse by adopting a more open approach in our communications.

24 For example, a few months back, I spoke about “*Prosecution in the Public Interest*” to explain how we exercise our prosecutorial discretion to advance the public interest. Deputy Attorney-General Hri Kumar spoke about the Public Prosecutor’s role as guardian of public interest in sentencing. My office has also released statements to explain some of our charging or sentencing decisions. For example, we recently explained why we did not pursue murder

charges against the two accused persons responsible for the tragic death of Ms Annie Ee. We are making the effort to share our institutional philosophy with a wider audience not because we hope everyone will agree with every decision that we make. Decisions that are taken in the wider public interest are not necessarily synonymous with decisions that are popularly received. Rather, we want the public to better understand the complex nature of the judgment calls that we have to make each day, and the broader policy imperatives that inform our decisions. For it is only when we articulate our rationale and the considerations that come into play that we can create the space for truly constructive discussion and debate, which we welcome. Public scrutiny will help us to more critically assess where we can do better. However, let me reiterate that we will not take short-term views or allow a vocal minority to influence our actions. In everything that we do, AGC will continue to hold fast to our guiding principles and to the rule of law, and these will guide us to do what is fair and right, for the people and the system. If we do not get it right, rest assured that we will correct it. This, in my view, is how the trust of the Singapore public is maintained.

25 At this point, I would like to highlight a key initiative which AGC will be undertaking this year in the administration of criminal justice, touching on the topic of sentencing positions. I understand the public disquiet and frustration when egregious conduct is not, to the public's mind, adequately punished. My officers have studied the issue and we will move towards placing more weight on sentencing principles than precedents when deriving the sentencing positions which we submit to the Court. The key focus is to anchor our sentencing positions based on the level of culpability and harm, which is then adjusted for any aggravating and mitigating factors. In doing so, we will give full consideration to the range of sentencing options provided for under the law, to ensure sentencing parity and proportionality. We will work towards implementing this throughout the course of the year. The public should rest assured that we will continue to refine our approach towards criminal justice, with the view to

ensuring that no misconduct goes unpunished, that all misconduct is justly punished, and that all persons are equally treated before the law.

Conclusion

26 To conclude, I have spoken at length about some of the key initiatives that my Chambers is undertaking, because it is important for the legal community and the wider public to know what AGC stands for, and what we intend to do to continue to uphold the rule of law and advance the public interest in Singapore. Through these key initiatives, AGC will remain a relevant and trusted institution for the foreseeable future.

27 On behalf of AGC and the Legal Service, I pledge the fullest support to the Judiciary in the discharge of your constitutional responsibility to administer justice.

28 May I also take this opportunity to congratulate:

- (a) Justice Andrew Phang, on his appointment as Vice-President of the Court of Appeal;
- (b) Justice Steven Chong, on his elevation to the Court of Appeal;
- (c) Justice See Kee Oon, and (two persons who I know well from my days in private practice) Justice Chua Lee Meng and Justice Kannan Ramesh, Justice Valerie Thean, Justice Hoo Sheau Peng, Justice Debbie Ong and Justice Aedit Abdullah, on their appointments as Judges of the Supreme Court; and
- (d) Justice Tan Siong Thye on his appointment as a Judge of the Supreme Court. As Deputy Attorney-General, Justice Tan brought much grace, respect and

humility to AGC. We do miss his presence, and I would like to take this opportunity to wish him the very best in his new appointment.

29 I would like to extend a very warm welcome to the four newly appointed international judges of the Singapore International Commercial Court. They are:

- (a) from Australia, former Chief Justice Robert French;
- (b) from Canada, former Chief Justice Beverley McLachlin; and
- (c) from the United Kingdom, former President of the Supreme Court Lord Neuberger and former High Court Judge Sir Jeremy Cooke.

30 Last year also saw the retirement of Justice Chao Hick Tin (himself a former Attorney-General and a long-serving officer at AGC) as a Judge of Appeal, after 50 years of distinguished public service, including nearly 30 years on the Bench. Many of us will recall the very warm words and touching stories which were shared during the Valedictory Reference held in his honour last September. On behalf of AGC, I warmly welcome Justice Chao back to the Bench, as a Senior Judge of the Supreme Court. The profession can now look forward to being the recipient of his kindness and wisdom for many years ahead. I would also like to take this opportunity to thank former Chief Justice Chan Sek Keong and Justice Kan Ting Chiu for their many years of invaluable service on the Bench. We will miss their presence in Court, and I wish them both a happy and fulfilling retirement.

31 May I also take this opportunity to wish your Honour and the Honourable Judges and Judicial Commissioners of the Supreme Court the very best for the coming year.



Opening of the Legal Year 2018

Speech by the President of the Law Society

INTRODUCTION

1. May it please Your Honours, Chief Justice, Judges of Appeal, Judges and Judicial Commissioners.

WELCOME

2. First, let me extend a warm welcome to our overseas Bar leaders hailing from Australia, Brunei, China, Hong Kong, Malaysia, Myanmar and Taiwan. LAWASIA President Christopher Leong and Inter-Pacific Bar Association Vice President, Mr Francis Xavier SC are also special guests in this ceremony.
3. 2017 heralded significant developments in judicial offices in the Supreme Court :-
 - a. Retirement of Justice Chao Hick Tin as a Judge of Appeal on 27 September 2017 marked by an unforgettable Valedictory Reference convened by the Supreme Court. We were pleased to read recently about Justice Chao's appointment as Senior Judge for three years with effect from 5 January 2018.
 - b. Appointment of Judge of Appeal Andrew Phang as Vice President of the Court of Appeal following his predecessor Justice Chao's retirement.
 - c. Appointment of Justice Steven Chong as Judge of Appeal.
 - d. Appointment of then Deputy AG Tan Siong Thye and then Judicial Commissioners Chua Lee Ming, Kannan Ramesh, Aedit Abdullah, Valerie Thean, Debbie Ong and Hoo Sheau Peng as Judges of the Supreme Court.

4. Last week, Senior Judges Chan Sek Keong and Kan Ting Chiu retired; marking an end to their stellar and distinguished service on the Bench. Justices Andrew Ang, Tan Lee Meng and Lai Siu Chiu were reappointed as Senior Judges effective last Friday.
5. The Bar is certain that the new judicial appointees will leave their own individual, indelible imprint on Singapore jurisprudence. The evidence of their judgments to date supplies ample proof. In the case of the Senior Judges (appointed, reappointed and retired), their presence in our courts have been both a steadying influence and a rock of stability buttressing Singapore's rule of law.
6. On the Attorney-General Chambers side, we welcomed Hri Kumar SC appointed Deputy AG from 1 March 2017. He hit the ground running in his latest incarnation as lead State counsel in several high profile cases tried by the Supreme Court last year.
7. On behalf of my Council, I extend my best wishes to the new appointees. We believe they will continue to discharge their public service duties with distinction.

HISTORY

8. We celebrated the Law Society's golden jubilee last year. Fiat Justitia, our commemorative coffee table book compendiously chronicled the mountain top and valley deep experiences we had as a profession. The seasons shaped who we are today.
9. Philosopher George Santayana's famous aphorism was: "*Those who cannot remember the past are condemned to repeat it.*" And so, we remember. But the past is only the springboard for future aspirations and vision.

SUMMARY

10. In this address, I will touch on forward thinking, future generations and a familial outlook.

FORWARD THINKING

11. The first area of forward thinking is Information Technology

Information Technology

12. Building on our strategic consultant's report touched on in last year's message, to facilitate and assist law practices achieve a baseline adoption of legal technology, we launched Tech Start for Law in February last year. This tripartite collaboration with the Ministry of Law and SPRING Singapore to whom we are grateful saw Singapore law practices receive funding support of up to 70% of the first-year cost of adopting basic technology products for practice management, online research and online marketing. As at 15 December 2017, a total of 95 applications, largely from small law firms, were approved. Singapore law practices still have a short window left to climb on this bandwagon by end February 2018. Tech Start for Law has turbo-boosted the basic technological capability of many of our lawyers. We will be commissioning a survey shortly on user experience to discern and build more.
13. To complement Tech Start for Law, the Law Society set up a Legal Productivity and Innovations Department. That department launched SmartLaw Assist and SmartLaw Recognition Schemes on 1 March 2017. 80 SmartLaw Assist applications for online knowledge management subsidies were approved when that scheme ended in mid-2017. Our sequel this year will focus on niche knowledge management databases and more product offerings for medium-sized law firms.
14. Separately, the Law Society's SmartLaw Recognition Scheme served as a differentiating marketing tool to recognize Singapore law practices who ticked the boxes in having (1) a practice management or accounting software (2) an online knowledge management database and (3) an online presence. In 2017, 30 law firms were successfully awarded the SmartLaw service mark.
15. Closely collaborating with our invaluable partner, Singapore Academy of Law ("SAL"), the Law Society remains committed, focussed and intentional to catalyse the lawyer's tech journey. We desire our Singapore law practices to move up the value chain in the legal sector by harnessing technology to be more efficient, profitable and competitive.

Internationalization

16. Last year, partnering Singapore Business Federation, and supported by IE Singapore, we went on a Mission to Myanmar. The Mission (zeroing in on construction and infrastructure sectors) was well-received by participating lawyers. We probably stumbled upon the winning formula by utilizing a new modality of a joint quest together

with Singapore business owners. We will continue to help navigate our lawyers' exploratory voyage over blue ocean areas of economic opportunity. Singapore lawyers need to see that the world is their oyster. In this coming year, we have firm plans to conduct a trade mission to China to explore One Belt One Road opportunities. This follows on the heels of MOUs signed with the Beijing Lawyers Association and the Guangdong Law Association last year. On the horizon are future mission trips to South Asia and ASEAN nations. We will deepen our partnership with IE Singapore to uncover global opportunities for our law firms.

17. A vital jigsaw piece this year on regionalization is the side Bar meetings we are organizing in conjunction with the ASEAN Law Association General Assembly and Conference hosted by Singapore from 25 to 28 July 2018. The Law Society will help facilitate ASEAN Bar leaders' cooperation and consensus for joint dialogue and action on regional issues. This builds on the precedent of bilateral Bar summits that our closest neighbour Malaysia and ourselves have been hosting for three years running now.

18. Careful thought and resources will be invested by the Law Society to articulate the value of the Singapore lawyers' brand. This is not narcissism but an introspective look at our identity and DNA. The Law Society will seek to discern the value proposition and values proposition of the Singapore lawyer. We have set up a special Secretariat team dedicated to this project.

19. The immediate aim is to promote the Singapore lawyers' brand as future-ready world class professionals possessing the highest standards of competence and character. Lawyers individually need to do their part to uphold this bar. As we regionalize and internationalize, we will intelligently co-work with lawyers from different jurisdictions to achieve cross-border legal project goals

Internal Capability

20. Last year, mandatory CPD was introduced for lawyers in the Senior Category. By sharpening our mental saw as Stephen Covey's classic taught us, we maintain our cutting edge in practice. This year, we will organize a number of marquis conferences :-

(a) Litigation Conference Workshop 2018 (19-20 April)

We are honoured to team up with The Honourable Society of the Inner Temple to organise this biennial Workshop. QCs, SCs and other leading litigation lights will impart finesse in advocacy to the Bar.

(b) The Family Conference 2018 (May 2018)

This inaugural conference spearheaded by our Family Law Practice Committee will treat family law practice holistically by including topics on marriage, adoption, mental capacity and Muslim law.

I digress slightly to record my gratitude to Your Honour, Chief Justice, and the Council of Judges' receptivity to the Law Society's suggestion last year to appoint amicus curiae from the Muslim Law Practice, Probate Practice and Succession Planning as well as the Public and International Law Committees in appropriate cases.

(c) Cybersecurity Conference (July 2018)

This year, the Law Society's Cybersecurity and Forensics Practice Committee will organise an inaugural Cybersecurity Conference in July. With ransomware like Wannacry leaving Singaporeans with tears and fears, cybersecurity is a critical concern for law practices and the wider business community. Among others, attendees will witness simulated hacking and how organisations should inoculate themselves from new forms of cybercrimes.

21. We are especially thrilled about a trilogy of unique strategic tie ups this year.
22. First, since August 2017, we have been in talks with the College of Law (Australia) to jointly develop legal education and training programmes for the legal profession in Singapore. This alliance dovetails with the Law Society's training roadmap. To prepare our members for a future where lawyers require not only deep expertise in specific practice areas but also market knowledge and business skills. We will make announcements on these exciting education synergies with the College of Law (Australia) in the first half of the year.
23. Secondly, the Law Society is especially pleased to be joining forces with our treasured partner, SAL on concrete, collaborative initiatives. Two illustrations suffice. The Law Society and the SAL Professional Development & Practice Chapter will jointly develop

a series of Risk Management training programmes for our members. Our collaboration seeks to formalise the training framework and equip members to identify various practice risks and tailor-make bespoke training programmes. Council Member Ng Lip Chih will continue his important interface role on this.

24. The Criminal Bar will not be left behind. The Law Society and SAL will also be rolling out a module on LawNet to curate case digests and commentaries on novel points of sentencing jurisprudence. We aspire that this virtual repository will be the port of call for all criminal law matters.
25. The final tie-up is cross-disciplinary with the accountants. Last year, the Law Society and ISCA co-organised a networking evening on 17 November for our small law firm practitioners to meet, greet and eat with small accountancy firm practitioners. It was fruitful, well-received and a beachhead to build on. Separately, we have plans in 2018 to develop joint thought leadership with ACCA for the accountancy and legal sectors. To build from the CFE Working Group on Legal and Accounting Services blueprint on overlapping zones of high growth potential practice areas.
26. Bolstering internal capability enables us to meaningfully engage on law reform initiatives. To that end, the Bar appreciates the constructive consultations we have had with the Ministry of Law on various draft legislation including amendments to the Criminal Procedure Code. The Minister for Law, Senior Minister of State for Law and Law Ministry officials have shown considerable respect for the Law Society's perspectives – a number of which were accommodated. Even when we agreed to disagree, the process was positive and the dialogue, candid.
27. To complement the existing dispute resolution menu of the Law Society's Arbitration Scheme and Law Society's Mediation Scheme – the latter launched last year by Your Honour, Chief Justice - this year, we plan to launch Neutral Evaluation and Neutral Determination Schemes.

Integrity

28. Part of forward thinking involves a focus on fundamentals. In Your Honour, Chief Justice' 23rd Gordon Arthur Ransome Oration – “Law and Medicine: Professions of Honour, Service and Excellence” delivered on 21 July 2017, Your Honour underscored certain foundational themes. Your Honour said and I quote:

“We, in Singapore, have inherited and built on that legacy through legislation as well as codes and practice directions crafted, for instance, by the Singapore Medical Council (SMC) and the Law Society of Singapore. But what I would like to emphasise from that history, encouraging though it might be, is the contingent and fragile nature of professional standards. While there will always be lawyers and doctors, it should not be taken for granted that our professions will always maintain standards making them deserving of that standing. In an era of unprecedented change, it is perhaps more important than ever that we not lose sight of our deeper mission to serve with honour and excellence.

What, then, lies at the heart of that mission? Professor Pound's short definition of a profession was a group of persons pursuing a learned art in the spirit of public service”

29. Despite the digital disruption, as Your Honour strongly reminded us in that Oration, law is a noble calling and a profession of honour. At the heart of that lies integrity. For Singapore lawyers, integrity is not only our badge of honour. It is our calling card.

30. Although the Inappropriate Conduct in Court regime was introduced in September 2016, no case has been referred to the Law Society to date. This fact could be interpreted in a few ways. On the Bar's side, we will continue to be vigilant about standards eroding or malformed habits spawning.

31. In the specific case of family practice ethics, the Family Bar drafted a best practices guide. This accords with the Professional Conduct Rules amendments approved by Judge of Appeal Steven Chong's Professional Conduct Council Working Group. The guide will be a living document and set gold standards for family law practitioners. After consultation, we aim to go live by mid-year.

32. Legal costs prompted several letters to the media in recent times. The Law Society will enhance its public education on legal costs issues and attendant dispute resolution in the near future. To comply with the highest ethical standards on costs, lawyers must continue to honour principles of transparency and proportionality. This year, the Bar will develop thought leadership on the assessment of value as a factor in awarding costs.

FUTURE GENERATIONS

33. If Your Honour's insights on the deeper mission reverberate in our consciousness, lawyers will eschew utilizing our legal skills and talent solely to amass for ourselves as much as we can in the here and now. Instead, we will gravitate towards a duty owed to the generations coming after us. Forward thinking must ineluctably lead us to focus on future generations of lawyers.

34. The Law Society launched our relational mentorship or RM scheme last year on 26 October 2017. Senior lawyers lend a listening ear and give career counselling, advice on ethical conundrums and proffer stress management coaching tips to our young lawyers. 2 ½ months after the launch, 16 mentor-mentee pairings are in place with ongoing pairings underway. We kickstarted an inaugural Young Lawyers Forum last year in July. Operating under Chatham House rules, young lawyers spoke freely and frankly on their aspirations, concerns and issues. We will annualize this forum to account to our youngest stakeholders.

35. To reflect the importance of being sensitized to the needs of young lawyers, we have expanded our Exco Meetings every month to include a seat for a junior Council member.

36. We heavily invested in thought leadership on the needs of practice trainees. Council Members last year and this are active members of the Committee for Professional Training serving under the leadership of Justice Quentin Loh. My team and I contributed to both branch and root of that Committee and its Focus Groups. Separately, Council Member Paul Tan, together with other Council colleagues, will continue to help spearhead the Young Lawyers Taskforce. A guidance note for supervising solicitors is in the offing.

37. Keeping future generations on our radar will also entail succession planning. The Law Society will introduce a program this year to optimally support families of deceased

lawyers by, among other things, facilitating practical steps when acute practice problems arise due to an unexpected demise.

38. There must be space for growth to cater for future generations. The Society bore posterity in mind in our premises search. At an EOGM on 4 September last year, Council presented our members with the option of purchasing alternative vs additional premises. Our members voted for the latter. Parting with 39 SBR that some senior members were sentimentally attached to was always going to be a hard-sell. Frankly, in a golden jubilee year, it would have been a heart sell. Armed with an enhanced mandate, Vice President Adrian Tan together with the Premises Committee surveyed the landscape to ascertain options fit for present and future operational needs. His successor in leading that committee, newly appointed Vice President M Rajaram will bring his conveyancing nous to hopefully bring us into the promised land this year.

39. A pro bono culture is an enduring legacy we can leave for future generations.

40. Last year, we launched our new Law Society Pro Bono Services Ltd (“LSPBS”) during Just Jubilee, the high-water mark of our golden jubilee celebrations. That pro bono awareness cum major charity fund-raiser was spearheaded by Council Member, Tito Isaac. As a reward for his fine efforts, Tito, as newly minted Treasurer of the Law Society, now has to safeguard the funds raised.

41. This structural reorganization of LSPB was timely and necessary. To rationalize, streamline and enhance oversight of the Law Society’s access-to-justice mission for the coming decades. I believe that the mission of access to justice needs to be embraced by everyone in Singapore. In the future, we will diversify our board and cultivate broad-based, multidisciplinary support to improve our serve. But at its core, LSPB will remain the outstretched helping hand of the Society to indigents needing access to justice.

42. Major law firms, Allen & Gledhill, Dentons Rodyk, Drew & Napier, Rajah & Tann and WongPartnership recently reaffirmed their continued support of our CLAS Fellowship programme. The pioneering, invaluable partnership of these major law firms transformed a dream of the CLAS Fellowship into a dynamic reality. We also appreciate the Law Ministry’s strong financial boost of our Enhanced CLAS and CLAS Advocate Scheme. That too catalysed CLAS to become a uniquely Singapore-style Office of Private Defender. Who would have thought that the seeds sown by Harry Elias SC in pioneering CLAS in 1985 would grow into this giant tree?

43. CLAS is also a valuable prototype for what we hope to build in the Family Law sphere, We have significant touchpoints on the latter at present. These include Community Legal Clinics, our Family Legal Clinic allying with the Community Justice Centre (“CJC”), an Ad Hoc scheme for impecunious foreign spouses and Law Awareness talks.
44. We are currently working with the Family Justice Courts, CJC and SUSS School of Law on an enhanced divorce talk to infuse deeper understanding to members of the public contemplating divorce proceedings on the “divorce journey”. A holistic perspective shared from the Bar, Bench, Social Services and a divorcee will better prepare attendees psychologically, emotionally and informationally before they embark on a life changing course of action.

FAMILIAL OUTLOOK

45. Family law practice neatly segues into my final point on familial outlook. Our training and practice as lawyers makes us highly individualistic and at times idiosyncratic. I end this speech by exhorting the legal profession to catch a fresh (in fact, timeless) vision of ourselves as a family. This family encompasses past, present and future generations. The legal profession is, in essence, a gigantic family of brothers and sisters in law.
46. In line with the familial outlook, we focussed on pastoral care for the profession. Last year, as part of our pastoral care scheme for members, we launched “Members' Assistance & Care Helpline”. MACH for short. An integrated first stop membership services helpline cum hotline. After discerning the issue(s) at hand that the caller shares, with consent, the Secretariat channels the caller to appropriate aiding resources including our LawCare program – a paid confidential professional counselling. Pastoral care will continue to be a cornerstone of our work.
47. My Council team last year was keenly aware of the financial hardship faced by some members of the profession in an economically challenging climate. Pastoral care means precious little to practitioners needing economic care. We already administer a Welfare fund for financial hardship cases. This year, we will aim to help practitioners inculcate practice resilience through temporary financial aid. This new Practice Resilience Fund will be launched in the first half of this year.

48. Gandhi memorably said: “*A nation’s greatness is measured by how it treats its weakest members*”. What is true of a nation is true of the legal profession. In recent times, the Society’s leadership has been focussed on returning the voice to the voiceless namely vulnerable persons giving evidence in our court room. Children, victims of sexual offences, elderly and mentally incapacitated. The Law Society has started developing a protocol for examining these witnesses. No right thinking advocate will subject witnesses to a humiliating, degrading or undignified experience akin to a medieval trial by ordeal. The nuance and sensitivity to vulnerable witnesses is in the interests of gaining the best evidence from them and in the interests of the administration of justice. This should not detract from an advocate discharging duties to a client or vigorously advancing a rationalizable case theory in a given case without fear or favour. We have draft guidelines of best practices for examination of children and victims of sexual offences that are a work-in-progress. We aim to issue them in the first quarter of this year. These guidelines will also serve as a toolkit for younger advocates to gain appropriate pointers on cross-examination of such witnesses.
49. Victims of lawyers’ fraud are also a vulnerable group. A Council team led by Vice President Adrian Tan will review our Compensation Fund guidelines to ascertain how to unlock more of that fund to assist such victims.
50. Family law practice is a glorious avenue for lawyers to introduce a healing dimension in familial conflict. The lawyer as healer is an oft-overlooked calling for legal professionals. I wrote about this elsewhere in the November 2017 Gazette issue. Reading that, Justice Lee Seiu Kin sent me a private note that I have permission to share. He succinctly observed that the lawyer as healer “*encapsulates the supreme mission of the legal profession, the healing of relationships, a much higher objective compared to the enforcement of rights.*” I think he is right.
51. The rewards of being a conflict healer may be intangible and impossible to quantify. But they contribute to a lasting meaning and purpose of why we do what we do. No amount of legal costs can ever compensate the sense of fulfilment that comes from a practice best practised and a life in law well lived.

CONCLUSION

52. I wish to express my heartfelt appreciation to both Thio Shen Yi SC and Kuah Boon Theng who have retired from Council. They will continue to be mentors to my serving Council colleagues and I on important policy issues.

53. In conclusion, may I assure Your Honour of the Bar's unwavering support for you and your colleagues in the Judiciary. I reaffirm the Law Society's continued commitment to collaborate with the AGC in the efficient and effective administration of justice in all cases coming before the courts of the land.

54. May I extend to Your Honour, the Chief Justice, all your colleagues in the Judiciary, the Minister for Law and Senior Minister of State for Law and the Attorney General, the Bar's best wishes and prayers for good health, wisdom and strength of character.

Gregory Vijayendran
President
Law Society of Singapore

RESPONSE BY CHIEF JUSTICE SUNDARESH MENON
OPENING OF THE LEGAL YEAR 2018

Monday, 8 January 2018

Mr Attorney,

Mr Vijayendran,

Members of the Bar,

Honoured Guests,

Ladies and Gentlemen:

I. Introduction

1. It is my pleasure, on behalf of the Judiciary, to welcome you all to the Opening of this Legal Year. I particularly wish to thank the Honourable Chief Justice Prof Dr M Hatta Ali and Justice Takdir Rahmadi of the Supreme Court of the Republic of Indonesia, the Right Honourable Tun Md Raus Sharif, Chief Justice of Malaysia, and our other guests from abroad, who have made the effort to travel here to be with us this morning.

II. Felicitations

2. 2017 was a year when we consolidated the ongoing development of the Supreme Court Bench, and I shall begin my response with a brief recap of the major changes, most of which have been alluded to.

A. Court of Appeal

3. Justice Steven Chong was appointed as a Judge of Appeal on 1 April 2017. This was in anticipation of Justice Chao Hick Tin's retirement on 27 September 2017, after five illustrious decades in the public service. In the same context, Justice Andrew Phang was appointed Vice-President of the Court of Appeal. While we will feel the void left by Justice Chao's retirement, I am heartened that we have in place a strong team of judges to lead us forward; and delighted that Justice Chao will continue contributing to the work of the Supreme Court, following his appointment, a few days ago, as a Senior Judge.
4. At the same time, we bid farewell to Senior Judge Chan Sek Keong. We are immensely grateful that even after his retirement as Chief Justice, Senior Judge Chan continued to sit as an occasional member of the Court of Appeal over the last three years. He will certainly be missed.

B. High Court

5. In the High Court, we welcomed Justice Tan Siong Thye's return to the Bench on 1 April 2017, after serving as the nation's first Deputy Attorney-General.
6. We also saw a number of re-appointments last year, which retained the experience of some of our senior members of the Bench. Justice Quentin Loh was re-appointed as a Judge of the Supreme Court for a term of three years with effect from 25 December 2017, and he will continue serving as the Judge in charge of the Singapore International Commercial Court ("**SICC**"). Senior Judges

Andrew Ang, Tan Lee Meng and Lai Siu Chiu were re-appointed for further terms of three years each, with effect from 5 January this year.

7. I have also appointed Justice Belinda Ang to serve as the Judge in charge of the High Court. In this capacity, she will assist me in overseeing the management of the High Court. Going forward, she and Justice Quentin Loh will sit in the Court of Appeal with greater frequency to help manage the growing workload of our apex court.
8. I congratulate Justices See Kee Oon, Chua Lee Ming, Kannan Ramesh, Valerie Thean, Hoo Sheau Peng, Debbie Ong and Aedit Abdullah on their appointments as Judges of the Supreme Court. Justice See's term as the Presiding Judge of the State Courts has been extended for two years, while Justice Ong has taken over the reins from Justice Thean as the Presiding Judge of the Family Justice Courts ("**FJC**"), for a term of three years.
9. Finally, I thank Senior Judge Kan Ting Chiu, whose term as Senior Judge concluded on 4 January this year. I am deeply grateful for his wonderful contributions to the Judiciary over the course of more than a quarter of a century.

C. SICC

10. In relation to the SICC, I am pleased to announce that of the 12 International Judges who were first appointed in 2015, 11 have been reappointed by Her Excellency the President, for new terms that will expire in three years. Judge Irmgard Griss did not seek re-appointment following her election into the Austrian

Parliament. We thank her for her contributions and wish her the very best in her future endeavours.

11. I am also delighted that Her Excellency the President has appointed four new International Judges who are immensely respected jurists, and whose appointments will surely enhance the standing of the SICC. They are:

(a) From Australia, the Honourable Robert French, retired immediate past Chief Justice of the High Court of Australia.

(b) From Canada, the Right Honourable Beverley McLachlin, retired immediate past Chief Justice of Canada.

(c) From the United Kingdom:

(i) the Right Honourable Lord Neuberger of Abbotsbury, retired immediate past President of the Supreme Court of the United Kingdom; and

(ii) the Honourable Sir Jeremy Cooke, former Judge in charge of the Commercial Court of England and Wales. I should mention here that the very idea of the SICC was conceived in a conversation that I had in London with Sir Jeremy when he was Judge in charge of the Commercial Court, and I am pleased that he is, today, a member of our court.

12. These changes to the Bench, both local and international, have brought together a pool of judicial expertise that blends a formidable diversity of talents and backgrounds with a deeply shared commitment to excellence in the administration of justice.

13. Finally, I take this opportunity to extend my congratulations to Mr Hri Kumar Nair SC, on his appointment as Deputy Attorney-General.

III. Key developments in the Courts

14. It is customary in the Chief Justice's Response at the Opening of the Legal Year to review the key developments in our courts over the preceding year, and it is to this I now turn.

A. The Supreme Court

1. *Domestic front*

15. The Civil Justice Commission was established under the leadership of Justice Tay Yong Kwang three years ago. The Commission, which includes members of the Judiciary, the Legal Service, the Bar, academia and a representative from the Ministry of Law, has comprehensively reviewed our existing civil procedure, and recently submitted to me a detailed report with a proposed set of modernised rules. Simply put, this is a monumental piece of work. The Commission's recommendations will be discussed further with the Ministry of Law and, in due course, will be published for consultation. Subject to any modifications that might arise from these consultations, we hope that the implementation of some of the principal recommendations may commence this year. When this project is completed, I expect that our civil procedure will have changed very significantly and will be better suited to our present circumstances and needs. Justice Tay

and the members of the Commission have worked extremely hard to complete this work and I am deeply grateful to them.

16. The Government has also proposed major changes to our criminal justice system, with substantial amendments to both the Penal Code and the Criminal Procedure Code in the pipeline this year. The Judiciary has been consulted on the proposals and we now await their deliberation by Parliament.
17. In relation to the operations of the Supreme Court, arising from the strong demand for courtroom news to be transmitted to the public in a timely fashion, we allowed the media, on a pilot basis, to undertake real-time text reporting of proceedings in a Criminal Reference before the Court of Appeal last year. This was well received, and we found that the responsible use of electronic communicative devices in the courtroom did not disrupt the proceedings. We have therefore decided to permit this for all Court of Appeal hearings starting from February 2018. This will apply to the media and to members of the public. However, the prohibition against audio recording, photography and videography will remain in place at this time.

2. *International front*

18. Looking beyond our domestic space, the SICC celebrates its third anniversary this month. In the past year, nine cases were transferred to the SICC from the High Court, bringing the total number of cases in the SICC's docket to 17. These figures can be expected to continue growing; indeed, if the pending amendments to the Supreme Court of Judicature Act are passed by Parliament, we can also

expect the SICC to hear cases under the International Arbitration Act. Finally, in the preceding year, several appeals have been brought against first instance decisions of the SICC, thus allowing us to observe the SICC's appellate mechanism at work.

19. The Supreme Court also continues to develop and strengthen its judicial networks regionally and globally.
20. Some obvious manifestations of these efforts are the many memoranda on judicial cooperation, enforcement of money judgments and references on questions of law, which we have variously entered into this past year with the Supreme People's Court of Vietnam, the Abu Dhabi Global Market Courts, the Supreme Court of Victoria, the Supreme People's Court of the People's Republic of China, the Supreme Court of Bermuda, the Qatar International Court and Dispute Resolution Centre, and the Supreme Judiciary Council of Qatar. Notably, the memorandum on cooperation with the Chinese judiciary established an annual Singapore-China Legal and Judicial Roundtable, the inaugural edition of which was held in Beijing last August. This is a historic first between China and an Asian country. The Roundtable was co-hosted by His Excellency the President of the Supreme People's Court and me. The second Roundtable will be held in Singapore this year, and I look forward to deepening our collaboration with our Chinese counterparts.
21. The Supreme Court also participated in the inaugural Standing International Forum of Commercial Courts in London on 5 May 2017, together with 28 courts from around the world. The Forum aims to enhance the judicial resolution of international commercial disputes through the sharing of experiences and best

practices. The next edition of the Forum will be hosted in New York later this year and we expect to be a significant contributor once again.

22. Justice Andrew Phang, Justice Judith Prakash and I also participated for the first time in the Asia-Pacific Judicial Colloquium, which brought together a small group of judges from the apex courts of Australia, Canada, Hong Kong, New Zealand and now Singapore, for a frank, open and rich discussion on selected topics of substantive law and court management. We greatly benefitted from the Colloquium and will host the next meeting in 2019.
23. I am optimistic that with our continuing efforts on the international front, we will forge strong cross-jurisdictional relationships with other like-minded courts from around the world. This is essential in an age of internationalisation which both of you, Mr Attorney and Mr Vijayendran, have spoken about, and which is an issue to which I shall return later in my address.

B. The State Courts

24. Turning to the State Courts, we saw two key developments in the community justice space:
 - (a) First, the Employment Claims Tribunals (“**ECT**”) commenced operations in April 2017. The ECT adjudicates employment disputes in a tribunal setting, adopting a low-cost framework with simplified processes. This provides an affordable and expeditious way for resolving such disputes.
 - (b) Second, the initial phase of the Community Justice and Tribunals System was launched on 10 July 2017. All claims at the Small Claims Tribunals can

now be conveniently filed and managed online. Parties can also attempt to settle their disputes in a secure online environment without attending court.

Work to enhance this e-Negotiation platform is continuing.

25. In relation to criminal justice, the State Courts and the Singapore Academy of Law (“**Academy**”) jointly organised the Sentencing Conference in October 2017. This generated lively discussions among the various criminal justice stakeholders. Arising from some of those discussions, the Sentencing Information and Research Repository will be enhanced, beginning with the inclusion of case summaries for selected categories of cases. The Repository will also be made available to LawNet Basic subscribers this year.

C. The FJC

26. Let me turn to family justice. This has recently generated some public discussion and interest. It is an area of paramount interest to our citizenry, where important familial, community and social interests are at stake. It was the need to resolve family disputes as appropriately as possible that precipitated the establishment of the FJC as a separate set of courts in October 2014. Since then, we have made significant strides towards embracing a more amicable and multi-disciplinary approach to the resolution of family disputes.
27. Various initiatives have been implemented to reduce the acrimony of these disputes. These include the Child-Inclusive Dispute Resolution process, the Parenting Coordination scheme, and the Private Mediation scheme. A simplified track has also been introduced for uncontested divorces, to reduce the pain and

acrimony that divorcing parties often endure. For matters that do proceed to trial, a judge-led approach has been adopted to mitigate some of the excesses of adversarial litigation in this context. These initiatives, it has to be said, have achieved considerable success. For instance, the percentage of divorce cases decided under the simplified track with no contested issues has increased from 24% of all cases filed in 2015, to 37% in 2016, and 49% in 2017. The percentage of divorces that proceed to contested ancillary matters hearings has also decreased over the years. Notably, in 2016, less than 7% of divorce hearings were contested on either the grounds of divorce or on ancillary matters. This low proportion of contested hearings is a result of, amongst other things, the greater use of mediation and counselling and the slew of other measures that have been introduced over the years, in the effort to encourage the parties to resolve their differences with less acrimony. In addition, there has been a significant reduction in the time taken to obtain judgments – the average time for the grant of Interim Judgment has decreased from just over 68 days in 2012 to about 53 days in 2016, while the average time for the grant of Final Judgment has decreased from about 155 days in 2012 to about 114 days in 2016.

28. It is unsurprising that in this landscape of changing practices and priorities, the FJC has emphasised the need for specialised training of family law practitioners and judges. I want to say something about why this is so important. A recent news report told of a case in which an Australian Judge referred lawyers involved in a family dispute to the Legal Services Commission of New South Wales. The Judge noted the inflammatory and verbose nature of the lawyers' letters, which seemed to reflect the anger and vitriol of their clients. Their conduct led to a huge escalation of the costs involved. The impact of diverting resources to pay legal

costs is especially aggravated in matrimonial proceedings because there is already less to go round when one household becomes two. But there is another, even more compelling concern. Social science research reveals that the more acrimonious the process, the greater the harm inflicted on the parties and especially on the children. We *must* therefore press on with concerted reform efforts to protect those caught up in family disputes from such harm.

29. In this regard, a number of family law practitioners have come forward to be trained as family mediators, Child Representatives and Parenting Coordinators. I welcome this and urge the Family Bar to continue investing in multi-disciplinary training. The FJC has been working closely with the Family Bar to devise a Best Practice Guide for Family Practice. The Guide will institutionalise practices for reducing acrimony, focusing on the best interests of the child, and reaching workable solutions for the family. Further upstream, the FJC has been supporting the Singapore University of Social Sciences in identifying students suited to family law practice, as well as providing input for the school's curriculum.
30. I would like to express my gratitude to Justice Thean, who oversaw the implementation of many of these initiatives during her term as the first Presiding Judge of the FJC. There is much that remains to be done and Justice Ong will lead the next phase of developments in the FJC, as part of our continuing reform efforts.
31. To this end, an inter-agency committee has been formed with representatives from the Ministry of Law, the Ministry of Social and Family Development, and the FJC, to review the existing reforms and identify areas for further improvement. The committee will be co-chaired by Justice Ong and the Permanent Secretaries

of the two Ministries. It will consider further measures to strengthen access to family justice, to promote alternative and multi-disciplinary approaches to conflict resolution and to incorporate principles of therapeutic and restorative justice into this framework. The committee will also examine how we can enhance the training of family lawyers and judges, and consider the issue of specialist accreditation in this context.

32. On a related note, I have asked the FJC to work with the Law Society to explore the possibility of launching a Family Law Assistance Scheme. Broadly, the idea is to develop a *low bono* model inspired by the tremendous success of the Criminal Legal Aid Scheme. If this comes to fruition, it will increase access to legal services for those within the “sandwich class” who get embroiled in family disputes. The underlying thinking is that if properly trained and committed practitioners bring their wisdom and counsel to bear on these disputes, this too should help reduce acrimony in the proceedings. Mr Vijayendran, we discussed this some months ago and I am deeply grateful for the enthusiastic reception and the pledge of support you have extended. I look forward to the support of the Bar.

IV. The Challenges and Opportunities Ahead

33. These reforms and initiatives aim to equip our legal system to better meet the challenges and demands of the day. But more will need to be done if we are to remain ahead of the curve in a world that is changing at a dramatic pace.
34. As you have recognised, Mr Attorney, there is a pressing need to future-proof our institutions and ourselves. We must take a keen interest in ensuring that our

legal sector remains relevant and competitive, not just domestically, but also regionally and internationally.

35. I will highlight three areas where we can expect critical challenges that we must face up to with some urgency. I have spoken about each of these matters on previous occasions and I do so again, on this important occasion, to underscore their urgency.

A. Internationalisation of legal practice

36. The first area relates to the growing internationalisation of legal practice.
37. I have previously emphasised that the practice of law will, and indeed has, become increasingly international in nature. This trajectory *will* continue for the foreseeable future. We have already seen an unprecedented increase in the number of transnational legal disputes. Arbitration has been the frontrunner for resolving many of these disputes; but even litigation, traditionally a jurisdiction-bound practice, has been swept up in this wave. International commercial litigation has burgeoned in recent years, as evidenced by the rising incidence of cases involving parties and laws of different jurisdictions, and the emergence of new international commercial courts globally.
38. From an institutional perspective, we have done well to maintain our relevance as a credible centre for international dispute resolution. The SICC, the Singapore International Arbitration Centre and the Singapore International Mediation Centre together offer a suite of world-class options for resolving transnational legal

disputes. Our increased international judicial engagements will also enable us to make a meaningful contribution to the global conversations that are taking place.

39. But a confluence of factors puts us in an especially good position to make a meaningful contribution to the regional legal sector in the coming year. We will host the 13th ASEAN Law Association (“**ALA**”) General Assembly this July, at which time I will assume the Presidency of ALA for a term of three years. The ASEAN Law Conference will be hosted here, in tandem with the ALA General Assembly. There will be a number of important meetings on the side of the General Assembly, including meetings of the ASEAN Chief Justices, Attorneys-General, Law Society and Bar Association Presidents, and so on. I will also chair the Council of ASEAN Chief Justices for a one-year term commencing in July this year. All this will place us in a ringside seat to developments affecting the legal communities of one of the fastest growing regions in the world, and we must participate actively in the many opportunities this will present us, to work for the betterment of all.

40. On a related note, I am pleased to mention the inaugural publication of the Asian Business Law Institute (“**ABLI**”), titled “Recognition and Enforcement of Foreign Judgments in Asia”. This will be made freely available on the ABLI website immediately after these proceedings. It comprises 15 country reports written by legal scholars and practitioners, and will be useful to lawyers and general counsel in the region. It will also serve as a springboard for the next phase of the project – which is, to consider whether sufficient areas of commonality exist for further meaningful convergence to be developed.

41. We will continue to do our part to ensure that we are well-placed to meet the challenges of the internationalisation of legal practice. But the success of these efforts ultimately depends on each practitioner's commitment to equip himself or herself for the changing complexion of legal practice. I urge our legal community to recognise the opportunities that will come with these challenges and to rise up to meet them with confidence.

B. The technology disruption

42. The second area I wish to touch on relates to the disruptive force of technology.

43. At the opening of the last Legal Year, I touched on the greater involvement of IT professionals in the legal process, and how automation and artificial intelligence are revolutionising the practice of law. It is with some urgency that we must begin to imagine what this will mean for the practice of law.

44. The Courts of the Future Taskforce was established in 2016. Last year, I endorsed the Taskforce's recommendation to set up a unified One Judiciary IT Steering Committee and the Technology Blueprint for the courts. Since then, a total of 15 key IT initiatives have been conceptualised with three overarching objectives in mind, namely: developing self-help solutions for litigants, developing solutions for an efficient and effective justice system, and adopting the intelligent use of data.

45. Four of those initiatives have been identified as starter projects, and principally relate to developing new capabilities for online dispute resolution and virtual hearings. We have commenced engaging external agencies and seeking the

necessary funding to implement these projects. To begin, we will study the benefits of adopting online dispute resolution in road traffic accident personal injury disputes in the State Courts, and maintenance disputes in the FJC.

46. The Academy has also been working to help legal professionals to cope with the anticipated disruption of technology. This is part of an on-going effort involving the Academy, the Ministry of Law and the Law Society to promote the adoption of Legal Tech and the incubation of a Legal Tech scene in Singapore. I will touch on three key developments in this regard:

(a) First, the Future Law Innovation Programme (“**FLIP**”) is a strategic initiative driven by the Academy to assist law firms in innovating new ways of delivering legal services and integrating technology within their processes. It also seeks to facilitate the cross-pollination of ideas between the technology and legal sectors, and to create a vibrant Legal Tech ecosystem for the future economy. The response to FLIP has been overwhelming – the Academy has received almost 50 applications from various entities since last September, of which 21 have been selected to kick-start innovative technology projects. As a sign of the times, I find it noteworthy that just this morning, the media reported the development of an outcome simulator for use in predicting the division of assets in matrimonial proceedings. This was done by a team of former schoolmates who started a company known as Lex Quanta which, I am happy to say, will be a part of FLIP.

(b) Second, LawNet will be upgraded to enhance the research experience through the introduction of intelligent search functions. The Academy and

the Law Society are also collaborating to create a new module carrying case digests and commentaries on criminal sentencing. In the near future, LawNet will be further transformed to provide a myriad of Legal Tech services. For instance, we will soon see the launch of the LawNet Community, Singapore's first online nexus for all things law-related. This will go beyond providing legal updates, and include tools for learning and development, mentorship, professional profiling, collaboration, business development and trial of legal support services.

- (c) Third, the inaugural *TechLaw.Fest 2018* event will be held over three days from 4 to 6 April this year, It will be the first to bring together the technology law and Legal Tech communities in one multi-track programme, and is set to be the highlight of the technology and law scene in Asia.

- 47. Technology *will* change the spaces traditionally occupied by lawyers, and these initiatives have been devised to help you meet the challenges that lie ahead. But again, these efforts will not, on their own, be sufficient. Each individual stakeholder must act to integrate the understanding and use of technology within his or her area of work; to embrace it, rather than to be put off by it.

C. Raising professional standards

- 48. This leads me to the third and final area, which relates to raising professional standards. It has become fashionable in some circles to speak of the “business” of law; but even as we adopt management techniques and practices from the

world of commerce, we *must* continue to identify ourselves as members of a noble profession. I make five brief points in this context.

1. *Legal education*

49. First, we need to think about what we must do to ensure that our law graduates are equipped for the changing demands of modern legal practice. I first raised this when I addressed the gathering at the 60th Anniversary Celebrations of the NUS Law Faculty and we have since started a number of further conversations. We must act to chart a course that will lead to the development of resilient and competent professionals, suitable not only for today's operating environment, but for the years ahead as well.

2. *Professional training and continuing legal education*

50. Second, we need to improve our professional training and continuing legal education framework.
51. The Committee for the Professional Training of Lawyers was established in 2016, under the leadership of Justice Quentin Loh, to examine a number of interconnected challenges, including the shortage of training contracts and the critical need to enhance the mentorship of young lawyers. The Committee has consulted a wide range of stakeholders to gain deeper insight into their interests and concerns; it has also conducted comparative studies of the professional training structures in other jurisdictions. The Committee's report will be submitted by the first quarter of this year, and I very much look forward to it.

52. Similarly, the Academy has engaged the legal community over the past year to identify the ways in which continuing legal education may be improved. Today, I am pleased to announce the completion of the pilot framework for the Legal Industry Framework for Training and Education, suitably abbreviated as “LIFTED”. LIFTED seeks to help legal professionals to plan their professional development, and it is integrated with the national SkillsFuture initiative.
53. One of the key LIFTED initiatives is the development of a mobile, web-based application. The app will enable individual learners to browse all Continuing Professional Development activities accredited by the Singapore Institute of Legal Education, as well as curated non-accredited activities across a range of platforms and providers. Individuals can also undertake an analysis of their own learning needs, and plan their continuing education with longer term career goals in mind. Employers and providers of continuing legal education, too, can use the app when deciding on suitable learning and development programmes.
54. Other resources stemming from LIFTED include the Learning Planner which you will have received today, a Twitter feed featuring curated articles relevant to the legal profession, as well as online resources hosted on the Academy’s website. I urge you to take advantage of the available resources.

3. *Specialist accreditation*

55. The third way we can raise professional standards is by recognising professional excellence through specialist accreditation.

56. The pilot accreditation scheme for building and construction lawyers, which I spoke of last year, has now been implemented. Again, I am grateful to Justice Loh, who led this initiative. I am delighted to announce that after a rigorous assessment process, a total of 13 applicants under the “Senior” category and 11 applicants under the “Junior” category have successfully been accredited, respectively as senior specialists and specialists. Given the success of this pilot, we will extend the scheme to maritime and shipping lawyers this year, with details to be published once the framework has been finalised.

4. *Judicial education*

57. Fourth, like other members of our profession, Judges and judicial officers must have ample opportunity for continuing education and development.

58. It is precisely for this reason that the Singapore Judicial College was established in 2015. Over the last three years, the College has made excellent progress. Local Judges and judicial officers now have about 40 training programmes to select from annually; and around 1,000 foreign judges and officials from 70 jurisdictions around the world have attended the College’s training programmes. The College’s empirical judicial research programme has also commissioned nine research projects, of which five have been completed, including three that have been published. Another three research projects are expected this year. Going forward, the College will continue developing its pedagogy and augmenting its programmes. We are also looking into developing a specialist advanced degree or diploma programme for judges, and hope to finalise our position on this in the course of the coming year.

5. ***Ethos of the legal profession***

59. The fifth and final point I make in this context is that beyond sharpening our craft, we must be acutely conscious of our responsibility as members of an honourable profession. The spirit of service for the betterment of society is what distinguishes the law as a profession.
60. Forging such a spirit starts from law school, if not even earlier, and continues throughout the career of a legal professional. In this regard, there are three key points we should keep in mind:
- (a) First, senior lawyers must be committed to inculcating a keen sense of public service in our next generation of lawyers, inspiring them to embrace the practice of law as a noble profession, rather than seeing it as a platform solely for the fulfilment of personal goals and ambitions. In this connection, I warmly welcome the steps that the Law Society is taking to promote the involvement of senior lawyers in mentoring our younger colleagues.
 - (b) Second, as you, Mr Vijayendran, have recognised, lawyers must be committed to improving the public's access to professional legal services. This includes partaking in *pro bono* or *low bono* work. A healthy dose of such work can help lawyers cultivate an ingrained attitude of service and selflessness towards clients in need. Senior lawyers must give due recognition for such efforts, and dispel the notion that a junior's engagement in such work entails a trade-off in career progression.
 - (c) Third, as an officer of the court, each lawyer must strive to uphold the highest standards not just in relation to competence, but equally in ethics.

This includes eschewing any form of unethical or unprofessional conduct, even if such conduct might seem to advance a client's interests.

61. I cannot emphasise enough the importance for lawyers to appreciate what it means to be a part of a profession, which – when stripped of all attendant niceties and privileges – embodies at its core, a spirit of public service. I hope that we will each stay true to the calling to serve the common good.

V. Appointment of Senior Counsel

62. These remarks on the ethos of the profession lead me appropriately to the point where I announce the appointment of Senior Counsel. The Selection Committee has decided this year to appoint Ms Kuah Boon Theng as Senior Counsel. I congratulate Ms Kuah and encourage her to continue to play an important role as a mentor and model for our younger colleagues.

VI. Conclusion

63. As I close my response this morning, I reiterate my earlier observation that our profession is facing unprecedented change. It is vital that we recognise this reality and resolve to meet it with conviction. The challenges ahead are many, and I have outlined just three of the more critical ones this morning. To meet these challenges, we must embrace new ways of doing things. Here, a particular responsibility lies on the senior members of the profession; you are in the position to effect change, so that our younger colleagues will have a worthwhile future to look forward to. We, who have been blessed with so much, are duty-bound to do

what we must for the sake of our collective future. As a profession, we have overcome many challenges in the past; and I do believe we will come together to surmount the challenges of *these* times.

64. Thank you all very much for your presence this morning. On behalf of the Judiciary, I wish all of you a happy, healthy and fulfilling new year.