



## **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' 23<sup>rd</sup> 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 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  
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