



## **Opening of the Legal Year 2017**

### **Speech by the President of the Law Society**

#### INTRODUCTION

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

#### WELCOME

2. First, let me extend a warm welcome to our overseas guests :
  - (a) Steven Thiruneelakandan, President, Malaysian Bar
  - (b) Fiona McLeod, SC, President, Law Council of Australia
  - (c) Rozaiman Abdul Rahman, President, Law Society of Brunei Darussalam
  - (d) Yamaguchi Kenichi, President, Osaka Bar Association, Japan
  - (e) U Sein Win Chan, President, Independent Lawyers' Association of Myanmar
  - (f) Amirali Nasir, Vice President, Law Society of Hong Kong
  - (g) Will Alstergren QC, Vice President Australian Bar Association
  - (h) Mrs Lee Suet Fern, representing Dinesh Bhaskaran, President of the Inter-Pacific Bar Association
3. 2016 heralded significant appointments in the Supreme Court :
  - a. Reappointment of Justice Chao Hick Tin as a Judge of Appeal with effect from 11 April 2016.

- b. Appointment of Justice Judith Prakash and Justice Tay Yong Kwang as Judges of Appeal with effect from 1 August 2016.
- c. Appointment of Pang Khang Chau and Audrey Lim Yoon Cheng as Judicial Commissioners for a period of 3 years with effect from 1 August 2016.

And as a harbinger of announcements on the AGC's side with effect from 14 January 2017, we welcome the Appointment of Lucien Wong as Attorney-General as well as the appointment of Kwek Mean Luck and Mavis Chionh as Solicitor-General and Second Solicitor-General respectively.

- 4. Judge of Appeal Judith Prakash is the 1<sup>st</sup> woman to be appointed as a permanent member of our apex court and an eminent jurist in company law. Counsel appearing before her received education in precision in language, tutelage in court decorum and the sometime sartorial disapprobation. On occasion, all three lessons in one sitting.
- 5. Judge of Appeal Tay Yong Kwang combines an exceptional expertise in both criminal law (serving as a member of the Sentencing Council) and civil law matters (notably, chairing the Civil Justice Commission). His elevation to the Court of Appeal brings a dual depth to our appeal bench.
- 6. Judicial Commissioner Pang Khang Chau served as State Counsel in the Civil Division of the AGC, Deputy Director, Legal Policy Division of Ministry of Law and latterly, Director-General of the International Affairs Division, AGC prior to his judicial appointment.
- 7. Judicial Commissioner Audrey Lim previously served in the court and AGC in both criminal and civil matters. Prior to holding judicial office, she was Deputy Chief Legislative Counsel in the AGC.

8. Attorney-General VK Rajah will complete a stellar and distinguished career in public service - from bench to the AGC. As AG, he earned a solid reputation for just and compassionate decisions and broadened the prosecutorial philosophy of the Chambers. Under his watch, AGC successfully negotiated significant international agreements for the Singapore government. Time would fail me to properly expound on AG's achievements both in the judiciary and as AG in this speech. The Bar will do the honours on a fitting, future occasion.
9. We welcome AG-elect Lucien Wong, top corporate lawyer and latterly, Chairman and Senior Partner of Allen & Gledhill who strongly distinguished himself in corporate practice. We are sure that he will bring his formidable intellect, meticulous professionalism and creative legal mind to public service -stamping his own inimitable style on the office.
10. On behalf of my Council, I extend my congratulations and best wishes to the new appointees on all their appointments. The Bar has no doubt they will discharge their duties with distinction.

## SUMMARY

11. In this golden jubilee address, I will touch on three broad points in this speech: history, honour and hope.

## HISTORY

12. First, a snapshot of history. The Society started life as the Singapore Advocates and Solicitors' Society in 1967 in post-independence Singapore. 50 years ago, we were only 259 in number compared to our 5,100 lawyers today. A sub-committee comprising CC Tan, Lee Kim Yew and the late Justice Punch Coomaraswamy crafted the wording of the Legal Profession Act.
13. The first gleam of the crown jewel of the Law Society, the Criminal Legal Aid Scheme ("CLAS"), appeared in 1985. After appointing Mr Patrick Nathan in 1983

as our first Executive Secretary, a professional Law Society Secretariat was subsequently established from 1989 onwards.

14. The 1990s saw the Law Society playing a pivotal role in modernizing the profession and community protection. Lawnet in 1990. Mandatory professional indemnity cover from 1991 onwards. In 1998, a new Code of Conduct promulgated for lawyers later revised in 2001 for better client care. From 2004 onwards, a stronger framework to protect clients' money.
15. Today, the legal landscape is more complex compared to our small beginnings. LLPs and LLCs are no longer novel and foreign lawyers and foreign law firms are here to stay. The local-foreign coupling run the gamut from formal law alliances to joint law ventures to mergers. The Legal Services Regulatory Authority licences Singaporean and foreign law practices. Technology challenges impact and disrupt traditional forms of legal practice.
16. A major milestone in pro bono was the establishment of the Society's Pro Bono Services Office (PBSO) in August 2007. The Society's CLAS, Project Law Help and Law Awareness programmes were subsumed under PBSO. Besides enhanced CLAS, our dedicated PBSO department catalyzed manifold access to justice initiatives including:
  - the annual Law Awareness Week in collaboration with all 5 Community Development Councils;
  - Project Schools;
  - Community Legal Clinics; and
  - a LegaleSE guide for non-profits

I am pleased that all five of the largest law firms recently reaffirmed their support of our CLAS Fellowship programme in 2017. The Law Ministry's financial boost

of our Enhanced CLAS Scheme has enabled a world of difference and a difference to the world of many indigent litigants.

17. In summary, the journey of the Law Society has been inextricably intertwined with the history, needs and collective zeitgeist of Singapore's legal profession and society itself at different stages of our nation's history. The Society organized itself purposefully from time to time to stay relevant to an enduring statutory purpose of our Society namely to protect and assist the public in all matters touching or ancillary or incidental to the law.

### JUBILEE CELEBRATION EVENTS

18. As part of our jubilee celebrations, we will organize three flagship conferences:

**1. Litigation Conference 2017 (20 & 21 April 2017)**

A signature annual event for litigation practitioners, this year's theme is **50 Years On – Thinking Forward** touching on the changing landscape of litigation now and the future.

**2. Future Lawyering Conference in July**

In this conference, we will explore technology disruptors and legal practice, future growth markets, new practice models, alternative business structures, (including multi-disciplinary practice), regionalization and branding and marketing of legal practice.

**3. International Conference of Legal Regulators – (5 & 6 October 2017)**

Hosted in Asia for the first time, this will be jointly organised by the Ministry of Law and the Law Society of Singapore.

19. **Fiat Justitia: 50 Years of the Law Society of Singapore** is an important keepsake, “crowdfunded” by the profession that will be distributed *gratis* to all members. We specially commissioned Professor Kevin Tan to author this tome. It will do better justice and more comprehensive coverage of the epochal events of our short history than my earlier speedy review. This commemorative book will be an intellectually honest chronicle of the highlights and lowlights of the profession.
  
20. Another momentous milestone this year is the incorporation of the Pro Bono Services Office as a Law Society subsidiary called “The Law Society Pro Bono Services Ltd” (“LSPBS) with the Law Society as sole member. This structural reorganization will rationalize, streamline and enhance oversight of the Law Society’s access-to-justice mission for the coming decades. This will remain our outstretched helping hand– the composite hand of every single volunteer lawyer from the Law Society. That hand will reach out to needy individuals and corporations who require access to justice. I am very grateful for the pro bono legal services of Allen & Gledhill and Morgan, Lewis Stamford in playing the midwifery role in birthing the LSPBS. We look forward to the continued indelible imprint that pro bono practitioners will have on Singapore’s societal fabric as we do good better via LSPBS. More than a pro bono structure however is a pro bono culture. This culture has been strongly embraced by small law firms who have punched well above their weight. As an illustration, our Pro Bono Ambassadors (apart from an inaugural outlier) have hailed from the small law firms.
  
21. We also aim to secure additional Premises. Vice President, Adrian Tan, will spearhead the search for the promised land based on our members’ mandate during our AGM last year. If we choose wisely, we will be able to grow the Society’s assets, while saving on rental costs.

22. “Just Jubilee” is our pro bono awareness anniversary event cum major charity fund-raiser for the year spearheaded by Council Member, Tito Isaac. At this platform, we will officially launch our new LSPBS charity.

## HONOUR

23. When we excessively focus on history, we could be seduced by empty euphoria or false nostalgia. As you reminded us in your Opening of the Legal Year Response in 2014, Chief Justice, the Singapore psyche has never countenanced resting on laurels. One progressive way of learning from history is reclaiming the vital value of honour in the profession. Significantly, the Singapore Academy of Law chose the motto ‘Honor est in Honorante.’ being Latin for ‘Honour is in honouring.’ One is honourable through the honour he or she bestows onto others. George Bernard Shaw wrote “The most tragic thing in the world is a man of genius who is not a man of honor.”

24. Through our annual CC Tan Award, we recognize a practitioner who best exemplifies the finest and noble virtues of the legal profession. Honesty, fair play, gentlemanliness and personal integrity. Through this award – the highest award of the Society - we honour the honourable.

25. In this semicentennial year, we will go further than that. We will honour our pioneers. Yesteryears’ trailblazers deserve remembrance; they will not be forgotten. We will honour them in our Singapore Law Gazette and at appropriate settings this year.

26. We also need to honour the highest ethical standards. As officers of the court, we will honour the courts we practise in. We speak of rights of audience but in truth, it is the privilege of audience. While there will always be a few black sheep in our midst, thankfully, this number needing to be policed, to fulfill our self-regulatory role, do not represent the majority of the Bar.

27. Part of honouring the highest ethical standards this year includes upping our game in family bar ethics. To that end, amendments are in the offing to the Legal Profession (Professional Conduct Rules) for Family and Related Proceedings for submission to the PCC (Working Group) chaired by Justice Steven Chong. The broad objective of these amendments is to: (a) reduce the adversarial nature of family proceedings by ensuring practitioners consider and advise their clients on alternative dispute resolution options; and (b) ensure that the interests of any children involved in family proceedings are considered by practitioners.

28. In 2015, Your Honour accepted the recommendations in the Study Committee report under the Professional Affairs Committee of the SAL chaired by Justice Quentin Loh. The Inappropriate Conduct in Court (or ICC) regime has been implemented since 1 September last year. Although more nuanced and proportionate, the redemptive emphasis of this regime necessitates behavioural reform. This legal profession equivalent of a yellow card in soccer is no less a serious disciplinary matter. It is only a relatively kinder and gentler measure when compared to other escalation alternatives. Yet on some occasions, I suggest that a verbal chiding or rebuke in court (not necessarily memorialized in a written judgment) could do the trick. No serious litigator ever forgets his or her judicial reprimands. Instead of ICC, the court's chastening correction could be a moment of epiphany on one's blind spots and a real time reality check.

29. We need to give honour where honour is due. One of the more outstanding commendations I have read in recent times was in an email sent to Your Honour Chief Justice in late October last year. I quote parts of the same, with the writer's permission:

"In an era where exceptional one-to-one customer service excellence has virtually disappeared from our society, the work that Ms Lalitha did should be held up as an example for others to try to emulate.

What particularly impressed me about the level of service provided by Ms Lalitha was that there were no additional financial rewards involved. It appears that it was simply Ms Lalitha's extraordinary commitment to excellence in customer service and support that motivated her to always go the extra mile. Her example had given a very positive impact on the attitude and productivity of your fellow colleagues in this profession.

She truly makes the name of your profession fly high with repute and dignity.”

Ms Lalitha Seenivasan sounded a little embarrassed when I called to commend her on this kudos last year. But this is the exemplar in client standards that we need to showcase. It is refreshing good news that serves as a morale-booster for the profession. But it is more than a feel good moment in the corridors of time. These are the gold standards in client care to emulate during our golden jubilee year.

## HOPE

30. There are several areas in our society needing hope. I will touch on three of them.

## OVER SUPPLY ISSUE AND NEEDS OF YOUNG LAWYERS

31. The over-supply is a complex and multifaceted issue. It leads to an employers' market. But beyond that economic dimension, the Society owes a moral duty to future generations and future members. This is more than a practice trainee or law graduate problem. To acknowledge our stakeholder role on this issue, key members of my Council and the Bar are serving on the Committee for the Professional Training of Lawyers spearheaded by Justice Quentin Loh. Chief Justice, you defined the remit of this Committee last year as undertaking a root and branch review of the entire training contract regime in Singapore. Your Honour's insightful speech during the Mass Call Ceremony last year struck the nail on the head on an important introspective dimension at the supply side. In

Your Honour's words "But I suggest that if the issue of oversupply is to be *meaningfully* addressed, a conscious effort must be directed at *streamlining* the supply at its source and, here, I am referring to those who decide to embark on the study of law. To them I say, first examine your motives." I believe that that motive examination applies not just to the juniors but also to all of us at the Bar at every stage of our progress.

32. Quite apart from the report and recommendations to be advanced by Justice Loh's committee, our younger Council members will continue to helm the task force tackling the practical concerns facing their own generation. We will organize a forum with our young lawyers this year to discern underlying issues, themes and needs. Although still the "children" of our profession, the youngest stakeholders comprise about one-third of our membership as at 31 August 2016. We will also continue with the social media engagement initiated by last year's Council.

33. We also aim to enhance our existing mentorship scheme. From my own observations and experience, young lawyers will appreciate the listening ear, invaluable career guidance and advice on ethical conundrums by mentors in the profession.

#### PRACTICE AREAS AND ECONOMIC OPPORTUNITIES

34. Secondly, the profession itself needs hope in the present economic situation. The Law Society is keenly aware of lawyers' struggles especially from the small firms.

35. Last year, we collaborated with the Ministry of Law to embark on a detailed half year industry study to understand the business models and level of technology adoption by those firms. We received the study report from our consultants, Eden Strategy Institute, towards the end of last year. Four key findings in the report were:-

- (a) there are good practices with proven impact. For example, niche expertise and scalable packages attracted a 25% premium in charge out rates and a five fold increase in revenue. Going paperless and running a virtual office reduced 66% of the operating costs. Finally, a shared database of precedents and past case knowledge as a means to develop lawyers' specialized domain knowledge had a 40-50% time saving for the lawyers concerned.
- (b) one critical gap is in innovation. 95% of the participants did not experiment and innovate within their firms, citing a lack of time and resources as key barriers.
- (c) another issue requiring change is business acumen. There is a strategic imperative to build business know how.
- (d) the need to articulate unique value propositions and roadmaps for growth need articulation.

36. Together with our consultants, we drew up an Action Plan since supported by Ministry of Law and SPRING. For a start, we are shortlisting IT solutions that our small and mid-sized law firms could adopt with attractive financial support from SPRING. We will be holding a legal technology roadshow to showcase these applications for our members. We are closely partnering with the Singapore Academy of Law who is equally committed to helping the legal profession reap the optimal benefits of legal technology. Exco member, Lim Seng Siew will assist our efforts in that direction.

37. In developing blue ocean areas of economic activity, let me share a few illustrative initiatives to stimulate practice areas this coming year.

38. First, the Law Society will officially launch our Law Society Mediation Scheme on 10 March 2017. Your Honour, Chief Justice, has graciously agreed to launch the scheme and give a keynote address. This will be an avenue to spread the

message of alternative dispute resolution (via mediation) and proactively create more opportunities for lawyers to serve as mediators.

39. Secondly, we also aim to facilitate law firms and lawyers providing online services. Enterprising entrepreneurs in our midst have already circumnavigated around the ethical minefields of confidentiality, conflict of interest and compliance. By showcasing best practices, we aim to lift everyone's game and inspire innovation.

### CRIMINAL JUSTICE

40. Last, but certainly not least, is hope for society. Hope is not an inward looking narrative for the Bar. To the man and woman in the street especially in challenging economic times, they cling on to the hope of access to justice. To enhance criminal justice expertise in the Criminal Bar, an upcoming initiative is the appointment of Research Fellows. Separately, with our newly appointed CLAS Advocates, we seek to scale up our criminal legal aid to new levels to fulfil the societal expectations of access to justice.

41. I will end off with some observations on relevance, resilience and relationships.

### RELEVANCE

42. There has been a refreshing candour both ways in the Bar's relationship with the Law Ministry. A recent illustration of this was the closed door dialogue with the Ministry on the Administration of Justice Bill. My Council will seek to preserve that sweet spot.
43. We have an upcoming dialogue with Minister for Law on Section 38(1)(c) Legal Profession Act in the first quarter of the year. Senior members of the Bar appreciate the reasons for that statutory provision being on our books. The Law Society should obviously not be descending into the political arena which is the domain of members of Parliament. But as a valuable component of a civil society,

the constructive contribution of the Law Society on legislation could help maintain the Bar's independence which is integral in promoting the Rule of Law. At a practical level, it enables proactive assistance to the Government and the courts on our laws and draft laws. The Government's position has been that the Law Society was in the past, and can be in the future, hijacked for political ends. Through meaningful engagement with the Government, we will strive for common ground in this area.

44. Individual practitioners need to stay relevant to their clients and the market. Continuing professional education for Senior Category members will be rolled out this year. This will ensure that practitioners remain on the cutting edge of practice whether by attending courses or giving them.

## RESILIENCE

45. The profession and practitioners need to inculcate resilience as an ethos. To facilitate that, my Council will introduce pastoral care programs from time to time to focus attention and give practical handles on better psychosocial care for all practitioners. The issues for the middle category of members go beyond burnout. We will survey middle category membership to incise into the multifactorial push factors leading to an exodus.

## RELATIONSHIPS

46. We especially cherish the relationship between the Bar and the Bench. The annual Bench & Bar Games builds camaraderie. Over the past decade, trust and collaboration has been built over tripartite lunches and regular dialogues with the Courts through committee participation that are akin to public-private partnerships.
47. On international relations, among other initiatives, we will organize a legal mission to Myanmar this year. Under my predecessor's leadership, we initiated an inaugural Malaysia-Singapore Bar summit in 2014. We will next move beyond

talks into action. We intend to set up a joint task force with our counterparts across the Causeway to tackle issues relating to transboundary haze. At the end of last year, a Council and Committee Chair delegation visited Hong Kong and had a fruitful exchange of ideas.

48. But relationships begin in the bar. There was a special spirit present in the Supreme Court Bar Room and the State Courts Bar Room previously presided by unforgettable Uncle Choo and manned by amiable “once in your life you find him” Arthur respectively. We miss them both. But despite their passing away, their rich legacy of fostering collegiacy will never be lost. A jubilee year is the best time to reclaim the jubilation of our heritage as a profession. But it starts with relationships.

#### ACKNOWLEDGMENTS AND WISHES

49. I wish to express my heartfelt appreciation to former Presidents Lok Vi Ming SC and Thio Shenyi SC whose mentorship and guidance have influenced and will continue to inspire my present serving Council colleagues and myself.
50. In conclusion, may I assure Your Honour, of the Bar’s unstinting support for you and your colleagues in the Judiciary. I reaffirm our commitment to collaborate with the officers of the AGC in the efficient and effective administration of justice in all cases coming before the courts. May I extend to Your Honour, the Chief Justice, all your colleagues on the Bench, the Minister for Law and Senior Minister of State for Law and the Attorney General, the Bar’s best wishes for good health and wisdom, strength of purpose and fortitude of character.

**Gregory Vijayendran**  
**President**