



President's Speech at the Opening of the Legal Year 2012

This was the address of the President at the Opening of the Legal Year on 6 January 2012.

May it please Your Honours, Chief Justice, Justices of Appeal, and Justices of the Supreme Court.

Before I start, I would like to welcome our overseas guests - Pengiran Hajah Rostaina binte Pengiran Haji Duraman, Registrar of the Supreme Court of Brunei; and from our sister bar associations - Mr Lim Chee Wee, President of Malaysian Bar Council; Mr Kumar Ramanathan SC, Chairman of Hong Kong Bar Association; and Mr Junius Ho, President of Hong Kong Law Society, to the Opening of Legal Year 2012.

It may be recalled that last year, Your Honour the Chief Justice remarked that the post of President of Law Society is "the least enviable legal job in Singapore". So I should perhaps explain briefly why I am still before Your Honours this year. The simple fact of the matter is that the job had gotten less unenviable during the course of the year. There was no contest for the President's post but there was a contest for the two Vice-Presidents' posts. So I guess this suggests that the VP's job is certainly less unenviable than the President's job!

Nonetheless, I must mention that we do have a very cohesive Council, and we have been able to achieve many of the main targets we set out at the beginning of last year. First of all, the modernisation of the secretariat continues, and we hope to see even more improvements this year.

Second, there have been very striking developments in the criminal bar. Your Honour the Chief Justice may recall expressing some concerns last year about the quality of the criminal bar. I am happy to report that Council have worked very hard to respond to Your Honour's concerns. In relation to LASCO, we have entered into discussions with the Supreme Court Registry to range the lawyers into two tiers. Lawyers of sufficient experience and ability will be put into Tier One and less experienced lawyers will be in Tier Two. Only lawyers in Tier One will be allowed to be lead counsel in a capital offence case. This will ensure that accused will have the best possible representation.

Your Honour the Chief Justice has also responded to our request to increase the honorarium for assigned lawyers taking on LASCO cases. Council accepts Your Honour's view that a lawyer should not be motivated by money alone to do his part for charity. But the reality is that some lawyers do need that small increase in honorarium, so we are happy to note that Your Honour accepts that reality. It is a pity that the *Straits Times* banner on Thursday 15 December 2011 "Higher fees fail to attract lawyers: Lasco" completely missed the point.

I am also happy to report that the Senior Counsel Forum has responded to our request to assist in the development of the criminal bar. This of course follows again from Your Honour's remarks last year about the quality of the criminal bar. The Senior Counsel Forum will set up a team, led by Mr Michael Khoo, Senior Counsel, which will mentor the younger criminal lawyers, and if necessary, act as lead counsel in a particular case. They will do so *pro bono*.

These are early days yet, but I am confident that with support from the Senior Counsel Forum, we will be able to enhance the standards of the criminal bar to the point where all stakeholders will be proud to be part of LASCO, the *Straits Times* notwithstanding.

The involvement of lawyers in LASCO is of course part of the Society's commitment to providing legal assistance to members of the public. This has resulted in the setting up of an umbrella Pro Bono Scheme, which in turn houses the Criminal Legal Aid Scheme - CLAS. CLAS has existed for 40 years, and it is a record which the Society is justly proud of. But support from various sources has been key to the viability of CLAS. I just want to mention one supporter this year. That is Professor S Jayakumar, until recently the Minister for Law.

Professor Jayakumar had been helping CLAS to raise funds for the last 17 years. Each year, he put in tremendous efforts to get golfers to take part in the Society's Golf Day to raise funds for CLAS. Each year, very much because of his efforts, we managed to raise between \$150,000 to

\$200,000. Last year, when Professor Jayakumar stepped down from the Cabinet, he informed us that he would no longer assist us to raise funds. But behind the scenes, he was still calling his friends to support us; he was also calling on the Attorney-General's Chambers and Ministry of Law to assist the Society. So last year, we collected a sum of slightly over \$300,000!

On behalf of CLAS, the Law Society and all those who have benefitted from the CLAS scheme, I want to say a big "thank you" to Professor Jayakumar.

While still on the subject of CLAS, I want to talk a bit more about the Society's *Pro Bono* programme.

I talked about it last year, but this year is different as Council wants to concentrate on making *pro bono* a pillar activity of the Society and the profession for the new year. *Pro bono* of course encompasses criminal legal aid, not just civil legal aid.

But in relation to the lawyer, what work done by a lawyer would qualify as *pro bono* work? I think a lawyer who does free work for a regular client cannot call this *pro bono* work even if he does not charge his client. This is because he expects to be rewarded one way or the other by his client later, perhaps with another piece of fee-paying work. So to qualify as *pro bono* work, it has to be work for an indigent stranger without expectation of reward (at least not in this life).

Much has been done in many other countries to promote *pro bono* work. This has been so much a way of life in some countries that some clients will not give work to a law firm unless it is satisfied with the *pro bono* record of the law firm. And to cultivate that culture further, many national law associations prescribe or recommend a minimum number of hours of *pro bono* work that a lawyer must perform in a year. The American Bar Association recommends 50 hours per lawyer per year. The Australian Law Society recommends a minimum of 35 hours per lawyer per year.

So what happens to foreign lawyers who work in Singapore? Obviously they cannot satisfy the recommendations of their professional associations as they are not working in their home country. They also cannot advise on matters of Singapore law in Singapore, so they are deprived of the opportunity to provide *pro bono* work. I would suggest that these foreign lawyers contribute cash equal to the value of the *pro bono* hours recommended by their national associations to our *Pro Bono* programme. I must confess that my suggestion is not original. Your Honour the Chief Justice may recall that last year and the year before you

called on Singapore lawyers who are not actually performing *pro bono* work to contribute cash equivalent to 25 hours of their charge-out rates.

I believe that foreign lawyers can well do the same. They no doubt contribute to our economy and also to a more vibrant legal community. But like the Singapore lawyers, they do enjoy a high standard of living here, so like our Singapore lawyers, it would be nice if they can help our less privileged citizens.

Ultimately lawyers must regard the practice of law as part of public service. It is very well to make good money, but public service means making a contribution to society at large. This is especially so for lawyers, or for that matter, any other professional or businessman who has benefitted from the system.

I would like to believe that every lawyer will accept that *pro bono* work is part of the DNA of his profession.

Before I end off, I wish to add a little bit more about the work that the Society has been doing. And this is our continuing attempts to assist the smaller firms. Some lawyers are known to have gone around claiming that the Council is pro-big firm. Nothing can be further from the truth. I had spent more time last year meeting up with lawyers from the smaller firms than lawyers from the bigger firms. I had also initiated more programmes for the smaller firms.

Your Honours may recall that last year, I announced a programme to assist the small firms by way of training their secretaries and support staff. I received some rather negative response to that suggestion. So we held that off. But late last year, we organised the first training session and it was well received. Not only did we have good attendance, but we also had good questions. So the organisers will arrange more of such sessions.

In conclusion, may I assure Your Honour of the support of my members for the Judiciary in all Courts. I also reaffirm our commitment to co-operate with the officers of the Attorney-General's Chambers in the administration of justice and to combine efficiency with justice in all cases coming before the Courts. I also extend to Your Honour, Chief Justice, and all your colleagues on the Bench, as well as the Minister for Law and the Attorney-General our best wishes for a successful year ahead.

► **Wong Meng Meng, Senior Counsel**
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The Law Society of Singapore