



## **Opening of the Legal Year 2020**

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

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

#### **WELCOME AND INTRODUCTION**

2. First, let me extend a warm welcome to our overseas Bar leaders who have travelled from Australia, Brunei, Guangzhou, Hong Kong, Japan, Malaysia and England to join us for this Ceremony.
3. In 2019, we witnessed several appointments and reappointments to the Supreme Court Bench :-
  - (i) Justices Woo Bih Li and Tan Siong Thye extended;
  - (ii) Judicial Commissioners Pang Khang Chau, Audrey Lim and Ang Cheng Hock appointed as High Court Judges; and
  - (iv) boosting the stature of the Singapore International Commercial Court, Arjan Kumar Sikri and Douglas Samuel Jones appointed International Judges.
4. The international recognition of our first class judiciary was further evidenced by Justice Kannan Ramesh's appointment as Judicial Commissioner of the Brunei Supreme Court on 7 October 2019.

5. This year, congratulations are in order to former Supreme Court Registrar and erstwhile Judicial Commissioner Vincent Hoong on his days old appointment as Judge. We also warmly welcome Mohan Subbaraman, a leading light of the maritime bar, as Judicial Commissioner who will add ballast to the Bench.
6. On behalf of my Council, I extend my best wishes to the new and renewed judicial appointees. We are confident that they will judge with just judgment and demonstrate judicial excellence. The track record of serving members of Your Honour's judiciary exemplify humility, integrity and dispatch – qualities singled out by US Chief Justice John Roberts in his 2019 year-end report.

## 2020 VISION

7. Last year, I spoke about various facets of looking – looking back, looking beyond, looking ahead, looking forward, looking out, looking after and looking within. Looking entails vision. We need a new vision, a 2020 vision, as we start this year. Without vision, people perish.
8. A vision requires that we not only see but also perceive accurately. A key focus for the Law Society is the economic health of law practitioners and practices. Since establishing the Economic Review Council in October 2018, now renamed the Economic Action Council (**EAC**), we have, among others, held a townhall and recent roundtable discussions for lawyers and managing partners to share perspectives on practice impacting issues.
9. The higher hanging fruit for the EAC, co-chaired by Thio Shen Yi, SC and myself, will be thought leadership, a strategic review report and a considered economic blueprint for the future of lawyers. The key deliverables include holistic, streamlined recommendations to identify blue ocean practice growth areas, alternative business structures and present regulatory pain points. We changed “Review” to “Action” not because we were downplaying the importance of diagnostics or a deep dive. But in the light of the important “Conversations” dialogue in August with Your Honour, Chief Justice together with Justices Belinda Ang and Kannan Ramesh in attendance, we restructured into the EAC. The aim : roll out immediate, practical action steps with Council endorsement.

10. This lower hanging fruit is necessary for our sole proprietor and small firm practices. As part of the 2020 Vision, the EAC, after reviewing the roundtable feedback, will convene a follow-up Town Hall in Q1 2020 on potential prescriptions (even if not quick fixes) and implement the feasible. An emerging jigsaw piece is growing mediation. We will also organize a Business Development Day curating relevant offerings from professional and practitioner facilitators to enable our smaller law firms to revive, survive and thrive (as the case may be).
11. The four-pronged strategy adopted by the Law Society's Legal Productivity & Innovation Department -- needs analysis, capability development, cost management and marketing advantage, has proven efficacious so far to boost tech adoption by Singapore Law Practices to enhance their productivity, efficiency and hone a competitive advantage.
12. As a recapitulation, we built on the success of Tech Start for Law in 2017 that saw 143 successful applications by launching Tech-celerate for Law on 1 May last year. Through this programme, eligible Singapore Law Practices are granted funding support of up to 70% in the first year of implementing pre-scoped baseline or advanced technology solutions. As the scheme ends on Labour Day, I urge all Singapore Law Practices who have not yet seen the light of day – do not miss out.
13. In May 2019, the Law Society also launched the SmartLaw Guild. The Guild is a prestigious club to create an actual and virtual community of like-minded practitioners to commune and communicate strategies, best practices, trends and resources to future-proof themselves from digital disruption. Our SmartLaw certified Singapore Law Practices and successful past and present applicants of technology support schemes qualify. Over 230 Singapore Law Practices are presently SmartLaw Guild members.
14. Working complementarily, and in tandem with our invaluable partners, SAL, the Judiciary and Ministry of Law, we will continue to do our level best to stimulate innovation and nurture technology adoption in the profession.
15. Separately, our Legal Research and Development department will launch a Legal Profession Research Portal in Q1. This will serve as a focal resource, one stop facility and first port of call for all legal research papers and articles relating to issues concerning the legal profession. Law Society members will benefit from accessing insights and thought leadership on matters relating to the Legal Profession Act and its subsidiary legislation. These include papers and articles previously published in our Law Gazette.
16. Related to that, the Law Society will continue to engage with the Government of the day, via private advocacy, to ease the fetters of Section 38(1)(c) Legal

Profession Act. We envision the Law Society being a credible, conscientious and constructive watchdog in society.

17. The Law Society presently administers a suite of Alternative Dispute Resolution services. These include an Arbitration Scheme, the Law Society Mediation Scheme (“**LSMS**”) launched by Your Honour, Chief Justice in April 2017 and the Neutral Evaluation and Determination Scheme launched in 2018. This trilogy of services to the public provide time-efficient, cost-effective, problem-solving alternatives to litigation where appropriate.
18. We will proactively promote awareness of these ADR services to our members, the public, stakeholders of justice, relevant business organizations and trade associations.
19. As shared, mediation will be a big piece for the profession on economic reforms. It is poised for international and regional growth considering three factors : (1) the signing of the landmark Singapore Convention on Mediation in August last year; (2) increasing globalization; and (3) growing appetite for an Asian-flavoured, bespoke, flexible, dispute resolution option. Council will form a dedicated Mediation Committee to harness potential development areas. In addition, we will facilitate a feeder to channel a myriad of disputes to stream into our mediation ecosystem. An example is inserting an LSMS mediation clause into our Law Society Conditions of Sale 2012 for conveyancing.
20. Separately, after due diligence, we gauged a sufficient demand for growth in the area of non-contentious and contentious tax and trust law practice. To meet this, we will establish a new Tax & Trusts Committee to collaborate with the Tax Academy to tap on available resources and explore potential developing areas for local and cross-border work in this niche expertise.
21. Lawyers Go Global (“**LG2**”) is becoming more sophisticated despite being less than two years old. Last year, we visited China, Japan and Jakarta. Through our public-private partnership with Ministry of Law and Enterprise Singapore, via LG2, we nudge and encourage Singapore law firms (especially smaller and medium-sized practices) to venture abroad. The endgame? Establishing their regional relevance through optimal links and connections with overseas partners for inbound and outbound work. More quests are on our radar this year combined with workshops on market familiarization, networking and branding.
22. Law Society has also entered into strategic MOUs with key bar associations to create platforms for our lawyers and overseas counterparts to build relationships and foster business opportunities. Our posture going forward is to proactively operationalize our bilateral MOUs with likeminded partners so that it becomes

symbiotic for both Bars. We rather than me. Highways of progress rather than walls of protectionism.

23. An exemplar is reciprocal secondments. In 2019, we hosted 2 lawyer delegations from China, Guangdong and Jiangsu, for training, exchanges, and attachments to Singapore law firms. In turn, the Law Society also organised a delegation of 13 lawyers to Guangzhou for attachment to law firms in Guangzhou and Shenzhen pursuant to our MOU with the Guangdong Lawyers Association. Exco Member and incoming Treasurer Daniel Koh has excellently built these beachheads. We will learn from these test-trials and replicate the refined recipe for other bilateral Bar relationships.

24. Helen Keller said "*The only thing worse than being blind is having sight but no vision*". We encourage Singapore lawyers to see available offshore opportunities and envision best friend relationships or apt tie ups with first rate overseas law practices. By doing so, you harness mutual synergies and play to strengths for cross-border deals or disputes.

## 2020 HEARING

25. 2020 is not just about a 2020 vision but also having more acute hearing. One of the voices to hear is that of our junior lawyers. Their chorus comprise approximately 40% of our membership. We strove to further meaningfully move the dial last year via our career counselling initiative. Immediately after announcing "Career Path", our latest pastoral care scheme in May 2019, we were flooded by more than fifty sign ups from the junior Bar. The intangible takeaway in Career Path is greater self-awareness and discernment of gifts, talents, strengths and weaknesses. "Career Path" gives counselees a more accurate and realistic roadmap on the way forward, practice or not.

26. We need auditory perception to listen to the voices of the bullied and harassed in the law. These twin threats were the subject of roundtables hosted last quarter for managing partners, our women in practice committee and junior bar leaders. Kieran Pender, legal advisor with IBA's Legal Policy and Research Unit presented a groundbreaking global report "Us Too? Bullying and Sexual Harassment in the Legal Profession". The Law Society will build on the momentum of the eye-opening discourse. We will aim this year for a pledge to be signed by our biggest stakeholders in the professions (also our biggest employers) to make a statement and stand for zero tolerance of bullying and harassment. A cultural change is

needed given the zeitgeist of our era. The legal profession will be a vanguard of respect for dignity of persons.

27. Over the last few years, we sought to restore the hearing of vulnerable witnesses' voice in the courtroom in a manner respectful of their dignity, consistent with administration of justice and yet not inimical to criminal defence case theory. We developed a best practice toolkit on examination of vulnerable witnesses (including child witnesses, complainants of sexual offences, the mentally incapacitated and the elderly). This aide memoire was soft-launched in late August 2019 at a joint training session conducted with AWARE for the criminal defence Bar. We will continue collaborating with AWARE to generate awareness about the needs of these special courtroom users.
28. Our ears need to perk up to pick up the voices (sometimes whispers) of lawyers previously sanctioned by the Law Society but who suffer from the lingering effect of tarnishment of reputation (particularly in cyberspace). These scar and stigmatize them long after chastisement or penalty. The Law Society will examine the feasibility of fulfilling our education function for regulatory infractions not escalating to the High Court without naming and shaming the ethical transgressors involved. We may take a leaf from European Union jurisprudence on the right to be forgotten.
29. On this same theme of ethics, we will strengthen our ethical core. Prevention is better than cure. Following our successful publication of the Professional Ethics Digest 2019, this year will see a sequel containing more relevant illustrations of the Professional Conduct Rules 2015 based on the Advisory Committee's guidance on members' queries. This practical and handy resource will complement Law Society's ramped up e-learning CPD programme for all practitioners and practice trainees. Comprising case studies, this will be integral to our overall lawyers' risk management training framework. Practitioners, hear the Law Society's voice to stay plugged in to this virtual ethical compass.
30. Finally, all of us need to tune in to the voices of members of the public crying out for just outcomes and fair treatment. In Richard Susskind's recently published book *Online Courts and the Future of Justice*, the author adopts a consequentialist approach towards online courts, emphasizing "outcome-thinking" i.e. "outcomes [that] can be reliably delivered in new ways that are demonstrably cheaper, better, quicker, or more convenient than the current offering"<sup>1</sup>.
31. Professor Susskind raises the following thought-provoking questions in his latest offering :

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<sup>1</sup> at 48

*“A different question that arises in the context of reducing the need for lawyers is whether or not online courts should expressly exclude the involvement of lawyers or whether the imperative here is to introduce new legal processes that are sufficiently simplified that lawyers are not in fact needed. Are we prohibiting lawyers or will they become redundant over time (alongside, it has to be said, all other professionals, who are going through similar ructions). My own inclination is never to prohibit lawyers. Citizens should be at liberty, and are surely entitled, to secure their services. However, if discussions about online courts are dominated by their impact on lawyers, we are asking the wrong questions. What matters above all is just outcomes for court users who feel they have been treated fairly. And making sure that these outcomes are available to all and not a few. In the end, lawyers should survive and thrive not because their use is mandated but because they can bring value that no alternative people, processes, or systems can offer.”<sup>2</sup>*

32. Bringing value. Lawyers can, and should, bring value and have a unique value proposition. More needs to be done, without spin doctoring or self-indulgence, to share and socialize with our Singapore community the value and values proposition of Singapore lawyers practising in different practice areas. Our Society will unpack and promote the value of the Singapore lawyer to broader society this year. We will do our part. Lawyers need to do theirs.

## 2020 TOUCH

33. An important natural sense is touch. For the Bar, it is a time-honoured tradition to reach out and touch the lives of the public. We have a mandate to promote access to justice and a commitment to protect and assist members of the public. Your Honour, Chief Justice, is a premier thought leader on access to justice. In this regard, the Law Society joins me with immense pride to congratulate Your Honour on being conferred the Special Recognition Award 2019 by the Negotiation and Conflict Management Group International. That award rightly recognized Your Honour, Chief Justice’ *“exemplary leadership, selfless service and commitment to developing alternative dispute resolution”*. It sets a new bar for the Bar as well.

34. In accepting that award, Your Honour delivered an extra judicial lecture in Nigeria on the “Technology and the Changing Face of Justice”. The final part touched on technology and proportionate justice. Your Honour observed that *“Technology has*

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<sup>2</sup> at 237

*the potential to empower the disadvantaged and less well-off by offering them a pathway towards the quick, affordable and just resolution of their legal problems. To satisfactorily address the type of legal problems that currently go unresolved, that pathway should not simply track conventional court processes, but must instead aim at delivering **practical justice through proportionate means.*** Practical justice through proportionate means is a salutary goal. Every lawyer called to the noble profession of law should aspire towards that.

35. As part of upstream law awareness, our pro bono arm will leverage on technology to increase touchpoints through webinars and podcasts. We will work with the Ministry of Social and Family Development in rolling out an initial webinar for 2020 on deputyship matters.
36. We will also strengthen our links with the Commissioner of Charities to be the charity for charities. Specifically, we will set up pop up pro bono legal clinics to impart wisdom and insights on charities governance for charities (focussing on smaller, needy ones).
37. Last year, the enhanced CLAS Review committee completed our survey and report conducted among criminal practitioners following anecdotal feedback that CLAS was adversely affecting fee-paying briefs. The survey showed an overwhelming number in support of criminal legal aid for the indigent. We also received valuable practitioner feedback on applying more stringent scrutiny to ensure that only the truly deserving receive CLAS legal aid. We remain grateful to the Law Ministry for being the biggest benefactor of what is essentially an Office of Private Defender by continuing to fund our CLAS Advocate programme. We are also deeply appreciative for the tremendous financial support received from Gold Benefactor Dentons Rodyk and Sponsors, Allen & Gledhill and Drew & Napier. These sustain our CLAS Fellowship. There is an upcoming fundraising opportunity, "Just Laugh" on 27 March for all of us to infuse lifeblood into our pro bono cause. This is no joke even if the event will be close to April Fool's Day.
38. In support of various pastoral schemes supporting members' well-being, our CPD department is working with Ms Susan de Silva (a seasoned employment lawyer turned career and life coach). We will adopt a holistic approach in imparting wellbeing and wellness to our members. Watch this space.
39. We will continue having a heart for the children of the profession and will reach out to train them well working in tandem with other stakeholders. Ahead of the "go live" date of 2023, the Law Society is presently working with the Law Ministry to

implement the SAL Committee for Professional Training of Lawyers' recommendations for the betterment of the training world of our practice trainees and to lift the bar for the Bar.

40. As part of an enhanced outreach to serve our members better, Law Society moved to Maxwell Chambers Suites (“**MCS**”) on 2 August 2019. MCS (especially its lounge) is intended to be a cosy, casual, conducive and caring place for members to cultivate collegiacy and camaraderie. But as we know, home is where the heart is. We remain quietly confident that as our membership grows over time, MCS will grow on our members. We look forward to hosting Your Honour, Chief Justice and other members of the judiciary at our home this year. That said, on our permanent premises purchase, we still have not found what we are looking for. Our Premises Committee will facilitate our ongoing search.

41. We are grateful to the Law Ministry for procuring a reduced rental and subvention to make the MCS move possible. I am also appreciative to outgoing Vice-President Rajaram and Treasurer Tito for their starring roles in teaming up with me to liaise with the Law Ministry to realize this societal move.

## 2020 VOICE

42. Former US President Barack Obama in remarks made last month in Singapore was quoted as saying that Governments have a role to play in arresting the spread of fake news but they should not be the only arbiters of what is false. As part of our assistance to the public, as announced in the OLY Speech last year, the Law Society launched a Legal Fact Check service in June 2019. The goal was to combat potential or actual legal fake news by providing reliable and accurate answers to legal questions arising out of current news reports. To date, we have addressed topics such as citizen's arrest, the Vulnerable Adults Act, compensation orders and mediation. We will expand our public education outreach this year by drafting an appropriate publication for legal fact-checking.

43. Last year, we discerned an alarming trend of conveyancing law firms targeted by online scammers who sought to fraudulently siphon away clients' payments to those firms. We swiftly called a press conference to sound the clarion call to the public on the online fraud. Law Society will do our part to be a vigilant voice to the public on new dangers and threats especially in cyberspace. For the profession

itself, plans are afoot to launch the eagerly awaited Cybersecurity Guide before end Q1.

44. For litigators, part of voicing out entails improving our court craft in advocacy. This year, our marquee event, the Litigation Conference Workshop, will be held in mid-April. It is forward looking on the imminent changes to the legal landscape in light of the Civil Justice Reforms. Participants can look forward to honing their litigation skills principally through experience-based learning during a two-day accelerated course. As with the inaugural workshop in 2014, an impressive array of Queen's Counsel (from Inner Temple), Senior Counsel, and senior members of the Singapore Bar will serve as trainers.

45. As a valuable voice in society, the Law Society will continue to speak up without fear or favour in the courtroom, corridors of power and community consistent with law. A contrarian countenance will undermine Bar independence - so integral to rule of law. Lord Bingham in his classic exposition on "The Rule of Law" sagely observed: *"Scarcely less important than an independent judiciary is an independent legal profession, fearless in its representation of those who cannot represent themselves, however unpopular or distasteful their case may be."*

## CONCLUSION

46. I started this speech with a reference to a 2020 vision. I end off with a sobering and stirring reminder from former US President, Woodrow Wilson who I quote verbatim. He said: *"You are not here merely to make a living. You are here in order to enable the world to live more amply, with greater vision, with a finer spirit of hope and achievement. You are here to enrich the world and you impoverish yourself if you forget the errand."*

47. My appreciation goes out to Thio Shen Yi SC, Kuah Boon Theng SC and Kelvin Wong for serving as Council Mentors according to their expertise and wisdom. In addition to the trio, I would add M Rajaram who served as Vice President for two

years with commitment and passion. Guru Raja, as affectionately known in Council, will mentor our Exco team as a specially appointed Exco Mentor.

48. Collaborating with other stakeholders in the administration of justice, the Law Society Council aspires to make the legal profession a better place for every lawyer. Together with my Vice-Presidents Tito Isaac and Adrian Tan, this Council also pledges to do our best in promoting justice with compassion for the good of society.

49. In closing, may I assure Your Honour of the Bar's unstinting support for you and your colleagues on the Bench. I reaffirm the Law Society's continued joint commitment with the AGC to sustain efficient and effective administration of justice in all cases and causes coming before our courts.

50. May I extend to Your Honour, Chief Justice, all members of the Judiciary, the Minister for Law, Senior Minister of State for Law and the Attorney-General, the Bar's warm wishes and prayers for good health, continuing wisdom, strength and fortitude for the year ahead.

Gregory Vijayendran, SC  
President  
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