

**Opening of The Legal Year and Welcome Reference for
Chief Justice Sundaresh Menon**

Speech of the President of the Law Society

May it please your Honours, Chief Justice, Justices of Appeal, Justices and Judicial Commissioner of the Supreme Court.

1. I would like start by extending a warm welcome to the following distinguished representatives from some of our neighbouring bar associations and law societies:
 - a. Mr Dieter Yih – President of the Law Society of Hong Kong;
 - b. Mr Lim Chee Wee, President of the Malaysian Bar Council;
 - c. Mr Christopher Leong, Vice-President of the Malaysian Bar Council;
 - d. Ms Sarojini M Veerasamy, Vice-President of the Law Society of Brunei; and
 - e. Mr James McGowan, representative of the Chairman of Hong Kong Bar Association.
2. This year, it is my privilege to represent the Bar, not only in our annual pledge of support to the Judiciary, but also to offer our congratulations and best wishes to Your Honour, Chief Justice, on your well deserved appointment to the apex of the Judiciary.
3. Your Honour graduated with First Class Honours from the Faculty of the Law, the National University of Singapore in 1986. You later obtained your Masters of Law from Harvard University in 1991.
4. You were admitted as an advocate and solicitor of the Supreme Court of Singapore in 1987 and as an Attorney and Counsellor-at-law of the State of New York in 1992.
5. The Law Society is particularly proud to note your Honour's long and distinguished association with the Bar. Your Honour began your legal career with Shook Lin & Bok in 1987 and assumed important leadership positions in WongPartnership, Jones Day and Rajah & Tann.
6. Your Honour was Managing Partner of Rajah & Tann from 2009 to October 2010, playing a crucial role in the building of the firm into one of Singapore's largest. Your Honour also served in various important judicial and legal offices with distinction; from April 2006 to March 2007 as Judicial Commissioner; from 1 October 2010 to 29 June 2012 as Attorney-General; and most recently as Judge of Appeal from 1 August 2012 until your elevation to the highest judicial office on 6 November 2012.
7. In all of these roles, both in private practice and in public service, your Honour exemplified the highest values of the profession. I can do no better than echo this tribute which the Council of the Law Society paid on the news of Your Honour's elevation:

“Prior to his appointments as Attorney General and as Judge of Appeal, Justice Menon was one of the leading members of the Bar. He was by all accounts one of the most successful and definitely one of the most respected. Lawyers and clients who have worked with him or dealt with him on the other side have always found him to extremely brilliant, yet patient and fair, in equal portions. One would invariably find him to be incisive in discussions and

meetings, but the cutting edge would always be applied to the issues, never to the person on the other side.

We are especially grateful that even after he took high office as Attorney General, Justice Menon never forgot the Bar and the profession he was a part of for over 2 decades. He worked tirelessly to improve the administration of criminal justice and encouraged the growth of the criminal bar. He was generous in the extent the Law Society was included in numerous discussions and meetings on matters involving the profession.”

8. Your Honour, the Bar also records its gratitude to your Honour’s predecessor, former Chief Justice Chan Sek Keong. Again, I echo the tribute the Council of the Law Society earlier paid to former Chief Justice Chan with these words,

“In a long and distinguished career as a top lawyer, as Judge, as Attorney General and finally as holder of the highest judicial office in our country, CJ Chan always exemplified the highest values and virtues of humility, patience, compassion and fairness. Under his watch, the common man knows that he will not be denied justice in our Courts any more than the criminal may think he can escape or hoodwink justice.

The Bar is especially grateful to CJ Chan for the exemplary judicial temperament he displayed throughout his tenure and the grace and respect extended to lawyers who appeared before him. This is a distinctive that will perhaps stand above his other numerous achievements. It encourages lawyers to aspire towards bold and constructive advocacy and this not only inspired the litigation bar, it assures every litigant that his or her cause has been fully pleaded before a fair, firm and just Court.”

9. Your Honour, the profession also welcomed in the latter half of 2012, your successor as Attorney-General, Mr Steven Chong SC. We congratulate Mr Chong on his appointment and look forward to working closely with him in the New Year ahead. We would also like to welcome and offer our best wishes to new Senior Minister of State, Ms Indranee Rajah, who until a short few months ago, was an active and much respected member of the Bar. We too congratulate Ms Rajah on and wish her well in her new appointment.
10. Your Honour, the Bar draws considerable pride from the fact that these high appointments now held by you, Mr Chong and Ms Rajah are filled by leading members from our ranks; a fact that underlines the quality of the Bar and its direct valuable contributions to the legal profession.

Lawyers as Community

11. The number of local lawyers holding practising certificates exceeded 4,000 for the first time in 2012. When I first joined practice in 1987, there were 1,579 local lawyers (ie lawyers holding practising certificates and practising in local law firms). 10 years later, this figure about doubled to 3,243 in 1997. However, in the following 10 years, the profession only added a net number of 176 local lawyers to 3,419 in 2007 whilst over the corresponding period, the number of foreign lawyers increased from 579 to 804.
12. Between 2007 and 2012, the number of local lawyers grew by 915 and that of foreign lawyers by 338. In percentage terms, the number of local lawyers over this period grew by about 27% whilst that of foreign lawyers by 42%.

13. These figures suggest 2 trends: first, that the profession is growing steadily in terms of numbers and second, that the number of foreign lawyers is expanding faster than that of local lawyers. These trends are not likely to be reversed in the short term.
14. The recent leap in numbers reminds us now, perhaps more than ever before, of the need for the profession, the society and its members to pull even closer together. I call upon members to take greater part in the activities and affairs of the Law Society. Tell us what your concerns are and how the Society can help address them. One of the best ways that members can do this is to volunteer on the committees of the Law Society. Your Honour, every year we invite members to join the committees which are relevant to their practice areas. Unfortunately, many do not respond. Although the invitation to join this year's committees officially closed on 30 November 2012, I am instructing the Secretariat of the Law Society to keep open the invitation to members until 14 January 2013. I hope members will take this opportunity to take direct part in the Law Society. The words of a past President that "This is your Law Society" should resonate with all of us. Do join us and play a bigger part in the affairs of the Law Society.
15. On the Society's part, we will do our best to listen and assess what more can be done. We will continue to improve upon our training programmes to help members upgrade skill sets. Since the launch of the mandatory CPD Scheme in April 2012, the Society has organized 31 seminars attended by 2,866 lawyers. We will start off the 2013 programme in a big way with the inaugural Litigation Conference at the end of this month organised by our Civil Practice Committee featuring a distinguished panel of speakers including, Your Honour The Chief Justice, the Attorney-General, Judge of Appeal Justice V K Rajah and The Right Honourable Lord Saville of Newdigate as our keynote speaker.
16. I would also like to highlight an important contribution made by our Family Law Practice Committee. Over the past 2 years this Committee has, , put together a 2nd edition of the book "The Art of Family Lawyering". The book, , will be launched as an eBook on 18 January 2013. The book was first launched in 2005. The foreword to the 2nd edition was kindly penned by Your Honour and we thank you for taking the time to lend your support to this effort.
17. The spectacular growth in the number of foreign lawyers practising in Singapore emphasizes the need for our foreign brethren to lock hands with local lawyers, not in competition, but in cooperation and integration. We note recent efforts undertaken by some foreign firms in CLAS interview support; in our Pro Bono Research; and in Law Awareness Content Generation where foreign lawyers provide editorial support for the production of law awareness brochures and pamphlets.
18. However, the level of pro bono involvement across the full spectrum of our foreign lawyers is unfortunately modest at this moment. More can be done. This ought not to be a problem as many of our foreign friends hail from jurisdictions with far more advanced and more entrenched pro bono cultures than ours. Volunteering one's professional legal expertise as a matter of public service is already part of the lawyer's DNA in many of these home jurisdictions. Further, foreign lawyers here are involved in some of our biggest deals and commercial arbitrations in Singapore. Foreign firms shouldn't only be planning to sink deeper roots into businesses here, but it is absolutely important that they also plan to sink deeper roots into the business of serving and being part of the larger community here. Integration with the legal and larger community means doing more. And giving more.

19. I think it would also be good for integration if more foreign lawyers are able to join us at our Annual Bench & Bar games. We do have some foreign lawyers participating in some events but not in the majority of the events competed. Playing and competing together on the same side will build stronger bonds for sure. And possibly a stronger team too. We really would like to beat our neighbours and bring back the trophy!

Lawyers as Part of Community

20. The legal profession occupies a position of privilege in society. We who have the privileged right of audience in Court are best placed to help those in the community who need but are unable to afford access to justice.
21. I am pleased to report that pro bono involvement has gained greater traction with our local members in recent years. In particular, I am encouraged by the contribution of Sole Proprietorships and small law firms (firms of less than 5 lawyers) to pro bono work. In 2012, 58% of Small Law Firms and 35% of Sole Proprietorships helped out in CLAS cases; 66% of Small Law Firms and 69% of Sole Proprietorships were involved in one or more of our pro bono platforms. Compared to their bigger brothers, the smaller firms appear to pack more punch per lawyer for pro bono work.
22. To be fair, the large firms also do participate but significant numbers within their ranks remain completely uninvolved. We know we want more lawyers to be involved, but what is the best way to do this?
23. Involvement in pro bono work should be undertaken as a privilege, not as a responsibility. It is a service that comes from the heart; the expression of a desire to contribute positively to the community. This is why many practitioners find the recent proposal by the Singapore Academy of Law to introduce mandatory community legal services for lawyers to be flawed. Pro bono work is a privilege to be treasured, a value to be nurtured; not mandated.
24. The truth, however, is that there are many in practice who still have not engaged in pro bono work for one reason or another.
25. For these members, a gentle reminder that getting started is crucial because, as most pro bono heroes will tell you, once you get started on helping others, it is a virtuous cycle. You want to do more. When that happens, responsibility gives way to privilege; and eventually members will be involved in pro bono work because they want to; and not because they have to.
26. Your Honour, quite a lot has been said and done in recent years to encourage the cultivation of a pro bono spirit in the legal profession. And it is not just the numbers that we hope to see improve. We want to imbue pro bono as part of the professional DNA of every lawyer and to change the perception and mindset of the profession towards pro bono. A strong pro bono involvement must fortify, rather than diminish, a lawyer's standing. It must say something positive about him; that such a lawyer cares for the community, that he is responsible, is a credit to the profession, and courageous because he is prepared to invest time and effort with no expectation of financial or professional gain in return. Pro bono involvement must be seen as having positive effect on a practitioner's CV and such perception must involve sweeping mindset changes across the community, the profession and amongst clients and employers.

27. The proposal to mandate community legal services may therefore need to shift focus from mandating to encouraging and facilitating. If applied with a light regulatory touch, but with heavy moral suasion, this initiative may just be the catalyst we need to build an enduring, ground up pro bono culture that the profession can be justifiably proud of. It does also underline the urgency with which we want to develop a culture for pro bono outreach throughout the profession; a culture where pro bono work is done by lawyers, administered by lawyers and led by lawyers.
28. Your Honour, providing access to justice is, however, not the sole responsibility of the Bar but one shared with the government. We are encouraged that the Ministry of Law has been in discussion with the Law Society on this. I am, however, particularly concerned with the issue of funding which will become more pressing as we enlarge our pro bono footprint. Up to end 2012 alone, the deficit for pro bono work had already exceeded half a million dollars. The final figure for the financial year is likely to go much deeper into the red as we prepare to ramp up the spread of available pro bono services. I therefore hope that the government will generously make available to the Law Society Pro Bono Services Office the funds for it to continue to spearhead the pro bono effort.
29. I am also pleased to share the news that our Criminal Practice Committee, in collaboration with the Attorney-General's Chambers, will be issuing in 1st Quarter this year, a Pamphlet of Rights. This is an easily comprehensible summary of a person's rights and responsibilities in relation to the processes of search, detention, interview and arrest. The Pamphlet will be made as freely available as possible, and copies should be available at many public venues and on-line.
30. A further initiative of the Criminal Practice Committee is focused on helping our own members. The "Every Lawyer Matters" scheme was recently approved by Council and is another example of a scheme by lawyers to help lawyers. It aims to provide support and assistance for criminal practitioners and to act as a resource for criminal practitioners in situations of need. Already more than 20 lawyers have signed up as ELM volunteers under this scheme. We call on even more criminal practitioners to come forward to support this scheme.

Lawyers as Part of a Civil Community

31. Your Honour, it is important for lawyers to remember to deal with one another with courtesy and if not with courtesy, then with civility. These are values which appear to be more jealously guarded by previous generations of lawyers. These days, it has become increasingly common to hear members complaining that they have been victims of rude or offensive communication from the lawyer on the other side. It is time for the profession to put a stop to this and to emphatically reject rudeness and discourtesy. Such conduct, if unchecked, will destroy a much loved and essential trait of our profession, one which we have for the longest time referred to as an honourable profession and to each other, as learned friends.
32. I wish to appeal to every lawyer to espouse the values of courtesy and of civility in our professional dealings with each other.
33. In this respect, I would humbly request Your Honour and your colleagues on the Bench to assist, whenever such communications are referred to in the course of a hearing, by deploring the use of rude and offensive language.

Conclusion

34. I would like to record my thanks and gratitude to my predecessor, Mr Wong Meng Meng SC, to all members of the previous Council and to the officers and executives at the Secretariat of the Law Society, for their dedication and commitment to the affairs of the Society and the profession.
35. On behalf of the Bar, I record my appreciation to the Judges and Judicial officers of the Courts for the patient and fair hearings accorded to our members. I also record our appreciation to the officers of the Attorney-General's Chambers for according to our criminal practitioners professional respect in their dealings. On a separate note, I hereby serve notice that we intend to win the AG's Cup this year!
36. Finally, may I assure Your Honour of the full 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 to all your colleagues on the Bench, as well as the Minister of Law and the Attorney-General, the Bar's best wishes for good health and a successful year ahead.

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President,
The Law Society of Singapore**