



Opening of the Legal Year 2015
Speech of the President of the Law Society

INTRODUCTION

1. May it please your Honours, Chief Justice, Judges of Appeal, Judges and Judicial Commissioners of the Supreme Court.
2. It seems a lifetime ago when both Your Honour Chief Justice, and Mr Attorney, recruited me to work for you at Rajah & Tann. My stay there was brief, but I still remember the lessons beyond the domain knowledge acquired: First, that the law is a noble profession. And second, that legal practice conducted with integrity and purpose, is a career worth having, whose reward is a life well led. You both played a part in getting me involved in Law Society work, calling the then President Mr George Lim, SC, to find me a committee that I could safely muddle in. And after 17 years of muddling, I stand before you today.

WELCOME

3. I begin by extending a warm welcome to our overseas guests:

Mr Mark Livesey, QC – President, Australian Bar Association

Ms Fiona McLeod, SC – ExCo member of Law Council Australia

Mr Stephen Hung – President, Law Society of Hong Kong

Mr Isomi Suzuki – President, LAWASIA

Mr Christopher Leong – President, Malaysian Bar Council

OVERVIEW OF CHANGES

4. The legal landscape saw many changes in the past 12 months, starting with changes to the Bench, the Attorney General's Chambers, and the Ministry of Law. Allow me to chronicle them:
5. Mr Lionel Yee, SC, stepped down as Judicial Commissioner in February, returning to the AGC as the Solicitor General.
6. In April, Chief District Judge See Kee Oon was appointed Judicial Commissioner and Presiding Judge of the State Courts.
7. Judge of Appeal VK Rajah, left the bench after more than a decade of service in June to become the Attorney General. His innings on the Bench saw him blaze a bright trail in shaping case law, which will inform and guide lawyers for many years to come.
8. Justice Steven Chong, returned to the Bench after a productive 2 years as Attorney General. In his time as AG, Justice Chong deepened and strengthened a spirit of collaboration between his Chambers and the practising bar, for which we are deeply grateful.
9. In July, Justice Tan Siong Thye was elevated to Judge of the Supreme Court.
10. In the last quarter of the year, the Bench also welcomed new, but familiar, faces: Judicial Commissioners Valerie Thean and Hoo Sheau Peng in September, the former also became the Presiding Judge of the Family Courts on 1 November. Later in November, Judicial Commissioners Aedit Abdullah and Debbie Ong added to the strength of the Bench.

11. At the Ministry of Law, we saw a change of Permanent Secretaries. Dr Beh Swan Gin, after a too-short stint of 2 years, returned to the EDB on 1st December, entrusting his post to Mr Ng How Yue.

12. Last, but certainly not least, we saw two retirements from the bench: First, Justice Andrew Ang, after serving as a Judge for almost 10 years, returned to practice at Lee & Lee. Those of us fortunate enough to have appeared before him will remember his strong sense of right and wrong, and his tremendous work ethic. Second, Judicial Commissioner Lee Kim Shin has also returned to practice at Allen & Gledhill after serving a year with distinction. We welcome them both back to the Bar.

13. I take this opportunity to congratulate them and wish them all the best in their new appointments.

CHANGES TO THE LEGAL SECTOR

14. These appointments are but the tip of a large iceberg of change in the legal sector. I briefly mention some to illustrate the tectonic shifts that our legal eco-system will experience in preparation for tomorrow's challenges.

- 2015 will see the regulation of domestic and foreign legal entities under the new Legal Services Regulatory Authority. Also, for the first time, under the Professional Conduct Council chaired by the Chief Justice, foreign and Singapore lawyers will follow a common set of ethical rules, and the Law Society will play a part in regulating the conduct of foreign lawyers in the same way it regulates domestic lawyers.
- Last year saw the formation of the Singapore International Mediation Centre. The Singapore International Commercial Court will be launched today. This potential game changer has caused excitement, amid some concern, in international legal

circles. That a judicial development in our small nation state can create this level of international buzz, signals how far Singapore has come as a legal centre.

15. Inevitably, foreign firms who are already here will continue to grow in both numbers and capability. For some, Singapore has already become their most important overseas office. New foreign firms will also enter the market. That is the reality, as Singapore aspires to be a global legal hub.

16. Practising in Singapore is a privilege, and comes with the responsibility to be good corporate citizens. Our challenge is to engage with, not ignore, the foreign firms. Their presence is a potential growth story for our legal industry, not a zero sum game. We can see them as competition or embrace the opportunities for collaboration, be it commercially, or in the pro bono sphere. The question we must put to ourselves, is this: Can we be stronger together?

WHAT IS OUR RAISON D'ETRE?

17. Admire this change, and as I contemplate my first year as Law Society President, I find myself asking: What is the Law Society here for? For surely we take our mandate from the answer to this existential question.

18. Your Honours, I would hazard to say that it distills to an irreducible truth: Law is the foundation of any civilised society. Law affects everyone, every day. But law, by its nature and complexity, is inaccessible to the uninitiated. We lawyers are the intermediaries between society and the law, and as such are crucial to the effective functioning of the rule of law. Chief Justice, in your OLY response in 2013, you called this a 'sacred trust'. This is our higher calling.

19. As this college of lawyers, we must ensure excellence in our standards, unimpeachability in our ethics, and a conscience for the community.

20. Ideologically, an independent bar must continuously think about what the law should be. Do we, as a body, dare speak truth to power, and to exercise thought leadership in articulating our views? That should be our imperative, exercised responsibly and in good faith. We remember that our tools are always evidence and reason, articulated persuasively.

21. So, at its heart, as the world changes, our fundamental purpose remains constant.

22. I want to quickly highlight three areas, that exemplify our core mission; standards, small firms and service to the community.

STANDARDS

23. Singapore has an exciting journey. From colonial outpost to global city. We were ranked as the most influential city in Asia by Forbes magazine. We aspire to be a world class legal center and want to be the dispute resolution center of choice in the region and beyond.

24. We have a world class judiciary. We need world class Singapore lawyers. From the biggest law firms to the sole proprietors. The MNC with a cross border deal must have the confidence that Singapore firms are on par with the international firms, with world class standards, expertise and service.

25. Similarly, a man who suffers serious injury and loses his job because of an accident must be able to find a lawyer who will advise him properly, and get the appropriate compensation so he can continue to support his family. And a wife abused by her husband needs a family lawyer who will guide with wisdom, compassion and a sense of fairness.

26. The maintenance and the raising of standards is key to our role as a representative body. We must continue to enhance expertise through our CPD programmes. We need to prepare our members for the opportunities that the SICC and SIMC will bring, but at the same time reinforce effective skill sets in lawyers who practice community law. We will renew our efforts to provide training not only in business development and practice management, but also critically, in professional courtesy and ethics, so that lawyers can build and sustain viable and fulfilling practices.
27. This year, CPD is mandatory for all lawyers of 15 years PQE and below. We will provide value added and value for money programmes, measuring our success by the number of members we reach. In the first quarter, we will organize two major conferences, the Administrative and Constitutional Law Conference in February, and our annual Litigation Conference in March, with the SICC as its theme.
28. The flip side of maintaining standards is the Law Society's disciplinary function.
29. There is a complaints procedure against lawyers. My Council will look into enhancements to the complaints process to better serve the needs of the lawyer and the complainant. While recognizing that the disciplinary function is essential if we wish to remain a self-regulating profession, it is a reality that some clients mis-use the process as leverage to bargain down legal fees. If we look at the data, in recent years, despite the growth in membership, the number of complaints has not seen a discernible rise. On average, half of the complaints received in the last 3 to 4 years were dismissed by Review Committees as frivolous. Of the rest, typically more than half are dismissed by the Inquiry Committees. Taking into account multiple complaints against the same lawyer, only about 10 a year on average (out of over 4,400 lawyers with practicing certificates) get referred to a Disciplinary Tribunal.
30. There are of course egregious breaches by outliers in any profession which must be dealt with decisively and robustly in order to uphold public trust and confidence in us, but these are few and far between. For better or worse, they are widely publicized,

and there is a sense of public Schadenfreude when a lawyer is found to have transgressed.

31. My point is this - the overwhelming majority of our practitioners are competent, honourable and ethical. We must find balance - dealing firmly with those that let the profession, and themselves, down; but ensuring a fair and level playing field for any lawyer faced with a complaint.

32. This process has already started. Previously, when a complaint went to the Review Committee, the lawyer would be told, but could not get a copy of the complaint. That was unfair. We worked with Minlaw to change section 85(5) of the LPA and from this year, Council must give a copy to the affected lawyer. This may help lawyers explain themselves before an Inquiry Committee is empaneled, and may result in fewer IC referrals.

33. We have a continuing conversation with the Attorney General on how to better structure the process. Gregory Vijayendran, one of our Vice-Presidents, will review the disciplinary regime to analyze trends and patterns, formulate a wider suite of more nuanced remedies, and consider how it can be made more effective, consistent and fair to both the lawyer, as well as the complainant.

SMALL FIRMS

34. Next, I would like talk about small law firms.

35. It is true that small firms face pressure. In this increasingly competitive market, their margins are squeezed. Yet they are indispensable. I believe that the proper function of the rule of law requires strong and thriving small law firms. Lawyers in these firms practising community law are legal assets which we must treasure and support. We may have a world class legal system and judiciary, but if the man in the street cannot

get legal advice, then there is no access to justice, and the rule of law cannot be said to function.

36. We need to continue to help small firms build sustainable practices in a changing legal landscape. Council will initiate programmes to help smaller firms identify market and industry trends that will affect their practices. Which sectors face margin compression? Where are the growth industries? How can small practices reduce fee pressure, or develop business efficiencies to improve margins? We are also working with Minlaw and the IDA to identify how small firms can harness affordable technology to enhance their productivity.

37. It comes down to training and equipping. We will further utilize our education fund to subsidise seminars for small firms. Last year, we also worked on an initiative to implement a Court vacation in the State Courts. That took place for one week in November. It was very well received and we will continue to work with the State Courts to extend this. This break will give some smaller firms a much needed and deserved breather, making practice more sustainable and pleasant!

SERVICE TO THE COMMUNITY

38. Turning now to pro bono. I was struck by a point made by the speaker at the 3rd LASCO awards dinner in October last year. He said:

“It is often said that the practice of law is a calling – an honourable profession with high standards of ethics and eminent ideals of service. These ideals are brought to life by lawyers who contribute their time to pro bono services. By doing so, lawyers connect with the disadvantaged in our society who seek justice but have no means to pay for the legal services needed to access it, save with their sincere gratitude.”

Chief Justice, we are indebted to you for that observation. It reminds us why our pro bono efforts must remain core to the Law Society’s mandate.

39. We have seen a huge expansion of programmes and services offered, and our members, individually and collectively, have stepped up. The last few years were spent meeting the pent-up need for legal services by people who could never afford a lawyer.
40. To illustrate, our latest initiatives have been to help those most marginalized - migrant workers. In November last year, we launched our first legal clinic for foreign domestic workers.
41. To their great credit, in addition to financial support, many foreign firms have expressed a desire to contribute in a hands-on way to Singapore's pro bono scene. We welcome this. We should consider greater collaboration, and in so doing, tap their reservoirs of expertise, experience, and manpower.
42. This year, we see the expansion of our Criminal Legal Aid Scheme. The support of the large firms for the new CLAS Fellowships will allow us to scale up our delivery of criminal legal aid. We also continue to enjoy the generous support of Minlaw. However, we must structure and means test CLAS so that it doesn't cannibalise fee-paying work from criminal lawyers. Our target end users are people that but for our help, will face the criminal justice system, unrepresented, unadvised and alone.
43. Our pro bono schemes have succeeded beyond our expectations. But, for the pro bono programme to be sustainable, we need 2 things – one, a more structured framework to administer these schemes; and two, a broader base of supporters, including financial contributors, who understand that pro bono legal services are essential for the functioning of a compassionate and civilized society. This is our critical path for the next two years.
44. Permit me a segue to our imminent Just Walk event, to be held on 10 January. Including the government's dollar for dollar contribution, we have thanks to the legal

community's generosity, exceeded our target of \$2 million. But Just Walk is not only to raise funds for pro bono, it aims to raise awareness and engagement. It is a walk around our civic district, highly symbolic in its own right. There is still time to sign up.

45. The Law Society also serves by speaking up where we believe the law can, and ought, to be changed. There is visionary leadership at the helm of the Courts, the AGC and Minlaw. We, the profession, have to pull our weight in thought leadership. Some of our more immediate initiatives concern criminal practice. These directly impact the man on the street. For example, we look to launch the pamphlet of rights - the idea is to make this available in police stations and the Courts to inform laypersons of their basic legal rights. We continue to have a dialogue on quicker access to counsel for accused persons, as well as video-taping of police interviews. The latter initiative, if accepted, has the potential to deliver a win-win result - protection for an accused, but also, protection for the investigating officers, and ultimately, protecting the integrity of the evidence. In this case, both efficiency and justice are the winners.

CONCLUSION

46. Before I conclude, I record my gratitude to our past President, Mr Lok Vi Ming, SC, as well as his predecessor Mr Wong Meng Meng, SC. I served in both your Councils, and thank you for your guidance, patience and friendship. I also thank the outgoing Council members and the Law Society's Secretariat for their contributions.

47. May I record my appreciation to the Judges, Judicial officers, and members of the AGC, for your efforts in building a spirit of mutual trust and respect between yourselves and the bar. This has allowed frank, constructive and respectful discussions amongst us. It is something to treasure and build on.

48. As I strove to capture the mission of the Law Society, I was helped by these thoughts from Robert F. Kennedy:

“Few will have the greatness to bend history itself, but each of us can work to change the small portion of events... It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands for an ideal, or acts to improve the life of others or strikes out against injustice, he sends forth a tiny ripple of hope... Those ripples build a current that can sweep down the mightiest of walls of oppression and resistance. “

49. I assure Your Honour of the Bar’s full support for the Judiciary in all Courts. I reaffirm our commitment to co-operate with the Attorney-General's Chambers in the administration of justice and to seek to do justly and act efficiently in all cases before the Courts.

50. I also extend to Your Honour, the Chief Justice, all your colleagues on the Bench, as well as the Minister for Law and the Attorney-General, the Bar's best wishes for your good health, fulfilment in all that you purpose and every other success, as we enter Singapore's jubilee year.

Thio Shen Yi, SC
President
The Law Society of Singapore