



Opening of the Legal Year 2019

Speech by the President of the Law Society of Singapore

INTRODUCTION

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

WELCOME

2. First, let me extend a warm welcome to our overseas Bar leaders hailing from Brunei, China, Hong Kong, Japan, Malaysia and Taiwan as well as LAWASIA President Christopher Leong and Commonwealth Lawyers Association President, Santhana Kumar.
3. Our last Legal Year witnessed manifold developments in the Supreme Court: -
 - a. appointment of Tan Puay Boon, Mavis Chionh and Ang Cheng Hock as Judicial Commissioners;
 - b. Judicial Commissioner Foo Chee Hock completed his term on the Supreme Court Bench in March 2018 and thereafter assumed full-time leadership of the Singapore Judicial College;
 - c. Justice George Wei and Judicial Commissioner Foo Tuat Yien completed their service on the Bench mid-year;
 - d. appointment of Dedar Singh Gill as Judicial Commissioner;
 - e. extension of Justice Judith Prakash as Judge of Appeal for a further three-year term;
 - f. extension of Justices Choo Han Teck, Belinda Ang, Lee Seiu Kin and Chan Seng Onn as Supreme Court Judges for a two-year tenure after their conventional retirement age; and
 - g. appointment of Lord Mance as International Judge of the Singapore International Commercial Court.

4. The international recognition of our world class Judiciary was further evidenced by Justice Quentin Loh's appointment as Fiji Supreme Court Judge.
5. On behalf of my Council and the Bar, I extend my best wishes to the new and renewed judicial appointees. We are confident that they will continue to judge justly and discharge their duties with distinction and expert experience.

LOOKING BACK

6. Contrary to Henry Ford's quote, history is not bunk. A correct (not revisionist) chronicle can debunk untruths while laying the groundwork to positively edify future generations. And so, in 2017, during the Law Society's golden jubilee year, we looked back.
7. This year too we look back. This time because of our nation's bicentenary. Some firm foundations in our legal system hail back to a milestone moment of the founding of colonial Singapore by Sir Stamford Raffles in 1819. In this bicentennial year, our Biennial Lecture will commemorate our rich legacies over the last two centuries.
8. Another golden jubilee in 2019 will be our Bench & Bar Games hosted by Singapore. Our Singapore sports teams aim to strike gold in this Golden Jubilee edition. But most important of all, we will take time to honour our sports pioneers on both sides of the Causeway. Those are cherished golden memories.

LOOKING BEYOND

9. We looked beyond our shores in 2018. I shared about internationalization in my OLY Speech last year. Within a matter of months, Lawyers Go Global, a tripartite collaboration between the Law Ministry, Law Society and Enterprise Singapore was born. The programme connects Singapore legal expertise with global opportunities through overseas mission trips, training, branding and marketing.
10. Related to regionalization, we congratulate Your Honour, Chief Justice, on being elected President of the ASEAN Law Association ("ALA") at the 13th ALA General Assembly hosted by Singapore in July last year. The side Bar meetings organized by the Law Society in conjunction with that General Assembly culminated in a majority of

ASEAN Bars establishing an ASEAN Bar Council (“ABC”). A transnational, informal Bar Leaders coalition, ABC’s focus will be on rule of law and legal services to undergird ASEAN economic trade. We will draw guidance from Your Honour, Chief Justice, as ALA President, to navigate the way forward in regional legal thought leadership.

11. Via a commissioned survey this year, the Law Society will seek to suss out the values and value propositions of the Singapore lawyer and thereafter build its brand equity.
12. As we regionalize and internationalize, Singapore lawyers will continue to intelligently co-work with overseas counterparts on cross-border deals and disputes.

LOOKING AHEAD

13. The Law Society’s Legal Productivity and Innovation Department adopts a four-pronged strategy to boost tech adoption by Singapore law practices. Needs analysis, tech evangelism and training, costs reduction and marketing advantage.
14. On needs analysis, we commissioned a legal sector wide technology survey last year with Ministry of Law’s support. The aim was to assess current level of technology adoption in Singapore law firms and garner feedback to chart the future of legal technology for them.
15. We received a total of 604 survey responses from senior decision makers and end users within law firms. Separately, 495 lawyers (including younger practitioners) and legal/IT support staff drawn from 164 law firms participated. A few important top-line results: -
 - (a) **decision makers in Singapore law firms recognise the value of legal tech.** 88% agreed that technology boosts the delivery of legal services. 82% agreed that technology adoption is crucial to stay competitive. The adopters said legal technology increased productivity, saved time and reduced administrative workload. But only slightly more than half the decision makers viewed legal technology as elevating practice or enabling business.

(b) **75% of decision makers believe that they need to increase the level of technology adoption.** More than 40% said they would invest more in legal technology in the next two years.

(c) **data security remains an area of concern.** More on cybersecurity later.

16. A separate online survey commissioned last August by the Law Society together with our invaluable partner, Singapore Academy of Law (“SAL”) attracted responses from 126 in-house counsel in different industries. Among top line learnings: clients are facing cost pressures and looking at investing in their own legal technology to reduce outsourcing. Nearly 60% of in-house counsel surveyed will implement more legal technology in the next two years. This disruption poses a threat to Singapore law firms that are not nimble.
17. On tech evangelism and training, we organized a study mission trip to Sydney in end July. We visited various law firms adopting cutting edge technological solutions and innovative practices for cross-jurisdictional learnings.
18. On funding assistance following the successful SmartLaw Assist scheme, we launched Smart Law Assist 2 in April last year. Singapore law practices were granted a 60% subsidy of the first-year subscription fees for approved online knowledge management modules. Round 2 featuring niche products and greater offerings for medium-sized law firms saw 35 successful applications.
19. Finally, Law Society’s SmartLaw Recognition Scheme serves as a marketing advantage for early movers. This year, we will set up an exclusive Smart Law club for the presently 46 Smart Law service mark holders and counting to incentivize tech adoption.
20. Moving forward, the Law Society will work synergistically with SAL to ensure that our lawyers internalize innovation as imperative to surviving and thriving in the long-term.
21. Abraham Lincoln once said that *“I don’t think much of a man who is not wiser today than he was yesterday.”* Our CPD team will be meaningfully occupied to ensure flowing streams of wisdom: -

1. **Criminal Law Conference** (6-7 March 2019)

Jointly organised by AGC, SAL, The Law Society and Association of Criminal Lawyers of Singapore, the Conference will focus on recent legislative amendments and bring together key stakeholders in the administration of criminal justice on the same platform to share their unique vantage points.

2. **Litigation Conference** (22-23 April 2019)

The theme for this year's conference is Civil Justice Reforms. Many heralded laudable reforms will streamline civil procedure and introduce judge-led case management. How will this seismic change in the landscape of Singapore litigation look like? Among others, speakers from the judiciary are expected to provide illuminating perspectives.

3. **Family Conference** (3-4 July 2019)

Our Family Law Practice Committee, Probate & Succession Planning Committee and Muslim Law Practice Committee will combine collaboratively for the second consecutive year. This year's conference is aptly themed "Support, Healing, Reconstructing" to focus on needs of wounded and fractured families in divorce settings.

4. **Workplace Coaching Programme**

A Workplace Coaching programme to be launched in mid-year will utilize effective coaching for our members to develop soft skills such as talent management and engagement.

22. We are pleased to report on two strategic Memorandums of Understanding ("MOU") that position us well for looking ahead.
23. First, the Law Society signed an MOU with the College of Law (Australia) on 19 March 2018 to jointly develop legal education and training programmes for the legal profession. This collaboration will future-ready our lawyers and build deeper expertise in specific practice areas, business and marketing, practice management, lawyers' well-being and cross-border legal practice.
24. Secondly, we will build on an MOU signed with ACCA last year to develop joint thought leadership for the accountancy and legal sectors. The construction zone will be the convergent zones of corporate governance, risk management, insolvency and infrastructure projects outlined by the Committee on the Future Economy Working

Group on Legal and Accounting Services. The first foothold was a conference organized last year entitled “Legal and Accounting Connect”.

25. This year, the Law Society will enhance its public education and awareness on legal costs. Among other things, we will introduce a costs chatbot and have dedicated staff attend to public enquiries on costs for upstream costs education, guidance on issues and troubleshooting costs disputes. Last year, we completed an analysis of value as a factor in awarding costs. We hope to dialogue with the Judiciary on this as well as on refreshers of Appendix G costs based on data analytics at an opportune time.

LOOKING FORWARD

26. The Law Society looks forward to hosting Minister for Law K Shanmugam SC this year to speak to us on the future of the legal profession. We envisage that in the next five to ten years, developments in artificial intelligence, legal technology and robotics will define and disrupt legal practice at an ever accelerating and dizzying pace. Lawyers cannot be left behind in our own inaccessible and hostile sentinel or island. We must skilfully ride the tidal wave of these global changes or else sink under the destructive force of a tsunami. Apart from our ongoing regular column in the Singapore Law Gazette on AI trends, we will release detailed research reports for members on important future legal practice trends.
27. To complement the suite of ADR offerings (after the Law Society Arbitration and Mediation Schemes), last year, we launched our Neutral Evaluation and Determination Scheme during a September Forum graced by Senior Minister of State for Law Mr Edwin Tong SC. This nuanced offering of binding or non-binding neutral evaluation and determination options will enable speedy, summary dispute evaluations or temporary determinations to save costs and time.
28. The Ministry of Law issued a public consultation paper on 26 October 2018 to gather feedback on proposed civil justice reforms. The reports released by the Civil Justice Commission and Civil Justice Review Committee envisage wide-ranging, considered and thoughtful reforms to the civil justice systems and processes. The Bar looks forward to a meaningful engagement with the Ministry of Law and Judiciary as we experienced during an earlier constructive consultation involving costs proposals. We are committed to work towards a smooth implementation of the final reforms. As we engage on law

reform where feasible, the finest advocacy from the Bar is our ability to speak our mind but mind our speech.

29. Your Honour, Chief Justice hosted key representatives of the Criminal Bar to lunch at the Supreme Court on 12 July 2018. Feedback shared on both policy and operational matters were immediately responded to or decisively acted upon by Your Honour, Chief Justice and Supreme Court officials. The Law Society will seek to enhance the Criminal Bar's strong relationship with the Judiciary, AGC and Ministry of Law going forward.
30. Our Premises Committee led by our redoubtable Vice President M Rajaram and Council did a thorough land survey in order to purchase additional premises as mandated by members in 2017. We came close but not quite. Presently, we rent 37 South Bridge Road adjacent to our HQ. In that annexe, we provide members with complimentary access to legal research databases. We are searching for a longer-term need-specific solution and hope to announce good news soon.
31. Prudent financial management will serve as our watchword. We treasure Tito Isaac's role in stewarding the finances well to date and he will carry on serving as Treasurer.
32. Buoyed by the success of an inaugural networking evening with the Institute of Singapore Chartered Accountants in 2017, the Law Society and the Institute of Engineers Singapore organized a networking evening last November. Our small law firm practitioners engaged with engineers. We will build on these embryonic endeavours to enhance cross-professional engagements envisioned by former Law Society President Chandra Mohan.

LOOKING OUT

33. I had adverted to the danger of disruption to the legal profession. We must be vigilant about two additional dangers in society.
34. The first danger is cyberattacks. The Law Society issued an interim advisory on cybersecurity readiness and response in August last year via an e-Blast to members. By mid-year, the Society will publish guidelines and recommend basic secure

applications for adoption by lawyers. This is how we will contribute to the national cybersecurity grid.

35. The second danger is fake news. On legal fake news, the Law Society will play its role as a responsible civil society organization to discharge our duties to the public. We are studying the model of the Legal Fact Check website launched by the American Bar Association in 2016 to develop our unique Singapore variant. We aim to provide the public with reliable and accurate answers to legal questions arising out of current news reports (online or print) via a law fact check service to be launched by Q2 this year.

NOT LOOKING AWAY

36. Last year, Parliament permitted unclaimed client monies to be utilized by the Law Society to fund pro bono services. This bolstered the mission of the Law Society Pro Bono Services (“LSPB”) that completed its first year operating as a newly corporatized entity. The Law Society aims to set up the Unclaimed Money Fund this year after draft subsidiary legislation is drawn up.
37. We tried to do justice to the feedback shared by some criminal practitioners on the issue of whether CLAS was cannibalizing off fee paying work. We specially set up a CLAS Review Committee co-chaired by Wendell Wong, Criminal Practice Committee Co-Chair and myself. Let me share three key preliminary findings. First, the large majority (92%) of survey respondents stated their support of access to criminal legal aid for the indigent. Secondly, statistics received from the State Courts revealed that from 2013 to 2017 while the criminal charges filed in the State Courts increased, there was a decrease in the number of individuals facing such criminal charges. Thirdly, an overwhelming majority of survey respondents (87%) did not experience any decrease in briefs from 2013 to 2017. Useful feedback was also shared by practitioners on improving the administration of CLAS that the Review Committee will take on board. In the light of our findings, the Law Society cannot look the other way when faced with the legal needs of the impecunious facing non-capital charges. We will calibrate the right balance of serving our members while serving the needs of society’s indigent. Access to justice and access to counsel will be enduring core missions of the Law Society. And CLAS must remain a classy, crown jewel for the Law Society. In this connection, Your Honour’s speech during the 30th Anniversary of the SAL Annual Lecture last year endorsed the Law Society’s outlook on CLAS as “*a symbol of the legal profession’s commitment to equality and the principle of natural justice.*”

38. Major law firms Allen & Gledhill, Dentons Rodyk, Drew & Napier, Rajah & Tann and WongPartnership recently reaffirmed support for our CLAS Fellowship. The invaluable, pioneering propulsion by these major law firms blazed a trail for our CLAS Fellowship to magnetize promising junior advocates to our uniquely Singapore-styled Office of Private Defender. In a recognition of quality, CLAS Fellow Sadhana Rai was commended by the SAL Selection Committee of The Joseph Grimberg Outstanding Young Advocate Award. We remain grateful for the Law Ministry's sustained strong financial boost of our Enhanced CLAS and CLAS Advocate Scheme.
39. Separately, the Law Society and LSPB together with Family Justice Courts' representatives formed a Working Group to examine the feasibility of developing a low bono scheme for under-lawyered or un-lawyered litigants needing affordable, access to justice. After engaging with the Family Law Practice Committee, conducting a Townhall for family law practitioners and undertaking a detailed survey, we landed on a clearing house model to be housed and operationalized by our LSPB. Based on survey results, 82.6% of respondents surveyed opined that the Legal Clearing House model will help the under-lawyered. For the pilot phase this year, our target groups are first, those who have failed Legal Aid Bureau's Means Test (not Merits Test). and secondly, foreign spouses with Singaporean children.
40. Harry Truman said that "*A society will be judged by how it treats its weakest members*". Last year, we intentionally sought to return the voice to the voiceless namely vulnerable persons giving evidence in our courtrooms. We did so by issuing guidelines for best practices in examining child witnesses and complainants of sexual offences. This year, our sequel toolkit will touch on examining two other vulnerable groups: the elderly and witnesses with mental incapacity issues. With these toolkits, the Law Society recognizes that effective advocacy needs to be nuanced to the needs of special witnesses in both their interests and that of administration of justice. This development is a maturation of the advocacy at the Bar.
41. We will not look away when faced with victims of lawyers' fraud. Last year, Vice President Adrian Tan led a review of our Compensation Fund guidelines. Council 2018 agreed to unlock more of that Fund by aligning with the legislative purpose in terms of both relieving or mitigating fraud victims' losses, where appropriate.

LOOKING AFTER

42. We embrace diversity and inclusiveness in the legal profession. In March 2018, the Society held an inaugural celebration of International Women's Day. The event was graced by then Senior Minister of State for Law Ms Indranee Rajah SC. Key leaders from the Singapore Association of Women Lawyers attended. We concurrently launched a Women in Practice ("WIP") Taskforce. Why WIP? There are more women than men at junior membership levels but at the senior category, there are two male lawyers for every female lawyer. There is a correlation between the flight of our women legal eagles and the exodus of middle category lawyers. Fundamentally, this is not a gender issue; instead, a talent management issue for the 46% of the Bar comprising female lawyers.
43. Given this introspective insight, we needed to whip ourselves into the correct shape. Although WIP is still a "Work In Progress", momentum has transformed WIP from taskforce to Law Society Committee. Felicia Tan and Simran Kaur from my Council are helming this exciting new initiative.
44. Diversity and inclusiveness embraces young lawyers. We have annualized a forum (conducted under Chatham House rules). In the inaugural forum, a crying need for relational mentorship has now seen 24 mentor-mentee pairings in place. To further entrench the junior Bar's voice, we have reserved one Exco seat for a junior Council Member. This year, Ms Christine Low serves.
45. We will not forget our practice trainees. We have extended Law Care (a confidential counselling service) to trainees. Newly appointed Exco Member Paul Tan will develop a guidance note for supervising solicitors together with a template for Training Contracts. Our Secretariat team is actively working with the Law Ministry to operationalize the recommendations of the SAL Committee for Professional Training of Lawyers chaired by Justice Quentin Loh and accepted by Your Honour, Chief Justice, last year.
46. As part of ongoing pastoral care to look after our members, we will launch a Practice Resilience Scheme this quarter to inculcate resilience in practitioners facing urgent and unexpected practice situations. The endgame is a holistic multi-faceted support. We will render proactive, practical aid via a combination of career counselling, debt management tips, practice consultation and temporary financial help.

47. Separately, for practice continuity, we are pleased to announce the launch of Practice Pal. This scheme serves as an interim, stop-gap measure to facilitate uninterrupted practice continuity. Sole proprietor members may appoint, in advance, a volunteer fellow practitioner to step in in the event of prolonged hospitalisation, unexpected medical appointments during pregnancy or even death. If a member passes away, we will freely avail the Law Society's conference room to family members or Bar colleagues to organize a remembrance ceremony for the late member.
48. My Council team last year was keenly sensitized to the financial hardship faced by some members in an economically challenging climate. Pastoral care means precious little to practitioners needing economic care. At a closed-door dialogue session in mid-2018, members shared candidly on economic health challenges faced by their law practices. In end 2018, my then ExCo team together with our Council Mentors, Thio Shen Yi SC, Kuah Boon Theng SC and Kelvin Wong, set up a Comprehensive Economic Review Committee co-chaired by former President Thio Shen Yi SC and myself. We will conduct a holistic review and make practical recommendations to Council this year.

LOOKING WITHIN

49. Finally, we must look within to strengthen our ethical core. The Professional Ethics Digest, to be released in Q1 is a practical resource to legal practitioners. Replete with relevant illustrative applications of the 2015 edition of the Professional Conduct Rules, this handy guide will curate the Advisory Committee's Guidance on members' queries.
50. Many members of the Criminal Bar are committed contributors to CLAS and LASCO. Last year, in a high-water mark, the Criminal Practice Committee organized an inaugural Criminal Bar Charity Gala Dinner. The adopted beneficiary was the Yellow Ribbon Fund. Funds raised overtopped \$500,000. This generous support signifies the Law Society's commitment to transforming lives through the rehabilitation and reintegration of offenders back into society. We hope to see similar sterling support from the legal profession during LSPB's flagship fundraiser of the year on 29 March - "JUST MAKAN : Justice is served."
51. When we look within, we can never look away but will find it within ourselves to do justice with compassion. One needy group are migrant workers in Singapore. In the near future, LSPB will formalize our support platform for law awareness and access to justice for NGOs serving the migrant worker community.

52. Your Honour, Chief Justice, in the SAL Annual Lecture last year described pro bono as exemplifying the value of service in the profession. In Your Honour's words:

"I am heartened to note that a third of our lawyers do some form of pro bono work and hope to see this trend continue."

I echo Your Honour's encouragement to the profession. It is our aspiration that every lawyer will use their treasured talents in some way to help the society's least, last and lost in law.

CONCLUSION

53. In conclusion, 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 commitment to collaborate with the AGC in the efficient and effective administration of justice in all cases and causes coming before the courts of our land.
54. May I extend to Your Honour, the Chief Justice, all members of the Judiciary, the Minister for Law and Senior Minister of State for Law and the Attorney General, the Bar's best wishes and prayers for good health, sound wisdom and strength of character.

Gregory Vijayendran
President
Law Society of Singapore