

The NUS Faculty of Law 60th Anniversary Gala

Speech of the Honourable the Chief Justice Sundaresh Menon

20 October 2017

The Dean of the Law Faculty, Prof Simon Chesterman,

Past and present Faculty of NUS Law,

Distinguished Guests,

My fellow alumni,

Ladies and gentlemen,

Introduction

1 It is an immense honour and privilege for me to have been invited to address you this evening as we celebrate the 60th anniversary of the NUS Law School. That is a remarkable milestone for a law school in a country that is only 52 years old!

2 The idea for a law school in Singapore was seeded almost 65 years ago, in 1953, by Professor C. Northcote Parkinson, then the Raffles Professor of History at the University of Malaya, who thought that this would foster constructive academic discourse between aspiring lawyers and scholars of other disciplines.¹ The idea took root and developed in rather more pragmatic circumstances as Singapore started moving from colony towards self-government, and having our own law school seemed more in keeping with the needs and aspirations of the time. Without a local law school, those who wished to practice law in Singapore would have to make the long journey

¹ Alexander F. H. Loke, "Legal Education in Singapore" in *Essays in Singapore Legal History* (Kevin Y. L. Tan), 2005, Ch 7 at p 161-162.

to the United Kingdom.² Having a local law school would make the study of law so much more accessible to those who did not have the means for an overseas education. It would also ensure a steady supply of Malayan lawyers schooled in Malayan law equipped to meet the needs of a self-governing Malaya. And so it was that in 1957, the Department of Law was established in the University of Malaya under the Headship of Professor Lionel Sheridan and admitted its first cohort of students.

3 What a cohort that was! Four years later, when they graduated, Tommy Koh topped the class with a maiden first. Tommy went on to be our first Permanent Representative to the United Nations in 1968 at the age of 31. He also later served as the Dean of the Law Faculty. Also among the first graduating class was Chan Sek Keong, who went on to a seat on the Bench, a long and highly distinguished tenure as the 3rd Attorney-General of independent Singapore and who capped his career as our 3rd Chief Justice. Without meaning any disrespect to any of the others from that class, let me also mention Thio Su Mien, who like Tommy, went on to become Dean of the Faculty; Koh Eng Tian who served as Solicitor-General from 1981 to 1991; the late Goh Yong Hong who became our longest-serving Police Commissioner; Koh Kheng Lian who pursued a distinguished career in academia; and TPB Menon who developed an excellent practice in property and trust law, in particular, and also served as President of the Law Society from 1980 to 1984. It might fairly be said that the first graduating class, in and of itself, more than paid off the belief and the investment that had gone into the establishment of the nascent law school.

² *Ibid* at p 161.

Celebrating the achievements of NUS Law School

4 But there was so much more to come. Over the ensuing 60 years, NUS Law has produced generations of lawyers, many of whom fill the top ranks of the bench, the bar and public administration, and all of whom have contributed to the making of our legal system. It counts among its alumni the incumbent President, one Deputy Prime Minister, Prof Jayakumar, who also served for a time as Permanent Representative to the UN and as Dean, two chief justices, many judges – in fact, more than two-thirds of my current colleagues on the bench are NUS alumni – six Attorneys-General and five Deans. Prof Jayakumar and K Shanmugam have also headed the Law Ministry, ably assisted by two other alumni, Ho Peng Kee and Indranee Rajah.

5 In recent years, much has been said about the oversupply of young lawyers and the difficulties they face in securing employment. But graduates from NUS Law remain highly regarded by prospective employers. In the latest Graduate Employment Survey commissioned by the Ministry of Education, our graduates reported a high overall employment rate of nearly 98 per cent.³ NUS Law has also been regularly ranked as Asia's top law school and amongst the world's 20 best law schools.⁴ It has done extremely well in international student competitions including, in particular, the Jessup international law moot competition. NUS has won that coveted trophy 4 times beginning with the team of 1982, all four of whom became Senior Counsel and two of whom have served on the Bench and as Attorneys-General. So 60 years later, we can all agree that by any measure, NUS Law has been a fantastic success!

³ Graduate Employment Survey 2016, Ministry of Education of Singapore.

⁴ Quacquarelli Symonds (QS) World University Ranking by Subject.

Challenges, opportunities and the future

6 That tremendous record makes this a particularly apt moment to reflect on our future. Conditions around us are changing rapidly and dramatically and it is critical that this Law School, which has already achieved so much, is ready to meet the future. This evening, I would like to suggest four things we might think about in this context.

Internationalisation of legal practice

7 First, the internationalisation of legal practice. Law was once the quintessential jurisdiction-bound profession. This, however, is no longer the case. With the proliferation of cross-border trade and investment, lawyers need a keen awareness of international and comparative laws. In a speech I gave almost 5 years ago, I suggested that the modern commercial lawyer needed to be familiar with domestic laws as well as international law. Many major commercial transactions provide for dispute resolution by arbitration where disputes may be resolved by the application of domestic, foreign or even international law. In the Supreme Court too, we have observed a discernible increase in the incidence of lawyers mounting arguments based on foreign and international law. The complexion of legal practice has changed and lawyers who hope to get by with a purely domestic focus will struggle.

8 Opportunities abound for those able to ride this tide of internationalisation. And as a relatively small jurisdiction, this is something we *must* prepare our graduates for. Singapore today is an international dispute resolution hub. In 2016, the Singapore International Arbitration Centre received a record 343 new cases filed by parties from 56 jurisdictions, a nearly six-fold increase from the 58 cases filed in 2000.⁵ And it has

⁵ Singapore International Arbitration Centre 2016 Annual Report; Jane Croft, "Singapore is becoming a world leader in arbitration", *Financial Times*, 3 June 2016.

since been joined by the Singapore International Commercial Court, the Singapore International Mediation Centre and a host of other institutions and initiatives that are all directed at establishing Singapore as the legal centre of choice for the region.

9 I appreciate that NUS Law, which prides itself as Asia's Global Law School, has already has taken steps to ensure that its graduates are exposed to international and comparative law. At the faculty level, the mix of outstanding local and foreign scholars offers students many different perspectives and approaches to problem solving, challenging them to re-examine assumptions, premises, and values. In terms of the curriculum, students in the second year of the undergraduate programme must do an introductory course on Legal Systems of Asia, and in their third and fourth years of studies, they may choose from an extensive list of elective modules on foreign, international or comparative law. Each year, more than one-third of the students spend some time in their third year on exchange at a leading foreign university. You will know better than me whether all this is sufficient to ensure that our graduates are equipped for this brave new world of transnational legal practice. But there is no question in my mind that this is a matter of some urgency.

The disruptive force of technology

10 The second theme I would like to touch on is technology. In the updated edition of his book, *Tomorrow's Lawyers*⁶, Richard Susskind has this to say about legal education:

Are we schooling aspiring lawyers to become traditional one-to-one, solo, bespoke, face-to-face, consultative advisers who specialise in the black-letter law

⁶ Richard Susskind, *Tomorrow's Lawyers: An Introduction to Your Future* (Oxford University Press, 2nd Ed, 2017)

of individual jurisdictions and who charge by the hour? Or are we preparing the next generation of lawyers to be more flexible, team-based, technologically-sophisticated, commercially astute, hybrid professionals, who are able to transcend legal and professional boundaries, and speak the language of the boardroom? My profound concern is that the emphasis in law schools and professional training is overwhelmingly on the former, with little regard for the latter ... My fear ... is that we are training young lawyers to become 20th-century lawyers and not 21st-century lawyers.

... [W]e are focusing, in the training of our lawyers, ... on incubating a new generation of expert trusted advisers and enhanced practitioners but ignoring their likely future careers as legal knowledge engineers, legal technologists, legal process analysts, legal project managers, legal risk managers, and the rest.

It is vital, of course, that we continue to equip young lawyers with the wherewithal to function as first-rate expert trusted advisers and in-house practitioners, but, if curricula do not change, it will be neglectful of students and their clients of the future if we do not widen our training to encompass these other new roles.

11 Susskind accepts that we must continue to teach our students the basic essentials of the law. But his contention is that we need to dramatically reimagine our curricula if we are to ensure our graduates are equipped to play the host of other roles that they may be called upon for in this century. This demands much more than tweaking the existing approach to teaching law. We might not accept everything that Susskind has to say on the subject but there is no denying that the disruptive wave of technology has reached the shores of our profession and we do need to think *radically* about what this means for the way we teach our future lawyers.

12 At the opening of this legal year, I noted that technology is revolutionising the practice of law through automation and artificial intelligence. The advent of online dispute resolution platforms which allow users to resolve disputes without having to

litigate or to hire counsel, or of computer programmes that can carry out searches and research much faster than any junior associate means that invariably, some of the spaces that have traditionally been occupied by lawyers will diminish.

13 The Singapore Academy of Law has embarked on initiatives to help legal practitioners adjust to the disruptions that technology will pose. These initiatives have been announced and explained in other fora, and I do not propose to repeat the details here. But all this might barely scratch the surface in terms of what we need to do. Legal education must go beyond the teaching of “black-letter” rules, because an education limited in this way will likely produce “legal technicians”, and it is the work of legal technicians that technology will most readily displace. Now is the time for us to confront this reality and carefully think about how we *will* remain a vital centre of education amidst these far-reaching changes.

Nurturing the commitment to a learned art in a spirit of public service

14 This leads me to my third point. In a series of recent speeches, I have urged a continued commitment to the ethos of a profession being a special calling that is answered in a spirit of public service. With the challenges I have spoken about, law undergraduates will inevitably face pressure to stay competitive. Moreover, it seems in this new world of mega-firms that the line between law as a profession and as a business is becoming illusory.

15 I think it is a matter of critical importance that we maintain our focus on remaining a profession and all that goes with it. A lawyer must not only be competent in carrying out her craft, she must also be acutely conscious of her *responsibilities* as

a member of an honourable profession. The emphasis on service for the betterment of society is what distinguishes the law as a profession.

16 Last month, I revived an old practice and held a Valedictory Reference for Justice Chao Hick Tin. Hick Tin was not an alumnus of this Law School but I mention the Reference because the reason I convened it was to honour his amazing commitment to service. He served 50 years in the Singapore Public Service including 28 years as a Judge and 2 years as the Attorney-General. His life in the law was a personification of the spirit of public service.

17 NUS Law can be proud of its tradition of student-led *pro bono* activities, which have become more organised with the establishment of the *Pro Bono* Group in 2005 and the Criminal Justice Club in 2009. Further, since 2013, students have been required to perform 20 hours of *pro bono* work as a requirement for graduation. I think these are excellent initiatives to be encouraged and expanded. Hopefully, students will realise through their exposure to *pro bono* work during their student days, what a privilege it is to be able to help others, and so continue to do so even after they graduate. I hope to identify more opportunities for students to participate meaningfully in *pro bono* activities; and perhaps NUS Law could consider other ways to entrench this focus on service. A part of this might entail exposing students to role models like Hick Tin to help them traverse the bridge from theory into reality. But another aspect of this might be to reimagine our pedagogic approach. Suppose we taught criminal law not only by imparting knowledge about the rules but also by having our students think deeply about the victims, their perspectives on punishment, restorative justice and the rehabilitation and reintegration of offenders.

Reflections on the admissions process

18 I want to finish with some observations on the front-end of your work – the selection and admission of students. There was a time when the Law School was not the most sought after destination for young aspiring graduates. But for many years, that has simply not been the case. NUS Law is one of the most competitive today in terms of the admissions criteria. As a consequence, any high school graduate without a “fistful of ‘As” will find it difficult to gain admission. The best are shortlisted for an interview and also undergo a written test.

19 If we are serious about some of the challenges that lie ahead, such as retaining a commitment to service, an awareness of the wider world beyond the legal profession and a readiness to think outside the box to embrace a host of related opportunities beyond the traditional mainstream of legal practice, perhaps we should also be rethinking our admissions process. Perhaps it is time to consider a more holistic assessment of applicants that in a *substantial* and *material* way also takes into account qualities such as a record of voluntary work and community service, a diversity of life experiences or evidence of a truly innovative mind. And perhaps, we should expand the graduate programme for those who already possess first degrees in non-law disciplines, but who wish to make a mid-career switch to the law. These candidates bring with them the benefit of perspectives gained from prior tertiary education and/or working experiences, and will help inject multidisciplinary perspectives into our profession. There is security in attracting the best of each cohort of high school graduates but they may not necessarily prove to be the best material for the profession decades down the line. It will take courage to depart from a tried and tested path but that should not deter us at this time of dramatic change.

20 At a conference of Chief Justices last month, I was seated at dinner with the Chief Justice of Bhutan who explained how the metric of Gross National Happiness with its emphasis on sustainable and equitable development, environmental conservation and sound governance has infused every aspect of their society. I mention this as an example of having the courage to chart a radically different course. That might be just what we need at this moment in *our* history. Perhaps a broad-based conversation about what a career in the law should mean in this age and how we should best select and prepare aspirants for this critical vocation would not be out of place.

Conclusion

21 This is a fitting occasion for this wonderful celebration because we have so much to celebrate. NUS Law has achieved much in 60 years, and looks set to achieve so much more as we face the future. As an alumnus, I am filled with pride; but even more, with gratitude.

22 The achievements of the past 60 years would not have been possible without the people who have brought this institution to life. The Deans, the Professors and teaching faculty, the librarians and the administrative and support staff have each played a vital role in this endeavour. You are the ones who have inspired the students to go out and make a difference to the world; you have planted the seeds of our dreams and hopes; you have offered advice, counsel and encouragement; you have formed us. And I would like to conclude by paying tribute to you, who are the real heroes of this story. Thank you very much.