

ADMISSION OF ADVOCATES & SOLICITORS

SATURDAY 22 AUGUST 2015

ADDRESS BY THE CHIEF JUSTICE

Mr Attorney,

Mr Deputy Attorney,

President of the Law Society, Mr Thio Shen Yi, SC,

Ladies and Gentlemen:

I. Introduction

1. Today is a special and joyous occasion for you, the newly minted advocates and solicitors of the Supreme Court of Singapore. And so it is for your families and friends as well. In some respects, today marks the culmination of a long journey. I am certain each of you will take the time later to express your appreciation and gratitude to all those, by whose unflinching support and encouragement, you have made it successfully to this day. It gives me great joy to convey on behalf of the entire Judiciary, our heartiest congratulations to each of you.
2. I intentionally limited myself when I said that this is the culmination of a long journey “in some respects”. As much as you have come to the close

of one stage of your journey, you are about to embark on the next. So today is at least as much a beginning as it is an ending.

II. Singapore's Legal Landscape in the 21st Century

3. Allow me to briefly set the scene for the next phase of your journey.
4. Practising law in this day and age is dramatically different from what it was just 10 or 20 years ago, much less 163 years ago when the first lawyer was admitted to our Roll of Advocates and Attorneys (as it was then called) in 1852.¹ This is only to be expected. As we commemorate 50 years of our nation's independence in this jubilee year, we are reminded of the political, economic and social transformation that modern Singapore has undergone within a short span of time.
5. These changes might limit if not extinguish *some* of the opportunities that were once available. There was a time, not so long ago, when young lawyers could find themselves making oral arguments in the Court of Appeal within months of being called. That is less likely to happen today. But on the other hand, many new opportunities have emerged. Commercial activity within Singapore and indeed across the region remains intense; and lawyers today have no shortage of opportunities to be exposed to high value, cutting edge commercial work.

¹ Kevin Tan, *Marshall of Singapore: A Biography* (ISEAS, 2008) at p 88.

6. Second, globalisation has internationalised the practise of law. The flattening of the world has enabled Singapore lawyers to offer their services in places far away from home. Conversely, Singapore has become more accessible and attractive as a regional hub for both dispute resolution and transactional work. The presence of 142 foreign law firms in a country of our size says a great deal about the way in which our legal landscape has changed.²

7. Third, in spite of the boom in international, commercial and corporate practice, our legal landscape remains very much devoted to the advancement of social justice for the community. Whether it concerns the establishment of systems to facilitate the better, and hopefully, more amicable resolution of family disputes, or giving primacy to the virtue of rehabilitation especially for youthful offenders, or strengthening the quality of representation for accused persons, or improving access to justice for the ordinary man on the street, there is a concerted effort across all sectors of our profession to improve the many ways in which the law interfaces with our wider community.

² See the directories available on the Attorney-General's Chambers' website: https://www.agc.gov.sg/What_We_Do/Legal_Professional_Secretariat/LPS_Resources.aspx (accessed at 20 Jul 2015).

III. Opportunities

8. It is true that there are some near-term and in some respects, perennial headwinds – a shortage of training contracts; a somewhat high attrition rate; and overworked lawyers, to name a few. But law is not a protected profession, and we should not see ourselves as a special breed entitled to be insulated from job competition, long working hours, and struggles between work and family. These very challenges afflict almost every other professional vocation.
9. But if you can look past the headwinds, there is good reason to be optimistic about your future.
10. For aspiring *advocates*, the prospect of a bright and rewarding career at the Singapore Bar awaits. Take it from me, few things come close to the thrill and the great satisfaction of knowing that you have put your client's best possible case to the court. Undoubtedly, the endeavour will place many demands on your personal time and space. An efficient legal system is indispensable to a vibrant and responsive hub for commercial legal activity and as a result your hours will often be long. Indeed you will find that judges will sit well beyond official hearing hours if it is important that a decision be reached without delay. Some weeks ago, the Court of Appeal sat until 8pm for two days running in order to finish hearing the arguments

in a case which, because of its international dimension, was of some urgency. But this is just a feature of our shared recognition that the courts too are in the business of providing a service to our users.

11. As long as these realities are grasped, young advocates will find that they can avail themselves of a host of platforms to build up their advocacy experience. These include the Legal Assistance Scheme for Capital Offences and the Young Amicus Curiae Scheme, both administered by the Supreme Court; as well as the Law Society's Ad Hoc Pro Bono Referral Scheme and, of course, the Criminal Legal Aid Scheme, or CLAS for short. I regard CLAS as the crown jewel of the legal profession's many self-driven and determined efforts to step forward and enable access to justice for those who cannot afford it.

12. CLAS was established in 1985 at the initiative of the profession. From then until this year, CLAS depended almost entirely on lawyers who decided that they would use their skills and expertise to do the right thing for those at the margins. With the recent enhancement to CLAS this year, which was made possible by the support of the government, it is anticipated that CLAS will be in a position to provide legal services for up to 6,000 persons a year, which is almost ten times its previous reach. But, to realise this potential, CLAS needs more volunteers and I hope that many of you will respond to their call for help. Start now and make a lifetime commitment to contribute towards *pro bono* services.

13. Some of you may have heard of the newly launched full-time CLAS Fellowship which is a one-year stint for junior lawyers with less than 3 years professional experience. The CLAS Fellows will act exclusively for CLAS clients. What may be of particular interest to this audience is that CLAS Fellows will benefit from a 31-module CLAS Criminal Law Training Program covering a range of topics, visits to key institutions involved in the criminal justice system and the opportunity to be mentored by senior criminal law practitioners.

14. For those considering a career beyond advocacy, there is a plethora of attractive options. The progress that Singapore has made in positioning herself as a hub for financial services, commodities trading, logistics and transportation to name just a few, has given rise to a lively corporate and transactional scene. As more foreign companies set up regional headquarters in Singapore, and more local companies expand into the region and beyond, the demand for in-house counsel will only grow. Throw the international law firms into the mix, and the world truly is your oyster.

15. As Singapore lawyers become more plugged into the world, they will be exposed to and become acquainted with international work. Inevitably, many of you will find yourselves working for and alongside the best and brightest from other jurisdictions. In a profession where improvement is driven in large part through experiential and environmental learning, the

opportunity to interact with and go against some of the top legal minds in the region augurs well for your professional development.

16. Commercial law aside, the practice of community law – especially family law and criminal law – has emerged in recent years as an appealing and viable career option for the broader population of lawyers. There are a number of important developments that account for this, of which I will mention just two.
17. The first is the changing perception associated with a career in these areas of law. The truth is that a good number of lawyers are engaged in family or criminal law work today as a matter of *choice*. The perceptible improvement in the quality of the family Bar and the criminal defence Bar is encouraging, and it suggests that a migration of talent is taking place *towards* rather than *away* from these fields of law. That trend is likely to be sustained with the opening of the third law school where special attention is expected to be given to the study and practice of these areas of law.
18. The second development is the paradigm shift in philosophy. The family justice system has been transformed substantially, following the adoption of the recommendations of the Committee for Family Justice. We have established the Family Justice Courts which includes a new specialist family division of the High Court. We now have a robust system designed to provide better holistic support for families that are burdened with

disputes that need to be resolved. Lawyers who might have been discouraged from practising family law for fear of having to bear the burden of the bitter acrimony between spouses and the deleterious effects that the breakup of the family unit will have on the child can now approach family disputes with a little more confidence that the underlying philosophy of the system is geared towards conflict minimisation. Let me make it clear that the lawyers have a critical part to play in the achievement of this highly laudable objective.

19. Our criminal justice system too has evolved significantly in recent years. One of the key features of the Criminal Procedure Code which was revamped and updated in 2010 is the Criminal Case Disclosure Procedure under which the Prosecution is obliged to disclose information supporting the charge as well as the statements of the accused which the Prosecution intends to rely upon at trial, even before the accused person has disclosed details of his defence. This open approach towards criminal litigation has generally been welcomed.

20. Another notable feature of the revamped Code is the introduction of “community-based sentencing”, which represents a major shift in the thinking behind our penal framework. Imprisonment, fines and caning have proven to be insufficient for a maturing society that demands a calibrated approach towards sentencing. The result of the community-based sentencing scheme is that eligible offenders may now be sentenced from a

suite of community orders which can be tailored to each offender's rehabilitative needs in lieu of the traditional punishments. Indeed, the law on sentencing has become sufficiently developed that we held, for the first time, a very successful conference just on this subject last year.

21. These reforms and others like it, embody the ideals of due process and individualised justice. At the Opening this Legal Year, the Attorney-General observed that “[t]he architecture of our criminal justice system has been meaningfully redrawn”.³ Aside from several important statutory reforms that have been made, some of which I have already referred to, the fact is that the level of engagement between the Attorney-General's Chambers and the criminal defence Bar has been extremely productive for several years and we have seen the emergence of a number of joint projects and initiatives as a result. I regard this as a reflection of the maturation of our criminal justice system as a whole, and it ultimately works to strengthen the rule of law in our nation.

22. I did not take up much criminal work until my stint as the Public Prosecutor. I cannot turn back the hands of time, but I am grateful for the chance I now have, in my judicial capacity, to develop our criminal law. I find this aspect of my work extremely meaningful and with the benefit of the experience I have had on the bench and as the Attorney-General, I can say with

³ V K Rajah, SC, “Speech of the Attorney-General As Delivered at the Opening of the Legal Year 2015” (5 Jan 2015) at para 9.

confidence that criminal law is a field in which young lawyers, full of energy and passion and with a thirst for justice, have great potential to make a meaningful contribution.

IV. **Making the most of the opportunities**

23. So, my message to you is that our evolving legal system indeed holds much promise for our young lawyers. The real question is whether you are ready to make the most of what the system has to offer to you. To this end, let me offer some advice.

(a) Never be complacent

24. First, never be complacent. Complacency is the first step to obsolescence. Be curious; and challenge yourself constantly. Make it a point to reflect on your mistakes; and you will make mistakes. Routinely question what it is that may be holding you back from becoming an excellent lawyer, and after you land on the answer, pursue the solution resolutely. Broaden your horizons all the time. Keep abreast of and apace with the changes in other jurisdictions.

25. Harness the wonderful technology that is available to your generation. In his book, *Tomorrow's Lawyers*, Richard Susskind lauds the role of information technology in revolutionising the practice of law. The Judiciary

in Singapore has been an enthusiastic proponent of modernising litigation through technology. We have, for instance, leveraged on technology by building from scratch a bespoke world class electronic litigation system which is and has been studied by many other jurisdictions. There are countless financial and qualitative benefits to be enjoyed, if law firms are prepared to invest in technologies such as document management, electronic discovery tools and systems to enhance and improve existing practices.

26. Richard Susskind suggests a slightly more ominous reason why the emergence of what he refers to as “disruptive technologies” in the legal industry may redefine the way law is practised. He draws attention to several popular low-cost and even open-source platforms and systems which generate a wide spectrum of legal documents, from wills and probate letters to employment contracts to regulatory checklists, for laypeople as well as corporate institutions. The message to lawyers is a simple one: they can ill-afford to rest on their laurels. Basic information, which was previously accessible only with the assistance of lawyers, is now easily obtainable. Thus, lawyers must regularly review the type of services they offer, and the way they go about delivering those services, so that they constantly endeavour to move up the value chain.

(b) Be true to yourself

27. Second, be true to yourself. The breadth of your available career options means that you do not have to be someone that you are not, or to do something that you have no appetite or motivation for. We are not all cut from the same cloth. Fitting a square peg into a round hole often causes more harm than good. A journalist reportedly once said to Mahatma Gandhi, “You have been working 15 hours a day for 50 years. Don’t you think you should take a vacation?” to which the Mahatma responded pithily “I am always on vacation.”
28. Being a lawyer does not require you to sign away your passions and your happiness. If after a while you find yourself unsuited to a particular area of law or practice, do not be afraid to move on to another area that is closer to your heart. The name of the firm that you work for, the title that you are given, the number of hours that you bill, or the complexity of the work that you do will not help you find meaning and purpose in your job, if you do not enjoy doing what you do. And you will only truly enjoy your practice when it is consonant with who you really are.

V. Responsibilities

29. To many of you, getting called to the Bar may symbolise the coming of age, the moment when you are told by your parents that you are a grown

up and free to forge your own lives, your own life stories and identities. That is true, but only to a degree. Getting called to the Bar also entails having your own set of responsibilities towards (a) your profession; (b) the community; and (c) your friends, family and loved ones. Let me briefly speak about each of these.

(a) Responsibility to the profession

30. With many opportunities waiting to be seized on the one hand and the competitiveness of legal practice on the other, you may be tempted, every once in a while, to take a short cut here, a convenient out there, just to get ahead. Do not give in to such temptations under any circumstances. Not all races can be won; and there is *no* race that *must* be won at all costs. Never make the mistake of thinking that as long as you are clever enough, your misdeed will never see the light of day.
31. The wise words of Abraham Lincoln, who was a lawyer before he became the 16th President of the United States, come to mind. He said:⁴

Resolve to be honest at all events; and if in your own judgment you cannot be an honest lawyer, resolve to be honest without being a lawyer.

⁴ See eg, <http://www.abrahamlincolnonline.org/lincoln/speeches/lawlect.htm> (accessed at 22 Jul 2015).

32. The vow you have each made today to “truly and honestly conduct [yourself] in the practice of an advocate and solicitor ... according to law” is not an abstract idea or notion. It is, in fact, a personal promise to the person to your left and your right, to all those who have been called to the Bar before you and also to those who have yet to come. And, moreover, it is a promise you make to the Judiciary. How you conduct yourself from now on as a lawyer will affect not just your own reputation and image, but also the way in which our profession as a whole will be perceived, especially by those outside the legal community. Be proud of the robe you wear; and resolve never to sully what it stands for. It takes only a few black sheep to besmirch the honour of the entire profession.

(b) Responsibility to the community

33. It is indeed an honour and a privilege to be called as an advocate and solicitor of the Supreme Court of Singapore. We are one of a very small group of vocations in which the fates of so many are in the hands of so few. Whether it is accused persons, the ordinary layman in a small dispute, a businessman or a corporate captain, your job, at the most basic level, is to enable your client to access what appears to them, often, to be an esoteric system of rules and principles that we call the law. But it is the law that orders society. The quality of your service may be the difference between wealth and poverty for some, liberty and incarceration, or in rare cases, even life and death. I cannot emphasise this enough. Being an

advocate and solicitor is not a privilege to be taken lightly, and we owe it to the community to take our jobs with the utmost seriousness.

(c) Responsibility to your friends, family and loved ones

34. Because of your heavy responsibilities towards the profession and the community, you might, more often than you wish, find yourselves taking for granted the people that are closest to you. Resist that tendency. Whatever the path you choose in your career, there will be good days and bad days, easy days and difficult days, fast and slow days. The only constant, through it all, will be your friends, your families and your loved ones.

35. They, more than anyone or anything else, will keep you going when the going gets tough, and it will. They will keep you grounded when all seems rosy, lift your spirits when the outlook seems bleak, and be your compass when you are in danger of losing your bearings. Their provision and companionship will nourish you, in order that you may cross the finish line of this marathon that you have begun a better person than at the start. Therefore, as you knuckle down and focus on forging a successful career, remember them always. In time, may you come to see that they are among life's greatest gifts to you.

VI. Congratulations

36. Once again, it gives me great pleasure to welcome you to the profession.

Congratulations.