

CEREMONIES
TO LAUNCH *PRACTITIONERS' GUIDE ON DAMAGES AWARDED FOR*
DEFAMATION CASES IN SINGAPORE AND
LAW AND PRACTICE OF TRIBUNALS IN SINGAPORE
&
FOR SIGNING OF MEMORANDA OF UNDERSTANDING
FOR CLINICAL CLERKSHIP PROGRAMMES

4 November 2019, Monday

Introduction

1. Good afternoon, and thank you very much for joining us for the official launch of two new projects that promise to make important contributions to legal education and scholarship in Singapore. The first is the formalisation of Clinical Clerkship Programmes through the signing of two Memoranda of Understanding (“MOUs”) by the State Courts and our three law schools. The second involves two books authored by Judicial Officers of the State Courts, respectively titled the *Practitioners' Guide on Damages Awarded for Defamation Cases in Singapore* and the *Law and Practice of Tribunals in Singapore*.

2. Let me begin by contextualising these contributions, in order to explain why court engagement with the public and the profession is a matter of increasing importance. We inhabit an age in which our processes and our decisions are constantly within the public eye. Technology, and in particular the advent of social media, has enhanced public awareness of and facilitated public debate about our judgments and the deliberative process by which they are made. As a consequence, discussions on controversial legal issues often extend beyond the courtroom and onto social media platforms, where heated exchanges can

sometimes occur about whether hard cases have made bad law.

3. This presents challenges but also opportunities, which I will outline in three brief points. First, I believe that public discourse can be a powerful constructive force if it is targeted at the betterment of the law and its institutions, and eschews invective and the spread of misinformation. Such discourse is evidence of an active and engaged citizenry in a functioning democracy. But it must rest on reasoned scrutiny of our decisions if it is to make a meaningful contribution to the improvement of our laws. That, in turn, is premised on a reasonable understanding of how the law works, the methods by which judges decide cases, the nature of the judicial function, the powers of the courts and the limits on those powers. I suggest that the courts can play an important role in seeding that basic understanding through suitable public engagement and outreach, so as to give the public a better appreciation of our role and the contours of the judicial reasoning process.

4. Second, there is value in raising general public awareness of the law because of the unmet legal needs that do not currently surface before the justice system. Individuals with legal problems sometimes fail to recognise the legal dimensions of their problems and the available legal solutions, and as a result fail to invoke the law at all. By enhancing public knowledge of the work of the courts, we advance the prospect that such persons might recognise the possibility of seeking recourse through the law. This in turn will maximise the number of just outcomes in society and enhance the courts' contribution to society as its primary institution of justice.

5. Third, and in connection with this, the courts will be more effective in promoting just outcomes if we empower our users and operators by educating them on how they can use the machinery of the courts so as to achieve optimal outcomes. Unrepresented litigants are particularly in need of guidance on basic but essential matters such as the available pathways through the justice system, the types of applications they can pursue to advance their cases, and the kind of outcomes they can realistically hope to achieve. This will not only avoid a mismatch of expectations and results but also help litigants put their best cases forward so that the court might adjudge them to the full extent of their merits. By equipping users with an effective understanding of how litigation may be most efficiently and effectively conducted, the courts will improve litigants' control of their own cases, their experience within the justice system, and ultimately the quality of judicial reasoning and the accuracy of outcomes.

6. If we put these three points together, we see that what unites them is the goal of enhancing access to justice. Access to justice is not merely about reducing the cost of legal services or building more courtrooms, but also about equipping members of society with basic legal literacy, so as to empower them to pursue or defend their legal rights more effectively and also engage more meaningfully in social debates that contribute to the improvement of the law and the justice system. I believe that the promotion of just outcomes – which is our core duty as judges – requires us to recalibrate our traditionally reactive approach to engaging with the public and the profession, and take more proactive steps to deepen society's understanding of and relationship with one of its most foundational institutions.

7. The two projects that will be launched this afternoon are examples of the types of public engagement and outreach that we need. They also showcase the continued dedication of the State Courts and their Judicial Officers to broadening and deepening the education of the legal fraternity, court users and law students. Let me now briefly introduce each of the two projects.

Signing of MOUs

8. First, the State Courts will sign an MOU with the law schools of the National University of Singapore (“NUS”) and the Singapore Management University (“SMU”) to formalise a Clinical Clerkship Programme for law undergraduates which was introduced two years ago. This Programme helps students acquire a practical understanding of legal work through interaction with Judicial Officers and by assisting with ongoing cases. This will enable them to experience the court process from the perspective of a sitting judge. They will also attend tutorials, prepare bench memoranda on live disputes, and deliver oral presentations on interesting topical issues. All of this will be performed under the supervision of the Deputy Presiding Judge and the Senior District Judge of the State Courts.

9. The pilot run of the Programme in 2017 received very positive feedback, leading the State Courts to expand the number of clerkships offered in 2018 and again this year. This year’s Programme has 11 undergraduates from NUS and SMU, and this will be completed later this month. With the success of the pilot run, the State Courts and the two law schools have decided to institutionalise this partnership and commit to continued cooperation in running and refining the

Programme through the signing of an MOU.

10. The State Courts will also introduce a modified Clinical Clerkship Programme for students of our third law school, at the Singapore University of Social Sciences (“SUSS”). The law programmes of SUSS emphasise practical training and applied learning, and the modified Clinical Clerkship Programme for SUSS students is consistent with this pedagogy. Students will prepare court documents instead of bench memoranda, and present their arguments in a mock hearing so as to help them develop written and oral advocacy skills. To formalise their partnership, the State Courts and SUSS will also sign an MOU today. I understand that the first batch of clerks from SUSS is expected in July 2020.

Launch of books

11. Today, we also celebrate the launch of two books authored by a team of Judicial Officers from the State Courts. I am proud to note that both these books are the first of their kind in Singapore.

12. The first is a *Practitioners’ Guide on Damages Awarded for Defamation Cases in Singapore*. The Guide recognises that the advent of social media has facilitated the publication and dissemination of comments, with the attendant risk that defamatory statements might be circulated more quickly and to a wider audience. At the same time, the tort of defamation is complex, technical and frequently misunderstood. As a consequence, defamation proceedings are often protracted and poorly argued, and many plaintiffs also struggle to accurately assess the likely outcome and the amount of damages.

13. In the context of these quite difficult issues, the Guide provides welcome clarification on the tort of defamation and how it is adjudicated in Singapore. It features tables of awards issued in cases between 2006 and 2017, provides case summaries that identify relevant factors in decisions on damages, outlines the general principles of defamation law, and describes the State Courts' pre-action protocol for defamation actions. I have no doubt that the Guide will be invaluable to judges, practitioners and litigants dealing with defamation proceedings.

14. The second publication concerns the *Law and Practice of Tribunals in Singapore*. Tribunals play a critical role in the administration of justice in Singapore because of the number and spectrum of disputes that they hear. Tribunals such as the Small Claims Tribunal, the Employment Claims Tribunal, the Community Disputes Resolution Tribunal and the Strata Titles Board help parties achieve fair and practical outcomes in disputes that may be less suitable for court litigation, because the costs and procedural complexity of litigation would commonly be disproportionate to the sums involved in those disputes. Proceedings in tribunals are therefore generally much more informal than court procedures and hence particularly accessible to laypersons.

15. Despite the many important functions discharged by tribunals, there is a general lack of guidance on what tribunals do and how they operate. The *Law and Practice of Tribunals in Singapore* aims to fill that lacuna. It explains the work of tribunals, describes the basic laws and principles they apply, and identifies best practices in tribunal management and administration. The authors have deliberately avoided the use of technical or complex jargon to ensure that the text

remains accessible to laypersons. I believe it will prove to be an essential resource for users, for members of tribunals and for all those involved in their management and administration.

16. I warmly congratulate the authors of these two books on their achievements, and thank them for their efforts in undertaking these works over and above their judicial workload. I hope this will also inspire the rest of us to contribute to public legal education and help build a society that is more legally literate and more conscious of how to use the law as an essential means to right wrongs and pursue just outcomes.

17. Thank you all very much.