

In Conversation With Chief Justice Yong Pung How

Chief Justice Yong Pung How was appointed Singapore's second Chief Justice on 28 September 1990. Under Chief Justice Yong's visionary leadership, various significant reforms have enhanced access to justice and heightened public trust and confidence in the rule of law. In particular, Chief Justice Yong has been instrumental in the dramatic transformation of the Subordinate Courts. This year, the Subordinate Courts have been rated world class and recommended by the World Bank as a model for modernisation for judiciaries of developing and developed countries. Furthermore, the many landmark judicial pronouncements of Chief Justice Yong have contoured the nation's jurisprudence. For his outstanding contributions in reforming and strengthening the Singapore justice system, on 9 August 1999, Chief Justice Yong was conferred the Order of Temasek (First Class), Singapore's highest National Day Honour. While much has been written on his reforms and his decisions, little is known about Chief Justice Yong's perspective on these matters. In conversation with Chief Justice Yong, he shares with the Editor his thoughts and reflections on the developments in the Subordinate Courts and the challenges they face.



Q&A

IN CONVERSATION WITH CHIEF JUSTICE YONG PUNG HOW

Q: Chief Justice, your leadership of the Subordinate Courts is very visible. You are closely concerned with the progress of the Subordinate Courts, and have an intimate knowledge of the happenings there. Is there any special reason for your level of involvement with the Subordinate Courts?

A: The Subordinate Courts are a critical component of the Judiciary. As I have said at various times before, the Subordinate Courts are where the rule of law has practical meaning for the ordinary Singaporean. More than 95% of all judicial matters in Singapore are dealt with in these courts, which hear civil, criminal, juvenile cases, and since 1996 family matters. Their work has a significant impact on the lives of people. The large majority of Singaporeans form their impressions of the Judiciary from contact with the Subordinate Courts. How these courts are led and managed therefore becomes critical since public perception of our justice system is shaped there. Furthermore, their role is likely to increase, as their portfolio might well expand in the future.

Despite my other duties, shaping the Subordinate Courts by setting the direction and pace remains one of the priority items. To be really effective, I make it a point to understand, and keep in close touch with, what they are doing. In any event, I enjoy the work. The Subordinate Courts are a vibrant organisation. There is much that can be achieved, and much joy in seeing our hard work bear fruit.

Q: Still, with your busy schedule in the Supreme Court, it is admirable how you have found time for the Subordinate Courts as you have done. Could you share with us how you have managed to adopt such a ‘hands on’ approach?

A: There is an excellent core team within the Subordinate Courts who facilitate the process. Led by the Senior District Judge, the team oversees the strategic development, operations and distribution of work. The Senior District Judge sends me regular reports. I am also able to get quick, in-depth and accurate responses to queries about the daily activities. It is also the Senior District Judge’s practice to arrange briefings for me, on a regular basis for ongoing projects, and on an ad hoc basis, when there are interesting developments. These allow us to evaluate what we have done or intend to do. We also evaluate the reasons or need to carry through these projects. An eye is always kept when we do the assessment on how we can improve the judicial system and enhance access to justice. On a less formal note, I make it a point to attend morning coffee sessions with the Subordinate Courts judges and magistrates a few times a year. Sometimes I have lunch with small groups of judges. I also go on walkabouts within the Subordinate Courts, accompanied by the Senior District Judge, registrars, and court administrators. On these occasions, we speak candidly. I find out their problems. They share with me how to improve matters. These seemingly insignificant meetings go far

in allowing me a good grasp of the feelings on the ground, to build rapport and foster a sense of collegiality and *esprit de corps*.

Q: What kind of regular reports are you concerned with? What information do you look out for?

A: The Subordinate Courts have a Research & Statistics Unit that compiles statistical information and trends. Looking at the monthly progress reports and statistical updates, I will know whether there are any caseload or workload problems in the courts. They also provide me indicators of performance measurement and early warning indicators of any creeping problems that may affect the disposition rate of cases, or if there is a need to increase manpower and other resources for differentiated management for any of the judicial processes. I also keep closely in touch with crime trends. Looking at these trends, I will know whether for certain offences, we should send out stronger signals to the public through tougher sentences, about our abhorrence of their occurrence. Apart from reports from the Research and Statistics Unit, I receive weekly and monthly returns on adjournments, part-heards and outstanding grounds of decisions. While this must put some pressure on the judges, the exercise instills a strong sense of discipline in them to manage their cases and time optimally. These measures act as checks against backlogs arising from internal inefficiencies. They also provide for expeditious disposal of matters, which can only be of public benefit.



By choice we make ourselves accountable to the public at large.

Q: Just a minute ago, Chief Justice, you mentioned your concern with shaping the Subordinate Courts. How do you go about this?

A: To shape the Subordinate Courts, we need strategic direction, goals and plans. The core team, led by the Senior District Judge, conceptualises annual workplans for the future development of the courts. I will give my input. Once the workplans are firmed up, they would hold a workplan seminar, with a keynote address to be delivered by me. In the address, I will articulate *ex cathedra* the rationale underlying the future plans and evaluate the effects of the previous plans. This exercise enables all those in the Subordinate Courts to prepare themselves for the challenges ahead and take stock of what they have done. By choice we make ourselves accountable to the public at large. There is also transparency of the Subordinate Courts plans to enhance the administration of justice. The workplan also allows all those who are directly or indirectly involved in the administration of justice as well as the public to know our direction and respond accordingly. We have had eight workplans so far. All of these workplans have produced significant results. From time to time, I also walk through some of their building plans such as that for the new Family Court and upgrading projects within the existing Havelock and Paterson court complexes.

Q: It appears that close to 1,000 initiatives have been implemented as a result of the workplans. Is there a common thread that runs through all the judicial reform efforts that the Subordinate Courts have undertaken, or were they just responses to needs that arose from time to time?

A: There is certainly an incremental and progressive pattern through the workplans from which the initiatives are derived. The first workplan looked at backlog. After we got rid of backlog, we looked at case management. After we put in place case management mechanisms, we worked on performance indicators. We then went on to identify timeless values and explored how accessibility to justice can be enhanced. Having done so, we envisioned the Subordinate Courts as world class and planned how to lead justice into the new millennium and the 21st century knowledge society. There is a system and continuity approach. There is a common thread. It is to restructure the organisational institution of the Judiciary from within to keep it relevant to modern needs. The results speak for themselves.

Q: What does restructuring involve? And how have these justice initiatives restructured the Subordinate Courts?

A: The restructuring extends to the legal, jurisdictional and physical infrastructures. We also have to constantly rethink the role of the judge so that a judge will not be constricted in his view of things. Justice models need



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redefinition and updating to keep it current. You cannot expect the adversarial system to apply to all types of cases, without more. Surely the dynamics of criminal cases, family cases and civil cases are different. A divorcing spouse would not like to be treated the same way as an accused person. Therefore you need to differentiate. We categorised the priority outcomes of family cases as “protecting family obligations”, and that of criminal cases as “protecting the public”. The initiatives developed under each of these categories will accordingly differ.

You also find that these courts are constantly refining service standards. Why is that so? Public value for public revenue. The courts are funded by taxpayers’ money and it is part and parcel of public accountability to provide satisfactory standards of service. The other area is the use of information technology. A lot of processes can be reengineered with the help of IT. Legal research for instance, can be done completely online now if you need to research Singapore’s position on a legal point. This is just an example of how IT should creatively be tapped to optimise judges’ and lawyers’ very precious time.

Q: Chief Justice, are there simply too many justice initiatives? Has the reform process become a mere number game, to chalk up sufficient ideas each year, or do all the initiatives have a positive effect on the Subordinate Courts?

A: Like any top Fortune 500 company or public institution, the Subordinate Courts must be innovative and continue to be a learning organisation. To carry out their tasks, their competencies will need to be established and improved from time to time. Periodically, the intermediate goals must be re-set and re-evaluated to take into account the effects of the initiatives on society and on the Judiciary. We cannot stretch everyone in the courts thin to work on a series of initiatives only to realise a decade later that there is little or no benefit to court users. Periodic surveys and assessments are therefore necessary and are now conducted. The Judiciary must retain its fundamentals, and remain robust in its discharge of its constitutional functions and duties, while striving to be forward-looking. The justice initiatives must enable the courts to do so. How to strike a proper balance will be a critical challenge confronting all judiciaries in the new millennium. The Subordinate Courts have struck the right balance.

Q: In your opinion, what are some of the more critical initiatives that have been implemented in the Subordinate Courts?

A: I have set them out at length during this year's Opening of the Legal Year. From the top of my head, some of the more critical ones which we have institutionalised include annual operational workplans, strategic and scenario planning, the whole regime of administrative and quasi-judicial case management, night courts, court-based mediation, strategic use of technology, performance indicators and early cautioning systems, setting of high court service standards. These initiatives have singly and collectively gone towards the Subordinate Courts' mission of administering and enhancing access to justice. They are enabled by their

court governance frameworks. The Justice Statement, for example, spells out the timeless core values of any serious judiciary. On top of these specific initiatives, there have been mindset changes in the judges and court administrators. There is now an entrenched proactive and learning culture.

Q: Chief Justice, you just mentioned scenario planning? It is quite extraordinary for the Judiciary to be involved in such planning. Why have our Subordinate Courts embarked on scenario planning?

A: The courts of the 1990s work in a world in which their position and performance are judged by public opinion. In the last resort, they require the support and goodwill of their constituent communities. Just as the public has a legitimate interest to expect high standards from public services, the same is expected of the courts. These expectations are no different from those demanded of private enterprise. In order to meet their needs and expectations, it is not enough for the Subordinate Courts to set for themselves performance indicators. They must also be able to assess the demands likely to confront the courts in the future and craft a plan of action to meet those challenges. Many government agencies and business enterprises are already doing this because they have accepted change as inevitable. The Subordinate Courts can do no less.

In a world of increasing uncertainties, scenario planning forces us in our decision making, to give up the false sense of security, embodied in one forecasted future, and to get used to living with multiple, equally plausible futures. It also brings about a fundamental shift in thinking. We become

creative rather than reactive. The idea is that even if we cannot predict the future, we will be sensitive to possible discontinuities that may render our plans obsolete. Justice is too precious a value to be left to chance. We should shape the kind of justice value we want for our country.

Q: Turning to people within the Subordinate Courts, are you pleased with the progress in terms of human resource development?

A: I have gradually posted to the Subordinate Courts the best and the brightest legal officers, with the right disposition and intellectual capabilities. I have noticed a difference. As you know, I sit on all criminal appeals from the Subordinate Courts. An insignificant percentage of their decisions are overturned on appeal. There is a marked improvement in the quality of their decisions. As for court administrators, over the last six years, we have been actively recruiting graduates in various disciplines to complement the experienced staff. These graduate senior officers will have to ensure that the Subordinate Courts sustain their premier position. More importantly, there is heavy investment in training at all levels. Individualised training road maps have been charted for judges and court administrators to actualise their personal and professional development. I am encouraged by the progress. When the latest hardware is in place, we have to ensure that the quality of our software – our people – is high.

Q: Still on the issue of people, you mentioned in this year's workplan speech that judges should take on different roles as judge-managers, judge-reformers, judge-educators. You have also urged court administrators to become court entrepreneurs

and court technopreneurs. Why do you want judges and court administrators to go beyond their traditional roles, and are they competent to undertake these roles?

A: The role of the Subordinate Courts has expanded. These courts administer justice. They uphold the rule of law and enhance access to justice. They must be accountable for their use of resources, and the discharge of their judicial duties. To do all these, the judges and court administrators need to enlarge and expand their traditional roles. The Subordinate Courts judges not only adjudicate upon their cases, they have to actively control and dictate the pace of their cases through case management. Hence the GMC scheme and judge-manager norm. Being at the forefront of the law and seeing it in motion everyday, the judges have to make recommendations for law reform whenever they spot lacunae in the law. At the same time, judges can secure and refine new insights by educating others. Hence the judge-reformer and judge-educator paradigms. All these redefined roles take on greater significance in a knowledge society where knowledge management is critical.

I should add that Subordinate Courts judges have done internal reviews on the Criminal Procedure Code, and have made recommendations with a view to refining our criminal justice process. They have also reviewed and recommended amendments to the Children and Young Persons Act, and the Women's Charter. They will also review and refine their internal sentencing guidelines, having regard to contemporary crime trends. I should also mention that much judicial input went into the drafting of the Parenting Rules and the Matrimonial Property Plan Rules. Following the move to

confer civil courts concurrent jurisdiction with the Syariah Court on certain matters, the judges have set up a task force to monitor the cases. There was also a task force which assisted the Syariah Court in working out a plan to clear the backlog and manage their cases. All these involvements, over and above what they do as part of their daily duties, which is to adjudicate, is illustrative of their role as judge-reformers.

Q: At this year's workplan seminar, you had challenged the Subordinate Courts to be first among equals in world judiciaries, to lead the community in the citizenship of the justice process, and to be a dynamic judicial institution. Why did you issue these challenges?

A: In the world around us today, you can see change occurring at a phenomenal speed. The Subordinate Courts therefore have to relate to a rapidly changing external environment and plan and adjust accordingly. They have to be above and ahead of change. My challenge to them is threefold. They have to see themselves within an organisational environment, within the wider national environment, and within an even wider international environment. In each of these environments, they have to manage and lead change. At the end of the day, you can say that there is one challenge: to be the best in every aspect of the administration of justice, which is their core business. The three challenges I issued merely define each of the contexts within which they have to perform their functions and responsibilities.



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Q: Looking at the Subordinate Courts in an organisational environment, do you think the Subordinate Courts are establishing themselves as a dynamic public institution?

A: As a public institution, the Subordinate Courts have reformed themselves completely from the days of backlogs. They now have a sound court governance framework, guided by a set of timeless core values, and have institutionalised their judicial reform initiatives. Of interest is their ability to adapt leading contemporary management philosophies in their work processes and systems. A recent example is their unique application of the Balanced Scorecard, developed by Norton and Kaplan of the Harvard Business School. We are probably the first judiciary in the world to have applied this management concept as our performance measurement tool. In the Subordinate Courts where there are various workflows and the resultant competing demands on resources, you find that sound and effective management becomes critical. Only when the courts organise themselves properly and manage their business efficiently can they expect to plan ahead with dynamism. The Subordinate Courts are on the right track. This year, they are entitled to, I think, slightly less than three quarter million dollars retainable savings for having achieved all the performance targets for their case disposition as an outstanding Autonomous Agency in Financial Year 1997. Isn't it true that all of you get to go to enjoy a paid-for weekend at Rasa Sentosa with part of these savings as reward for the very hard work?

Q: Yes, Chief Justice. But what are some of the indicators of whether our courts are a dynamic public institution?

A: The Subordinate Courts have resolved significant systemic problems which still beset many judiciaries. They have gone beyond the problem of case backlogs and other operational inefficiencies. They have modernised justice to meet contemporary socio-economic needs, and institutionalised their reforms and changes. They have leveraged technology to advantage in both trial and administrative work processes. They have adopted scenario planning as part of ongoing change management. They have imposed upon themselves time-based events like annual workplans which require review of their overall direction and map new judicial and administrative policies. Since 1992, they have cumulatively implemented an extensive range of judicial reforms which have substantially reshaped the justice system in Singapore. These are clear indicators.

Public opinion is another indicator. We have independently commissioned surveys on the public perception of administration of justice by the community at large and the business community. The respondents to these surveys have affirmed that public trust and confidence in our Judiciary is very high: at 97% according to a latest survey. I understand that in the US the confidence level of the Americans in



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their court system is around 70%. More interestingly, most of our survey respondents attributed their high sense of security to the function of the courts. I suppose this is because we have consistently meted out deterrent sentences on convicted offenders, and this together with the swift enforcement initiatives of the police, has seen a significant decline in major crime trends. Juvenile offending rates have also dropped as a result of our re-integrative approach and juvenile justice programmes which emphasise the restoration of juvenile delinquents. No doubt the government programmes initiated by the Inter Ministry Committee on Youth Crime have also contributed to this drop.

Another indicator is how the world looks upon us. There are all these international surveys and rankings, which help us assess

if we are on the right track. It was in August this year that we had this World Bank technical expert in town who, after a two-week study visit, confirmed that the Subordinate Courts are world class. Recently, there was this young journalist, who I understand is a law graduate, who wrote in *The Sunday Times* on the lessons of being a world class Singapore Judiciary. He captured some of the fine points. We have to rely on all these inputs to gauge whether our courts are dynamic in performance, as we would not know, being in isolation in the courts and chambers, unless somebody tells us. What I am more

concerned with is to see that we as a small country should continue to improve our legal and judicial system to the best of our abilities within our limited resources.

Q: Could you elaborate on the concept of leading the citizenship of justice process?

A: At a national level, while the courts are constitutional creatures with the central function of dispensing justice in accordance with the law, they are also social agents of change. Every decision of the courts will invariably influence and regulate public behaviour to some extent. But as our experience has shown, judicial remedies are not always the best outcome for particular problems, especially societal problems. At the same time, we face resource constraints. We do not have sufficient funds, time, expertise or manpower to carry out everything we hope to achieve alone. We have to think of creative ways of solving these two problems. This is where the courts have to forge a partnership with the community to identify areas where they can work together, and for community support in some of the justice-related projects that will ultimately benefit the community.

The Subordinate Courts have taken an active lead in the various family and juvenile justice programmes which involve community support from teachers, students, social workers and volunteers. They have also done much to involve the community in their work processes. We have volunteer mediators and counsellors in the various justice models, volunteers in vulnerable witness support programmes, and volunteer doctors to assist in family violence matters. The latest symbol of community involvement in the justice process

is the Family Justice Tableau which I commissioned at this year's workplan. The advantage is that not only do community partnerships provide alternative sources of support and resources, a sense of ownership of the justice system will gradually develop within the community. Such ownership or stakeholdership is integral to the long term viability of people-centred justice system. I believe the Subordinate Courts have expanded on their programmes this year. Through the Multi-Door Courthouse, which aims to heighten public awareness and understanding of the justice process, the courts have bridged, and are strengthening their links, with the community.

Q: The last, and most daunting, challenge perhaps is to establish ourselves on the world stage. Why is it critical to set such a goal for ourselves?

A: In the international arena, there are several forward looking judiciaries and we have to benchmark ourselves against them. If we are contented with the little achievements we have made over the past few years, and do not see ourselves in the league of world judiciaries, we will never improve for the better. So it is vital that we do not remain parochial. This explains why I have issued the challenge to the Subordinate Courts to be *primus inter pares*, ie. first amongst equals, in the world judiciaries.

While the task is daunting, we have made positive steps. We have the various international survey bodies such as the PERC, IMD, World Economic Forum, consistently ranking our justice system high. We also have the World Bank wanting us to share our lessons of experience with other judiciaries

which are embarking on judicial improvement programmes and modernisation efforts. This year, I understand that the US-based NCSC (National Center for State Courts) invited the Senior District Judge to speak on the Subordinate Courts as the world's most technologically advanced courts. The address, I was told, was very well received by the international audience at a technology conference in US. The Subordinate Courts had also co-convened with the NCSC an international forum to discuss judicial issues. The forum saw participants from North and South America and Europe. The Subordinate Courts also won an honourable mention award for Justice Achievement in the area of court management in July this year. All these are achievements that the Subordinate Courts have to build on if they really want to be *primus inter pares*.

Q: On the issue of international profile, the Subordinate Courts have been involved in the organisation and co-convening of several international level conferences in various parts of the world: three Asia-Pacific Court Conferences, Technology Renaissance Court Conference, International Mediation Conference, to be exact. Chief Justice, you have been the keynote speaker at all these conferences. You have also mentioned in this year's workplan speech that the Subordinate Courts will organise or co-convene more such conferences in the coming year. Why are the Subordinate Courts involved in such conferences?

A: In our quest for excellence, we must not remain parochial and insular in our outlook and approach to problems. Our problems are not unique. In seeking the solutions, we should therefore look beyond our shores to countries in the region, or even beyond the region. They should have many ideas

which we can borrow and adapt. By the same process, we can share our experience with them. International conferences also provide an opportunity for participating judges and legal practitioners to interact and learn more about the judicial systems and philosophy of the various countries. Through such international gatherings, the Subordinate Courts have incrementally forged strategic alliances with some of the more forward looking judiciaries in the world. These relationships have persuaded the courts to benchmark themselves, keep abreast of contemporary problems and solutions, follow relevant researches and essentially cut down learning time. Upon my approval, they already have strong strategic partnerships with some of the world class courts in Australia, the UK, the US and the Nordic countries. The organisation of international conferences also builds up the confidence in our judges and court administrators in our own judicial processes and systems.

As to why I have been a keynote speaker for those occasions, I suppose I am a little older and have experienced much in the many different roles I have taken on. With such a background, I could offer broader perspectives on issues. Furthermore, the conferences were either organised or co-convened by the Subordinate Courts and it is my role as the Chief Justice to speak at such fora and offer some fresh thoughts.

Q: Chief Justice, you recently spoke at the Sixth Court Technology Conference (CTC6) where the Subordinate Courts were asked to speak as the world's most technologically advanced courts. Since technology is a critical resource and change agent, I am just wondering if you have any thoughts on how we can develop technology further in the courts?

A: I was not able to attend the CTC 6 because I was in Kuala Lumpur then for the Commonwealth Law Conference. The Senior District Judge played a 10-minute video of my pre-recorded message at the CTC 6. You know that the Subordinate Courts are a standard bearer of sorts. They have gone quite far in technological framework and plans. The CTC 6 gave me an opportunity to suggest some ideas to have the judiciary move ahead in the changing area of technology. I mentioned five frameworks, and I understand that some of the court technology experts have taken an interest in some of these areas. I had said that the judiciary must develop the frameworks to catalyse innovation. These refer to the judiciary forming appropriate partnerships with the private sector, making investment in basic technology R&D, facilitating access to both old and new technologies, developing technology roadmaps, and involving justice constituents in the development of technology policies.

Q: Chief Justice, I would like to move on to discuss an issue which has been raised by some quarters. You have been credited with shaping Singapore's jurisprudence of criminal law and procedure. This is evident from a perusal of the Singapore Law Reports since 1991. It is also public knowledge that you sit on all magistrate's appeals from the Subordinate Courts. There seems to be a public perception that, in most of the appeals against sentences,



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you have enhanced the sentences. Another common view is that the enhancement of sentences on appeal has deterred accused persons from appealing. What do you think of such views?

A: There is no basis for saying that I have enhanced the sentences of convicted persons in most cases. I keep the statistics. From 1995 to September 1999, the numbers show that I enhanced 22% of the sentences, and the great majority of these resulted from appeals by the Public Prosecutor on the ground that the sentences were manifestly inadequate. The media publicises those few cases where I had occasion to up the sentences because of several aggravating factors. But one thing is for sure. The enhancement of the sentences, while also aimed at discouraging frivolous appeals, is certainly not to deter legitimate appeals.

Appeal is, after all, a matter of legal right. But we do not want accused persons to appeal with the vain hope of a reduced sentence when it is clear that they should be put away for sufficient periods of time. The aim of criminal justice must be to protect the public. That has to be the first and foremost consideration for any criminal trial judge. To that extent, I have said before in my judgments that public interest can sometimes override the personal circumstances of the accused persons in sentencing. The deterrent effect of a sentence has to be felt, so as to deter both the accused from re-offending and the public at large against similar

criminal behaviour. We are a small but densely populated nation where the effects of crime are magnified and amplified, and the courts have to send out the right signal on what is acceptable or unacceptable behaviour.

Q: Chief Justice, you introduced mediation in 1994 as a novel process within our judicial system. Why did the Subordinate Courts initiate this process, and to what extent do you think the Subordinate Courts have been successful in the use of mediation in the justice process?

A: We introduced mediation primarily because of the understanding that adjudication is not always the most appropriate, as disputes differ widely in nature. The Courts must be able to offer the most effective, responsive and appropriate methods for resolving disputes. They must be able to offer alternatives to the traditional resolution path. With a variety of dispute resolution mechanisms available, disputants can then match the forum to their particular dispute rather than being required to fit their dispute to the adversarial forum. The Subordinate Courts have taken the lead and set the pace for the use of mediation as a dispute resolution process. Unlike some other court jurisdictions where it had its genesis as a diversionary measure to deal with backlogs and delays, our motivation was different as these problems were absent. Rather, we saw an opportunity to re-introduce into our culture a process to which it was not a stranger. In fact,



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our own mediation roots can be traced back to the early 19th century.

The courts, as the principal channel of justice can grow and nurture this process of dispute or conflict resolution. Over time, as its benefits become more apparent, it can spawn other efforts both within and beyond the legal community. This has been our experience with the Subordinate Courts. Our court dispute resolution or CDR efforts have grown from civil to family, juvenile and some minor quasi-criminal matters involving relational disputes. CDR in turn has encouraged similar efforts in

other directions such as peer mediation in schools and community mediation. Combining technological innovation with mediation, they have come up with CDRI (Court Dispute Resolution-International) to deal with cross-boundary disputes which will be frequent enough in the rapidly globalising world economy. I would say the Subordinate Courts have done well to blend mediation with the traditional court system and processes.

Q: In 1996, you made an order for matrimonial causes to be transferred to the Subordinate Courts. Since then, the Subordinate Courts have developed the Family Court within the framework of the District Courts to become a one-stop service centre that provides all kinds of auxiliary services. What inspired you to make the order then, and were there difficulties for the transfer of family jurisdiction from the High Court to the District Courts?

A: Oh, it is a long story and there were indeed difficulties, both internally and externally, but they were not insurmountable. The idea of a unified Family Court was born out of the recognition that litigation is not the best solution to deal with irretrievable spousal and family differences. The Senior District Judge and I felt that there should be alternative services such as mediation and counselling to assist divorcing parties to reach amicable settlement in chambers so that they do not have to wash the proverbial dirty linen in public. When a family breaks up, the children almost always suffer the most, and amicable settlements where parties consensually make concessions for each other and their children will best serve the interest of justice. By encouraging settlement, it helps parties to save costs and time and most important of all in our social context, public embarrassment. By means of counselling, the courts actually try to help parties make attempts at reconciliation and thereby saving marriages. Before 1 April 1996, all matrimonial matters save applications for maintenance and for personal protection were dealt with in the High Court. However, the High Court does not have the infrastructure or manpower to accommodate the various auxiliary processes. The formal atmosphere of the High Court courtrooms and chambers is also not conducive to attempts at settlement. Having regard to all these factors, I therefore made the transfer order in 1996.

It is one decision that I have never regretted because the Family Court today has achieved much in terms of enhancing access to justice and improving the quality of administration of justice even when compared to family

courts elsewhere. They now have a dedicated Family Protection Unit to assist victims of family violence with a Medical Clinic staffed by volunteer doctors, a specialised FAMCARE Centre with clinically experienced counsellors, extended Registry filing hours and night mediation, evening Legal Clinics run by volunteer lawyers who dispense free legal advice to indigent litigants. Since the order of transfer in 1996, about 99.9% of the divorce petitions and ancillary applications have been either uncontested or have resulted in consent orders. The results speak for themselves.

Q: We have seen over the last eight years, continuous enlargement of the jurisdiction of the Subordinate Courts. Why has this been so?

A: The quality of the Subordinate Courts' judging and judgments has been improving steadily over the last few years. I have therefore recommended their enlarged jurisdiction. The civil jurisdiction of the District Courts was increased from \$50,000 to \$100,000 in 1993. It was then raised to \$250,000 in 1997. The Small Claims Tribunals' jurisdiction had also been increased, in 1995, from \$2,000 to \$5,000 and to \$10,000 with the consent of parties. In 1997, it was raised to \$10,000 and to \$20,000 with the consent of parties. As you know, this year, we have just raised the civil jurisdiction of the Magistrates' Courts from \$30,000 to \$60,000 to keep it in tandem with the other developments. As you earlier pointed out, in 1996, I ordered that proceedings under section 59 and Part X of the Women's Charter, and the Guardianship of Infants Act be transferred to the District Courts. The amendments to the Administration of Muslim Law Act passed this year

confers on the District Courts concurrent jurisdiction with the Syariah Court in civil proceedings involving matters relating to maintenance, custody of children, and disposition or division of property. There have also been amendments to the various penal and statutory offences, to provide for higher penalties. All these developments have increased the workload of the District Courts.

Notwithstanding a much heavier caseload as a result of their enlarged jurisdictions, I am happy that the Subordinate Courts have discharged their duties and managed the cases very well. In round numbers, from 1992 to September 1999, they have dealt with, within strict timelines, close to 2.4 million cases and other matters.

We are also critically reviewing the appointment process of Subordinate Courts judges because of the need to further improve the quality of the Bench and the justice system as a whole.

Q: While the justice system has achieved much, some lawyers have commented that the Judiciary is moving too fast for them. How do you feel about these comments?

A: Are we moving too fast for the lawyers? It must be remembered that to play our proper role in today's society, the courts will have to be run as efficiently as the best businesses. Equally, law firms will have to move at a pace that society is moving, and not lag behind. The fact of life is that we are living in a world where responsiveness and speed equal competitiveness. That is why we have highways, expressways, flyovers, underground tunnels.

We go through the ERP gantry and money is deducted from our cashcards. Most Singaporeans carry mobile phones for instant communication. Through the computer and the Internet, there is access to information virtually anywhere, and at anytime. This is the real world, and this is your social context. Can the justice system be any slower than your pace of life? We do not derive perverse pleasure from pushing lawyers along. But if the courts wait for everyone to slowly take their time, we will soon chalk up another mountain of backlog, we will not catch up with the rest of society. Then we are back to square one into the old days. We do not want that to happen, do we? I think we have been right. By and large, lawyers have been able to keep pace with us. The pace has not been maintained at the expense of justice.

Q: Finally, Chief Justice, what do you wish for the Subordinate Courts and the Singapore justice system in the next few decades of the new millennium?

A: It will do the nation proud if the Subordinate Courts can establish themselves as a Judicial Hub or Judicial Node, a centre for adjudication, judicial studies and reform. They are already taking concrete steps in this direction, through the introduction of CDRI, development of the e-justice cluster, and most recently, e-med or electronic mediation. For CDRI, seven cases conducted with foreign judges from Australia, Norway and the US respectively have resulted in successful settlement through virtual mediation. This represents huge savings of legal costs for the parties involved, while providing higher judicial content, added value and a broader judicial perspective.

For the virtual multi-jurisdictional e-justice cluster, I understand that the Berkman Center for Internet and Society of the Harvard Law School is interested in collaborating with the Subordinate Courts. This cluster, which will include leading judges, jurists and multi-disciplined experts, will brainstorm court governance and juris-prudential issues and provide excellent opportunities for the diffusion of ideas. These are exciting developments. The Subordinate Courts must be a standard bearer for Singapore.

We must also begin thinking of the sustainability and the long-term performance of our justice system. The reform initiatives accumulated over the last seven years have already been firmly cast within long lasting frameworks. It has been a herculean task, but the Subordinate Courts have done it well. The success of our Judiciary in the long term will depend on a constant monitoring of progress, with regard for changing situations and needs, and provision for refinement and improvement to meet these needs. The Singapore justice system has to last through my generation, your generation, and your children's generation as the custodian of justice



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and the rule of law. Most importantly, Singaporeans have to take ownership and pride of their justice system. The people of Singapore must decide what they want for themselves and for posterity. This has been so since our independence on 9 August 1965. No one else can or will decide for us.

Q: Finally, Chief Justice, what will be the future direction for the Subordinate Courts?

A: For that, you will have to wait for my response at the Opening of the Legal Year on 10 January 2000, and the next Subordinate Courts' Workplan seminar.

Q: Thank you Chief Justice, for this very insightful interview. On behalf of the Editorial Team of the Subordinate Courts Annual Report, I offer our belated but

heartiest congratulations to you on your being conferred the highest State Honour, the Order of Temasek (First Class), this year.

A: Thank you. It is an honour I share with the whole Singapore Judiciary.