

**ADMISSION OF ADVOCATES AND SOLICITORS**  
**CHIEF JUSTICE'S ADDRESS**

SATURDAY, 3 JUNE 2000

**Enhancing access to justice**

First of all, may I say how very pleased I am to preside over today's proceedings. I wish to extend my congratulations to all of you on your admission as advocates and solicitors of the Supreme Court of Singapore. I should also congratulate your parents, who must be feeling just as proud and happy as you yourselves feel today. Your parents are the ones who have given you their unwavering support and guidance all these years. They are the ones who have brought you up to become the fine young ladies and gentlemen that we see before us. My deepest gratitude goes out to all your parents.

2. The total number of persons being admitted today comes to 163 - a congregation large enough to merit the use of three court rooms for this occasion. Before today's proceedings, the number of advocates and solicitors in Singapore holding practising certificates for this year stood at 3,258 (as at 26 May 2000). With the admission this morning, we can expect that figure to rise to over 3421.

3. We live in an exciting, yet uncertain, point in time in man's history when the world's landscape is changing at an ever-faster pace. This is predominantly brought about by what is commonly known as the Internet Revolution. We are often reminded by the latest buzz words such as "E-Commerce", the "New Economy", a "Knowledge-based Society" and "Globalisation" that we have to keep up with the rapid evolution around the globe if we are to maintain the high standards of our economic, cultural and social well-being in Singapore which we have come to enjoy and, perhaps, sometimes take for granted.

4. The rule of law is rudimentary to the establishment of a democratic society which encapsulates the ideals of our people - prosperity, progress and happiness. In this age of information technology, if we are to achieve these ideals, the legal framework must be moulded to adequately cater to the needs and demands of the development and influences brought about by technological advancement.

5. In order to guarantee a stake in the legal system of the future, lawyers must adapt to, and take responsibility for changing their mindset and working practices. They must constantly upgrade their legal know-how and skills. This is critical if Singapore is to put herself in good stead in achieving her ambition of becoming a hotbed for e-commerce and IT and a leading focal centre in financial services. The reason is this. Before we can begin to attract foreign investment in these industries which are the key to Singapore's economic survival, we must, in addition to having a hardworking population, a strong government and favourable trade and economic policies, put in place a legal infrastructure which is conducive to the growth and expansion in these industries. The

legal fabric in Singapore must promote the spirit of competitiveness, an invaluable asset in an era where business transactions are made at the speed of thought.

6. The banking, telecommunications and accounting sectors have been liberalised with the similar considerations as I have just set out. I am confident that the legal profession will rise up to the challenge. This is not the first time that the law has had to reshape itself to stay in sync with the present economic environment. The last hundred years have seen a rapid growth in many areas of the law which support the economic activities in society. The growth of powerful industries and monopolies at the turn of the 19th century was the genesis of competition or anti-trust laws; the recognition of the fact that contracts were more frequently than not entered into between two parties of unequal bargaining power brought about the dilution of the concept of the freedom and sanctity of contract and the development of the notions of economic duress, misrepresentation and equitable estoppel. The law of tort has also been transformed dramatically from the days when damages could be claimed only for physical injury – now, purely economic loss can be recovered in certain situations.

7. The first initiative which all of you and your predecessors before you can take to remodel the law in this regard is to develop the local jurisprudence to hone it to meet the requirements of the business community, in particular, in the field of IT law and IT-related intellectual property law, where the law is relatively undeveloped. Parliament has taken the initial step of introducing legislation to make provisions for the security and use of computer material and electronic transactions with the enactment of the Electronic Transactions Act and the Computer Misuse Act. The Evidence Act has also been amended to allow the admission of evidence of computer output. However, the law in this area is at its infancy in Singapore. Very few lawyers are experts in this field. An even fewer number of law firms specialise in this area. I strongly encourage as many of you as possible to broaden and deepen your knowledge, through continuing legal education, among other ways, not only of the law relating to IT but also of the operational and conceptual aspects of IT itself. Similarly, law firms should look into setting up a department dealing with IT law. The smaller law firms can pool their resources together to achieve this. It is through the pursuit of such knowledge that we are able to modify our basic laws of contract, tort and property to suit the purposes of the IT and e-commerce industry. There are many legal issues which need to be delved into. Chief amongst these are the issues of confidentiality and security, the protection of intellectual property rights such as patents and copyright, the law governing the use of the Internet (an important aspect in which I believe there are no dedicated laws in any jurisdiction to govern its use) and a plethora of contractual and tax issues. Over time, we will, with this expertise, be able to build up this area of the law through caselaw, legislation, the drafting and handling of IT contracts and academic writings.

8. The second initiative which the legal profession should adopt is to streamline their operational processes through the exploitation of IT. We are all aware of the phrase, “time is money”. If we want Singapore to be an IT and financial hub, the legal services which we provide must be efficient but without compromise in the quality of the services. The launch of LawNet marked an ambitious attempt to build a strategic national

information network within the legal sector that forms part of the information technology structure of Singapore. The legal database in LawNet is extensive, with advanced search engines which aid in and quicken legal research. The Electronic Filing System, Phase 1.2 of which was implemented on 1 March of this year, seeks to minimise the physical movement of people and paper documents. I am happy to note that in the first two months of its operation, over 40% of the documents filed into court is through the front-end system in the law firms. Up to date, over 120 law firms have installed the front-end system already. I urge more law firms quickly to acquire the front-end system in order to fully benefit from the EFS as this will enable them to file the documents electronically without having to send staff down personally to the court – this will translate into savings in both time and money in the long run. When all five phases of the EFS are fully operational, many of the transactions which require visits to the court premises or to law firms will be replaced by transactions conducted through computers linked by the EFS network. The EFS will eventually serve the legal community to the fullest by allowing law firms and government agencies to fully tap on advanced information technology to improve the efficiency and performance of the legal system, and in turn the competitiveness of the legal sector.

9. Thus far, I have talked about the twin initiatives of developing the local jurisprudence and the use of IT to streamline operational processes so that our legal system can better position itself in the New Economy which is dominated by technology. We should not forget that the dignity, stability and advancement of our country also depend upon an upright and efficient administration of justice. We need to have officers of the highest calibre in the Legal Service, as they are the guardians of law and justice in Singapore. Hence, the Legal Service must be able to attract its fair share of the best candidates in the legal profession who will eventually fill key positions in the Legal and Judicial Branches of the Service.

10. While the work in the Legal Service is very challenging and offers excellent career development for its young officers, we must also ensure that salaries in the Legal Service continue to be competitive. Recently, the earnings of private sector lawyers have risen substantially. As a result the Legal Service has lost some of its best officers, including promising, young deputy public prosecutors. If nothing is done, more will likely leave, and this will affect the level of service delivery by the Legal Service. We must not allow this to happen.

11. The Legal Service has therefore carried out a fundamental review of the salary structure. It will introduce a new salary framework that is more responsive to and consistent with private sector practices. Salaries will be revised from 1 July 2000, to keep them in line with the market. On average the monthly salaries will increase by about 15%. Legal Service Officers can also expect to be rewarded with larger performance bonuses, the quanta of which will depend on the performance of the individual officers. A market adjustment component (MAC) will also be introduced, which will enable the Legal Service to follow changes in market conditions more quickly. With these additional payments, Legal Service Officers will enjoy an overall increase in annual remuneration of up to 40%, depending on their grade and performance.

12. In addition, we will beef up the HR unit in the Legal Service Commission, in order to manage more systematically the recruitment, career development and assessment of the 270 officers in the Legal Service. We hope that these changes will ensure that the Legal Service continues to attract and retain sufficient top calibre officers, who are necessary for staffing a world class legal and judicial system. The Legal Service Commission will continue to monitor closely trends and conditions in the private sector. It will take further steps whenever necessary, to keep Legal Service careers competitive and attractive.

13. This morning, I have touched on the rapid development and changes in the legal practice in the generation of the Internet. At this juncture, I wish to emphasise on the importance and the need for all members of the Bar to uphold the sacred virtues of honesty, integrity and professionalism. Let me ask all of you to keep in mind the oath that you have just taken – that you will truly and honestly conduct yourself in the practice of an advocate and solicitor according to the best of your knowledge and ability and according to law. As you settle into the profession, I am sure that you will lend the courts your support and co-operation in our constant quest to enhance the administration of justice in Singapore.

14. In closing, let me offer you again my congratulations and wish you the very best in your future endeavours.