

ADMISSION OF ADVOCATES AND SOLICITORS

CHIEF JUSTICE'S ADDRESS

SATURDAY, 29 MAY 2004

Introduction

1. Matters that come before the Court rarely leave both parties happy since the Court adjudicates in an adversarial setting. Hence, it gives me great pleasure that I am able to preside over an occasion that is non-contentious and happy. On behalf of all of us on the Bench, I would like to offer each and everyone present our warmest congratulations on your admission as advocates and solicitors of the Supreme Court of Singapore on this day.

2. Let me also hasten to extend our congratulations to your parents who have graced this occasion with their presence here today. The joy of this occasion is rightfully shared by those who have helped make it possible. I am sure that today is a day which they will remember with great significance and pride.

3. Today's mass call of 149 will bring the number of advocates and solicitors on the roll in Singapore to a total of 3369 from 3220 who had taken out practising certificates earlier in the year. This increase is timely with the varied challenges and opportunities available in today's legal profession.

The bedrock of the legal profession: honesty and integrity

4. However, we should constantly bear in mind that the practice of law is more than just numbers. The legal profession is built on the foundation of honesty and integrity. This forms the basis of your oath that evinces the high standard of responsibility where we will each "truly and honestly conduct [ourselves] in the practice of an advocate and solicitor according to the best of [our] knowledge and ability, and according to law."

5. The very fact that you had to take this oath sets its mark upon you. If you had wanted to become an investment banker or a consultant, you would make no promises whatsoever. But you may not become a member of the bar without taking this oath. Furthermore, you take this oath voluntarily. No one forced you into becoming an advocate and solicitor. There are plenty of occupations available to one trained in the law, which involves no such obligation of this character. This being so, you must have taken your oath not only without any mental reservations whatsoever, but with the sincere and earnest intention to strive to conform to all its provisions in their entirety. This calls for active, and not just passive, compliance.

6. And what does active compliance mean? It is not simply about paying lip service or just aspiring to do what is right. To count for anything, this aspiration must be matched by action.

Tightening of accounting practices in law firms

7. Unfortunately, this has not been the case in recent years. Clients of dishonest lawyers claimed \$1.15 million from the Law Society's Compensation Fund between August 2002 and July 2003. This is almost a ten-fold increase from the previous corresponding period, when the Law Society only paid out \$155,000. The number of cases referred to the Disciplinary Committee has also increased. In just the first four months of this year, a total of 4 Disciplinary Committees were appointed as compared to 6 cases in 2002 and 6 cases in 2003. There was also an alarming number of lawyers who had basked in the public limelight for all the wrong reasons - road rage, criminal breach of trust, contempt of court, among others. As a result, a total of 3 lawyers were struck off the rolls in just the first four months of this year as compared to 1 in 2002 and 1 in 2003. What was even more disturbing was the number of cases that had been referred to the police, involving lawyers, especially sole proprietors, who had misappropriated moneys that were entrusted to them by their clients.

8. Because of these miscreants, I had raised at the Opening of the Legal Year 2004, the need to tighten the accounting practices in the legal profession. I am glad to hear now that the new Council of the Law Society has managed to break the impasse it had with a vocal minority of its members and has successfully addressed their concerns over the proposals on revising the accounting practices of law firms.

9. The Legal Profession (Solicitors' Accounts) Rules and the Legal Profession (Accountant's Report) Rules have thus been amended. These amendments impose greater controls over the way in which lawyers can access the funds that their clients deposit with them. It remains to be seen whether these amendments will effectively deal with the problem. We will continue to monitor the situation and deal with it accordingly-including, if necessary, taking more draconian measures.

Self discipline – the only true long term solution

10. However, while the Law Society and the Judiciary can establish the boundaries, our conduct should not be solely contingent on what has been regulated. Instead, the self-discipline of doing what is right must prevail in all circumstances. In this regard, lawyers and their firms must set high standards for maintaining the rigour of self discipline on honesty and integrity.

11. I have noticed that some firms are much better at maintaining high standards than others. The setting of high standards is not something that anyone can do alone. It requires initiative from all. This means that each one of you has a part to play. Each one

of you acts as the guardian not only of your own conscience, but also the conscience of your firm. This is not a role that wins popularity contests, but you owe it not just to your firm to perform your duty, but also to yourself.

12. Very often, you will face pressures from external circumstances for expediency. Although we cannot control the occurrence of these circumstances, we can choose how we act when they happen. And in the choices we make, we determine the persons we become. Success at all costs is merely a pyrrhic victory, for we cannot ever escape the negative connotations that a failure of integrity will bring. For all material things can vanish overnight, but character-personal integrity-is a rock that stays secure.

13. You are not alone in facing such situations. Even the most experienced of lawyers have had to wrestle with such dilemmas. And those who successfully survive through them often only do so, because they have the judgment to seek the counsel of more experienced colleagues. Indeed, it is because you are a member of a time honoured profession that you have a number of resources available to you such as your professional mentors who will help you to chart a course through the turbulent waters of your careers.

14. We are privileged to be part of a honourable profession that is built on honesty and integrity. Given these foundations, let me just state that if someone must be trusted, let it be the lawyers. Even more, let it be you.

Law - A fulfilling career

15. I would however be remiss in my message to you today if I gave you the impression that the practice of law is continually fraught with the moral conundrums and the ethical dilemmas that I have just spoken about. Nothing is further from the truth. From my years of practice, I know that there is great joy and satisfaction in helping people, often in times of great difficulties in their lives, in making order of the chaos and to bring to them justice.

16. Furthermore, there are ample opportunities for lawyers to make a difference to society. Some law firms have made it compulsory for their associates to engage in pro-bono work, while the ranks of the Criminal Legal Aid Scheme are filled with volunteers who devote countless hours to fight for fairness and justice, and to ensure that the due process of law is followed.

17. Additionally, these are exciting times that we live in. The rise of the new age economy and the rapid development of China has led to the growth in the importance of intellectual property rights and international trade. These are areas that can lead to a very fulfilling and rewarding career to those who choose to specialise in them. To this end, I am glad to note that the National University of Singapore has chosen to spearhead our thrust into the lucrative Chinese market by offering an LL.M course in Chinese Law. This is an opportunity that you should consider grasping.

18. Lastly, we share as members of this profession a unique camaraderie. I would encourage all of you to participate in the Law Society events as well as the numerous events organised by the Singapore Academy of Law.

19. The profession of law is exciting and exhilarating. Hence it is little wonder that Oliver Wendell Holmes questioned in what other profession "does one plunge so deep into the stream of life, to share in its passions, its battles, its despair and its triumphs."

Conclusion

20. On that note, I offer again my warmest congratulations to you and also your loved ones who are present today to share with you this momentous occasion of personal achievement. I wish each and everyone the very best in your future endeavours. Thank you.