

**THE FIRST LEGAL SYSTEMS AND TECHNOLOGY
CONFERENCE & EXHIBITION IN ASIA –**

LEGAL SYS-TECH

CHIEF JUSTICE'S ADDRESS

THURSDAY, 7 DECEMBER 2000
SUNTEC CITY CONVENTION CENTRE

Ladies and gentlemen, a very good afternoon. I am pleased to be invited to give the opening address at Legal Sys-Tech, which I understand is the first conference and exhibition on legal systems and technology held in Asia. I would like to congratulate the organisers for their effort.

Technological Initiatives Undertaken by the Singapore Judiciary

2. In this day and age, when technology permeates into all facets of our lives, the only certainty is change. The Singapore judiciary has been at the forefront of the technological revolution by harnessing the benefits of technology, in order to maintain into the 21st century the standard of excellence which we have achieved. The delegates who visited the Supreme Court earlier this morning would have seen some of the latest technological initiatives which we have undertaken to fulfil our age-old duty in the administration of justice. Let me give you a brief insight into some of the milestones in our judiciary's exploitation of technology over the past decade or so.

3. In the dawn of the 1990s, we faced a daunting backlog of a few thousand cases in the High Court, some of which were started in the early 1980s. The immediate task then was to clear the backlog. Towards this end, we set up a computerised case management system to keep track of and to manage the progress of each and every action, from the issue of the writ of summons to the final disposal of the case by trial. By 1996, the entire backlog of cases had been cleared. We are now in a happy state of affairs where there is no backlog at all. The management of cases would not have been so successful in eradicating this pressing problem in just a few years, if not for the aid of technology.

4. We realised that, in order to achieve our dream of a world-class judicial system of high efficiency and quality, it was necessary to construct a courtroom which would harness the full benefits of technology in this regard. We thus constructed our first Technology Court, which was launched in July 1995. This was a prototype courtroom of the future. Since its launch, numerous civil and criminal cases have been heard in this Technology Court. The success of this first Technology Court prompted the construction of our second Technology Court. In operation since the middle of this year, this second Technology Court houses state-of-the-art technological features which make the presentation of cases and giving of evidence easier and more effective.

5. The launch of the first Phase 1.2 of the Electronic Filing System, or the EFS, in March this year marked the dawn of a new era in the civil litigation process in Singapore. Under this phase, there is compulsory electronic filing of most court documents to both

the Supreme Court and the Subordinate Courts. The EFS presents a novel way of filing court documents. The traditional manual filing of paper documents to the courts has now given way to paperless filing at the click of the mouse.

Partnership between the Judiciary and the Private Sector

6. In order for Singapore to remain relevant and competitive in the provision of legal services in a world in which the landscape is changing at an ever-faster pace, it is imperative that the judiciary and the private legal sector work together towards a strong partnership which will enhance the attractiveness of Singapore and this region as a legal hotbed. In this regard, we will do well by learning from one another's initiatives in the innovation and adoption of practical solutions through the exploitation of technology.

7. I find it heartening that the legal fraternity in Singapore and indeed the rest of Asia has taken on the challenge to adapt to the changes in trade, commerce and finance by catering to a market increasingly focused on e-commerce and other technology-related sectors. I hear that there is now a steadily growing number of lawyers involved in the area of the Internet and technology law in Asia and that a few practitioners are even exploring alternative roles as legal technopreneurs. I also observe that members of the bar have been increasingly positive in their attitude towards the use of technology in carrying out their daily working routine, for instance, in the use of the EFS. They are embracing the benefits which technology brings about in their legal practice. The use of on-line research facilities, in-house file management systems and sophisticated databases to help draw up complex commercial and financial contracts are just a few examples of this phenomenon.

8. All these are small but definite steps which we must take to ensure that the legal profession is at the cutting edge of the IT revolution where business transactions are made at the speed of thought. The rule of law is fundamental to the establishment of society which encapsulates the ideals of prosperity, progress and happiness which our people have come to enjoy. In this age of technology, if we are to uphold these ideals, the legal framework must be moulded to cater adequately to the needs and demands of these new developments and their influences on our lives.

Issues to Consider

9. In light of what I have just said, there are three issues which we should consider if our legal system is to maintain its relevance in the third millennium. Some of them may be familiar to you, but they merit repeating.

10. First, our world has become a smaller place or a global village, as some call it, with the advent of technology. Geographical distance is no longer as significant a barrier as in the past. This conference is itself a clear manifestation of the co-operation and interdependence among our colleagues locally and abroad. Over the next three days, you will be sharing your thoughts, discussing the challenges which you face and exchanging ideas and solutions with one another.

11. The legal profession has often been said to be fiercely protective over the wealth of precedents and other information that they have built up over the years. To ensure a pivotal role in the future of the legal arena, we will have to share and build on our experiences and learn from one another. We will have to pool our resources together. The value and benefits which we can all draw from is not from information per se, but from the use and application of such information. This can only be achieved if there is sufficient dissemination and exchange of knowledge among a wide variety of people which this conference seeks to achieve.

12. The second issue which I wish to highlight relates to the sheer speed at which new technology and related applications are being developed. Judges will have to adjudicate on legal issues in virgin areas of the law which are highly specialised and technical in nature. Similarly, lawyers will have to grapple with these issues when advising their clients who enter into commercial agreements involving, say, joint-ventures, licensing and transfer of technological know-how.

13. The judiciary and the practising bar should together help develop the jurisprudence to hone it to meet the requirements of the rapid evolution in the field of technology, and in particular, in IT law and IT-related intellectual property law, where the law is relatively undeveloped. Parliament has introduced legislation for the use and security 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 in its infancy. To be able to effectively tackle the plethora of legal issues which will arise, for example, the protection of intellectual property rights such as patents and copyrights, confidentiality, security and the law governing the use of the Internet, we must have a foundation of knowledge, not only of the law relating to IT, but also of the operational and conceptual aspects of IT itself. Over time, we will, with this expertise, then build up this area of the law through caselaw, legislation, the drafting and handling of IT contracts and academic writings.

14. The third and final issue which I wish to touch on is one which is of growing concern. The breakneck speed at which technology is developing may lead to what is commonly called the “digital divide”.

15. Within the context of the legal profession, the adoption of technology should not be restricted only to the large firms which have abundant resources. All firms, regardless of their size, must recognise that a failure to invest, both in time and money, in technology will impede their growth and ultimately render them obsolete in the age of the Internet. As a matter of fact, the smaller law firms will improve their competitive edge if they are able to exploit to the fullest the benefits which technology brings about and hence, make up for the lack of resources which big firms enjoy.

16. The Electronic Filing System has changed the landscape of the litigation process not only by substituting the cumbersome paper trail with an electronic and paperless

environment, but also by narrowing the “digital divide” between the big firms and the smaller firms. The EFS fully exploits the electronic highway to minimise the physical movement of people and paper documents. It serves the legal community to the fullest by allowing all law firms to tap on advanced information technology to improve the efficiency and performance of the legal system.

17. With the electronic filing service under Phase 1.2 of the EFS, documents can be filed into court electronically 24 hours a day directly from the office or anywhere else in the world. This is particularly beneficial to small law firms which may not have the necessary manpower and have to incur costs to hire freelance court clerks to make trips to the courts to file and extract documents. In addition, there are savings in court fees when documents are filed via the EFS. Similarly, when the electronic extract service and the service of documents service are implemented next year in Phase 2 of the EFS, lawyers will be able to search the index of documents and extract electronic copies of documents from their computer terminals in their own offices without having to make multiple trips to the court, thus leading to a further savings in costs. The electronic service of documents service will allow law firms to serve documents on other law firms electronically at their own convenience.

18. All these benefits arising out of the EFS translate into tangible savings in time and money for the smaller law firms and place them on a level playing field with the biggest law firms. They will no longer be disadvantaged by the limited resources available to them as compared to the larger firms. In this respect, the EFS has therefore bridged the “digital divide” in the daily working routine of the legal profession.

19. LawNet is another example. LawNet, which is operated by the Singapore Academy of Law, provides legal information and services to lawyers. One of its modules, the Legal Workbench, provides a comprehensive database containing a wide array of primary and secondary legal materials of immense value to the lawyers. Before the birth of LawNet, firms had to maintain expensive collections of law reports and statutes which took up valuable office space. The alternative was to carry out the research in the libraries of either the court or the university. Whichever way was used, a lot of time, money and effort had to be spent. It was a most inconvenient and undesirable situation. However, with LawNet, any firm, whether large or small, has immediate access to key legal resources. Smaller firms can, and have, used the legal resources on LawNet. Of the cohort of lawyers pursuing an active practice in Singapore, more than 80% have subscribed to the Legal Workbench which allows them unlimited use. Amongst the smaller law firms alone, the penetration rate has been more than 85%. The success of LawNet is a clear instance of how smaller law firms have leveraged on technology and its related services to keep abreast of the competition. 20 Efforts like the EFS and LawNet can help to ensure that the “digital divide” does not impede the growth of our legal infrastructure. The legal fabric must promote the spirit of competitiveness, which is an invaluable asset in the present era.

Conclusion

21. This afternoon, I have highlighted three issues which both the judiciary and the legal profession should consider if we are to be guaranteed a stake in the legal system of the future. Nonetheless, amidst the uncertain, but yet exciting, times which lie ahead, we should never lose sight of our principal and paramount duty to uphold the rule of law and to keep the virtues of honesty, integrity and professionalism which we all hold dear.

22. On this note, I now declare the Legal Sys-Tech open, and wish it all success.