

CHIEF JUSTICE'S RESPONSE
OPENING OF THE LEGAL YEAR 2005

SATURDAY, 8 JANUARY 2005

Mr Attorney-General and Mr Jeyaretnam, President of the Law Society

On behalf of the Judiciary, thank you for the support of the Attorney-General's Chambers and the Law Society in 2004. I look forward to your continued support in the dispensation of justice.

A Hall of Justice

2. This Chamber has been the venue of the Opening of the Legal Year ceremonies since the turn of the 21st century. Today's ceremony will be the last within these walls. Construction of the New Supreme Court Building has been progressing apace and will be completed by the second quarter of this year. The next Legal Year will therefore be opened in the New Supreme Court Building auditorium. The architectural design of the new building has attracted some discussion. In the midst of this however, we should not forget that it is not the appeal of the building's visual design that will make it a success. What will make it come alive is the extent to which we infuse it with the justice that we are charged to administer. The building will be a success only if we, the stakeholders of the courts, make it work and make it truly a hall of justice.

3. For justice surely is the cornerstone of the courts. It is the vision which we have incrementally sought to work towards. When I first took office as Chief Justice in 1990, there was a significant backlog of cases, which was compounded by an increasing workload. This created substantial delay for litigants who sought their day in court.

4. In recent years, however, I have announced that cases are now disposed of within strict timelines in both the Supreme Court and the Subordinate Courts. The case management measures implemented through the last decade are working well. We will continue to monitor this carefully, to ensure that the problem of backlog will never surface again.

5. So with the backlog behind us, we have in recent years set even higher benchmarks. This has been to ensure that the justice dispensed by the courts is of the highest quality. Our efforts here have focused on three areas. First, the appropriate use of technology. Second, the review of our rules and work processes. Third, the quality of our people.

Appropriate Use of Technology

6. Now, technology can potentially benefit the court system. To realise its potential, technology has to be used appropriately and implemented intelligently. Technology should not be introduced for technology's sake. An eye must always be placed on the end goals of access to justice and quality of justice. It is a process of constant refinement, as technology improves, and as our needs change.

7. These principles will underline our approach to electronic litigation. Enhancements have been made so far to improve the performance of the EFS system. Next week, changes to the front end will be introduced. The changes are intended to make EFS more useful to lawyers and more userfriendly.

8. An Electronic Litigation Roadmap Paper has been developed. It charts a course for the implementation of technology in the litigation process in Singapore. We recognise that to integrate technology successfully with the litigation process, all the stakeholders will have to be involved in the development. The ELS Roadmap is thus issued today for public consultation.

9. We have also looked into digital audio recording for court proceedings. Presently, court proceedings are recorded manually by the trial judge. In the New Supreme Court Building, all open court hearings will be audio recorded using digital technology. Transcripts will be made available to lawyers who wish to use them, on payment of the usual fees to recover the cost of the service. With this technology, lawyers will no longer need to 'watch the judge's hand', as they say, and wait for judges to record the proceedings. This will enable judges to focus their minds on the flow of evidence and the arguments presented. It will of course speed up hearings considerably and allow cases to be concluded more rapidly. In all, we expect this to lead to lower litigation costs for the parties.

10. We have also used technology to make the judgments of the Supreme Court and the Subordinate Courts more accessible. Recent judgments will now be published on the courts' websites. With this, judgments can be accessed easily and freely, shortly after delivery of the judgment. This will help lawyers to keep up to date on the law and help the public understand the laws that shape this land. It will also make it easier for other countries to appreciate our laws. Judgments are the crux of the courts' work. Our websites should, therefore, reflect this.

Review of Rules and Work Processes

11. A second key area in our efforts to enhance access to justice and improve the quality of justice, is the present review of our rules and work processes.

12. One example is the current effort to simplify the procedural rules that govern the litigation process. Presently, there are four modes of commencing proceedings: writ of summons, originating summons, originating motion and the petition. The origins of these modes can be traced back to the English civil practice of the late 19th century. They are complicated and potentially confusing.

13. Our Rules of Court Working Party is now working to simplify this. Their intent is to reduce the four present modes to just two. One mode will be used for factual disputes while another will be used for non-factual disputes. Hong Kong's 'Final Report of the Working Party on Civil Justice Reform' has been most helpful to us in their work. The Working Party will submit its report to the Rules Committee by the second quarter of this year. I expect the proposals to make the litigation process more straightforward and more coherent.

14. The appropriate use of technology and the review of work processes can help enhance access to justice and increase the efficiency of its administration. They also contribute in some measure to the quality of justice dispensed. Ultimately however, the quality of justice that is provided to the public, will depend largely on the quality of the Bench as well as the Bar.

15. We have thus made efforts over the years, to recruit the strongest lawyers from the Bar, the Legal Service and academia to join the Supreme Court bench. These efforts are reflected in the Bench that is before you today. The quality of the bench in the Subordinate Courts is also critical, as 95% of our cases are heard there. I have, therefore, consistently sent some of the best and brightest Legal Service officers to the Subordinate Courts to serve as Magistrates and District Judges. I myself hear all the Magistrates' Criminal Appeals from the Subordinate Courts, and I have seen the quality of their judgments improve steadily over the years.

A Noble Profession

16. The quality of justice that the public receive is also dependent on the quality of the Bar. Legal knowledge and skills are no doubt important qualities. What is often forgotten is that a person's character is equally important, if not more so. I find it disappointing, and I should mention this, that although law students have been graduating with better grades in recent years, the standard of punctuality and courtroom behaviour among some of the younger lawyers has declined. I hope this is not a sign of falling standards of professional integrity.

17. In this regard, it is my pleasure to announce the appointment of the new Senior Counsel. The appointment is a mark of distinction in the field of litigation. The application process is stringent. Applicants are subject to rigorous evaluation by the Selection Committee, which comprises the Chief Justice - myself, the Attorney-General, and the Judge of Appeal. We look for individuals with outstanding advocacy ability,

professional integrity and maturity. They should have an extensive grasp of the law as well as a successful legal career.

18. The 2005 appointments were made by the Selection Committee, after close consultation with the entire Supreme Court Bench. In the order of precedence provided under Section 31 of the Legal Profession Act, they are:

1. Mr Lok Vi Ming
2. Mr Vinodh Sabesan Coomaraswamy

I hope that all the Senior Counsel appointed, today and in the past, will continue to raise the standards of litigation excellence. With the mark of distinction, comes the robe of responsibility. Senior Counsel should step forward as role models and provide inspiration for younger members of the Bar.

19. On this note, ladies and gentlemen, I declare open the new Legal Year. My colleagues and I wish all of you the best in the year ahead. Thank you.