



**CHIEF JUSTICE'S RESPONSE
OPENING OF THE LEGAL YEAR 2006
SATURDAY, 7 JANUARY 2006**

Mr Attorney-General and Mr Jeyaretnam

On behalf of the Judiciary, let me thank you for the support of the Attorney-General's Chambers and the Law Society these past years. We look forward to your continued support in the dispensation of justice.

2 Today marks the first time that the Opening of the Legal Year is held in the New Supreme Court Building. It is a milestone for Singapore's judiciary. The work to make it an effective courthouse in fact started many years ago, well before the foundation stone for the new building was laid in 2002. The improved features and systems that we see in the new courthouse are the fruit of much labour over the years. The quality of the judges and staff also had to be built up over time.

Clearing the Backlog of Cases in the Supreme Court

3 When I first had the pleasant duty of responding to the addresses at the opening of the legal year in January 1991, the most pressing problem in the Supreme Court was the inability to cope with the increasing workload. There were close to 2000 suits begun by writ that were still waiting for hearing dates in the High Court. At the rate of disposal then, it would have taken not less than five or six years for them to be heard. If there was an appeal to the Court of Appeal, it could take another two years. Capital cases in the High Court could take up to four years, and another two more years if they went to the Criminal Court of Appeal. We could not allow such a state of affairs to continue. Justice would be delayed, and the slowness of the court system would hinder the country's economic development.

Jurisdictional reform

4 We tackled the problem on several fronts, in parallel. On one front, we reformed the jurisdictional structure to restrict the number of cases that must be heard by a High Court Judge. Matters that involved less law, such as bankruptcy petitions and adoption petitions, were transferred to the registrars and to the Subordinate Courts. The civil, criminal and matrimonial jurisdiction of the Magistrate's Courts and the District Courts were also enlarged. These measures

allowed us to concentrate the limited and valuable judicial time in the High Court on the more complex cases.

Court procedures and processes

5 A second front involved reforming our procedures and processes. We created a set of case management tools, which were driven energetically by the former Registrar, Mr Chiam Boon Keng. In 1992, we introduced pre-trial conferences to the High Court. They helped the courts to monitor the progress of cases and facilitated the fixing of cases for hearing.

6 To complement the case management process, the Rules of Court Working Party was formed in 1990 under the chairmanship of former Justice L P Thean. They reviewed and made recommendations to improve the Rules of Court, with particular regard to simplifying procedure, reducing delays and making the trial process more efficient. The efforts of the Rules of Court Working Party during this period culminated in the merger in 1996 of the Rules of the Supreme Court and the Rules of the Subordinate Courts. This rationalised court procedures and ensured consistency of procedures in both higher and lower courts.

Human Resource

7 Jurisdictional reform, case management, and reform of our rules of court, could only go so far without improvements in our human resources. A fundamental solution to the problem of the backlog was in having more courts and more judges.

8 The problem however, was that judicial salaries at that time were extremely low. Many leading practitioners declined when approached to serve on the High Court bench. We had to raise judicial salaries to make the bench a more viable alternative for those who were identified as being of the right competence and temperament for appointment. Has this paid off? Last year, the Attorney-General in his Opening of the Legal Year speech drew my attention to the 2005 edition of the Asia-Pacific Legal 500, which made this observation: ‘... expert opinion suggests that the [Singapore] bench is stronger than at any time in its history.’ The 2006 edition of this report, which was recently released in November last year, states: ‘... the higher courts stand head and shoulder above those in neighbouring countries, boasting the technology to advance matters more quickly than before and courtrooms chaired by some fine legal minds.’ Such high regard is not built up simply on the back of higher judicial salaries. Much depends on a rigorous selection process to find the best legal minds. Yet, without adequate compensation, we would not have been as successful in convincing the best to accept appointment.

9 The need for quality judges was also deeply felt in the Subordinate Courts. The senior members of the bar will recall my canvassing of your views and criticisms of the Subordinate Courts when I first took office. The Subordinate Courts' main problem then, as with the Supreme Court, was that the volume of work had increased tremendously over the years, while the personnel to deal with this growth had steadily fallen behind. With competing attractions from the private sector, there was a considerable outflow of judicial officers from the Legal Service. On the whole, this was unacceptable, particularly when the Subordinate Courts are, for many, the face of justice, handling some 95% of all cases in Singapore.

10 Together with the help of Senior District Judge Richard Magnus, a series of reforms were carried out. We increased the number of courts, created specialist courts to enable efficient disposal of matters, introduced Night Courts, established case management processes, leveraged on alternative dispute resolution, and cleared the very substantial backlog. Since then, we have systematically drawn on the best practices from around the world and institutionalised them in the Subordinate Courts.

11 Much of this would have been unachievable if we had not made a concerted effort to attract the best of our young lawyers into the Legal Service and

move many of them into the Subordinate Courts. To make the service a compelling one, we raised salaries to make them commensurate with the private sector and we established a systematic programme for development, with scholarship opportunities that are unmatched in the private sector. There are now regular rotations through various departments to allow for acquisition of a wider set of legal skills. To provide a more complete experience, we have in recent years offered secondments to ministries such as MTI, MFA, MOM and MCYS. This allows our better officers to acquire policy exposure and management skills. Today, the Legal Service accepts only the top graduates of each cohort.

12 In all of this, the Justices' Law Clerk scheme has provided a strong flow of talent into the Legal Service. Since its inception in 1991, the JLC scheme has given our top young lawyers training under very senior judges, exposed them to court perspective and built camaraderie amongst them. We have steadily moved many of them into the Subordinate Courts to take appointment as Magistrates and District Judges. The improved quality of the bench has been evident from the very low rate of appeals from the Subordinate Courts to the High Court and in the increased clarity of their written judgments.

Use of Technology

13 By the mid-1990s, with the array of measures that I have mentioned, we were able to put the backlog problem firmly behind us. With our human resource framework on sound footing and strengthening steadily, we looked towards leveraging on technology to further improve the efficiency of our operations.

14 A major plank was the introduction of the Electronic Filing System. When it was first launched in 1997, EFS allowed law firms to file writs and related documents electronically. The scope of EFS has been gradually extended over the years. Today, all matters are filed electronically into court. Consistent improvements have also been made, to make EFS more user friendly. EFS today gives us speed in transferring files and conducting searches, and a cost-effective method of storing voluminous court documents. For lawyers, there is the convenience of filing and serving documents to multiple parties, with a click of a button.

15 Another plank of our technology initiative was to integrate the use of technology into the courtroom itself. We did this incrementally, with an eye towards appropriate use of technology to improve court operations. To pilot and test the latest technology, we created Technology Courts. Today, such courts are,

amongst other things, enabled to carry out video conferencing and multi-media presentation of evidence.

16 Over the years, we have rolled out appropriate technology to all the courtrooms. We introduced the digital audio recording system in August last year. This freed our judges from recording evidence manually. It has speeded up hearings considerably and allowed judges to focus their minds on the evidence and arguments presented. We have also rolled out internet wireless hotspots. As a result, lawyers can now engage in internet legal research even while they are in court.

Building Legal Infrastructure

17 Such electronic legal research would not be possible without the supporting legal infrastructure that was built up by the Singapore Academy of Law. An important step was taken in 1992, when we created the Singapore Law Reports. This created a series dedicated to the reporting of legally significant cases heard by the Singapore High Court and Court of Appeal. The cases are selected for publication by the Council of Law Reporting, chaired by the Attorney-General. Prior to this, the only avenue was the Malayan Law Journal, which provided limited scope for reporting of Singapore cases. With this, we built

up a repository of legal precedents, which is the lifeblood of the common law system that we inherited.

18 In 1994 the abolition of appeals to the Privy Council further set the stage for the development of Singapore law. It cemented the place of the Court of Appeal as the final appellate court in Singapore. This enabled us to develop our local jurisprudence, drawing on the most progressive precedents of the common law world, without being bound by it where our more Asian context required different considerations.

19 In 1997 we took a further step in enhancing our legal infrastructure when we announced the appointment of the first batch of Senior Counsel. The judges recognised then that an important element of quality justice is quality advocacy. To build up a strong litigation bar, we were prepared to endorse practitioners who have already distinguished themselves. We hoped that this would in time, encourage more lawyers to take to the litigation bar, with a strong corp of role models to guide and motivate them. For those who have been appointed, I would remind you that with the mark of distinction, comes the robe of responsibility. Wear it well. This year, the Selection Committee will make its 35th appointment since the commencement of the Senior Counsel scheme. He is Mr Tan Chee Meng.

The Year in 2005

20 What I have described is an overview of the foundation laid for the courts these last 15 years. We have steadily built on it and refined our systems. The results have been dramatic. When we first began this journey in 1991, it took not less than 5 or 6 years for a writ to be heard in the High Court. In 2005, the average disposal time for writs was just under 7 months, with more than 50% of writs filed concluded under 6 months.

21 In the last two years, an average of about 359,000 new matters were filed per year in the Supreme Court and the Subordinate Courts. During this period, an average of about 365,000 existing matters were disposed of per year. The average disposal rate was 102%. The disposal rate will be monitored carefully every year, to prevent the re-growth of a backlog.

22 As the Attorney-General and the President of the Law Society have stated, our quest is for justice, and the attainment of justice requires more than just a new court building or procedural efficiency. It requires equality for all before the law, access to justice, transparency, and the growth of our jurisprudence. To provide greater transparency, the new judgments of the High Court and the Court of Appeal were made freely available on the internet last year. To further develop

our jurisprudence, judges were allocated time, aside from hearing matters, to work on their written decisions. In total, 293 written judgments were delivered by the Court of Appeal and the High Court in 2005.

The Year Ahead

23 Our pursuit of timeliness of justice, accessibility to justice and quality of justice, cannot stop here. There is more that we can do. This year, the Supreme Court will look to make our case monitoring systems more efficient and cost-effective. We will develop an IT system that will electronically monitor every case against the timelines set by court. The court will be alerted of any delay in the progress of a case. This will allow immediate remedial action to be taken, whenever necessary. The system will also inform the court where parties have complied with timelines, and allow us to dispense with pre-trial conferences in such cases. This will minimise court attendances and will significantly reduce the costs of monitoring cases.

24 We will also further simplify our litigation procedures. The previous four modes of starting legal actions will be reduced to just two – writ of summons and originating summons. In this, we are most grateful to Chief Justice Andrew Li of the Supreme Court of the Hong Kong SAR for making available for our use their pioneering ‘Final Report of the Working Party on Civil Justice Reform’. We have

also modernised certain Latin and archaic terms in the Rules of Court. The end result has been to make litigation more straightforward. Costs incurred in understanding the rules and determining the proper mode of commencement will be greatly reduced.

25 We will effect these changes in two phases. Phase 1, which began on 1 January 2006, covers all civil proceedings except bankruptcy, proceedings relating to winding up and judicial management, and proceedings under the Women's Charter. Phase 2 will take place in the second quarter of this year, and will cover all remaining classes of action that were excluded from the first phase.

26 At last year's Opening of the Legal Year, I announced the public consultation of the proposed Electronic Litigation System. We received written responses from a good cross section of the stakeholders in the litigation process. Where appropriate, we have incorporated the feedback. An Electronic Litigation Systems Committee has been constituted. It will be working intensively over the next few years to bring forth a refreshed and improved Electronic Litigation System for the courts and lawyers.

Conclusion

27 I came to the courts in 1989 after some 18 years away from the legal scene. With the benefit of hindsight and the experience of reforms that we have successfully implemented, I would say that our problem then was only apparently

the backlog. I say ‘apparently’ because the backlog was merely a symptom of a far more deep-rooted problem within the court system and legal profession – a problem of mindset and attitude.

28 As heirs to a legal system that has its roots in the British common law tradition, our judges and lawyers retained certain characteristics and practices that were perhaps more suited to a different era. We wore wigs and used antiquated forms of address such as ‘Your Lordship’, practices that seem anomalous to our cosmopolitan and fast paced society. We viewed the business of justice from an un-businesslike perspective. Jurisprudence was the sole concern. Little attention was paid to how our court systems and procedures delayed access to justice.

29 We have since transformed our court system to make it relevant to Singapore society. More importantly, we have renewed our mindset and attitudes. A new generation of lawyers has been brought into the fold of the legal service and the judiciary, with keen minds, compassionate hearts and strength of character. I have every confidence that they will adapt and master any future challenges. On this note, ladies and gentlemen, I declare the New Legal Year open. My colleagues and I wish you the very best in the year ahead. Thank you.