

SPEECH BY
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Introduction

1. Let me begin by thanking all of you for your contributions to the Legal Service over the last year. I would also like to offer my congratulations to all the officers who have been promoted.

Progress Made

2. Ten years ago, at the Opening of the Legal Year 1992, I spoke about the changes we were embarking on. We wanted to create a service with improved prospects for its better officers, and a better sense of direction for all of them. I believe we have achieved that.

3. Legal Service salaries are now benchmarked against the income of practising lawyers in the private sector. Promotion prospects have been enhanced considerably in the last few years. Continual effort has also been made to ensure officers of an orderly career development programme. These changes have resulted in the recruitment of better qualified officers. In fact, since July 1998, the selection criteria for admission of fresh graduates into the service is at least a Second Upper Honours. We have also been drawing lawyers from practice who possess good qualifications and useful experience. On the whole, these bode well for the future of the Legal Service.

Forces of Change

4. This is, however, no time to rest on laurels. There are at least three forces of change today, which are affecting the operating environment of the Legal Service: first, the rapid pace of technological change; second, the convergence of disciplines; and third, globalisation, of the law and of legal practice.

Technological Change

5. Rapid technological advancement in the last decade, especially in information technology and biotechnology, has led to new fields of law. Six years ago, there was a debate amongst US legal minds about whether there was such a thing as the law of cyberspace. Frank Easterbrook, Judge of the US Court of Appeals for the 7th Circuit, argued that a law of cyberspace makes as much sense as a law of horses. He may still be right, in so far as information technology law remains, at least for now, a collection of traditional legal principles dealing with a specific technology, rather than a subject matter with its own corpus of principles. Nevertheless, the complexities of this technology, and

the extent of its impact on society, are such that a whole body of legal literature has built up around it. In contrast, while Glanville Williams has written a doctoral thesis on 'Liability for Animals' in 1939, as far as I know, no one so far has written a textbook specifically on the law of horses. The result of rapid technological changes, therefore, has been the development of new fields of law. At the same time, the nature of these high-tech industries has also increased the relevance of certain existing areas of law, in particular, intellectual property law.

Convergence of Disciplines

6. An examination of these new areas of law reveals the work of the second force of change which I mentioned: the convergence of disciplines. Learning about the law relating to biotechnology, for example, involves as much work on understanding the basics of molecular biology, as it would on patent law, if not more. Understanding corporate finance law involves as much understanding of finance and the markets as it does of the statutory and contractual principles governing it. To understand how competition law operates, an understanding of the economics of competitive markets, oligopoly and monopoly is first required. Increasingly, legal knowledge will have to be accompanied by contextual knowledge, if the law is to be applied effectively.

Globalisation

7. The third force of change which we have to contend with is globalisation. This phenomena affects the Legal Service on at least two distinct levels: through the globalisation of law, and the globalisation of legal practice. On the first level, we have to be cognisant that increasingly, the shaping influences of our laws are found in another country. Globalisation of markets and economic competition have led to governments world-wide being more keenly aware of each other's regulatory regimes, and moving quickly to adopt another country's regulatory regime if the markets deem that to be more effective. This race to the most effective regime is nowhere more evident than in the financial world. At the same time, the strength of multi-lateral organisations, such as the World Trade Organisation, has meant that some of our domestic laws are in fact made on an international level. The Trade Related Intellectual Property Rights Agreement, and its resulting influence on our Intellectual Property laws, is but one example. The relevance of the WTO process to our domestic laws will continue to grow, as negotiation work builds on the Doha Ministerial Declaration of November 2001.

8. On a second level, globalisation of legal practice has brought to our shores foreign law firms and facilitates the movement of our lawyers and Legal Service Officers to foreign shores. These foreign law firms offer, especially to the top talent in the Legal Service, very attractive annual remuneration, and the lure and glamour of global work. More than ever, the Legal Service will have to ensure that as an employer, the terms of service, the working environment, and the prospects for career advancement and development, are truly competitive by international standards, and are genuinely attractive and meaningful as a career choice for those who want to uphold the Rule of Law and serve in the administration of justice.

The Legal Service's response

9. Change necessitates change. At the same time, we have to resist the temptation to chase the wind and to throw ourselves in all directions, at the appearance of any new perceived challenge. I have said before, that as the primary public institution that secures the continued Rule of Law and the fair administration of justice, the Legal Service has a crucial responsibility for Singapore's security and welfare, and for its economic growth and competitiveness. Whatever we set out to do in response to change, must lead back to the accomplishment of our mission.

10. The instinctive response to change is oftentimes to chart a new strategy, start a new project or to launch a new initiative. Such work may invariably be necessary, but as the uncertainties swirl around us, we have to keep sight that the Legal Service's first and primary response to impending change must always be the recruitment and retention of the best and the brightest. Once we have the right people on board, and we create the space and environment for them to exercise their full talents and capabilities, we will be well positioned to meet any force of change. If we fail to do that, we can craft all sorts of strategies, propose fanciful frameworks and attractive structures and it will not make a difference.

11. Those of you who were in the Legal Service in the years when we had to tackle the problems of the backlog in the courts will know that what I am saying now is not new. I had emphasised some 11 years ago that case management alone can only go so far, and that the real solution to the problem lay in having more judges and improving their productivity. The problem of finding the right people for the Legal Service, and nurturing, challenging and retaining them, has also been something I have emphasised throughout the years.

12. My attention was drawn recently to a book by Jim Collins, entitled Good to Great. The author systematically sifted through financial data of the companies that appeared on the Fortune 500 in the years 1965 to 1995, for companies which showed the following basic pattern: 15 year cumulative stock returns at or below the general stock market, punctuated by a transition point, then cumulative returns of at least 3 times the market over the next 15 years. 11 companies, which showed such patterns of moving from good to great were identified. They were then examined against direct comparison companies who were in the same industry at the same time, but who did not show a similar transformation. One key difference between the good to great companies and the direct comparison companies which emerged was this: the good to great companies concentrated first on getting the right people on board, before deciding what was the path to greatness. In contrast, the direct comparison companies set out a vision first, then enlisted a crew of capable helpers to make the vision happen. This research finding is summarised by Collins using the following phrase: 'First Who ... Then What'.

13. It is a concept which is intuitively sensible, but easily forgotten, especially when rushing about to respond to change. But it is precisely because of the difficulty in arriving

at neat strategic plans of what to do at each critical moment, that makes it vitally important to ensure that the Legal Service has a continuing flow of top talent at all levels. We need officers of keen intellect, with the maturity of mind to understand the forces at work around us, who have the heart for public service and the adaptability and agility to carry out their mission, throughout all the changes. The Legal Service will have to be staffed by men and women who are effectively trained, with strong professional knowledge and expertise, who can identify and analyse intricate and novel issues, and make sound judgments where the bottomline is not dollars and cents, but unquantifiable yet critical outcomes: the continued Rule of Law and the fair administration of justice in Singapore. And where we have found such officers, it is the task of every Head of Department and the Legal Service as a whole to create an environment where they can grow, where they can exercise their initiative, their energy, and their capabilities to the fullest.

14. The Legal Service has already begun the process of equipping and empowering our officers, and engaging them in a continuous cycle of learning of new knowledge and skills. The changes brought about by information technology resulted in the formation in October 2000 of the Legal Service Technology Law Core Group, which seeks to provide a flexible training framework for a selected group of officers to learn about information technology and the law relating to it. To enable members of the Core Group to rapidly ramp up their expertise in information technology law, we have obtained specific funding from the Ministry of Finance, effective this new financial year, to send 2 officers each year on an overseas scholarship to pursue the LL.M. in IT Law. The officers of the Technology Law Core Group will in time to come provide the Legal Service with the necessary expertise to meet the challenges brought about by rapid advances in information technology.

15. Another new field which we are monitoring carefully is biotechnology. Advances in this field will increasingly affect the way our society is structured. DNA profiles of individuals, for example, could become available to insurers and employers for their assessment. This will raise pointed questions as to the ownership and proper use of our genetic data. As Singapore progresses along the path of building a biomedical cluster, we will have to engage difficult questions on the permissible realms of research and treatment. Legal and ethical debate on such biomedical issues are inevitable. The Legal Service must be prepared for this, and have in place the necessary structures to manage these changes and address these issues. We are therefore considering the development of a Core Group for Biomedical Sciences, along similar development lines as the Technology Law Core Group.

16. To further encourage our officers to push the frontiers, we will be implementing four awards for Legal Service Officers: 'The Chief Justice's Award', 'The Attorney-General's Award', and 'The Singapore Legal Service Team Awards' for the Legal Branch and the Judicial Branch. The intention is to further enhance the existing culture of excellence in the Legal Service, by giving due reward and recognition to individual officers and teams of officers for specific instances of outstanding contributions to the Legal Service and the profession.

17. We will also be launching in July the Open Resource Posting System, or 'ORPS', for Timescale Legal Service Officers. This new posting system is modelled on the systems used by the Administrative Service. It utilises a market driven approach to postings, allowing officers an equal opportunity to bid for available vacancies, and placing the onus on Heads of Department to ensure the attractiveness of each Department. The result is greater empowerment of individual officers over their choice of posting and an increased transparency in the posting process. Officers will henceforth be jointly responsible, with the Service, for the management of their careers. At the same time, the postings of officers identified to have the aptitude and potential for greater job scope and responsibilities will be differentially managed and their progress closely tracked. The ORPS will be fine tuned after implementation, to better suit the specific needs of the Legal Service.

18. In line with the move to devolve more responsibility to the individual officers for the management of their careers, a generic career progression roadmap model will be developed for all officers. The focus of the roadmaps will depend on the potential and seniority of the individual officer. In particular, career progression roadmaps for Timescale Legal Service Officers will focus on the development of core competencies and on providing broad exposure across a few Legal Service Departments. I have just met all of the Heads of Department as a group and discussed various issues facing the Legal Service. The Heads of Department always have the interests of the Legal Service as a whole, and I am certain that they will provide the younger officers the necessary guidance, support and advice. I am confident that with the full commitment of the Heads of Department, the Open Resource Posting System and the career progression roadmaps for Timescale officers will be successfully implemented. The roadmaps for Superscale Legal Service Officers will focus on grooming them for future leadership roles. This grooming will take place within a succession planning framework for the leadership positions of the Legal Service and the High Court bench. The Legal Service has thus far been able to discharge its mission effectively. The high rankings accorded to the Judiciary and Singapore's legal framework have been possible due to the critical work and excellent performance of the Legal Service's Judicial Branch and the Departments of the Legal Branch. It is our responsibility to ensure that the only thing different in the future is that the Legal Service is better than it ever was, and for that we will need officers with self-confidence, breadth of mind, the ability to see the wood for the trees, to communicate effectively, and to lead and deal with rapid change.

19. The career progression roadmaps will be supplemented with structured training roadmaps, identifying key training at different milestones of an officer's career. Such training will be multi-disciplinary, and will include both professional and managerial or developmental training. One specific professional training programme which we will soon be introducing is the Legislative Drafting Attachment Scheme. Under the scheme, officers will be attached to the Legislation Division of the Attorney-General's Chambers for a period of 4 months to undergo intensive training. This will enable the Legal Service to identify potential draftsmen and develop more officers with a greater appreciation of the legislative drafting process.

20. The structured training roadmaps will also include, where possible, attachments and secondments to leading external organisations. These will include the best law firms, the top global companies, international agencies, and the Administrative Service. These attachments and secondments will serve to further increase the breadth of exposure and experience of our officers.

21. Those pursuing an LL.M. on a Legal Service scholarship may be permitted, after the completion of their course, to defer the service of their bond for the duration of such on-the-job professional training and attachments. We will explore with the PSC the viability of similar arrangements for scholars who are studying law, to permit them to proceed immediately with a professional attachment upon graduation, before returning to serve their bond. In the same vein, we will work with the Public Service Division on nominating promising Legal Service Officers for directorships in GLCs and Statutory Boards.

Conclusion

22. I began this evening with three forces of change that will affect the Legal Service's operating environment: rapid technological advancement, convergence of disciplines, and globalisation. A year or two from now, the forces of change, they may be the same, they may be different. Through it all, the Legal Service's first and primary response will be unchanging. It will be this: find the right people, give them the space, and let them get to work. I wish you all a good evening.