

**Singapore Legal Service Promotion Ceremony 2009
on 31 March 2009**

Address by Chief Justice Chan Sek Keong

Good afternoon, members of the Legal Service Commission and Legal Service Officers.

1. This is the second promotion ceremony after the reconstitution of the Legal Service Commission in November 2007. Today, I would like to welcome three new members of the Legal Service Commission who are attending this promotion ceremony for the first time, viz., the Attorney-General, the Chairman of the Public Service Commission, Mr Eddie Teo, and Mr Lucien Wong, the senior partner of Allen & Gledhill.

2. This year, the Legal Service Commission and the two Personnel Boards have approved the promotions of 64 officers in the Legal Service (which has a complement of 311 LSOs) as against 63 promotions in the Administrative Service (which has a complement of 455 AOs). So we are promoting, on a percentage basis, more officers than the Administrative Service. This number constitutes about 20% of the strength of the Legal Service. I congratulate all of you on your promotions. To those who are here, but who have not been promoted this year, I thank you for your presence as a show of your support for the Legal Service.

3. Last year, I spoke about the many changes in the Legal Service and how we hope to make it a service that all our officers would be happy and proud to work for. We had some problems of morale among our middle-

ranking officers in the past but I hope that this is all behind us with the reorganisation of the service along the lines of the Administrative Service.

4. This year the Legal Service will be operating in an entirely different environment from last year's. Last year, I said in my address and I quote: "We recognise that in today's economic and social environment the level of pay is more important to young LSOs than the virtue of public service." Today, this may not be the case. The world is in one big financial mess and every economy in the world has been messed up by it. Everyone responsible for it are pointing fingers, to the extent that it was the fault of, an economist who died more than 200 years ago for advocating an economic system that allowed everyone to be greedy and irresponsible to the welfare of his fellow men. But, at least, everyone who have the power and the means to do so are now trying very hard to revive the global economy. We can learn one big lesson from this, which is also applicable to the Legal Service: those who think they are the best and the brightest may not always be the best and the brightest.

5. We have been told that this year Singapore's GDP will contract by between an estimated 2% and 5%, reflecting the huge decline in demand for goods and services. Legal services will not be spared and there will be job losses for lawyers. I understand that some large law firms are unable to retain all the pupils that they currently have. The legal services market as a whole may not contract this year, but next year is another matter.

6. Fortunately, the situation is much better for legal services in the public sector. The reason is that our public sector has grown bigger over the years. The Prime Minister has just spoken about the growth of government in tandem with Singapore's economic growth, larger

population and the increase in the responsibilities of the Ministries to meet the expectations of a more sophisticated and demanding public. Thus, the demands for legal services by the Ministries have grown tremendously in the last 3 to 5 years. They have found that legal inputs are necessary to improve and speed up the formulation and implementation of their policies. I am glad to say that legal services have finally been recognised to have the capacity to contribute to the promotion of good governance. This is one of the core functions of the Legal Service which we will ensure will be carried out competently and efficiently.

7. As a result of this demand for our legal services, the Legal Service today has 311 officers, which makes it bigger than the largest law firm in Singapore. It will certainly continue to grow if we are looking ahead to a population of more than 5 million people. Our officers come from a wide cross-section of educational and professional profiles. 79% of our officers were educated at the National Law School, with the remaining 21% having graduated mainly from the United Kingdom. Almost half (45%) of our officers have Masters degrees. Although we are a relatively young service, 17% of our officers were recruited as “mid-career” officers (i.e. those with at least 5 years of relevant legal experience). It is useful to note that of the 53 officers recruited to the Legal Service as “mid-career” candidates, 20 were “returnees” – those who were previously in the Legal Service. Of these, 10 rejoined us in the last 2 years. With their private sector experience, this will be positive for the Legal Service if they have rejoined for the right reasons. The current crisis will provide us an opportunity to add even more depth and breadth to our existing pool of Legal Officers. But, we have to be discriminating to avoid any perception that the Legal Service is a repository of private sector rejects.

8. The quality of the Legal Service has also continued to grow. We have 81 (that is, 26%) officers with first class undergraduate and/or Masters degrees: probably the largest concentration of young legal talent in Singapore. But I wish to assure all our other officers not to be concerned about their future prospects in the service. We have always focused on performance rather than academic qualifications, and have always tried to promote officers and award performance bonuses on merit and performance. The reorganisation of the assessment structure into two independent personnel boards – Special Board and Senior Board – is intended to provide a more sensitive assessment of service quality and performance by our officers. We, in the Personnel Boards, are fully aware that there may be some degree of subjectivity in assessments by Heads of Divisions. Our function is to moderate or change them, when necessary.

9. The Legal Service has also convened regular performance appraisal workshops for officers at all levels and has institutionalised the Milestone Career Counselling Programme as well as formal twice-yearly face-to-face review sessions. These measures have been put in place to ensure that if you work hard and demonstrate promise and potential, your efforts will not be overlooked. The Legal Service is also improving other aspects of its personnel management and development framework. Besides the established Rotational Posting Exercise system which seeks to expose officers to a wide spectrum of legal and judicial work, we have also put in place a Talent Management Scheme and Succession Planning framework to identify and groom promising officers into future leaders of the Service. With these programmes, every officer has the opportunity to rise to his level of competence. There is no reason why an officer with a lower academic qualification cannot make it to the top if that is his level of competence.

10. A serious recession tends to concentrate the minds of young law graduates as well as older ones in the Legal Service on the comparative advantages and benefits of life and work with lower remuneration in the Legal Service and higher remuneration in the private sector. Please note I am referring to lower remuneration, not *low* remuneration, which was the case when I switched to public service in 1986. While private practice is a series of ups and downs, the Legal Service is always, in good times and in bad, a steady ascent to the top, according to the level of your competence. Even in the midst of this unprecedented downturn, the Legal Service continues to recognise and reward its best and brightest. Today's promotion ceremony is testimony to this fact. But for those of you who have not been promoted this year, and whose variable pay will be reduced due to the difficult economic conditions, there is no reason to be disappointed. Your annual increments have been awarded to you according to your approved CEP and performance grading. There is no reason to fret about or to envy the private sector for the kind of work they do, the kind of risks they face, and the kind of life they lead. The two spheres of work are not comparable, even if you believe that the intellectual efforts are comparable. In other words, let us not complain about the bed we choose to sleep on.

11. The pay structure in the Legal Service remains competitive. Coming from the private sector, I would say that Legal Officers are lucky to have such a structure. In other words, they should have nothing to complain about. The basic 95P25 and 95P35 – percentile and age – benchmarks are in place to ensure that the pay of Legal Officers will not fall too far behind their counterparts in private service. We regularly review the components of our remuneration package in order to respond in a timely

manner to changes and developments in the private sector and the economy. So whilst the law firms face uncertainties in the market for legal services in the current economic climate, the Legal Service does not face such uncertainties in terms of demands for our services. Just early last year, we had difficulty in recruiting the number of young law graduates we required because of the heady pay packages and bonuses that were dangled before them by foreign and leading large local law firms.

12. To widen our pool of LSOs, we have refined the short-listing criteria in order to take into the Legal Service law graduates with second lower degrees, if they have an aptitude and passion for prosecution work or have other qualities that are useful for the Legal Service. A total of 45 applications were processed in the last 4 rounds of recruitment exercises in January and March 2009. 28 candidates were interviewed, out of which 23 were selected. 17 accepted our offers of appointment. 3 have assumed duty, with the remaining 14 joining us soon.

13. DPM Jayakumar (in his speech at this year's promotion ceremony for Administrative Officers) has spoken of the need for them to think globally, and to keep their feet on the ground and stay focused on the fundamentals. LSOs need to do the same, although I would say that they should focus more on improving our legal system as all justice is local, even if lawyers in the private sector want to plant their feet globally. So, we need to ensure that our LSOs are given the necessary opportunities for continuing educational and professional development. In addition to the established schemes for LLM scholarships abroad, we have also expanded our attachment programmes both locally and abroad. In the past year, 4 Legal Officers had the benefit of seeing public sector work in a very different context, as arrangements were made for them to be attached

to the Crown Prosecution Service and the Royal Courts of Justice in England. We have also made arrangements with top barristers' chambers in London to take LSOs on attachments, but the response from our top talent has been poor. Sadly, and this is a fact of life, every officer wants to have a Harvard, Yale, Oxford, Cambridge, etc., tag to his name.

14. In addition to thinking globally, focusing locally, the Legal Service also needs to look prospectively, at the kind of legal services the nation may require. I can tell you, as a former AG, that AGC could have served the legal needs of the State very much better in the past. We lacked this foresight in the past, but the future is going to be different. To identify such and other challenges further on the horizon, we have embarked on the first-ever Scenario Planning Exercise for the whole Legal Service. A number of the members of the Legal Service Commission present here today (AG, Justice V K Rajah, Justice Lee Seiu Kin, Dr Philip Pillai, Mr Lucien Wong and Mr Lee Tzu Yang) are directly involved in this effort. Through this exercise, we hope to pinpoint the “driving forces” of change in the Singapore legal environment so that we can plan ahead to supply the legal services needed for national development.

15. Even as we prepare ourselves for change, the fundamentals of the Legal Service must remain. We must work with our other legal institutions and assist in building a fair and efficient legal system and the rule of law, for the people and the nation. The public interest lies at the heart of what we do, and it is this which sets us apart from private sector practice. I wish you a fulfilling year ahead.

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