

OPENING OF THE LEGAL YEAR 2010

Address of the President of the Law Society

1. May it please Your Honours, Chief Justice, Justices of Appeal, Justices and Judicial Commissioners of the Supreme Court. First of all, it is my pleasure to welcome the new Members of the Court, Judicial Commissioners Philip Pillai, Quentin Loh and Steven Chong. We wish them a happy and fruitful time on the bench.

2. In my Opening of the Legal Year Speech last year, I indicated a number of areas on which we would be working in 2009, and I want to report our progress in these various areas.

(a) The amendments to the Criminal Procedure Code

We have submitted a substantial paper commenting on the proposed amendments. Some of the members of our Working Party have been invited to sit in with the main Working Group together with other government agencies to discuss the amendments and our comments in detail, so this is very much work-in-progress.

(b) The dialogue with our Sister Bar Associations

We are pleased to be repeating the tradition which we started last year of inviting the leaders of the Bar Associations of Hong Kong and Malaysia to witness the opening of the Legal Year Ceremony, and to engage with us in dialogue on matters of mutual interest on the sidelines. So we welcome today Mr Huen Wong, the President of the Law Society of Hong Kong and Mr Lim Chee Wee, the Vice President of the Malaysian Bar. We had a fruitful discussion with our colleagues yesterday in preparation for the forthcoming POLA Conference in Kuala Lumpur on 27 July this year (of which more later).

(c) Remodelling of Conveyancing System

This has proved a more difficult task than had been previously envisaged. Wong Meng Meng has been appointed as the Head of the Working Party to work out the modalities of the changes which had been decided in principle to make the conveyancing system safer for purchasers and a number of alternative methods have been explored. While Mr Wong's Working Party is independent of the Law Society, he has of course consulted the Society's Conveyancing Practice Committee in testing the viability of these various proposals, so we have been actively involved in the ultimate decision as to the shape of the new conveyancing regime.

We are hopeful that the details of the new system can be announced in this coming year.

(d) The Impact of the Qualifying Foreign Law Practices

The recent global financial crisis may have affected the 6 QFLPs' plans to fully develop their Singapore practices in 2009. With the QFLPs' strong commitment to invest resources in Singapore, the hope is that, with the anticipated development of their offshore (and now onshore) work, new practice areas will develop and existing practice areas will enlarge, thereby growing the legal pie and also benefiting Singapore law practices. However, although their presence has been felt in some quarters, the legal profession has yet to appreciate the full impact and implications of the liberalized regime for QFLPs. Preliminary feedback from the larger law firms has not indicated any immediate flight of our brightest young lawyers to the QFLPs (nor of any significant loss of clientele to them), but we will be monitoring the situation closely in the coming year. At the same time, we will facilitate cooperation between local firms and international practices generally, and will consider moves to involve local lawyers working in international practices to be more engaged in the activities of the Society.

(e) **The Regional Conference on “Children and the Law”**

Last year, in collaboration with LawAsia, we organized a “Children and the Law” Conference in Singapore bringing together judges, experienced family practitioners and academics specializing in the area of child law as well as other stakeholders who shape policies pertaining to children and professionals who work with children. We had delegates from 9 countries who shared their expertise on recent developments involving child law in their respective jurisdictions resulting in a very fruitful conference.

3. I now move on to our plans for the coming year. Apart from finalizing the outstanding projects described earlier, Council intends to focus on three matters.

(a) First, we will re-examine how best to keep in touch with members’ views so as to better represent their interests. Although the lack of interest in standing for election to Council has already been noted and commented on, the reality is that the composition of Council today is truly reflective of the different classes of law firms and the diverse fields of practice of our membership. We have dedicated Council members who are respected by their peers, and there

is a strong level of interest and participation in our 30 Committees, so our Society is definitely healthy and functioning well.

- (b) Next, we will undertake a review of all Law Society Practice Directions and Rulings since the last consolidation in 1989 so that we will update and consolidate all practice directions and rulings issued by Council from 1984 to 2009.
- (c) Third, we will enlarge the scope of our flourishing Pro Bono programme. Last year, we held another successful Law Awareness Week and published a new edition of our “Know the Law” booklet for lay persons. We also launched an inaugural “Pro Bono Guide” as a handbook for our members about to embark on pro bono work for the first time. This year we will undertake a new initiative to provide legal assistance on a selective basis to public interest NGOs. We are already exploring avenues of co-operation with the Securities Investors Association (Singapore) (SIAS) and the Consumers Association of Singapore (CASE) to provide legal assistance through these organizations to investors and consumers as a group, giving them pro bono advice on macro legal issues faced by these segments of the public. On

another front, we will continue to engage as many volunteers as possible (including foreign lawyers and law students under the supervision of our members) in our pro bono initiatives.

4. I am also pleased to report that the feedback received from our members indicates that they are feeling happier about their relationship in court with the judicial officers, and we hope in turn that our members' conduct before the courts has been maintained at a satisfactory level. We are particularly grateful to the Subordinate Courts for acceding to our request for the erection of walkways to keep our members and the public dry as they access the courts on rainy days, and for providing extra facilities in the Complex to make our life in the courts a little more comfortable. Indeed, we now have regular quarterly dialogues with the Registrars in the High Court and the Senior District Judge and his colleagues in the Subordinate Courts, and these dialogues have greatly contributed to the feeling that the courts and the bar are working in partnership to achieve the best for the public that we both serve.

5. I now want to speak about the internationalization of the Singapore Bar. Singapore has long been a centre of legal activities because of the amount of international business and

human activity in our country as well as the significant presence of foreign law firms here. In the last two years, the Law Society, representing the Singapore Bar, has expanded our global footprint and increased the global awareness of Singapore's legal expertise. The hugely successful IBA Conference in 2007 gave Singapore a platform from which to intensify our presence on the international stage. Let me give some examples.

- (i) When I represented Singapore at the IBA mid-year conference in Amsterdam in 2008, I received a special ovation from all delegates, not because of anything I had done or said, but in appreciation to Singapore for having organized what the delegates felt had been one of the most successful IBA conferences to date.
- (ii) In 2008, the Law Society undertook a legal mission to Ho Chi Minh City. In the course of this visit, we discovered that there was a serious interest in the contributions which Singapore might be able to make to the development of the Vietnamese Bar. We therefore undertook to return with a series of teams to introduce Vietnamese lawyers to international arbitration, and the

first such team that completed this training mission was from KhattarWong (at their own expense) on 31 October and 1 November last year. By all accounts, the training team was well received, and we are looking forward to sending more such teams to continue our task of training the Vietnamese lawyers, not only in arbitration, but in other legal skills as well.

- (iii) We have also played an increasing part in POLA, which is a gathering of all the Bar Associations in the Asia Pacific region. At the POLA conference in Seoul last year, we were instrumental in shaping the Seoul Declaration which (among other things) committed POLA to working together on specific projects so as to explore and promote recommended best practices in selected legal areas on an Asia Pacific basis.
- (iv) I have carried the flag of the Law Society at important events such as the Opening of the English and Hong Kong Legal Years, the World Bar Leaders Conference and the Commonwealth Law Conference to share our experience to ensure that the voice of Singapore is heard on important international legal issues.

- (v) We have long been a member of the IBA, but have recently had to engage in contentious dialogue with the IBA Human Rights Institute, where we have responded to its criticisms of the system and administration of justice in Singapore.

- (vi) Last year, we held our second Law Society Biennial Lecture, featuring the former Attorney-General of England & Wales, Lord Peter Goldsmith, whose speech proved to be an inspiration to the younger members of the Bar, as demonstrated by the lively exchange following the lecture between Lord Goldsmith and several young practitioners.

- (vii) Last year, Singapore also played host to the Annual Conference of the New York State Bar Association. A number of our local lawyers participated in the Conference's activities and interacted with the delegates, the most significant interaction being the speech of the Chief Justice and the dialogue with the Minister for Law, which have been well reported in the local press.

- (viii) I am also pleased to congratulate the Honourable Chief Justice for receiving the prestigious International Jurists Award for 2009 in recognition of his outstanding contributions in the area of administration of justice.
- (ix) I am proud to announce that our former Vice President, Malathi Das, is now the President-Elect of LAWASIA, the first Singaporean to receive this honour. She has been succeeded as Vice President by Leo Cheng Suan.
- (x) This year, Singapore will also host the Inter-Pacific Bar Association Conference (hopefully) at the Marina Bay Sands Integrated Resort, which is already attracting considerable interest from lawyers around the world.
- (xi) In a fortnight's time, the SIAC will also be hosting the Singapore International Arbitration Forum to celebrate the opening of Maxwell Chambers, and we will be welcoming the cream of the international arbitration community to Singapore to marvel at the superb facilities of this arbitration centre which will rival those of any other international centre, and will firmly

entrench SIAC as one of the major international arbitration centres of the world. And not only will we be providing the physical infrastructure for international arbitrations, it is heartening to note that Singapore lawyers are now being accepted as international arbitrators and as international arbitration counsel even where the subject of the arbitration has no connection with Singapore.

(xii) And in 2012 Singapore will host the International Council of Commercial Arbitration (ICCA) Conference, which is the most prestigious conference in the arbitration calendar, certain to attract hundreds of the world's top arbitration practitioners.

6. But internationalization will come at a price. We internationalize, not for its own sake, but because Singapore lawyers are constantly interacting with lawyers from other parts of the world. That interaction requires our lawyers to acquire at least a basic knowledge of the laws and legal systems of those countries with which we deal with most often, such as Malaysia, Indonesia, China, India, Vietnam, Japan, Korea, Thailand and the Philippines, most of which

are civil law countries. It was partly with that in mind that Council established the Public and International Law Committee so as to afford opportunities for our lawyers to gain greater knowledge of our neighbouring countries' laws and legal systems.

7. Another aspect of internationalization is that we will be exposing our own laws and legal system to the scrutiny of the outside world and will be called on from time to time to answer queries and criticisms about certain aspects of our laws and legal system. I think we all know which are the areas that have been the subject of scrutiny in the past, and others will no doubt come under the international spotlight in time to come. The manner in which our Chief Justice and Minister for Law engaged the visiting members of the New York Bar to explain our policies on the Rule of Law is a fine example of how Singapore will stand up to this challenge of internationalization. Other topics may be more difficult, but we will save that for discussion on another occasion.

8. In conclusion, may I assure Your Honour of the support of my members for the Judiciary in all courts. I also reaffirm

our wish to co-operate with the officers of the Attorney-General's Chambers to combine efficiency with justice in all cases coming before the courts. I also extend to Your Honour, Chief Justice, and all your colleagues on the Bench, as well as the Senior Minister, the Minister for Law and the Attorney General our best wishes for a successful year ahead.

MICHAEL HWANG, S.C.

President

Law Society of Singapore

9 January 2010