

**OPENING OF THE LEGAL YEAR 2009**  
**Address of the President of the Law Society**

May it please Your Honours, Chief Justice, Justices of Appeal, and Justices of the Supreme Court

1. This year I am in the interesting position of knowing the Chief Justice's current thoughts on the challenges facing the legal profession because Your Honour has addressed those problems in his recent speech at our Annual Dinner & Dance in October 2008.
2. I therefore propose to respond to some of those concerns which you have expressed.

**Clients' moneys**

3. In your speech, Your Honour referred to the impending changes in conveyancing practice which will end the right of solicitors to hold clients' moneys for conveyancing transactions. Your Honour has rightly emphasized that the public interest must override all other considerations. But this change in practice (when it comes) will be a matter of shame and regret for Singapore lawyers. It is sad that certain errant lawyers have behaved in such a way that the rest of the profession will lose the right to carry out a function traditionally associated with lawyers the world over.
4. When I commenced practice, I was taught that lawyers were so trusted that they were given the right of exercising a function normally expected of bankers and for many years I carried this compliment as a badge of pride. Yet, when I came to know that Singapore lawyers would have to give up the right to hold clients' moneys for conveyancing

transactions, my first reaction was to ask whether this right and power we have had is more of a bane than a boon. The main function of a lawyer in acting for a vendor or purchaser or mortgagee is to protect the legal interests of his client in the transaction, and acting as banker is merely incidental to his core duty.

5. We know that JA VK Rajah is heading the Committee to Review Safeguards in relation to Clients' Moneys (which is made up of a number of stakeholders, including our members). This Committee has been working on a new regime that will develop a system of effecting a conveyancing transaction without using a lawyer's clients' account but with a minimum of inconvenience to the client. This will have to come from finding alternative means of transmitting the purchase price from the purchaser and his financier to the vendor and his mortgagee. If this new model that emerges can operate successfully, with minimum inconvenience to its users, then Singapore would have made a virtue out of necessity, and set an example to the rest of the world how conveyancing can be undertaken with less risk and equal efficiency.

### **Pro bono programmes**

6. Your Honour also expressed praise for our *pro bono* programmes and brought up some interesting ideas on how different lawyers might contribute in different ways to our *pro bono* initiatives.
7. We agree that the importance of a strong and healthy *pro bono* culture should not be underestimated. *Pro bono* activity involving all our members builds and strengthens relationships within the profession which transcend sizes of practice, specializations or competitive advantage.

8. I am happy to report that our *pro bono* programmes are well supported by members young and old and from all sectors of the profession.
9. Since its launch in September 2007, our Community Legal Clinics have been very busy and have received good feedback from clients who have visited those clinics. As of 9 September 2008 (marking the end of our first full year of operations), 3230 persons have enquired about registration for the clinics. Of these, 2924 have been registered for sessions at our Clinics and 2414 have received legal advice from our volunteer lawyers. Our CLAS programme (which has been running for the last 23 years) continues to do good work and inspires volunteerism among our members. Our Project Law Help programme provides an excellent avenue for corporate lawyers to do *pro bono* work for charities and non profit organizations.
10. We would not disagree with Your Honour that senior partners in large firms can make significant contributions by organizing their colleagues in their firms to give strong personal support to our programmes. However, we also believe that the act of personally undertaking *pro bono* work ennobles lawyers. It provides them with meaningful and fulfilling avenues to exercise their skills, and directly assist those who would not normally be able to afford the full fees of such lawyers. In this way they can demonstrate their personal concern for the community.
11. In fact, the senior partners in the largest practices have been instrumental in supporting the Society's Community Legal Clinics by mobilizing their colleagues to provide a steady stream of volunteers. Furthermore, a number of Senior Counsel volunteer at our clinics, and provide leadership by

example to our younger lawyers and undergraduate law students who assist at the clinics.

12. Ultimately, we want all our members to be able to stand up and say proudly that they have made a personal commitment and contribution to the *pro bono* movement as part of their obligation to the community at large.

### **Composition of Council**

13. Your Honour also commented on the composition of the Society's Council, and wondered whether the Society may still be meaningful to the large law firms in the present context. The fact is that, if one looks at the present and the recent past, Council has had members from the 5 largest law firms in Singapore (each with more than 100 lawyers). We also have members which hail from small or medium sized firms and we have formed a Committee specifically devoted to the needs of the small firms.
14. Council of 2009 will contain 6 transactional lawyers out of a total of 21 members, In addition, the First Vice President and I both have substantial experience of transactional law. We can therefore say that the present Council is fully representative of all major areas of legal practice areas and the different sized law firms in Singapore.

### **Co-operation between the Law Society and the Singapore Academy of Law**

15. Your Honour further raised the question of closer co-operation between the Law Society and the Singapore Academy of Law. The *raison d'être* of the Academy is to unify all branches of the legal profession in Singapore. The

Law Society has made its fair contributions to the Academy's activities, and will continue to do so.

16. While both institutions run a large number of committees and programmes, we have carefully reviewed the work of the two institutions, and have concluded that there is no unnecessary duplication. There are areas which the Academy does particularly well (e.g. recommendations for reform of substantive law), but the Society is more active in areas which are of particular interest to practising advocates and solicitors (e.g. those areas more involved with practice concerns such as transactional law and advocacy).
17. A comparison of the email circulars which emanate from the Academy and the Society will bear out there is little overlap between the offerings of the two institutions. Even if there are overlapping interests, attendance at seminars organized by both institutions is still good. This demonstrates there is a great thirst for legal knowledge among members of the legal profession in Singapore, and augurs well for the inevitable introduction of compulsory CLE in due course.

### **The Society's Revenue**

18. Your Honour has also correctly observed that the Council needs more funds to carry out its duties because the revenue of the Society is likely to remain stagnant over the next few years in the face of rising costs. The Society will need to think of different ways to enhance revenue and control costs while not sacrificing the quality of our services or the quest to seek new challenges to enhance the role of the Society on behalf of its members and the community at large. We believe that the Government could seriously consider providing greater financial support for certain areas of our activities which directly affect the welfare of the public. We

gratefully acknowledge the aid that the Government has given for our *pro bono* schemes, but the Society undertakes several other activities in the public interest, e.g. the regulation of lawyers and the protection of the public from the consequences of professional misdeeds. These other activities in the public interest are equally deserving of public funding assistance.

### **Activities in 2009**

19. Our activities in the coming year are likely to be in the following areas.
  - a. We will be participating in the consultation process for the amendments to the Criminal Procedure Code. We have received the consultation paper from the Ministry of Law and will be forwarding our comments by February.
  - b. We will be increasing our dialogues with our sister Bar Associations in the region. In this connection, I am pleased to report on what will hopefully become a tradition in the coming years. Today is the first time we have (through the Court) invited representatives of the Hong Kong Law Society, Hong Kong Bar Association and Malaysian Bar Council (as the two major common law jurisdictions in this region) to be guests at today's Ceremony. We are delighted to see their representatives here, and have already had a fruitful dialogue with them yesterday, which will increase knowledge and understanding between the three territories and establish opportunities for us to work on projects together for our mutual benefit.

- c. We will be continuing our work with the authorities and stakeholders on remodelling the conveyancing system in Singapore along the lines indicated earlier.
- d. We will be working through the implications and consequences of the introduction of the Qualifying Foreign Law Practices. It is too early yet to say what these will be but we look forward to working with the QFLPs, many of whose lawyers will be members of our Society and subject to the joint jurisdiction of ourselves and the Attorney General.
- e. In May we will be co-sponsoring with LAWASIA a Regional Conference on “Children and the Law”

20. 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 achieve efficient but fair outcomes for the cases that we have to deal with on a daily basis. I also extend to Your Honour, Chief Justice, and all your colleagues on the Bench, as well as the Deputy Prime 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**  
**3 January 2009**