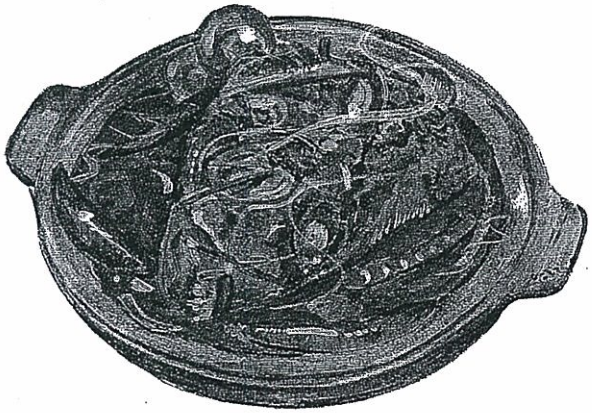
AT THE RESTAURANT

If you have a penchant for fish-head curry, then watch out for this food promotion at the Restaurant. It will be on between Monday 30th March and Thursday 2nd April. Have yourself a feast.

Do call us at 3307388 to make a reservation to avoid disappointment.



WEDNESDAY EVENING SNACKS

Deep fried Spring Chicken	$ 7.00 per serving
Yakitori	$ 0.80 per stick
Fried Breaded Chicken Drumlets	$ 4.00 per half-dozen
Breaded Scallops	$ 3.50 per half-dozen
American Crab	$ 10.00 per serving
Prawn Fritters	$ 12.00 per serving
Onion Rings	$ 1.50 per serving
Samosas	$ 2.50 per half-dozen
Meat Balls in Mexican Sauce	$ 3.00 per half-dozen
Chicken Sausages in Spicy Sauce	$ 3.00 per serving
Breaded Squids	$ 6.00 per serving
Mini Vegetarian Spring Rolls	$ 2.50 per serving
Sushi	$ 7.00 per serving

FOR YOUR GENERAL INFORMATION

OFFICE AREA

Food & Beverage Executive: Ms Patricia Liaw	3307391
Accounts Supervisor: Ms Hoe May Wan	3307390
Property Manager: Mr Kelvin Choo	3307385
Head Chef: Mr Eric Chew	3307392
Membership Enquiries: Ms Doris Law	3307384
Administration Clerk: Ms Cindy Chng	3307391
Accounts Clerk: Mr Teo Lye Huat	3307399
Receptionist: Ms Lee Huey Ching	3307388
Computer/Reference	3307379

MEMBERS' AREA

City Hall Chambers	3307382
Lounge/Restaurant	3307383
Members' Lounge	3307386
Telefax	3344940

CANCELLATION OF RESTAURANT BOOKINGS

Members who place reservations at the Restaurant but are unable to turn up, are kindly requested to the call the Restaurant at 3307388 to effect a cancellation of their booking.

WEDNESDAY EVENINGS AT THE ACADEMY

The Academy is open to members on Wednesday evenings. After a hard day's work, drop in at the Academy's Restaurant for a drink. The closing time of the Academy's Bar has been extended to p.m. Light snacks will also be available (see below). The dress code is informal and gentlemen are not required to put on ties. Games are also available for your pleasure. (Chess, Backgammon, Darts, Scrabble and Pictionary).

DRESS CODE

On Wednesday evenings and Saturdays only, members may patronise the Restaurant without adhering to the formal dress code. The dress code will be 'smart casual'. Members in T-shirts jeans or slippers will not be allowed onto the premises.

At all other times, members are to conform to the formal dress code as stipulated in Rule 4 of the House and Social Bye Laws.

ANNOUNCEMENTS

Members are reminded to carry their cards while they are on the Academy's premises. This card is to be produced each time a member calls for his bill at the Restaurant.

Do keep to Academy informed of any change in your particulars. It is important that you notify us of any changes so that we can update our records accordingly.

Lastly, it is advisable that all payments to the Academy be made by cheques instead of cash. The cheques should be made payable to the 'Singapore Academy of Law'. Cheques which contain words prohibiting transfer or indicating an intention that they are not be transferable shall incur a levy of $5.00 per cheque.

SINGAPORE ACADEMY OF LAW NEWSLETTER

MITA (P) 43/2/91 MARCH 1992 ISSUE ON.1

LEGAL YEAR OPENING

More lawyers were able to attend the opening of the 1992 legal year.

The reason for this – a change in the venue. Traditionally, the opening was at the Court of Appeal. Limited space meant that only about one hundred people could be accommodated, albeit in rather cramped conditions . But this year saw the ceremony being conducted at the Victoria Concert Hall. This resulted in some 700 lawyers being able to witness the occasion. From the looks of it, the Victoria Concert Hall will hitherto be used for these annual occasions. (See next column for the Chief Justice's response at the Opening)

Edited by Kevin Tan

THE HONOURABLE CHIEF JUSTICE'S RESPONSE

As the event which marks the formal Opening of a new Legal Year, this is an important occasion for all of us. It enables us not only to reflect on the year which has passed, but also to look forward to the year ahead. It is also an occasion when we can reassure each other of our mutual interest in working together in the dispensation of justice and in the pursuit of the Rule of Law. For my part, I must thank you both, Mr Attorney-General and Mr Chelva Rajah, for your help and support in 1991 and I look forward to receiving the continuing support of the Attorney-General's Chambers and the Law Society in 1992.

When I spoke at the Opening of the Legal Year in 1991, I indicated that in future we would have to move away from the Supreme Court Building to mark the Opening of the Legal Year in larger premises. There are now 2,022 practising lawyers in Singapore, with more every year, and their numbers cannot be accommodated in even the largest of our traditional court rooms, I hope that the added comfort of the Victoria Concert Hall will make this a suitable venue for these annual occasions in the future.

For all of us, the last 12 months have been a period of heightened activity as we brought into effect the various changes which I had outlined in January 1991. I referred then to the overhanging backlog of cases in the Supreme Court awaiting dates of hearing, and to the steps which would be taken to resolve this problem. This was, and still is, the main problem facing us. As Singapore becomes an international business and financial centre, the slowness of the court system should not be a drag on the country's future development. At that time, with new courts being put into use in the City Hall Building, I indicated that we would be appointing Judicial Commissioners to facilitate the disposal of court business; we would also be appointing Justice's Law Clerks to help the Judges and Judicial Commissioners with the necessary legal research and back-up assistance they would need to tackle this backlog successfully at an accelerated pace.

I am pleased to be able to say today that we have made some considerable progress during the year in reducing the backlog of cases awaiting dates of hearing. In many areas, we have in fact exceeded the targets set then. Hearing dates have not only been provided for all cases set down in the years 1985, 1986 and 1987 as planned, but we have also sorted out those cases set down in 1988, and many of those set down in 1989. Whereas the overall total of civil cases awaiting hearing in the High Court on 1 January 1991 was 2,059, the number at the end of the year stood at 1,340. Suits begun by writ and awaiting hearing dates came down from 1,912 to 1,296 and the waiting period was cut from 5 years to 24 months; of the 96 admiralty suits awaiting dates of hearing in January, 95 have been disposed of, and the waiting period for the 16 filed during the year

cont'd on page 2

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should not exceed 9 months instead of the 4 years which was the norm. The backlog of 2,355 uncontested divorce petitions is now down to 935, and a petition which is ready for hearing should now be heard within 3 months instead of the previous 15 months. All these have been made possible by a constant insistence on proper case management and by the appointment during the year of 7 Judicial Commissioners.

In the coming year, we shall continue resolutely along the path which we have already set ourselves to eliminate the remaining backlog. It may be that some of the earlier cases were stale or lent themselves to an easy disposal, and that we shall now be facing a more recent and harder core. But, with the appointment of more Judicial Commissioners in the coming months, we should be able to improve the clearance rate and to break the back of this problem by the end of the year. My objective is still a waiting time for all cases in the High Court of no more than 12 months. With the better organisation and spread of the judicial workloads, we have also managed to keep the number of outstanding judgments and grounds, even with the increase number of cases, to an average of little more than 2 outstanding judgements per judge. We are well on our way towards our objective of establishing a steady practice of having no judgements or grounds being outstanding for more than 3 months or, at most, 6 months.

With the greater flow of cases through the courts, and the resulting greater opportunities for practitioners to appear in them and to practise their skills, the judges have noted that there has been in the last year a general improvement in the quality of legal submissions and advocacy in the Supreme Court. This has been an encouraging development in more ways than one. Since our future judges will only be as good as our present advocates, there is a continuing need to build up a large core of good advocates, including some with specialist experience. This development will be helped by the changes in practice which we are bringing about which will mean improving returns from advocacy compared to legal work in the office. The number of QCs admitted to practice has also been declining and may well decline further in view of the recent amendments to section 21 of the Legal Profession Act. The numbers admitted in 1988, 1989 and 1990 were 74, 40 and 35 respectively, but in 1991 there were only 22 admissions.

The accelerated disposal of civil suits in the High Court has led to a proportionate increase in the number of appeals to the Court of Appeal. To contain this, the Court of Appeal sittings were increased from one week a month to two weeks in May last year, and to three weeks per month in October and November. As a result, notwithstanding the new appeals which have been filed during the year, the outstanding backlog of civil appeals has been reduced from 275 at the beginning of the year to 257. The waiting time for civil appeals to be heard has also been reduced from more than 2 years to no more than 18 months. With the new procedure which will require full Cases to be submitted, we hope to achieve a faster disposal rate in the course of the year. In the Court of Criminal Appeal, the backlog which stood at 46 appeals in January now stands at no more than 19 and there is no longer any real delay. Criminal appeals can normally be fixed for hearing now, as soon as the usually voluminous appeal records can be typed and counsel indicate that they are ready to be heard. Like many other organisations in Singapore, we are short of typists, but this is a problem which we are addressing.

The main problem area which remains is in the disposal of capital cases in the High Court, where cases may take 10 days or more and take up the time of two judges in each case. A study done in mid-year showed that the 17 cases which had then been fixed for hearing, none of which were unusual, had been estimated by both prosecution and defence counsel to require 233 court days for hearing, or 466 judge days. If the remaining 52 cases then awaiting hearing dates were to be assessed at the same rate, we would need more than 1,400 judge days. This is a requirement of a magnitude which we simply cannot meet, with the present inflow of capital cases and our limited judicial resources.

The practice of using two judges in trials of capital offences was introduced more than 20 years ago, when we did away with jury trials for murder. It is a practice which is peculiar to Singapore. In view of our present requirements and the experience which we have gained, the time has come when the practice should be changed. Section 194 of the Criminal Procedure Code which provides for two judges should be amended, so that capital cases will henceforth be tried before a single judge. This would enable the courts to deal with more cases, and reduce the waiting times. It is of course a matter for Parliament to decide, but it is a decision which, for the more efficient functioning of the courts, should not be delayed. In the event of a conviction by a single judge, there is an appeal to three judges in the Court of Criminal Appeal, and, unless all three judges are unanimous, there is presently a further appeal to the Privy Council. On the other hand, there is the ugly and unacceptable risk that, if the waiting time for such cases is not shortened, and accused person who is eventually acquitted may have spent several unnecessary years in prison before his acquittal. The present Judges and Judicial Commissioners of the Supreme Court who live most closely with this problem have been used to sitting in pairs, and thereby to sharing the weight of responsibility; but they recognise the serious nature of the problem and are ready and prepared to sit singly, if the law is changed. To achieve a fairer trial of capital cases, it occurred to me that what is even more important than having them heard before two judges is to have them prosecuted by two DPPs and similarly defended by two counsel. The Attorney-General has readily agreed to the suggestion. Accordingly, in all capital cases in future in which the accused persons have not engaged their own counsel, arrangements will be made for two counsel to be assigned to the defence.

On the subject of legislation, there is also a case for considering amending legislation to allow interlocutory appeals to be heard in the Court of Appeal before two judges, instead of the present three judges. A quarter to one-third of the present civil appeals can reasonably be classified into this category. With few exceptions, they are based on points of law within the same narrow range. They are hardly ever the subject of judicial disagreement. Amending legislation in 1981 has enabled the English Court of Appeal to have such appeals heard before two judges. It is clearly an innovation which it would be to our benefit to adopt.

In the past year, it has been possible for us to form a better appreciation of the work of the Subordinate Courts, and of the extent of what might be done in the short term to resolve existing deficiencies. Their main problem, as with the Supreme Court, is simply that the volume of work has accelerated tremendously over the years, and the personnel and other support resources to deal with this growth has steadily fallen behind. The position is worsened with each new offence created, even if it be a seemingly minor offence, like littering or the importation of chewing gum. In the past year, for instance, the criminal side of the Subordinate Courts received 28,000 arrest cases 38,000 traffic summonses and 167,000 departmental summonses. The civil side received 22,000 civil cases, and the Small Claims Tribunal 21,000 claims. In each of the categories there was a considerable increase over the previous year. A considerable percentage of the arrest cases end up however with guilty pleas to charges which have been reduced, and this may well be an area in which a reconsideration and clarification of prosecution policies will relieve the courts of some of the present load. In the disposal of the large number of traffic cases and the even more massive number of departmental summonses, the introduction of night courts last year has proved to be a great help in the disposal of these cases; beginning with 131 traffic cases and 269 departmental summonses in June. These night courts disposed of 1,400 traffic cases and 4,500 departmental summonses in November. We will therefore extend the operation of the night courts from the present two evenings a week to a daily service every evening by the middle of the year, just as soon as we can mobilise the personnel resources to staff them. In the next few weeks I hope to be able to finalise plans for the construction of another 16 subordinate courts at Paterson Road, and another 8 courts at the present Subordinate Courts complex. These will be designed along different lines to the conventional courtrooms of the past, and will be more user-friendly, with some emphasis on better lighting and acoustics, so that judges can at least see and hear witnesses more easily.

The Small Claims Tribunal has long ceased to function in its earlier role as a protection for tourists and for customers who have complaints against shopkeepers. It has evolved into a tribunal in which large statutory bodies like the Telecommunications Authority of Singapore and the Public Utilities Board file claims against people who fail to pay their bills. In the last three years these statutory bodies have been joined by the 22 Town Councils who have presented claims for unpaid maintenance and conservancy charges. These three large groups practically monopolise the tribunal today. In spite of the quotas which we have imposed on them, they are responsible for the growth in cases from 3,800 in 1985 to 25,000 in 1991. In the next few months, I will consult these groups to introduce various measures which will help us deal more speedily and effectively with the work they have thrust upon us. In the case of the Town Councils, there may be merit in the relevant legislation being amended to allow some of the members of the Town Councils, who may well be dignified by appointment as modern version of the earlier Justices of the Peace, to take over the intermediate process of consultation which now falls on the two lay registrars of the tribunal.

The need to update and improve the 1970 Rules of the Supreme Court, with a view to simplifying the rules of procedure and to speeding legal process through the courts, was one of the main objectives for the extensive review of the Rules which has been carried our during the last 12 months. The Working Party under Justice Thean which was charged with the responsibility for this review has already produced four reports, which have been accepted with appropriate modifications by the Rules Committee. All the changes recommended by these four reports will have come into farce by 1 February 1992, and many of them have already begun to affect the course of proceedings in the Supreme Court. The most important amendments, from the point of view of practitioners, deal not only with technical aspects of procedure but also with what might be regarded as fundamental aspects of our legal system. The form of the familiar writ will be different. The procedure for summary judgement will be changed. There will be provision for the service of documents by fax, the rules on legal costs in litigation will be amended and the basis of taxation of costs will be revised; most significantly there will now be a new requirement for evidence-in-chief of witnesses to be given by affidavit, and for a full written Case to be submitted for appeals to the Court of Appeal. It is the intention to continue with further refinements to the Rules, so that we can benefit from working with the most efficient set of Rules appropriate to our own circumstance. These changes to the Rules of the Supreme Court are being mirrored by corresponding changes to the Rules of the Subordinate Courts to avoid anomalies arising between the two set of rules.

Experience has shown that a considerable number of the cases which are filed in the courts need never have been filed. Many are in fact settled at the very last moment before trial. Unfortunately, once the process of litigation has begun, the possibility of early settlement before trial is inhibited by an unwillingness by either party to take the initiative to offer a settlement, or even to narrow the issues, lest this be thought to be a sign of weakness. An innovation which has been tried on a pilot basis in both the High Court and the Subordinate Courts in the past year has been the practise of holding pre-trial conferences of both parties to disputes, as a step towards a process of Alternative Dispute Resolution. In the course of this year, this practice will be refined. It is intended that it will become a standard procedure for all civil cases before they finally go to trial.

The subject of sentencing is one which concerns both the Supreme Court and the Subordinate Courts. It is an important and difficult part of the administration of penal policy. Except where statute has prescribed a mandatory fixed penalty, a sentencing judge has extensive discretion within the range of punitive sentences which may be imposed. Unfortunately, few judges or practitioners have received any organised training for it. In the subordinate Courts, guidelines have been developed for reference by district judges and magistrates, but the matter clearly deserves an overall review. In the last couple of years, the percentage of appeals to the High Court against sentences, which had remained constant for many years, has shown a significant increase. The erroneous impression appears to have grown among the less experienced members of the criminal bar, possibly encouraged by isolated instances of magnanimity by appeal judges, that an appeal is always worthwhile, and should be filed as a matter of course. A new Working Party has recently been formed under the leadership of a Supreme Court Judge which will do a first review of our sentencing practice and procedure. Its wide terms of reference will include a review of the tariff range, and the factors which may be allowed in mitigation, or which may justify a higher level of punishment.

With the increased output of judgments and grounds of judgment in the past year, it became necessary for us to consider afresh the publication of our own law reports. Under our system which works on the principle of judicial precedent, our courts cannot function properly unless they are supported by regular and complete law reports of court decisions. We have been fortunate to have been able to rely on the Malayan Law Journal, but it is clear that the MLJ in its present form will no longer be able to serve our developing needs, and that the Singapore Academy of Law will have to step in to provide a long term solution. Over several months of investigation and negotiations, Justice Chan Sek Keong, the Chairman of the Academy's Publications Committee, was able to reach a working partnership with Butterworths to publish a new series known as the Singapore Law Reports. Butterworths, who are the largest publishers of law reports in the Commonwealth, will be entirely responsible for publication and sale. However, an Advisory Committee on which the Academy and the NUS Law Faculty will provide 2 of the 3 members will have the final say as to whether any particular judgment should be reported. The first issue of the new Singapore Law Reports dated 3 January 1992 came out yesterday. The Academy's Publications Committee has already embarked successfully on another venture, namely, the publication of the Academy's own law journal. In the long term, however, whether this law journal succeeds or not may well depend on whether or not it receives adequate support in the way of contributions of articles by the academics of the NUS Law Faculty who are themselves members of the Academy. They have the minds and the means to provide the support. If they, as a group, will rise to the challenge to do so, it can only result in the entire profession being well served.

The Singapore Academy of Law is a statutory body. It was created by Parliament as an institution to bring together all the members of the wide body of the legal profession. Its automatic membership embraces all those who have at any time been admitted to practise at the bar, the members of the Singapore Legal Service, and the academic staff of the NUS Law Faculty. One of the Academy's functions under the enabling Act is "to promote good relations and social interaction amongst members, and between members and law students and persons concerned in the administration of law and justice in Singapore". It is hoped that by doing so there will develop among the legal profession in Singapore the *esprit de corps* which characterises legal professions in other countries. This collegiate spirit is necessary to bring about a pride in the profession, and to maintain honourable standards and practices. The Academy has already made a good start in bringing its members together. In addition to the publications which I have referred to, it has begun a programme of continuing legal education, which has been strongly supported by the younger members and will be enlarged and developed in the coming year. It has also begun and will develop its social activities, and it will continue to maintain for the benefit of members who use the restaurant the high standards for which it has established a reputation. The facilities afforded by the restaurant have helped to bring about the beginnings of an interaction, both at social and intellectual levels, between the judicial and legal officers, the practising members of the Bar, and the members of the NUS Law Faculty. In the course of its formation, the Academy has been fortunate to receive more support from the Government, in the way of premises and public funds, than any other professional group in Singapore. We have no right to expect this support to continue, and it is up to all of us to look after the Academy. It is not a question of keeping it alive and functioning, but organising it in the best way to achieve the objectives for which it was formed. One of the most important and urgent matters we must attend to is to begin putting the Academy's finances on a proper basis. For this purpose we have recently increased the membership subscriptions for 1992 from the unrealistic figure of $100 a year (or not much more than $8 per month) to graduated levels which take into account the seniority of different classes of members. Provisions have been made for exemptions in certain cases. In the view of the Senate of the Academy, which deliberated on this matter for more than two years, these increases in subscriptions are the fairest solution to the problem of a complex membership, and the amounts are entirely reasonable, if the Academy is to be run on a proper basis. We do not have a closed mind on the subject, however, and would be happy to listen if any member has any better ideas as to how the finances of the Academy can be organised. We will review the position again after a year, but, until then, there is no reason to uphold the objections which have been raised by a vocal but small minority.

I mentioned last year that we had begun an ongoing review of the legal and judicial officers. This meant a closer monitoring of the quality and performance of individual officers. It also meant a mandatory rotation of officers through all the different operational areas available, so that they acquire a wider and more complete experience. We would then be better able to fit them eventually into the highest posts which they are competent to fill. Early in the course of this review, however, it became clear that quite a number of posts in the service were being held by officers who are either too senior or too junior in service for the known functions and responsibilities of the respective posts. This had resulted from ad hoc appointments having to be made in a most service over a period of time. It is not a problem which can ever be completely resolved, but in merited urgent review. We therefore embarked in the Legal Service Commission with the help of consultants on an in-depth reappraisal of the functions and responsibilities of the various posts in the Service. This re-appraisal has not been completed. When it is, it should put us in a better position in future to place our legal and judicial officers in the most appropriate posts as they progress through the Service. Notwithstanding this, we have proceeded with the closer monitoring of our officers, and we have commenced the first stages of rotation within the immediately available areas. In the next few months, this process will be accelerated. It will not mean that everybody will be moved, or that everybody will be promoted. But we hope that it will mean a service with improved prospects for its better officers, and a better sense of direction for all of them.

On that note, may I end by declaring open the new Legal Year, and, on behalf of my colleagues on the Bench, offer all of you our best wishes for 1992.