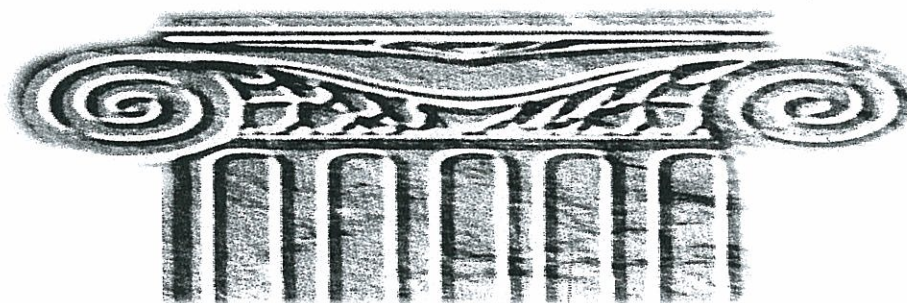


1997

# Opening Of The Legal Year



## ATTORNEY-GENERAL'S SPEECH

4 January 1997  
Victoria Concert Hall

It is once again my privilege and pleasure to be able to address your Honours this morning.

The wide coverage given in recent years by the mass media to court decisions and judicial pronouncements has etched indelibly into the public consciousness the vital role of the judiciary in dispensing justice, especially criminal justice, in our cosmopolitan society. As head of the judiciary, you, Chief Justice, recognise that the judiciary is accountable to the people of Singapore for what it does in carrying out its constitutional duties, and accordingly are doubly conscious that the quality of justice our courts provide is fundamental to the social and economic development of Singapore. Your past speeches and judicial statements expressed at court hearings and in your many judgements demonstrate this concern.

After 5 years of unremitting efforts on the part of many under your leadership and direction, we have eliminated the most common and insidious weakness found even in the best of judicial systems: undue delay in court hearings and dispositions. An article in the TIMES of London (29.11.96) was headlined "Judges must work unpaid overtime to clear court backlog" in referring to Lord Woolf's avowed intention to "blitz" for 6 months a backlog of about 1000 cases in the Civil Division of the Court of Appeal.

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May It Please You, Chief Justice,  
Judges Of Appeal, Judges And  
Judicial Commissioners Of The  
Supreme Court!  
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Our Court of Appeal has a different kind of problem. It can hear more civil appeals than counsel can argue them, even though we have had more than 200 advocates appearing as counsel before the Court of Appeal last year. The Law Society may wish to study this unusual state of affairs. Perhaps we have too few experienced counsel, who are thus burdened with too much work, or perhaps some law firms are unwilling to brief outside counsel. A better distribution of

court lawyers is desirable. The Bar must be able to meet the volume and pace of work of a revitalised judiciary, one used to working and are willing to work overtime and even on Sundays and public holidays. To match the judiciary's efficiency and output, the credo of each advocate should be LIBENS, VOLENS, POTENS, which translated means, READY, WILLING AND ABLE. However, I do not minimise the contribution of the legal profession to the overall efficiency and productivity of our legal system. The fact remains that the amount of legal business in civil matters conducted outside the courts far exceeds that disposed of by the courts.

On the technological side, interest and expansion in the application of information technology to legal services have continued unabated. By April this year, my Chambers hopes

to be able to convert the entire database of Statutes and Subsidiary Legislation for easy access through the Government Intranet and eventually through the Internet. Also to be introduced is a new legal research tool, developed by my Chambers in collaboration with the National Computer Board, called the "Versioned Legislation Database". It will show all the versions of any legislation at all points of time. Initially, the system will record legislation coming into force after 1 January 1997. In time, it will be used to record past legislation as well. This sophisticated database will also be hyperlinked to aids to statutory interpretation, such as explanatory statements in Bills and parliamentary reports and speeches.

When all the law-related information technology systems are in place within the next few years, we will have one of the best legal infrastructures in the world. Everyone involved in the law must strive to get the most out of these systems, but in an intelligent way. Electronic access to all kinds of legal information has been made easier, faster and cheaper. Already, there is a surfeit of case law from common law jurisdictions accessible in existing databases.

The danger of an overload of legal information, especially in case law, exists. Not only may it cause indigestion, precedents may be cited indiscriminately, with little regard to their historical or social contexts. Law is not a wilderness of single instances, notwithstanding the infinity of human experience or complexity of human affairs. The law should reflect a system of values and rational principles consonant with the needs of the people subject to it.

Legislative changes made in the last few years with a view to improving the quality of legal services will take effect this year. These changes may take time to bear fruit, but I am confident that they will do so eventually. Three such changes may be mentioned. From this year onwards, all law graduates from abroad must have at least a 2:1 law degree from a scheduled university in England or a 2:2 from the National University of Singapore to qualify for practise at the Bar. Also, from this year onwards, newly admitted advocates and solicitors may not practise on their own until they have practised for at least 3 years with an practitioner of more than 3 years' standing. Finally, from this year onwards, the status of Senior Counsel will be given official recognition.

At the end of your much awaited speech, you, Chief Justice, will announce the names of the Senior Counsel appointed for this year under section 30 of the Legal Profession Act. These appointments mark a new era in the history of the legal profession in Singapore. For the first time since 24 December 1833 when a merchant, William Napier, was admitted to practise law in Singapore as a law agent, we will have among us a class of lawyers officially recognised as first among equals. The Minister for Law, in his Second Reading Speech in Parliament on 17 February 1989, stated that the

honorific "Senior Counsel" is the local equivalent of Queen's Counsel in England, and is a distinction to be given in recognition of that "person's ability, standing at the Bar or special knowledge or experience in law".

High honour creates its own responsibilities. Privilege should not be one way, and so, whilst none of those appointed may be *noblesse*, all are *oblige*. To young lawyers, they should be role models not only for legal skills, knowledge and, hopefully, wisdom, but also for professional conduct and personal rectitude. To their peers, HONOUR BEGETS HONOUR, as the Academy motto proclaims. Their word shall be more than their bond. To the judges, they shall be sources of legal knowledge and sound arguments, in whom will be reposed the trust and faith that everything that is said for a case is everything that can be said in good conscience for that case. As much is expected by them from their status, much is also expected of them from their status. I would like to quote an observation by Lord Shawcross on barristers, which has particular relevance to Senior Counsel:

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● Let it be said that the lawyer who regards his functions as making the worse appear the better case, who devotes his skill to elaborating schemes for frustrating and deceiving the law or the courts, who deliberately pits his wits against the legislature and against the judges is unworthy of his gown. ● ● ● ●

I turn now to the Legal Service. Legal Officers have become more competitive. A better understanding and more realistic appreciation of their services and performance have lifted their morale. Not only are legal officers working harder, they also show a greater sense of pride and initiative in their work. Last year, my officers produced a monthly in-house journal in 4 parts, contributed by each of the 4 Divisions, and also for the first time since 1867, a report on the role and functions of the Attorney General's Chambers. It was officially issued in conjunction with a full-day seminar on the work of the legal branch of the Legal Service. These were only a few of the activities peripheral to their normal duties which they have performed with dedication. I can therefore say with some satisfaction that the Legal Service has had a productive year.

It is time now for me, on behalf of myself and the legal officers to wish you, Chief Justice, and all your brother judges who might have begun to feel the physical and mental strain of judicial work, continued good health and well-being in the coming years.