

Please check against delivery

SPEECH BY PROFESSOR S JAYAKUMAR, DEPUTY PRIME MINISTER AND CO-ORDINATING MINISTER FOR NATIONAL SECURITY, AT THE SINGAPORE ACADEMY OF LAW APPRECIATION DINNER 2008, CONFERMENT CEREMONY & SAL AWARDS PRESENTATION AT THE FOUR SEASONS HOTEL BALLROOM ON WEDNESDAY, 20 AUGUST 2008 AT 7.30 PM

President and Members of the Senate

Honorary Life Fellows and Members Mr Lee Kuan Yew and Mr Yong Pung How

Minister for Law

Distinguished guests, ladies and gentlemen

Introduction

1 This evening I consider myself twice honoured. First of all, I am honoured by the decision of the Senate of the Singapore Academy of Law in conferring on me the Status of Honorary Fellow for Life and Honorary Member for Life.

2 Secondly, I also feel greatly honoured that Minister Mentor (MM) Lee Kuan Yew is present this evening because no one has had as profound an influence in shaping the legal landscape of modern Singapore as MM and also because, as I shall explain shortly, MM was the moving force behind the founding of the Academy of Law.

3 President of the Academy, Chief Justice Chan Sek Keong, I thank you and the Senate for bestowing this honour on me. The Academy has special significance for me. After I succeeded Mr E W Barker as Minister for Law, the very first Bill which I moved in Parliament as the new Law Minister was the Singapore Academy of Law Bill 1988 which set up the Academy.

Background to the Establishment of SAL

4 Many of the younger members in the legal profession may not know how the Academy came about. MM who was then the Prime Minister, took a special interest in the Singapore legal system and the legal profession. A lawyer himself, he was always concerned with the standards of the legal profession in terms of not only the quality of legal services but also the standards of integrity and professionalism. He believed that the standards and values of the profession could be maintained if the judges and senior lawyers were to transmit these standards and values as mentors to a younger generation of lawyers. The model he had in mind was the Inns of Court in London. He was himself called to the English Bar by the Middle Temple.

5 In March 1987, he discussed with Cabinet Ministers the renovations of City Hall which were needed to cater to the increased needs of the Supreme Court. He felt strongly that

we should provide for dining facilities in City Hall to enable the Chief Justice and Judges to get together over lunches and dinners with members of the Bar and pupils for close rapport between Bench and Bar, somewhat along the lines of the Inns of Court in England. Cabinet approved his proposal. Cabinet's original thinking was that the governance of this new body would be a group of "benchers" or "fellows" comprising Judges and 15-20 senior lawyers. These benchers should be accepted as the "elders" of the legal profession. The members would include all lawyers called to the Bar whether or not they hold a practicing certificate. This naturally covered many academics and members of the Legal Service.

6 To illustrate the special interest he took in this project, he had even identified from architectural plans the part of the floor of City Hall next to the Surrender Chambers where the Academy's restaurant could be located.

7 At that time I was Minister for Home Affairs and also 2nd Minister for Law. I was tasked to take a special interest in the City Hall renovations for the Academy.

8 Once the button had been pressed, things moved very fast indeed. So fast that Mr Barker and I, at very short notice scrambled with our staff to vacate our Ministry of Law

offices at City Hall to make way for the 12 new courtrooms of the Supreme Court and the Academy of Law!

9 MM closely consulted with the then Chief Justice Wee Chong Jin on the proposed new body. CJ Wee was the first President of the Academy and he came up with the name "Academy of Law". CJ Wee worked out details of the setup of the body and he proposed that the boards and committees of the Academy will have at least one member who is a practicing lawyer nominated by the Law Society.

10 Past Presidents of the Law Society such as TPB Menon, Giam Chin Toon, and Chelva Rajah and other legal luminaries played key roles in promoting among the legal profession, acceptance of the Academy as a body that will benefit the profession in the long term.

11 Former AG Tan Boon Teik and the main draftsman Goh Phai Cheng worked closely with me in the drafting of the Bill. A guiding principle was that the Academy would be responsible for a collegiate atmosphere and maintaining standards of excellence in the legal profession. MM Lee said at the opening of the Academy on 31 August 1990:

"The Academy has to create a strong collegiate feeling, set the tone for the profession, and regain for it the high esteem of the public. High standards of

professional ethics can also be regained by peer pressure and a strong esprit de corps.”

12 The setting up of the Academy also saw the creation of the rank of “Senior Counsel”, and credit for this has to be given to MM. On 16 November 1987, MM Lee instructed AG Tan Boon Teik to look into the creation of Senior Counsels who would be regarded as leaders of the Bar similar to Queen’s Counsels in England. After tossing around ideas of different titles such as Senior Advocates and Senior Advocates and Solicitors we settled on “Senior Counsel”. AG Tan Boon Teik on 10 June 1988 explained to MM and me that the term “Senior Counsel” was preferred in order to convey the impression to the public that this group of senior lawyers is equal in status and professionalism to Queen’s Counsel.

13 I took the Bill through Parliament and it was passed by Parliament on 11 August 1988. It came into force on 1 November 1988.

Singapore Academy of Law after 20 years

14 That then was the background and the rationale for setting up SAL. Today as we celebrate SAL’s 20th Anniversary, it is worth reflecting on its progress and achievements in the past two decades.

15 One way to assess how far SAL has come is to consider what the situation was before SAL was established. In the eighties, there was much greater distance between the Bench and Bar as each went about their own work. There was hardly any interaction outside the courtroom. It was also not a common sight for Judges and lawyers to work together in committees to advance the legal system. There was a perception back then that the Bench remained somewhat aloof and detached. As for the legal academics, they were almost completely detached from the legal scene in town, living their own separate existence in Kent Ridge. Their contact with the Bench and Bar was minimal.

16 With the setting up of SAL, things began to change. The Academy gradually established itself as a venue where members of the profession and judges could meet. The City Hall Chambers together with the SAL restaurant became an important focal point for members of the judicial and legal fraternity. The restaurant provided a venue where Judges met for lunch on every Wednesday; senior lawyers met up with the Chief Justices and Attorney-Generals of the day for informal views and consultation. Former CJ Yong Pung How's usual corner table saw a constant and diverse stream of young Justices' Law Clerks, Legal Service Officers, lawyers, academics and judges. CJ Chan when he was AG, similarly met with many judges and senior lawyers over such lunches. MM then SM used to come to several lunches with CJ Yong to

meet new batches of Justices Law Clerks and a few dinners to meet other judges and lawyers.

17 In fact, CJ Chan when he was AG and Chairman of the Board of Legal Education, had the foresight to introduce the practice of Dining In in the City Hall Chambers, following the dining traditions of the Inns of Court in London, but with an important innovation. It was called EduDine as the dinner was preceded by a guest speaker followed by a short Q&A session. This was an important experience for many batches of PLC students, with each table having a good mix of senior lawyers and young law graduates (in training) seeking admission as advocates and solicitors.

18 Whenever SAL committees were formed – whether in law reform, in legal education, or in publishing journals, these committees had representatives from all relevant quarters. They were usually headed by Supreme Court Judges, each nominating a panel of top lawyers and bright young minds to the committees. This practice ensured that there was a wide range of views of those with actual experience of the Bar, the legal service, the legal academia or corporate counsel.

19 SAL's success in bringing these groups together and tap their diverse views is a major achievement. It has worked closely in partnership with many other stakeholders and the Government to help develop Singapore's legal system over

the past 20 years. SAL has also been the appointing body for Senior Counsel, notaries public and commissioners for oaths, and played a complementary role to the Law Society in codifying principles of Ethics and Advocacy. In line with the Ministry of Law's initiatives to promote Singapore as a legal hub for international legal services, it has embarked on a slew of initiatives to promote Singapore law internationally and built up viable programmes in mediation of commercial disputes.

20 SAL has also played a prominent role in promoting awareness and continuing legal education. It has brought in distinguished chief justices from major common law jurisdictions for its Annual Lectures and eminent law academics for its Visiting Fellows Programme, and organised major law conferences to update the profession in Singapore law. It has sent top young legal minds on postgraduate scholarships to the ivy-league universities, and many of whom have returned to serve in legal institutions in Singapore.

21 Other notable contributions of SAL include: (a) the commissioning of the Singapore Law Reports, (b) creating a system for an online legal research on LawNet, which SAL made available to the profession at an affordable rate. Legal Workbench brought together, a comprehensive database of all primary sources of Singapore law, combining several

databases of case law, main legislation, subsidiary legislation, Parliamentary Reports, international treaties and conventions signed by Singapore. And (c) increasing profile in legal titles, publishing authoritative texts on Singapore law.

22 Other countries have taken interest in the success of the Academy. Many overseas delegations that visit SAL want to know more about its work. Last year, the Australians launched their own Academy of Law. In his speech during the inauguration of the Australian Academy of Law, Emeritus Prof David Weisbrot noted that "the Singapore Model could provide a point of departure for customising an institution which would best suit the interests of Australia".

23 It would be no exaggeration, therefore for me to conclude that the SAL has achieved the original objectives we set when we established it in 1988. It has grown in stature and established itself as a major legal institution. It has helped uphold the traditions of the profession and has successfully brought together the Bench, Bar, the Singapore Legal Service and legal academics in a collegiate atmosphere of fellowship and learning. The Academy has also played a key role in the development of Singapore jurisprudence, and in promoting and disseminating Singapore law.

SAL's role in Singapore's changing legal landscape

24 Now, what is SAL's role in the future especially when the legal landscape in Singapore is changing rapidly?

25 Earlier I said that one of the first things I did as Law Minister was to take the Bill on the Academy of Law through Parliament in 1988. One of my final and important tasks as Law Minister before stepping down was to announce the Government's decision to accept the recommendations of Justice V K Rajah's Committee to Develop the Legal Services Sector.

26 The reasons for this decision have been stated by me before and I shall not repeat them. We had to consider whether liberalisation would be in our national interest. Will it benefit Singapore's competitiveness as a whole? Would it help make Singapore grow as a hub for legal services? Would it help meet the need for high end legal services to support the growing banking and financial centre? Would it give more opportunities for our younger lawyers to want to stay and work in Singapore?

27 In considering these issues in Justice V K Rajah's Report and before making the move, the Government gave it very careful thought. PM Lee Hsien Loong took a keen interest in this matter and fully supported the move. He left

the details to MM and me. We took care not to rush the decision. MM and I met up with a cross section of lawyers from both large and smaller firms on two occasions, one in March 2007 and another in October 2007.

28 There were many different views. One group did not see any benefit, and felt that we should proceed with the utmost caution. Some wanted us to move only later, say in five years' time. The other group felt we were not moving fast enough and we should be more bold.

29 The government decided that we had to move by means of the Qualifying Foreign Law Practices (QFLP) and the Enhanced Joint Law Venture Scheme (JLVs), but that we would do so in calibrated steps. The decision was for one of phased liberalisation, similar to the opening up of the banking sector, with a review in 18 – 24 months' time.

30 I am glad that the new Law Minister K Shanmugam has kept up the momentum and soon after assuming office he introduced the Legal Profession (Amendment) Bill in Parliament in July this year. Applications for the initial 5 or so QFLPs opened last week. Mr Shanmugam told me that the licences are likely to be issued in December this year and that firms can expect to start operating by January 2009.

31 What is clear for the future is that for younger lawyers today, there are many opportunities. Liberalisation will increase their opportunities for employment in large global law firms which have a presence all over the world. They may pursue these opportunities here, or in Shanghai, Tokyo, London, New York.

32 There are also other moves which make Singapore an exciting venue for legal talent. The arbitration scene has grown immensely. Next year, a dedicated arbitration facility, Maxwell Chambers Centre for International Dispute, housed at the former Customs House will be in operation. We will have a range of top class arbitration facilities. Arbitral institutions such as the Permanent Court of Arbitration; the American Association of Arbitrator's joint venture with SIAC, the ICDR; will be based there. Our tax incentive measures and very open arbitration regime have attracted many arbitrators to spend time here.

33 With lawyers from our second law school, SMU Law School, coming on stream, we have a fresh source of lawyers, with a different kind of law school experience.

34 In short, Singapore's legal landscape will be widened and deepened by an infusion of varied contexts.

35 President and Members of The Senate, I congratulate the Academy on its 20th Anniversary. However, in this new milieu, SAL needs to ensure that its functions and activities keep up with the times. It still remains the only organisation which brings together all the different bodies in the legal fraternity. If the past record of 20 years is any guide, I am confident that the Academy will continue to play its central role in these exciting times ahead in the next decade.

Thank you.