

11 JANUARY 2021

**SPEECH BY THE PRESIDENT OF THE LAW SOCIETY OF
SINGAPORE, GREGORY VIJAYENDRAN SC, AT OPENING OF THE
LEGAL YEAR 2021**

1. May it please Your Honours, Chief Justice, Justices of the Court of Appeal, Judges of the Appellate Division, Judges and Judicial Commissioners.
2. First, I warmly welcome our overseas Bar leaders from Australia, Brunei, China, Hong Kong, Japan, Malaysia, South Korea and United Kingdom who are joining us in an armchair travel for this Ceremony despite challenging time zones for some. A special acknowledgment also goes out to Chunghwan Choi, President, LAWASIA, for your virtual presence.
3. 2020 and the opening days of this year saw announcements of key extension of appointments of High Court Judges and reappointments of Senior Judges and International Judges:-
 - (a) Justice Quentin Loh receiving the Christmas gift of an extension of appointment and concurrently appointed President of the Singapore International Commercial Court;
 - (b) Justice Chan Seng Onn extended and Justices Lee Seiu Kin and Choo Han Teck to be extended;

- (c) Justices Chao Hick Tin, Andrew Ang and Lai Siu Chiu reappointed as Senior Judges and the reappointment of 16 International Judges to the Singapore International Commercial Court all as of 5 January.

Last Monday, Justice Tan Lee Meng completed a distinguished career in the judiciary spanning 23 years. Practitioner members will look forward to him spending more time waving his magic wand during mediation sessions.

- 4. At the apex court level, on 2 January, Justice Andrew Phang was reappointed Vice President of the Court of Appeal. Concurrently with that reappointment, Justice Phang together with Justices Judith Prakash, Tay Yong Kwang and Steven Chong were redesignated as Justices of the Court of Appeal.
- 5. Justice Belinda Ang is inaugural President and Justices Woo Bih Li and Quentin Loh are Judges of the newly constituted Appellate Division of the High Court - an interesting structural development of our Supreme Court.
- 6. There have also been a spate of stellar appointments to the Bench from both public and private sector:
 - (a) Andre Maniam SC appointed Judicial Commissioner on 4 May last year;
 - (b) Judicial Commissioner Dedar Singh Gill appointed Judge on 1 August last year;

- (c) Solicitor-General Kwek Mean Luck SC and Philip Jeyaretnam SC appointed Judicial Commissioners on 4 January; and
 - (d) Judicial Commissioner Mavis Chionh to be appointed High Court Judge on 12 March.
7. On behalf of my Council, I extend my best and warmest wishes to the Bench appointees. They, like other serving members of Your Honour's judiciary, are drawn from the cream of the crop in legal service and private practice. As John Paul Warren said, "*Cream always rises to the top...*"
8. If you turn back the clock to January last year, I shared many 2020 visions during my Opening of Legal Year Speech. But in the short space of a month, we were detrimentally impacted by COVID-19. That a microscopic virus, measurable in nanometers, could inflict untold, unimaginable harm on health, work life, economy, social life and our overall lives was not within our foreseeable contemplation as a harbinger of a new decade. I was nearly tempted to re-read last year's speech for this year given our *annus horribilis* in 2020 and the reset button in 2021.
9. The Law Society Council did not sit back slumped on our chairs in despair in the wake of the greatest crisis of our generation. We adopted a five-fold strategy to combat the crisis:
- (a) stimulate resilience among law firm practices and practitioners;
 - (b) strategic intervention to assist members;
 - (c) strict austerity on organizational costs;

- (d) accelerated technology adoption to cope with office work disruption; and
- (e) incubating innovations as pilot projects to benefit the profession.

I shall elaborate on the specific tactical solutions deployed to achieve these strategic aims and some thoughts on the way forward in this speech.

10. Twenty-one in many jurisdictions is the legal age of maturity. As we start the 21st year of the new millennium, I discern a maturity in the legal profession and administration of justice.

MARKS OF MATURITY

11. Part of that maturity comes from a newfound resilience. The cost to the Law Society for our extraordinary relief package exceeded \$2.3 million. Extraordinary times called for extraordinary measures. While coming at a painful price inflicted on the Society's coffers, these financial strategic intervention steps were imperative to help our profession. Some law firms faced existential questions. I am grateful for the financial prudence and wisdom of past Councils that left us in a healthy state to help lawyers meaningfully weather the adverse impact of the COVID-19 crisis.
12. As we emerge from the worst of the pandemic having moved into Phase 3 a fortnight ago, the Law Society will carefully calibrate our approach to achieve the twin goals of strategic intervention and

catalysing resilience. A strong Law Society leads to a strong rule of law and strong access to justice for society generally.

13. On strategic intervention, the Law Society remains committed to extending a helping hand to vulnerable members and groups. Discounted memberships may be as rare as hen's teeth. But it was exceptionally appropriate and proportionate last year. Computationally, we arrived at 3 months (2 months of circuit breaker and another month for the aftermath) for the discounted membership. Yet a permanent crutch of a dependency mindset is unhelpful to practitioner, profession and public in building resilience. The Law Society will consider stimulating recovery by offering some services gratis. For starters, we will continue to waive advertising fees for basic listings on the Careers Portal for all Singapore law firms for a six-month period beginning today.

14. We have seen a remarkable maturation of Court hearings. Through judicial leadership by Your Honour, Chief Justice, innovative online court hearings involving Zoom technology are living reality. We have these means only because, first, our judges are tech-savvy, and secondly, the state of the art of today's technology. In turn, we are appreciative that because of the Bench provision of essential services of access to justice throughout the Circuit Breaker period and beyond, Singapore-based litigators are in business and their law firms classified as essential service providers. The State Courts rolled out an interesting pilot involving asynchronous court hearings via the use of email directions. That was well received by the Bar (especially the Personal Injuries and Property Damage Bar).

15. For Zoom court hearings, Counsel and courts need to be sensitized to the 1970 Hague Convention on Taking of Evidence Abroad in Civil or Commercial Matters. The Bar will explore the feasibility of developing agreed protocols between Counsel for Zoom hearings going forward including on ethical safeguards such as (i) no coaching; (ii) no communication; and (iii) no cheat sheet while witnesses give evidence. Additionally, where there have already been credible opinions sourced for court hearings confirming the permissibility of video-linked evidence taken from different jurisdictions, there is no need to reinvent the wheel for future cases. The attendant costs of obtaining fresh confirmations could prove a bane for litigants with limited means. I suggest that a list of greenlighted jurisdictions be curated and updated from time to time to reflect changes in the State's stance on video-linked testimony from last opinion date.

16. Part of the maturing role of the Law Society vis-a-vis broader society is our Legal Fact Check facility sited on the "Public" section of the Law Society's website. This serves the public by providing reliable and accurate legal fact-checked answers to general legal questions arising out of current news reports. Last year, among others, we shared primers on gag orders, terrorism financing laws and remedies in harassment cases.

17. In last year's speech, I said: "*As a valuable voice in society, the Law Society will continue to speak up without fear or favour in the courtroom, corridors of power and community consistent with law*". An opportunity to be guardians of justice arose unexpectedly last year. A letter written by a former UK City of London Law Society

chief published in the South China Morning Post in end-November contained an extraordinary attack on rule of law, our courts and the Law Society. We authored a response to defend against the triple onslaught. We were constrained to do so to maintain the repute, standing and integrity of our institutions. The Law Society will continue to speak out firmly and respectfully.

18. In tandem with that, we renew our clarion call for the Government to unshackle the fetters of Section 38(1)(c) Legal Profession Act on the Law Society via legislative amendment. The Law Society can continue to be an impactful and independent voice in society. Society and our Society has matured.

MARKET VALUE

19. We sustained a spotlight on the economic health of law practitioners and practices in 2020. The Economic Action Council spearheaded by former President Thio Shen Yi SC and myself, reappraised our shortlisted solutions in the light of COVID-19. We paused to re-diagnose the impact of the pandemic on the profession. The playbook needed to be rewritten. We weighed new potential solutions for the new economically vulnerable.
20. Pursuant to that re-diagnosis, the Law Society conducted a members' survey at the end of the Circuit Breaker period (“**the COVID-19 Impact Survey**”). Our threefold aim: to obtain feedback on (i) the pandemic impact on economic health of Singapore law firms; (ii) the experience of individual members working from home (or its acronym WFH) and (iii) the mental well-being of members.

Despite the short two-week response turnaround, the survey garnered a record 777 responses representative of different lawyers' seniority and firm sizes.

21. The survey feedback became fresh food for thought for the Economic Action Council. Calling a virtual townhall, we discerned from the feedback collated that among the low-hanging fruits to roll out were (i) ramping up mediation services and (ii) catalyzing business development. The survey also revealed a strong appetite for innovation. Close to half the respondents expressed interest in online legal marketplace platforms if regulatorily permitted. By removing roadblocks, we could unlock (i) innovation and creativity in providing legal services and (ii) new cylinders of growth and revenue for individual practices.
22. We then did a deeper dive, via further survey, on the nuanced offerings of alternative legal structures (e.g. bi-disciplinary practices and independent legal service startups using disruptive technology). We will study the results carefully before making recommendations on (i) regulatory pain points to remove and (ii) law reform points to advocate. Newly-elected Vice President Jason Chan SC will spearhead thought leadership on multi or bi-disciplinary practices. We will also organize a Virtual Business Development Day (with active Council participation) in the first half of the year to cover topics such as blue ocean areas of law, tech adoption and leveraging on social media for marketing.
23. The market value of a lawyer is inextricably linked with the non-negotiable calling card of integrity and ethical propriety. The Law

Society is finalising a sequel to the 2019 Professional Ethics Digest to be released this quarter. That will contain additional relevant illustrations of the Professional Conduct Rules 2015 drawn from an anonymised version of members' guidance given by the Advisory Committee of the Professional Conduct Council. Separately, taking a leaf from the Canadian Bar Association's work, we will develop a practical Conflict of Interest Toolkit for members this year.

24. To continue to brand "The Singapore Lawyer", the Law Society launched a microsite <https://thesingaporelawyer.sg/> in February last year. But to be brutally honest, rather than focussing on fluff, every lawyer needs to think about his or her own unique value proposition in our ecosystem. A helpful line of inquiry is if you close your practice down today, which client or practice will miss you? An exemplar at the Bar was the gentle giant in law, the late Dr Gopalan Raman who sadly left us last month. The passing of this guru of wills, probate and administration leaves a gaping void in probate practice on both sides of the Causeway.

25. Our market value can never be parochial. Vietnam was the target destination for the next edition of 'Lawyers Go Global' at the end of February 2020 until ... the pandemic hit. So, we postponed our mission, but Vietnam remains top of our go to list. We will also nurture an ASEAN focus this year. Our International Relations Department creatively developed a virtual networking event with our valuable partners, the Guangdong Lawyers Association. We can utilize tech to keep links and connections warm and maintain our value despite lack of travel and going forward, even through hybrid events.

MEDIATION AND MODALITY OF SERVICE DELIVERY

26. Mediation is a massive piece. We intentionally built more feeders into the Law Society Mediation Services (“**LSMS**”). One example comes courtesy of invaluable input by our Conveyancing Practice Committee. Parties to conveyancing contracts are encouraged to resolve disputes through mediation pursuant to condition 16 of the new Law Society Conditions of Sale 2020. Our newly formed Mediation Committee made a flying start and is collaborating with both the Tripartite Alliance for Dispute Management and the Family Justice Courts to build more pipelines. We will also pivot on companies requiring support in COVID-19 legislated situations.

27. Consistent with our strategic aim of test-trialling innovations, we introduced online mediation for our LSMS. This proved pragmatic, feasible and levelled the playing field where one party is overseas. A successful experiment, we saw a steady growth with over 30 LSMS cases last year despite the disruption.

28. The COVID-19 Impact Survey revealed key findings on the WFH experiences of members:
 - (a) the majority of the respondents were WFH by the end of Circuit Breaker;
 - (b) the top WFH advantages were time savings in commuting and greater schedule flexibility;

- (c) the top WFH challenges were blurred lines between work and leisure and reduced social interaction with colleagues and clients; and
 - (d) the top new measures law firms took to support WFH were (i) redesigning legal and practice processes and workflows; and (ii) purchasing and deploying additional hardware and software.
29. The SmartLaw Guild membership in the Law Society comprise early movers such as SmartLaw certified law firms and successful applicants of past and present technology support schemes. To date, over 290 law firms have been smart enough to adopt progressive technologies to keep themselves at the forefront of productivity and innovation.
30. To facilitate the ease of navigating through the myriad of Government Support Schemes, we launched our Gov Assistance Assessment Tool for members. The online self-assessment tool enables members to assess their firm's eligibility for, and entitlement to, the Government Support Schemes including for hiring, flexible work arrangements, financing loans, technology and innovation and building business capability.
31. Service delivery also applies to our CPD offerings. An important feedback shared during the COVID-19 Impact Survey was that most members considered free or subsidized CPD activities to be the most helpful support. Attuning to the profession's needs, and as strategic intervention, we waived registration fees for all CPD webinars held in the second half of last year for all Law Society

members. Council 2021 will seriously study the application of a similar waiver this year after we review such hopeful help holistically.

32. Our webinars saw record numbers - understandably so given the sheer practicality. Streams of information, knowledge and understanding reached out to lawyers so long as they had a laptop, notebook, personal computer or smart phone. Tech is a great leveller and enables a greater inclusiveness across different demographics including those facing physical or mental disabilities.
33. Our valuable partner, the Ministry of Law, has been in constructive dialogue with the Law Society on a Technology Platform in the pipeline. We see this as a potentially promising initiative to support law firms to effectively “plug and play” in technology solutions adoption. We await the Ministry’s upcoming announcement on this with eager anticipation.

MENTORING

34. Mentoring remains an important theme this year. An example is our marquee event, the Litigation Conference Workshop postponed to April this year. “Hands off” last year but in the “hands on” edition this year, participants (especially junior advocates) can master court craft and advocacy principally through experience-based pedagogy. This will be our first ever hybrid CPD event. It is a truism that advocacy is often caught not taught. We hope to collaborate with the Singapore Academy of Law to mentor the junior Bar on advocacy.

35. Bullying and harassment are the polar opposite of mentorship. On 9 October last year, we organized a pledge signing ceremony to signal a strong stand to combat the hidden scourge of workplace bullying and harassment. Twenty-one law firms representing among the biggest employers in the legal profession joined the Law Society in pledging to ensure that law firm staff and colleagues are treated with courtesy, respect, dignity and fairness. The aim: (i) promote and maintain professionalism; (ii) respect human dignity; and (iii) respect the inviolability of every employee's person and privacy.
36. By signing the Pledge, the signatories committed to implementing the Law Society's recommendations to liberate the work environment from the toxic culture of bullying and harassment. These include (i) availing or accessing Law Society's workplace harassment resource guide to all staff and (ii) ensuring appropriate training for senior management and executive law firm leadership. We will organize another signature event cum webinar this year.
37. Mentoring also applies to our female talent. Our Women In Practice Committee issued a landmark report on gender diversity in the legal profession. As I shared during the launch of that report: "*The big picture question is how to optimally harness the talent, and better protect, our estimated 46% of female legal professionals. Levelling the Playing Field is a thoughtful, thorough, nuanced and balanced report that provides some insights that may lead us to answer that question.*"

38. All of us, without exception, have benefitted from mentorship. When the mentored become the mentors, we also attain maturity. Our Relational Mentorship programme, featuring senior-junior mentorship will continue to be a cornerstone. PracMentor (for guidance on specialist areas of law) and Career Path (to guide young practitioners on career-related issues) will complete the trio of mentorship services for our junior bar.

MENTAL WELLBEING

39. We were especially concerned about members' mental health. Mental health is distinct from mental illness. Our May survey revealed that about 27% of our members experienced moderate to severe mental wellbeing issues. A Practice Well portal functions as a repository for relevant articles for better self-awareness and self-care. We continue to combat invisible enemies that assault our mental wellbeing including extraordinary stresses, anxieties and fears. Last year, LawCare, our pastoral care scheme saw even more practitioners receive confidential professional counselling paid by the Law Society. We will enhance the LawCare scheme by appointing an additional counselling service centre. Nicholas Aw is helping to facilitate a support group for those battling mental health issues. Separately, Susan de Silva is championing wellbeing and wellness for the profession. We will do more to boost psychological resilience.

40. Multi-stressors cause mental health issues. An acute stress point we experienced last year was the sad bereavement of brothers and sisters in law; some of whom we could not bid farewell to. We

organized a virtual remembrance on 14 August to grieve eight lawyers passing on in the first half of 2020. This was an outlet to say goodbye, remember the lawyers and honour their legacies. We will organize another Virtual Remembrance this year as a memorial to the departed.

MEANING AND FULFILLMENT

41. As we recover, stay resilient and rebound, let us keep in mind Winston Churchill's famous quote: "*Never let a good crisis go to waste*". For many of us, 2020 has been a time to introspect. Beyond maturity, market value or mentorship, the holy grail is to find meaning and fulfilment in our practice and lives. Part of that comes when we give unreservedly in pro bono to the undeservedly downtrodden in society.
42. Our pro bono arm continues to discern who are the new vulnerable and the most vulnerable even as we phase out of the COVID-19 pandemic. We will target relevant services to prevent chronic access to justice issues becoming acute access to justice issues. Martin Luther King Jr said: "*Injustice anywhere is a threat to justice everywhere*". The biggest dangers in both a pandemic and post-pandemic afflicted society are new injustices.
43. We learnt beneficial lessons on access to justice last year. Our legal clinics continued seamlessly, service as usual, via online counselling. Apart from reducing travel time for counsellor and counselee, in some cases, counselees felt more psychologically safe and confident to share their narrative in personal law and family

law matters. Online service delivery platforms for pro bono are the way of the future.

44. There was exceptional media coverage last year on the *cause celebre* of the Parti Liyani case and the spike in local COVID-19 transmissions at foreign worker dormitories. Our Law Society Pro Bono Services has a fledgling initiative to stream justice to the relevant indigent migrant worker community. We are building a digital pathway for access to justice to the foreign worker dormitories. If we build this well, marginalized individuals will come.
45. Another important initiative for the Law Society was launching the Compassion Fund. The Law Society helped set up and administer the LawSoc-SBF Foundation Compassion Fund to offer one-off financial aid and referral support to lawyers or staff in law firms. The touchstone is whether that individual has faced sudden and unexpected personal or family adversity directly or indirectly due to the COVID-19 pandemic.
46. Various members of the legal profession and Your Honour's judiciary responded enthusiastically to donate generously towards the Compassion Fund. We are deeply appreciative. As I shared in my appeal letter last year: "*This is a pioneering effort by the legal profession, of the legal profession and for the legal profession.*" Charity begins at home and begins at our home in the law society. We will disburse more of such aid this upcoming year.
47. Another area of meaning is relational connectedness at a time of isolation and separation. The Law Society innovated to connect and

engage with members by sharing experiences and providing peer support. During the Circuit Breaker period and thereafter we organized regular “virtual huddle” sessions focusing on practitioner-oriented topics attracting, at times, more than 100 participants. In the pithy and eloquent words of Philip Jeyaretnam SC (as he then was) in his C C Tan Award acceptance speech on the last day of last year: *“A profession united in our common calling is better able to perform its social role, in support of justice and the rule of law”*.

48. Part of our meaning and fulfilment involves seeing the world with a new lens. As we start a new 2021, hindsight has given us a 2020 vision. This involved the simple. Counting our blessings. Empathy and solidarity with the suffering. Achieving the elusive work life balance while we WFH. The 2020 vision also led us to the profound such as access to justice using innovations such as Zoom court hearings, asynchronous hearings and online mediation.

49. Such experiences took us all outside our comfort zone. But through it all, we became closer while keeping a safe distance. More relationally connected despite our isolation. Unlocked in spirit even if kept in semi-lock down during the Circuit Breaker. And finally, establishing a new normal while positioning for the next normal.

CONCLUSION

50. More so than at any prior time in our history, we share the aspirations of stakeholders in the administration of justice to unite as we collectively reform and transform the legal profession. We envision lawyers meaningfully practising law with compassion, dignity,

enthusiasm and as a force for good in society. Together with Vice Presidents Lisa Sam and Jason Chan SC and Treasurer Paul Tan, this Council pledges to do our utmost to promote justice with honour and compassion.

51. In closing, may I once again assure Your Honour of the Bar's unwavering support for you and your colleagues in the judiciary. I reaffirm the Law Society's continued commitment jointly with the Attorney-General's Chambers to sustain efficient and effective administration of justice in all causes coming before your courts.

52. May I extend to Your Honour, Chief Justice, all members of the Judiciary, the Minister for Law, Second Minister for Law and the Attorney-General, the Bar's warm wishes and prayers for good health, multifaceted wisdom, great strength, continuing grace and remarkable fortitude for the year ahead that we hope and pray will be better than the one that preceded us.

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