

Opening of The Legal Year 2022

Speech of the President of the Law Society

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

Notable appointments and departures

1. Happy 2022. I bid a Singaporean welcome to Bar leaders from Australia, Brunei, China, Hong Kong, Japan, Malaysia, South Korea and the United Kingdom, and honoured representatives of the International Bar Association, Commonwealth Lawyers Association, and LAWASIA, for their virtual presence.
2. This year sees several notable judicial appointments.
3. The President of the Republic of Singapore has extended the appointment of Justices of the Court of Appeal, Justice Judith Prakash and Justice Tay Yong Kwang, and Judges of the Appellate Division, Justice Woo Bih Li and Justice Belinda Ang.
4. Justice Chan Seng Onn takes office as Senior Judge of the Supreme Court, while Justice Andrew Ang and Justice Lai Siu Chiu are reappointed Senior Judges.
5. Justice Tan Siong Thye's appointment as Judge of the High Court has been extended.
6. We welcome three new High Court judges: Justice S Mohan, Justice Andre Francis Maniam and Justice Philip Antony Jeyaretnam.
7. Two International Judges, Justice Yuko Miyazaki of Japan and Judge Christopher Scott Sontchi of the United States, are appointed to the Singapore International Commercial Court.
8. And we are proud to note that Your Honour, Chief Justice, has been appointed to the ICC Governing Body for Dispute Resolution Services.

9. On behalf of the Law Society, I extend my best wishes to your Honour, and all the nation's judges. We look forward to appearing before you. May your hearings be smooth, your witnesses clear, and your counsel interesting and succinct.

10. Last year saw the passing of Justice Goh Joon Seng. He was a wonderful man, beloved by all. His wisdom, courtesy and patience shone as a guiding light for seekers of justice. Even now, I can see his gentle smile, and hear his voice. The members of the Law Society will miss him.

11. I also pay tribute to my predecessor, Senior Counsel Gregory Vijayendran. He has the distinction of being our longest-serving President of the Law Society, having held office for 5 years. Under his leadership, the Law Society has been transformed.

12. He initiated schemes to aid members, established strong ties with bar associations around the world and corporatised the Law Society Pro Bono Services as a registered charity.

13. His finest hour came in 2020, when Covid-19 struck.

14. Our members were forced to shutter their offices and provide legal services from their bedrooms and kitchen tables. Amidst the global uncertainty and confusion, Singapore lawyers soldiered on, and continued to serve their clients. Lawyers, in turn, relied on the Law Society to solve problems, invent systems and coordinate with stakeholders.

15. Throughout this crisis, Gregory's unflappable leadership gave us confidence that we could all keep calm and carry on. In our battle against the virus, we found in him our wartime President.

16. I served as his Treasurer and Vice-President for 4 of those 5 years, including that fateful year of the Circuit Breaker. What I learnt in that year forms the heart of my speech today. It is about the New Singapore Lawyer.

17. I begin by setting the context: our justice system.
18. Our justice system is the pride of our nation.
19. It is widely admired by our global contemporaries. It is simple and reliable. It is a public service that is efficiently run, transparently clean, and trusted by all. It is a vital part of our nation's continued success as a global hub.
20. If you consider the justice system as a giant national app, with the citizens at one end, and the Courts at the other, then lawyers are your "user interface" or UI.
21. We act as a means for individuals and businesses to use the system. At the same time, we are the conduit for the Courts to handle requests and deliver outcomes to those parties.
22. What does it take for a human lawyer to be a UI? There is an easy part, a difficult part, and an impossible part.
23. The easy part is law. We spend 4 years learning the law as an academic subject. It is expertly taught in our universities. A full range of topics are covered, the method of assessment is rigorous, and students emerge with a thorough understanding of legal issues.
24. After years of deep study and arduous examinations, they receive their law degrees. To them, I say, you've completed the easy part.
25. The difficult part is practice. Law graduates undergo months of training before they are granted practising certificates.
26. But those certificates mean only that they have been exposed to the daily workings of a law firm and haven't made serious errors of judgment during their training.
27. It remains to be seen whether, apart from legal skills, they have the attitude to serve, strength in the face of adversity and skills needed for practice.

28. They will need communication skills, in dealing with clients. They will need collaborative skills, as they will work in teams. They will need business skills because law is a business, and because some of their clients will be businesses.

29. And most of all, they will need resilience, because lawyering is draining.

30. In many areas of practice, the lawyer serves as a first responder. When people are threatened, or business or family relationships are fractured, or when commercial opportunities must be seized, they turn to lawyers for help.

31. In turn, lawyers provide counsel on the best way forward – as well as what is possibly more valued by our clients – a listening ear, a shoulder to lean on, and an encouraging voice.

32. For every lawyer, the early period of their career is a journey of self-discovery. There are those who find that lawyering is their calling, that they were born to minister to those in need, that they have the patience and empathy to sit and listen to a human being in distress.

33. These sessions often involve spending time dealing with legally irrelevant matter. Lawyers know that it is part of the process of establishing trust and uncovering evidence. They distill the material they have heard, filtering out the angst and heartache, and present only the essence of the issue to the Court. Lawyers then receive the Court's judgment and process it for their client.

34. In this manner, lawyers are a two-way filter for the legal system. To the client, we represent the law. To the law, we represent the client. We live this duality, day after day. It's not easy. It's hard. And in recent times, more and more lawyers are finding it impossible to be user interfaces.

35. This brings me to the impossible part of the job. It has to do with sustainability.

36. We are in the midst of The Great Resignation. Around the world, record numbers are leaving their jobs.

37. In Singapore, a recent survey suggested that nearly a quarter of our workers from all industries are planning to quit in the first half of this year.

38. The Law Society will be carrying out our own studies to understand if the Great Resignation will disrupt our industry. It is not a large industry: we have only around 6000 Singapore lawyers. And last year, the profession saw a record number leave its ranks.

39. Some context: every year, lawyers leave. For the past four years, the number of departures has hovered between 380 and 430 lawyers. But last year, 538 lawyers left the profession. That represents an alarming year-on-year increase of over 30%.

40. The departures are concentrated among younger lawyers. In our Junior Category, meaning lawyers in practice for less than 5 years, we saw a record high of 310 exits, making up 14% Junior Category lawyers.

41. That coincided with a record low number of new lawyers being called to the Bar last year.

42. In summary, the Junior Category might be facing a perfect storm: a record high number of departures coinciding with a record low number of entrants. The Law Society is concerned.

43. New lawyers rejuvenate the profession, providing the nation with advocates, solicitors, prosecutors, registrars, and judicial officers. It's important that, after investing so much to train them, we find ways to retain them. It takes years, maybe decades, to be any good at this job. Law requires sustained focus and dedication. Law is not a gig, but a calling.

44. The Law Society will study the attrition rate of young lawyers. There is a sense that, if this is not yet a problem, it may eventually become one.

45. A nation grows in tandem with its legal sector. Lawyers support the expansion of business, and aid in the resolution of conflict. As our economy is poised to recover and expand, the profession must stand ready to help sustain it. We cannot do so unless we find out why young lawyers are quitting.

46. The obvious question is whether the pandemic is to blame.

47. The truth is that, even before 2020, young lawyers were complaining of burnout. It may be tougher to be a young lawyer now, than at any time in history. The hours are long, and clients are demanding. Thanks to technology, young lawyers are on call night and day. Email and instant messaging mean that they operate at a far more intense pace, compared to previous generations. Many are exhausted.

48. Mental wellness is becoming a concern. My guess is that it has always hovered in the background, but the present generation of young lawyers are brave enough to speak openly about it.

49. In response, the Law Society has introduced over a dozen support schemes. Senior lawyers volunteer to guide juniors on law and career issues. We provide mentors to focus on the psychological well-being of lawyers. We work with counsellors to counsel young lawyers.

50. Yet, those are reactive solutions. They address only the symptoms, not the cause, of the problem.

51. The lawyers who came of age this millennium are a new breed, distinct from their 20th century predecessors.

52. For one thing, those boomers, I mean seniors, operated in an era before clients habitually sent them instant messages at all hours of the day and night, expecting a timely yet thoughtful response.

53. Turnaround was slower then - it was a different age. Those seniors had the chance to grow into the law at a gentler pace. For another thing, many seniors were prepared to view their legal careers as the central focus of their lives. They expected their relationship with the Law to last decades. Many seniors describe themselves as being married to the Law, forsaking all other distractions.

54. The 21st century lawyers are different. They want to marry, not the law, but a human being. They too want to work hard. They too want their work to have meaning. But they also want other things that human beings want: to have children, to build a home, to have a life outside the law. And they may not want to put these aspects of their lives on hold, or compromise them, in favour of the law.

55. For them, legal practice is a question of sustainability. They feel that there must be a better way to build a sustainable career. There must be a way of catering to the demands of the 21st century client, the 21st century Court, and 21st century society, while having a fulfilling family life. Can they have it all?

56. I think there might be a solution. It could begin with a bit of magic, by making the law firm vanish. To explain this, I invite you to travel back in time with me.

The Virtual Law Firm

57. Twenty-four months ago, I was unfamiliar with these terms: QR Code, Zoom, social distancing and mRNA. When the pandemic hit, Singapore went into lockdown. Law firms were shuttered, and lawyers found themselves advising clients through webcams and mobile phones, while children and small animals scampered in the background.

58. We were introduced to another new term: WFH or work from home.

59. At first, there was consternation all around. Lawyer chatgroups were filled with questions. How would we complete conveyancing transactions? What would happen to hearings? How would we conduct privileged discussions?

60. Very quickly, though, we realized this was a breakthrough moment.

61. As we adjusted to the idea of conferencing through a laptop, or making court applications through a webcam, we began to grasp what it meant to be a 21st century lawyer.

62. We understood that not every law firm needed a reception area or permanent meeting rooms. We learnt that commissioning affidavits could be done online. We discovered that court applications, appeals and even entire trials could be carried out virtually. We figured out ways to cross-examine a witness a thousand miles away.

63. A conservative, tradition-bound profession found out that you can indeed teach an old advocate new tricks.

64. Lawyers encountered another new phenomenon: family time. We could see family members in the daylight and dine with them on weekdays. We found regular and abundant family life unfamiliar yet rewarding.

65. As our offices sat empty and idle, we found ourselves asking: Will this be permanent? Can the next generation of lawyers choose to be remote workers? If so, will all law firms still need large offices? Might some lawyers dispense with 20th century concepts such as daily commuting, 9-to-5 and working for the landlord?

66. We polled our members. Over 70% of respondents told us that law practices should be permitted to deliver legal services entirely online, without a physical office. Over 80% thought that rules should be reviewed to allow for innovative ways to deliver legal services. And it wasn't just the young lawyers telling us this. It was lawyers of all seniority levels, from all sizes of law firms.

67. They sent a clear signal to us to explore ways for lawyers to serve the public, by harnessing technology, and refreshing ideas on what a law practice in the 21st century ought to be.

68. Traditional law firms will no doubt continue to occupy a major role, with brick-and-mortar offices and blue-ribbon service for blue chip clients.

69. They will play to established strengths, with teams of partners and associates working from city offices, to provide sophisticated and complex legal services to their client base of financial institutions, multi-nationals, and governments.

70. But our members also asked: might a new type of law firm and lawyering emerge too? Can law firms, providing affordable legal services to individuals or small and medium enterprises, be leaner? Can those practices go online, providing cheaper and more accessible legal services? Could some law firms disappear completely from the real world, and reappear in the virtual one?

71. The more we thought about these questions, the more we began to think, “Why not?”, and the clearer the future of lawyering became to us.

72. This is the picture I present to you of the New Singapore Lawyer, who works from a laptop, uses technology to collaborate with other lawyers, meets clients virtually, and is not bound to a physical office. Whenever there is a need for sensitive communication, the New Singapore Lawyer will book a secure Zoom pod. If there is a month-long arbitration with opponents in different time zones, the New Singapore Lawyer will use special facilities to cater to those needs.

73. Put another way: the New Singapore Lawyer will spend more time on work, rather than on commuting to work.

74. In working from home, the New Singapore Lawyer may require a different leadership style, where self-startership and initiative take centre stage.

75. Law firm culture may be less top-down, and more grassroots, as juniors are trusted and empowered to carry out tasks and pursue ideas with light supervision.

76. There may not be a standard partner track for all: some lawyers may opt to work on a project basis, while others may work with allied professionals. This may be in line with the Chief Justice’s prediction of an emergence of legal practices that adopt a “rocket” structure, outside the confines of a traditional law firm.

77. The point really is that the profession is at an inflexion point. Questions about what lawyers do, and what law firms will look like, are fair game. And senior lawyers may not have all the answers. As always, whenever senior lawyers are stumped, they look to juniors to provide answers.

78. So, it's no different this time. We will give young lawyers the space to lead and show us who the New Singapore Lawyer will be, and what the modern, invisible law firm might look like.

79. And in addressing the needs of the New Singapore Lawyer, we shall be improving the lot of all lawyers, by inspiring a rethink of what it means to practise. By averting a Great Resignation, we may spark a Great Revival of the profession.

80. Of course, change can be daunting. To every new idea, we can be confident that people will say three things: It's difficult, it's never been done before, and there will be problems. Let's agree with all those statements and get them out of the way. And let's add these three: it is worthwhile, it can be done, and we will be the first.

81. Already, the Law Society has started laying the groundwork for this transformation.

82. We initiated a 4-month long acceleration programme supported by the Ministry of Law and Enterprise Singapore. Called "Raising the Bar", it helps small and mid-sized Singapore law firms innovate and transform their businesses to stay relevant and competitive in this digital-first world.

83. The aim is to spark innovation and re-invention in Singapore firms, so that they are ready for the future. We might see a future where traditional and virtual law firms compete for legal talent based on, not just salary, but the availability of hybrid arrangements and varied career paths.

84. The Law Society will conduct conversations with stakeholders to understand the implications of virtual law firms.

85. What transactions can be carried out virtually? How will new lawyers be mentored? How can we use technology to allow them to collaborate and learn through observation? How can best practices be inculcated, if young lawyers do not work under the direct in-person supervision of their seniors? Can we still build a collegiate spirit if we do not meet each other in the corridors of the Courts? These are fair questions. It cannot be beyond our collective ingenuity to find answers.

86. Covid taught us we could imagine a different world, and build it, fast.

87. Thanks to the havoc that the virus has wrought, and the way we have recovered, we are now confident that we are resourceful and resilient enough to adapt. We've realized that the image we had of ourselves, as dinosaurs holding fast to the comforts of yesterday, is a false one. That is not who we are. We are a nimble, hungry profession. We are willing to compete and evolve. If our industry needs to be re-engineered, we lawyers will lead the way. We will not be held back by a lack of ambition, willpower, or imagination.

Engagement with the Community

88. I've reached a part of my speech titled "The Law Society's sporting successes against the Attorney-General's Chambers". The pandemic has prevented us from securing our usual victories on the football pitch or handball court against the noble athletes of the Chambers.

89. But this year, in line with the themes of my speech, and in the spirit of new ideas and the use of technology, I would like to challenge the Chambers in the arena of eSports. We will not allow a tiny virus to interrupt the long-standing tradition of sporting rivalry between the Law Society and the Chambers.

90. This brings me to the final part of my speech: service to the community.

91. Whether we are talking about young Singapore lawyers, or old ones, there is one thing we all have in common: belief in the curative powers of the law.

92. We consider that the law and the legal system offer a means of addressing many of society's conflicts and ills. That is why lawyers, as a group, are drawn towards using the law to help others. We lawyers invented the term, "pro bono", and we pledge to keep the pro bono spirit alive and burning brightly in our community.

93. The members of the Law Society are dedicated to the ideals of this nation, the rule of law, and the need for access to justice. To that end, our members organised and participated in numerous pro bono schemes to aid Singaporeans.

94. For example, our Family Practice Committee introduced schemes that offered affordable mediation and neutral evaluation for divorces. We have also assisted the Ministry of Law in providing low-cost mediation in relation to its COVID-19 relief schemes.

95. In all these initiatives, we want to show the public the reality that the lawyer is a peacemaker. We resolve conflicts and end disputes.

96. The Law Society will continue to offer pro bono services. It will also spread law awareness and promote legal literacy. We believe citizens must be educated on what the law has to offer. They should understand how the legal system works to protect their interests, and safeguard society.

97. To this end, the Law Society will become an influencer.

98. We will use the levers of social media to explain legal concepts to Singaporeans and how the law relates to their lives. We will feature our lawyers in videos. We will use LinkedIn and other platforms to discuss legal developments, the role of lawyers, and the work of the Law Society. We will push back on legal misinformation because we understand that fake news undermines our system. We will de-mystify law, to empower citizens.

Conclusion

99. To the AGC, I reaffirm the Law Society's continued commitment to sustaining efficient and effective administration of justice.

100. To your Honour and your colleagues on the Bench, our members pledge to do their duty, to assist the Court with diligence and integrity, for the betterment of Singapore.

101. May I extend to your Honour, Chief Justice, all members of the Judiciary, the Minister for Law and the Attorney-General, the Bar's best wishes for good health, wisdom, and fortitude in the year ahead.



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102. May I also ask you to look out for a new type of lawyer, and the emergence of a new type of law firm, in the coming years.

103. You may also see more of the Law Society on your social media feeds in your mobile phones and tablets. The profession has weathered the Covid storm, and is ready to emerge stronger, with renewed energy and a vision for the future.

104. May it please the Court.

Adrian Tan

President

Law Society of Singapore