

**OPENING OF LEGAL YEAR 2007
PRESIDENT OF THE LAW SOCIETY OF SINGAPORE**

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

The Society celebrates its 40th anniversary this year. It was one of three great institutions to begin life in 1967, the other two being the Association of South East Asian Nations and national service. It started with about 250 members. Forty years later, the Society has 3,500. The growth of the legal profession has certainly out-paced the growth of our population, which has merely doubled, and this reflects how the Singapore Lawyer has proved greatly useful to business and to the public at large. The broader legal community has grown tremendously as well, with many finding fruitful and satisfying careers as corporate counsel in multinational corporations, financial institutions and elsewhere.

The second half of 2006 witnessed rapid expansion of business activity, driven by sharpened interest from foreign investors. Prospects for this year appear bright. The legal profession, having tightened its belt after 1997, must take advantage of the opportunities flowing into Singapore not just for our own sakes but also to facilitate the continued success of Singapore as a hub for business. 2007 will see implementation of a number of reforms that the Society has sought that will improve the business competitiveness of our firms:

- a. First, the introduction of Limited Liability Partnerships or LLPs. All the consequential subsidiary legislation is now in force, and the Society is conducting briefings for firms on conversion. It is expected that the take up rate will be very high.
- b. Second, permitting law practices to pay or receive referral fees not just to or from other Singapore law practices but also to or from foreign law practices as well. This will assist law practices to build alliances and networks with foreign law practices, and strengthen their ability to compete in the region.
- c. Third, permitting law practices to admit partners or directors who are qualified only in a foreign law and not in Singapore law. This will also be important to facilitate the regional growth of our firms, as it will enable our firms to offer bright foreign lawyers career prospects without their having to re-qualify as Singapore lawyers. Our firms need to develop and strengthen their ability to offer assistance to clients, where appropriate, on foreign laws.

The Society has also worked with the Economic Development Board on tax incentives for law practices to grow regionally. We have worked on building the brand of the profession abroad, with missions and seminars in India, Indonesia and China, and memoranda of understanding with many Bars in Asia. The good work of the Society in building international relations was re-paid when we hosted the Presidents of Law Associations Conference in August last year. It was highly successful, with record attendance. Highlights for the delegates included lunches hosted by the Deputy Prime

Minister and by Your Honour, Chief Justice.

This year will bring to our shores in October the main conference of the International Bar Association. This is the premier event on the international legal calendar and represents a tremendous opportunity for the profession to showcase its strengths and skills, and highlight to the legal world the advantages of Singapore as a dispute resolution centre, a wealth management oasis and a financial hub. Council and the Secretariat will be kept very busy as we are the host organisation for the event. We are deeply grateful to the Ministry of Law for its assistance in planning for the event. The large law firms have pledged their support. Nonetheless, this is an opportunity not just for large firms but for all lawyers who will benefit from networking with foreign lawyers from across the globe.

The reputation of the Singapore Lawyer also depends on unquestioned integrity. Despite the Society's tightening the solicitors' accounts rules in early 2004, a defalcation of a record amount occurred in June 2006. Council was determined to tackle the problem. Three dialogue sessions were held with members generally, as well as many focused discussions. Views were taken from outside the profession as well, from Banks, Accountants, Trust Companies and the Consumers' Association of Singapore. Recommendations were developed that Your Honour, Chief Justice, broadly accepted. The Society will implement by the start of the next practice year i.e. 1 April 2007 a requirement that all withdrawals from a clients' account of \$30,000 or more will require a second signatory. If a firm is not able to comply with this requirement then it will not be allowed to receive or hold clients' monies in relation to conveyancing transactions. We will continue to encourage firms to give up having a client's account if they do not really need one. As an incentive, lawyers in any firm that does not have a client's account will not have to contribute to the compensation fund in the year following. With this reform, the profession will have committed itself to stronger regulation than its counterparts elsewhere. It is paramount that we collectively restore the public's confidence in our integrity and honour as a profession.

Even as the profession strives to compete regionally and internationally, it must not forget its responsibilities to the ordinary people of Singapore. Commitment to pro bono work is a badge of honour that proves our collective worthiness to enjoy the rights and privileges of an independent Bar. Social responsibility is an integral part of our profession's good name and standing.

Last year I spoke about the Society's mission to facilitate access to justice, and to that end we established a committee to look into legal aid and pro bono work. That committee is co-chaired by Jimmy Yim, SC and Malathi Das. It has completed a great deal of work, including extensive consultation not just with members but also with relevant government agencies and with voluntary welfare organisations and social workers. Its work has benefited from the support and advice of Judicial Commissioner Sundaresh Menon. The Committee has periodically reported back to Council, and is now finalising recommendations intended to be realistic and workable. One of its recommendations will be that every practising lawyer commit to 25 hours of pro bono work per year. Managing partners of the large law firms have indicated that they will support this goal. We understand that the Ministry of Law has also been reviewing the provision of legal aid and issues relating to pro bono work, and we are confident that the Society's efforts will find support from government, and that this initiative will prove to be a striking example of how the private and public sectors can work together towards a

common goal. It is too early for me to announce details, but these should become available within the first quarter, after which the hard work of implementation will commence.

There are two understandable concerns about an increase in pro bono volunteers that I would like to deal with here. The first is that pro bono volunteers may not provide the same quality of representation as those serving fee-paying clients, especially if they are providing pro bono services in a legal field different from the work they do for a living, as in a commercial lawyer providing assistance in a family law matter. We will expect individual lawyers and their firms to commit to providing competent service as if the client were fee-paying, a principle that we have implemented in relation to our Project Law Help scheme, a scheme that has been running for more than two years now. Moreover, this concern should be considered from the point of the view of the litigant – I am sure that a needy litigant would rather be represented by a lawyer with limited experience in that field than have no representation at all.

The second concern is that increased pro bono work would deprive lawyers of work. This concern will be addressed by continued means-testing. Co-payment is another mechanism by which abuse can be deterred.

With proper safeguards in place I am fully confident that the Society will be able to make a difference and so fulfil its mission of ensuring access to justice.

2007 will be my final year as President of the Society. I have been supported in my work by first-rate Vice Presidents, including Yap Teong Liang who stepped down at the end of last year. This year my Vice Presidents will be Michael Hwang SC and Malathi Das. My New Year's wish is that this year will be the year that the Singapore Lawyer shines for the whole legal world to see.

We look forward to strengthening and deepening cooperation, respect and camaraderie throughout the legal community. I now on behalf of the Bar, renew our pledge to Your Honour, Chief Justice, of full and unstinting support to the Judiciary in the administration of justice.

I wish you too, Chief Justice, Justice of Appeal, Justices and Judicial Commissioner of the Supreme Court, Deputy Prime Minister and Minister for Law, the Attorney-General, Mr Chao Hick Tin, all members of the Law Society and of the broader legal community, in the legal and judicial service, at the Faculty, of corporate counsel and in foreign law firms, continuing good health to carry on the good work and shared purposes of all of us, devoted to the pursuit of law.