

*SPEECH OF ATTORNEY GENERAL PROFESSOR WALTER WOON
AS DELIVERED AT THE OPENING OF THE LEGAL YEAR 2010
HELD ON 9 JANUARY 2010*

OPENING OF THE LEGAL YEAR 2010

May it please your honours, Chief Justice, Judges of Appeal and Judges of the Supreme Court. At the outset, may I take this opportunity to welcome the three new members of the Bench, Judicial Commissioners Steven Chong, Quentin Loh and Philip Pillai and to assure them of our constant support in their task.

1. 2009 has been a year of consolidation after the many organisational and personnel changes of the preceding year. The recession has been a boon to the Legal Service, in that the constant competition for good lawyers has eased somewhat. We have seen some flowback from private practice of former legal service officers. The border between the private and public sector is a porous one. We welcome the return of former legal service officers and value the experience of private practice that they bring. We have also recruited several lawyers with experience in the financial sector to augment our capabilities in handling complex financial and securities cases.

2. The Financial and Securities Offences (FSO) Directorate is part of our Criminal Justice Division. It is now headed by a senior Legal Officer with experience both as a DPP and a district judge, whom we brought back from the Monetary Authority of Singapore specifically for this purpose. Our legal officers are systematically being exposed to FSO work and that of the Corruption Directorate in the State Prosecution Division, to ensure that we will have the capability to bring to justice even the most sophisticated corporate criminals. We have three senior officers on attachment to the Commercial Affairs Department of the Ministry of Home Affairs and two officers on secondment to MAS. In addition, our officers have been sent for attachment to the Crown Prosecution Service and Serious Fraud

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Office in the UK, as well as to the US Department of Justice. Corporate criminals can often afford to buy the best legal advice from all over the world; we intend to match them brain for brain.

3. The work pressure on our prosecutors continues to be intense. Of the 159 Legal Service Officers in the Attorney-General's Chambers as of December 2009, 104 are deployed in the State Prosecution and Criminal Justice Divisions. We also have 19 Assistant Public Prosecutors in the two crime divisions. Between January and November 2009, these 123 officers dealt with over 38000 investigation papers, 4000+ criminal trials and guilty-plea hearings in the subordinate courts (involving some 16000 pre-trial conferences), 232 Magistrate's Appeals (nearly 25% more than for the whole of 2008), 44 High Court criminal cases (nearly 50% more than for the whole of 2008), 13 criminal appeals (a 30% increase over 2008) and 20 criminal revisions (double the number in 2008). It should be noted that 123 prosecutors is a theoretical figure; it includes officers who are on part-time work, study leave and no-pay leave, as well as those newly-recruited officers who are in the long process of being trained on the job. Furthermore, DPPs are also deployed to provide advice, assist in drafting of legislation (eg, the Criminal Procedure Code and the Coroners Act), attend international conferences on money laundering, corruption and international financial crime, and deal with requests for extradition and mutual legal assistance. Effectively, the front-line prosecution strength of the AGC is less than a hundred.

4. The demands on the crime divisions will not lessen in the foreseeable future. Impending changes to the Criminal Procedure Code will increase rather than decrease the amount of work required in preparation for a criminal trial. The decision was taken a decade ago that police prosecutors would eventually be phased out. If AGC is to take up the slack, we will require at least 18 more APPs together

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with supporting staff, as litigators do not work in splendid isolation – they need a back-up team of good quality. The population of Singapore is nearing the 5 million mark. Even if the rate of criminality remains constant at a low level, a higher population means more criminal cases in absolute terms. An increase in the number of DPPs and APPs is vital if criminal cases are to be disposed of expeditiously. There is no point increasing the number of criminal courts and judges if there are not enough prosecutors to handle the cases. The present number of prosecutors cannot cope indefinitely with an increasing workload. One can heat a house by burning furniture, but at some point there will be no furniture left to burn. The necessary increase in prosecutorial resources cannot take place without the requisite physical space, budget and headcount for both legal officers as well as support staff. We are in discussion with the relevant authorities regarding these crucial issues, which we hope will be resolved soon.

5. On a happier note, we have been fortunate in the last year to have been able to recruit excellent young graduates for the Legal Service. We have also made offers of appointment to promising students in their third and final years of study in universities both in Singapore and abroad, conditional upon the achievement of very good academic results. Last year was also a bumper year for scholarships tied to the Legal Service – seven were given out. So the pipeline is being filled with excellent material. The practice now is that new recruits are posted to one of the frontline litigation departments, viz, State Prosecution Division, Civil Division of AGC or the Legal Aid Bureau. By far the largest proportion of new recruits will pass through the Attorney-General's Chambers. We have introduced a training programme for these new officers, mirroring the private sector Practice Training Contract.

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6. The AGC training programme started on 7 December 2009, after the conclusion of the Practice Law Course. Our trainee officers will spend several weeks at the State Prosecution, Criminal Justice and Civil Divisions of the AGC in succession, where they will begin to learn the art of litigation, both civil and criminal. There will be workshops on negotiation skills conducted by IAD, legislative drafting and Parliamentary processes by LLRD. Some time during the six-month training period, they will also have a stint at the Legal Aid Bureau to experience what it is like to deal with real clients and to reinforce the message that the public service means exactly that, serving the public, especially those least able to afford the cost of legal services. At the end of their training period, our young legal officers will be ready to conduct their first trials in the Subordinate Courts. I venture to say that no private sector trainee lawyer will receive as intense an introduction to litigation. Thereafter, those with the flair for court work, both criminal and civil, will be groomed and mentored by the senior officers, up to and including the Attorney-General, with the best being placed on the track that leads to eventual appointment as senior counsel.

7. It is not only court lawyers that we are short of. There is a constant and insatiable demand for legal officers to vet government contracts and give legal advice on a whole range of matters referred to us in our capacity as legal advisor to the government. The Legal Service also provides legal officers to other ministries and departments like MINDEF, the Ministry of Law, the Ministry of Manpower, ACRA, IPTO and the Legal Aid Bureau to name but a few.

8. There is also a need for more parliamentary draftsmen. The pace and quantity of legislation has increased. The use of information technology to improve work processes helps somewhat. As a result of

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the implementation of a new computerised system for the drafting of legislation, members of the legal profession can look forward this year to a brand new Versioned Legislation Database with authentic “pdf” versions of Singapore legislation. The free Statutes Online Service will be concurrently upgraded and made available through the AGC website. But computers can only go so far; humans are still vital in the process. Drafting is not an easy task. In legislative drafting, it is not only the big picture that counts; the smallest brushstrokes are important. It is a talent that not every lawyer possesses; indeed, skilled legislative draftsmen are rarer than skilled courtroom lawyers. We have managed to recruit some mid-career lawyers for the Legislation and Law Reform Division. But private sector lawyers do not come equipped with the necessary skills. Our main source of draftsmen will always be from within the Legal Service. Promising younger officers have been identified to assist in legislative drafting as part of their training concurrently with their other tasks. While a competent draftsman can be trained in two or three years, it takes far longer than that to get to the high standard required for really complicated legislation. It is like planting durian trees; those who plant the seeds will probably not be around when the fruits are ready for the harvest; but the seeds must be planted now if there is to be a harvest eventually.

9. One of the projects that did finally come to fruition in 2009 was the Centre for International Law. This has been a long time in gestation. The CIL was finally launched in October last year by Senior Minister Professor Jayakumar. Although co-located with the Law Faculty of the National University of Singapore the CIL is a University centre, which is an indication of the importance that NUS places on it. The Executive Director is Assoc Prof Robert Beckman, a name familiar to generations of international law students from our Law Faculty. The International Affairs Division of AGC has been involved from the

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start. The PSSC of IAD works closely with the Executive Director of the Centre to ensure relevance and quality of the projects and conferences undertaken. The CIL, I must emphasize, is not the mouthpiece of the Singapore government. If it were, there would be no value to us. It is first and foremost an academic institution whose brief it is to put Singapore on the map when it comes to international law.

10. IAD has a virtual monopoly of the practice of international law in Singapore. IAD officers give advice to government agencies on matters involving international law, attend international conferences to defend Singapore's interests, provide the legal component in our teams negotiating international agreements, and even lead negotiations in some areas. The involvement of IAD officers in the CIL is inevitable. The CIL already has the inestimable advantage of access to the leading practitioners of international law in Singapore, including Professor Tommy Koh and His Honour Judge of Appeal Chao Hick Tin. IAD officers will contribute to the work of the CIL by lecturing, writing and sharing their experiences. For the students this will be invaluable; there is a world of difference between a teacher who says "I know this is the law because I read it in a book that someone else wrote" and one who can say "I know the law because I was there when they negotiated the treaty." Few other centres will be able to match ours in terms of people who practise rather than merely theorise about international law.

11. Building up international law expertise is a project for the long-term. We are committed to it fully. We have recruited mid-career officers with experience in international law and international trade law. We have also identified promising young legal officers for the IAD. All our new IAD officers will have had some court experience, for the ability to formulate and present an argument clearly is

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indispensable in international affairs. But not every court lawyer can be a good IAD officer. IAD officers must be diplomats as well as lawyers. The essence of diplomacy is to be able to disagree without being disagreeable. Unfortunately, some of our best advocates are too pugnacious to be good diplomats. IAD officers have for many years been shadowing our diplomats in the UN and other international fora. In 2009, for the first time, we have seconded one of our officers to work at our Permanent Mission in Geneva, with the rank of Counsellor; to put in perspective, the Deputy Chief of Mission is usually a Counsellor. This will allow our IAD officers to get first-hand experience of international diplomacy, and they will come back and enrich IAD and CIL.

12. We do not know what 2010 will bring. The economy seems to be heading upwards after the roller-coaster of 2009. More business means more demand for legal services - which is good for the country - but this then translates into more competition for talent. We will not be shy about competing for our share. We do not intend to take all the good lawyers, but we are not going to let the private sector monopolise all the legal talent in town either. There are enough idealistic young lawyers who see the law as primarily concerned with justice. They are our natural catchment. We remain optimistic for the future.

13. Finally, may I wish your Honour and the other Honourable Judges and Judicial Commissioners of the Supreme Court all the best for the coming year.