

**SPEECH OF ATTORNEY- GENERAL SUNDARESH MENON SC
AS DELIVERED AT THE OPENING OF THE LEGAL YEAR 2011
HELD ON 7 JANUARY 2011**

OPENING OF THE LEGAL YEAR 2011

May it please Your Honours, Chief Justice, Judges of Appeal and Judges of the Supreme Court:

1. This morning, for the first time, I have the great privilege of addressing Your Honours at the start of a new Legal Year. It is fitting that I begin by thanking my predecessor Professor Walter Woon for his able stewardship during his tenure as Attorney-General. When he addressed this Court a year ago, Professor Woon observed that the durian farmer who plants the seeds may not always be around for the harvest. Professor Woon planted many seeds and I hope I will do his labour justice in bringing at least some of them to a satisfying harvest. I am also indebted to Mrs Koh Juat Jong who steered the Chambers with a steady hand between the end of Professor Woon's tenure and the start of my own, and who went to extraordinary lengths to ensure that my transition was as smooth as I could have hoped.

2. As we welcome the New Year, we look forward to the many developments and challenges it will bring.

The Criminal Procedure Code 2010

3. Perhaps nowhere will these be more dramatic than in the administration of criminal justice. I suspect 2011 will long be remembered by our profession as the year in which the new Criminal Procedure Code was launched. The new Code came into effect on January 2nd. It is the product of much effort on the part of the Ministry of Law, its partner agencies and all who collaborated in the venture. The Law Society, the Association of Criminal Lawyers of Singapore, law academics and officers from my Chambers were among those who gave feedback; and my prosecutors and legislative draftsmen were heavily involved in its drafting. The result is something we can all take pride in. The Code effects several significant changes to the law; but it is the introduction of a structured Criminal Disclosure Procedure that has attracted the

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most discussion. This applies to scheduled offences and it requires the parties to serve statements and documents on each other at the pre-trial stage.

4. This disclosure regime heralds a new era in criminal proceedings marked by greater transparency. Anticipating this sea-change, a Pilot Discovery Project was undertaken in 2010 and this helped familiarize prosecutors and defence counsel with the new requirements and processes. The additional workload will be significant, with as many as 8,000 cases a year expected to be subject to the disclosure requirements. But I am happy to say that my prosecutors have worked hard with the enforcement agencies to clear outstanding cases in several areas and we are well-placed to meet the new demands. We have also been hiring – and will continue to hire – prosecutors, as well as legal research assistants and case managers to support the prosecutors.

5. We will of course retain many existing features of the criminal justice system that have served us well. In keeping with the emphasis on transparency, I would like to mention specifically the Criminal Case Management System (CCMS) which has greatly helped to foster a culture of frank discussion between the prosecution and the defence. This has saved both the Court and counsel much time as evidenced in the remarkable statistic that out of the 1483 cases that were processed through the CCMS between March 2009 and October 2010, 88% were resolved without trial. I believe more such initiatives are called for.

Focusing on financial crime

6. Another development in our prosecution work pertains to our continuing commitment to enhancing our capability for dealing with financial and regulatory offences. In today's globalised economy, financial crimes frequently have a transnational dimension and feature the use of cutting-edge technology. The maintenance of public confidence in the security of our financial sector is vital to the continued vibrance of our economy. Recognising this, in the year 2000 the Financial and Securities Offences Directorate was formed as a part of the Criminal Justice

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Division and its officers have since prosecuted many high-profile financial crimes successfully.

7. This year, we take this commitment to the next level. Our Crime Cluster which has hitherto comprised two Divisions – the Criminal Justice Division and the State Prosecution Division – will see the formation of a third, the Economic Crimes and Governance Division. Its officers will focus on and specialise in the prosecution of even the most sophisticated financial crimes and regulatory offences, as well as quasi-criminal matters. I have designated Mr Aedit Abdullah as its Chief Prosecutor and he will work closely alongside two extremely able and experienced prosecutors, Ms Jennifer Marie SC and Mr Bala Reddy, to helm the Crime Cluster.

The Criminal Bar

8. The successful administration of criminal justice rests on the collaborative efforts of my Chambers and the Criminal Bar to assist the Judiciary. Since taking office, I have met members of the Criminal Bar in informal dialogue sessions and a number of valuable points were raised..

9. Among these is a joint code of practice for the conduct of criminal cases that will encapsulate a set of understandings and best practices designed to promote the smooth conduct of criminal proceedings in a spirit of mutual respect and co-operation. In the same vein, I have encouraged the Criminal Bar to harness the energies of young practitioners to help prepare papers or submissions in the ongoing effort to address issues of concern pertaining to the criminal justice system that arise in the course of their work. I have also suggested that the Criminal Bar launch a major periodic conference at which all stakeholders can meet to discuss important issues in this vital area of the law. I am happy to report these and several other suggestions were warmly received and sub-committees consisting of members from my Chambers and the Bar have already been formed to work towards their implementation.

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10. I came away from these initial dialogues with the sense that this segment of our profession has been under-appreciated and should be encouraged. In the main, our criminal law practitioners come from the smaller law firms which together form the largest segment of our profession. As at 1st December 2010, out of a total of 790 law firms in Singapore, 746 had 10 lawyers or less. As a group, they stand out in a number of respects. It is they who provide the core legal services that cater to the needs of the vast majority of our population: areas of law such as family law, criminal law, tort law and property law are largely serviced by these practitioners. It is here that we find many of the lawyers who are still sustained by the romance in the notion of helping a person overcome a potentially devastating problem, even though it may never translate into a glitzy headline or a large fee. And it is from among this group of lawyers that we find so many of those who, in addition to their daily business, selflessly carry out *pro bono* work under the auspices of the Criminal Legal Aid Scheme (CLAS), the Supreme Court's Legal Assistance Scheme for Capital Offences (LASCO) and the ACLS Pro Bono scheme.

11. Sadly, there remains today only a small number of lawyers who actively and predominantly practise criminal law and they are finding it difficult to attract young entrants to their ranks. This is worrying. A vibrant Criminal Bar is vital for the maintenance of public confidence in the criminal justice system because of the role of the defence in safeguarding the interests of the accused. In my dialogues with the Criminal Bar, I was assured of their commitment to raise their profile, their standards and in turn their professional standing, so that more young lawyers may be prompted to consider seriously a career in this field. In this way, their constituency, which consists primarily of the average Singaporean, will be better served. I have pledged to support them in their efforts and aspirations to rejuvenate their practices.

Young lawyers

12. Of course, the challenge of attracting and retaining young lawyers is not unique to the field of criminal law. It is an issue facing the profession as a whole. Young lawyers today enjoy an astonishing range of career options both in and out of

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the profession, with opportunities in the Legal Service and the private sector; and within the private sector, in Singapore law firms or foreign law practices. And then there are those who have embarked on careers overseas. We all have a vital interest in the retention and development of the brightest and best young minds. Critical to our ability to do this will be the training and mentorship we can offer them.

13. My Chambers will continue to make this a priority. Last year, we introduced a 6-month Training Contract Programme, during which new officers are rotated amongst the various Divisions of AGC and other departments in the Legal Service so as to gain exposure to different areas of law. Each officer is also assigned a mentor and when joining a Division for the first time, the officer undergoes an intensive induction programme in which key aspects of the work in that Division are taught.

14. I believe a vital part of the “AGC experience” is our emphasis on developing the ability of our lawyers to function independently under the personalised guidance of their seniors. Officers in the Crime Cluster and the Civil Division are given the opportunity to manage and conduct their own hearings at an early stage of their careers, the target in the main being to have an officer run his or her own trial within 12 to 24 months of being posted to us. This is done with the benefit of detailed discussions on trial strategy with senior officers including Directors and where necessary, the Chief Prosecutors or the Chief Counsel. In the Civil Division and in the various Government departments where we post our officers, much emphasis is placed on developing their ability to provide sound and practical advice.

15. We are now also attracting younger officers to participate in the challenge of shaping our legal landscape by working on law reform and drafting legislation that gives effect to national policies. This work is done in close collaboration with senior legislative draftsmen and enables our younger officers to develop unique skills, which will be vital to our continuing ability to produce sound and accessible legislation.

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16. For those committed to developing a career in the field of public international law, ours is effectively the only practice and it is one we take pride in as it goes from strength to strength. Young officers typically work in teams led by senior practitioners. They are exposed to all aspects of international practice and are encouraged to pursue research and academic interests in keeping with the demands of this area of work.

17. In every area of practice, my officers also attend and contribute to conferences; and benefit from learning trips and attachments abroad with leading international experts. I have spoken at some length about this because I believe it is important for all of us to commit to the training, mentorship and career development of our young lawyers. They are our future.

Liberalisation of the legal services sector

18. These young lawyers will enter the profession at a time when there has been a marked increase in the number of foreign law practices registered here. From a base of around 60-odd foreign law practices in 2007, there are now 103 such practices. This is set to grow, in part because of the imminent introduction of the new foreign practitioner certificate regime and in part because of the continuing development of Singapore as an international arbitration hub. The number of cases handled by the Singapore International Arbitration Centre has increased dramatically since 2007, as have arbitrations conducted here under the auspices of the International Chamber of Commerce. Indeed in 2009, we were the top seat in Asia for ICC arbitrations and were ranked fifth globally. And we have been closing the gap with the venues ranked higher.

19. Given these developments, it may not come as a surprise that we now have 1020 registered foreign lawyers and collectively they account for a little more than 1 in 5 practitioners here. It thus seems almost out of place to refer to this group of lawyers as “foreign”. They form an important pool of talent and expertise and steps are being taken to further integrate them fully into our legal community. At the same time, my Chambers, which has a significant share of the responsibility for regulating

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these lawyers, recognises the importance of having in place a robust regulatory framework. This is critical if we are to ensure that there is no lacuna in the regulation of all who are engaged in the provision of legal services in Singapore. We will review the framework with this in mind in the course of this year.

Leveraging on information technology

20. I turn to the subject of information technology. The widespread use of IT in our justice system has increased efficiency and enhanced access to justice. Following the lead of the Supreme Court, my Chambers also has leveraged on technology and innovation in recent years to meet the challenges of an increasingly complex legal environment. Our Web-based portal provides our officers with access to a comprehensive suite of legal and administrative resources. For this, I am happy to say, we were awarded the Bronze award in both the culture and technology categories in the KM Excellence Awards in September last year. The Awards Panel particularly liked our strong mentoring culture and our emphasis on collaboration and knowledge transfer to retain institutional knowledge.

21. My Chambers has also implemented an electronic workflow and file management system, which enables all documents relating to a case or matter to be stored, internally circulated, vetted, cleared and despatched electronically. We will explore integrating this with the IT systems of the agencies we work with.

22. This year, we will launch a new Versioned Legislation Database accessible to all Government users. This database will integrate the drafting and publication of legislation and will feature enhanced search and browse options. It will also enable the easy retrieval of authentic copies of Bills, Acts and subsidiary legislation that have been published in the *Gazette* or issued as revised editions. This will be made available to the legal profession through Lawnet and a simpler version will be available to the public free of charge through the Singapore Statutes Online website that we maintain. I have directed that once the new system has stabilised, Statutes

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Online is to be extended to allow the public free access to subsidiary legislation. These innovations will enhance our ability to meet the needs of those we serve.

Congratulations and remembrance

23. I would like to close with some congratulations and words of remembrance. May I take the opportunity first, to congratulate Justices Steven Chong, Quentin Loh and Philip Pillai on their appointment as High Court Judges in the past year. If I may be permitted to make some brief remarks on our newest Justices, Justice Pillai was instrumental in persuading me to embark on a career in private practice with the firm at which Your Honour the Chief Justice was then the Senior Partner, and my friend, Mr Wong, was then the head of litigation. It is a path that has culminated in my address to Your Honours this morning and I remain grateful to him for the interest he took in my career at that early stage. And as a practitioner, I was blessed with the great privilege of working closely alongside Justice Steven Chong and Justice Quentin Loh for several years and seeing firsthand their inspiring qualities as lawyers of exceptional grace, ability and integrity. I wish each of them many fruitful and satisfying years as members of this Court.

24. I next congratulate Mr Lionel Yee who was appointed the Second Solicitor General on 1 January 2011. Mr Yee has enjoyed a satisfying and successful career in the Legal Service and his elevation to one of its apex posts is a fitting recognition of his talent and his commitment and an inspiration for our younger colleagues

25. I also congratulate those who will shortly be appointed as Senior Counsel. They join the highest ranks of the profession and will be responsible for leading the way in their appearances before the Courts; in demonstrating a manifest willingness to serve; and in setting the highest standards of conduct, dignity and ethics.

26. Lastly, I recall our great loss in July last year with the passing of Mr Sivakant Tiwari. The Attorney-General's Chambers benefited immensely from Mr Tiwari's wisdom and counsel from 1978, when he joined Chambers as a Deputy Senior State

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Counsel, until December 2007 when he retired. By then, he had headed the Civil and the International Affairs Divisions. He will long be remembered by many in Chambers for the expansiveness of his mind as a legal officer and the generosity of his spirit as a colleague and friend. The many tributes that came from senior members of the Government in the wake of Mr Tirwari's passing attest to a remarkable talent that had been deployed so well in the service of our country.

Conclusion

27. Your Honours, it only remains for me, on behalf of my colleagues in my Chambers and in the Legal Service to assure the Bench of our fullest support and cooperation in your task of administering justice and upholding the rule of law in Singapore. It is also my pleasure and privilege to extend to your Honour, Chief Justice, all the judges and all members of the legal community our very best wishes for the year ahead.