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SPEECH BY PRIME MINISTER MR LEE KUAN YEW

AT THE OPENING OF THE ACADEMY OF LAW

ON FRIDAY, 31 AUGUST 1990

I thank you for the honour of making me your first Honorary Fellow. The law was the profession I practised for about 10 years before I took office in 1959. The problems I faced as Prime Minister required me to give high priority to security, political security, economic development and social progress. The country then needed policemen, soldiers, engineers, scientists, economists and administrators more than lawyers.

I wanted to know what subjects concerned or interested young lawyers. So I asked two of my MP colleagues, both lawyers, what I should speak on. Separately, they both suggested that young lawyers would be interested to know my philosophical approach to the development of the law and the legal system in Singapore.

To understand what we have done, it is not enough merely to tabulate the reasons why we departed from this or that English norm in particular instances. For example: Why we did away with jury trials for murder in 1969? Why do we have preventive detention without trial since it was introduced in1948 for political subversion and in 1957 for secret society gangsters? Why still the mandatory death penalty for murder, and now for drug trafficking? Why severe penalties like caning for vandalism? They are expressions of our philosophy of government as applied to particular facets of Singapore society.

The basic difference in our approach springs from our traditional Asian value system which places interests of the community over and above that of the individual. In English doctrine the rights of the individual must be the paramount consideration. We shook ourselves free from the confines of English norms which did not accord with the customs and values of Singapore society. In Criminal Law legislation, our priority is the security and well-being of law-abiding citizens rather than the rights of the criminal to be protected from incriminating evidence. We also put communitarian interests over those of the individual, when sea-front land is acquired for reclamation by cancelling the right of individual sea-front owners to compensation for loss of sea frontage. And in acquiring fire-sites we pay compensation as without vacant possession even though the premises had been vacated because of the fire. These were contrary

of the rights of the individual upheld in English jurisprudence. But because our people shared our values, they supported and abided by our legislation.

Next, why did we often adopt a radical approach in solving legal problems? It is probably because we are in an immigrant society. We are ready to change and adjust to changing conditions and are not unduly restricted by tradition or precedent. Soon we will have to choose between many amendments to various existing laws in order to protect the privacy of computer information. This is becoming crucial because of the widespread introduction of I.T. We are leaning towards the American solution of having one comprehensive new piece of legislation, instead of the British historical practice of piecemeal amendments to existing provisions in many different existing laws.

These differences in approach may explain why law and order is better in Singapore than in many other new countries. If the government had failed to establish the basics for political stability and social cohesion, the rule of law would have become an empty slogan in a broken-back Singapore. But we have succeeded, and the rule of law today in Singapore is no cliché

We had assumed that the British would continue to help train our lawyers. It was an unfounded assumption. The Inns of Court have made changes that

clearly differentiate between their own law students and Commonwealth students. Courses conducted for their own students are not available to ours. Therefore, it is necessary for the legal profession and the government to take full responsibility for the education and training of all our lawyers.

This must be done through university and post-graduate practical courses and through more systematic pupillage. The senior members of the profession owe this to the next generation.

We are a major financial, banking and communication centre. In the next ten years, these banking and financial services will expand. Singapore is also moving into information technology. The profession must change to meet these challenges. The tremendous developments in information technology will change the ways lawyers work. Lawyers who adopt computer technology will increase their productivity, saving time, manpower and costs. The computer, the fax machine and IDD give Singapore lawyers instant access to all the expertise in law and finance that he needs and that is available in London, New York, Frankfurt, Tokyo and every financial and legal centre of the world.

To be able to do this efficiently, law firms need to be large enough to afford the infrastructure, textbooks, law reports, computer facilities, and to have

easy and speedy access to specialists and to databanks like LAWNET and LEXIS. The trend towards very large firms in New York and London show which way we must go. Singapore needs some firms large enough to have the resources and infrastructure, and the critical mass to specialise, and there must be enough such firms to ensure free choice for the clients and free competition between the firms. We need to reserve the trend of many small firms.

Lawyers have traditionally enjoyed a high standard in Singapore. But the massive number turned out by the university and the Inns of Court in the late 1970s and 80s led to lower standards of discipline. This had eroded the public standing of the profession. The Academy has to create a strong collegiate feeling, set the tone for the profession, and regain for it the high esteem of the public. High standards of professional ethics can also be regained by peer pressure and a strong esprit de corps.

One of the functions of the Academy is "to promote good relations and social interaction amongst members and between members and law students and persons concerned in the administration of law and justice in Singapore", Section 4 (1) (g). I had an enjoyable lunch in October last year at this Academy. I discovered that like the other professions in Singapore, lawyers do not have the habit of lunching and dining together. Only a few of the older lawyers make use

of the Academy's facilities. Most young members have stayed away. I believed that if the chief justice and judges, the attorney-general, solicitor-general and senior state council regularly invite senior and junior lawyers, NUS law teachers, district judges and magistrates to lunches and dinners in the Academy, a collegiate atmosphere will gradually grow. Such a collegiate spirit is necessary for pride in the profession and in its honourable standards and practices.

The backlog of cases can be cut down. Many cases take as long as five years to be heard. In Hong Kong, they are tried within 6 - 9 months. We can and must do the same. The new prime minister in consultation with the chief justice and with the help of the other judges will have to find more lawyers from the Bar and legal service to appoint as judges and judicial commissioners to cope with the work. It will help to get more senior members of the Bar to become judges, if upon their retirement, they can practise as solicitors. We will move the necessary amendment to the Legal Profession Act in the next few months.

But a great deal can be achieved by better "case management". Some of the existing procedures in bankruptcy and uncontested divorce cases take up a lot of valuable judicial time that could easily be saved.

The profession has its part to play in cutting down delays, The habit of having hearings adjourned because one or other of the counsel has not been able to prepare his case adequately is simply unacceptable. If we want to be a top financial centre, we must have lawyers and courts to match. Five years ago, a leading Hong Kong barrister considered coming to Singapore. He examined our cause list and decided he would not come. A 2-3 year wait is routine. In Hong Kong, no case stays on the cause list for more than 6 months, He told an EDB officer who was persuading him to set up practice here that he could not make a living as a barrister under those conditions.

In the last one year, I have attended the High Court for several days at a time as plaintiff in two libel actions. I was astounded at the transformation in the profession. The QCs prepare their cases thoroughly and hand to the judge and to the other side as the case proceeded extensive notes on: (1) opening speech, (2) chronology, (3) issues and propositions of law, (4) bundle of authorities, closing submissions, who's who. I understand only the Court of Appeal requires skeletal submissions together with lists of authorities a few days before hearing. This practice if extended will focus everyone's mind on the case before hearing. Much time will be saved.

In preparing the case, my Singapore lawyers were in easy consultation with QCs in London. Matters were referred back and forth between London and Singapore by fax. Modern technology makes available to any client the best legal advice in minimum time and at a reasonable cost and, if litigation ensues, the judge can then have the benefit of legal arguments fully and ably presented by counsel representing the parties.

I was also struck by the ubiquitous presence of QCs. It is the result of the jet age and Singapore's higher GDP. It is more profitable for advocates and solicitors to look after their corporate clients as solicitors than to conduct a case, not to mention the getting up. Now I understand the disquiet of senior members of the Bar, some retired, and of my colleague, Jayakumar, the Minister for Law. I agree with them that we need a core of good advocates and that this cannot be achieved if QCs are routinely admitted even for simple, uncomplicated cases. We have to make it worth the while of some of our lawyers, maybe 50-100, to specialise in advocacy. It may also mean better returns from a week in court to make it comparable to a week in the office attending to a bank.

In the 1950s when I was in practice, the Singapore Bar was parochial, because Singapore's business was parochial. In the 1990s, the Bar must be international in outlook because Singapore's business is international. Singapore

is now plugged into the world grid of trade, industry and finance and the legal profession should be in a position to tap the legal expertise available worldwide.

Merchant bankers in Singapore need to put together complete financial service packages for customers in ASEAN and East Asia. We need a core of lawyers who are familiar with the administration and legal systems in these countries. In this way merchant bankers can have a one-stop legal service in Singapore. The big firms should establish links with major firms in the capitals of our neigbours with whom the banks do business. This also means that the study of comparative legal systems is no longer just esoteric subject of interest to academics. The Law Faculty can make a start by teaching regional comparative law. The Academy can help practising lawyers bring themselves up-to-date by inviting senior lawyers and law teachers from the region to give lectures and hold seminars. I believe American and Australian lawyers are already moving in this direction. We should not take our cue for new directions only from the English profession.

I am happy to be an Honorary Fellow. I hope this position will give me an opportunity to observe how imaginatively and quickly a younger generation of lawyers will modernise the profession to match the developments in Singapore's economy.