

“Judging and the Public Good: A View from the Bench” – Conference Notes*

23 August 2019

I. Introduction

1. In the latest instalment of SMU’s “Law as Calling” series, the Honourable Chief Justice Sundaresh Menon visited SMU School of Law and delivered an inspirational address on law and the public good.

II. Finding meaning in legal practice

2. CJ Menon spoke about finding meaning and purpose in legal practice, through a discussion of three broad themes:
 - the centrality of the rule of law and its role in the promotion of the public good;
 - the “special obligations” that attend membership of the Bar and the importance of public service to legal practice; and
 - the obligations of legal practice and what it meant to view the law as a calling.
3. In relating his thoughts on the rule of law and its role in promoting the public good, CJ Menon first drew on his personal experiences. He recalled that when his parents first moved to Singapore from India in 1952, Singapore was rife with crime and disorder. Corruption was a way of life, and the influence of secret societies and gangs was pervasive. Reflecting on Singapore’s rapid journey from a third world to a first world country, CJ Menon reminded the law students that Singapore’s determined commitment to the rule of law (both then and now), governed by transparency and an intolerance of corruption, was – and still continues to be – the reason for its economic success.
4. CJ Menon also emphasised the importance of our strong courts and effective enforcement in providing a peaceful means of enforcing rights and settling disputes. As such, it was important to ensure that public institutions like the courts and non-governmental organisations remained trusted public institutions, and served as impartial custodians of the public good.
5. Next, CJ Menon elaborated on what membership of the Bar entailed, and the importance of public service. He urged law students to develop and hold onto their desire to mentor others, their commitment in serving clients, and their belief that legal representation remain essential to the integrity of the society and justice.

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6. Lastly, CJ Menon explained how the idea of “law as a calling”, and the notion of being called, transcends the definitions as generally provided in dictionaries. He stated that being a lawyer entailed privileges and responsibilities in public service. Being a lawyer also excluded a notion of dilettantism, and was something that had to be taken seriously. Despite the challenges it entailed, the notion of law as a calling pushed lawyers to dedicate their lives to a shared mission in the service of humanity. CJ Menon also urged the students to seek opportunities to serve and do more pro bono work, for the greater good (including the creation of a more just and equal society) .
7. CJ Menon concluded his speech by prompting the students to consider the larger frame of their professional lives and the obligations attached to their calling as young lawyers.

III. Further thoughts

8. In the follow up Q&A, responding to a question about setting up a public defender’s office, CJ Menon observed that there has been a growing recognition of the critical importance of ensuring that people charged with criminal offences have access to representation. For instance, lawyers and politicians supported the Criminal Legal Aid Scheme (CLAS) by contributing both their time and funds. At the same time, there was also growing governmental support for CLAS, in the form of substantial grants over the last four to five years. CJ Menon also predicted that the future of public defence would be upheld by a combination of the wider spirit of *pro bono* from the Bar, together with growing contributions from the government.
9. In response to a question on the difficulty of reconciling one’s desire to help others with the adversarial nature of legal practice, CJ Menon first recognized that there was no “one size fits all” solution in the administration of justice. It remained important to craft bespoke solutions tailored at particular problems. He highlighted the area of family law, where considerable efforts had been expended to make the system less acrimonious. For instance, the courts had introduced the simplified divorce track, to help divorce to be “as pain free as possible”. And the take-up of this simplified system increased significantly in 3 years, from approximately 30% of divorces in its first year, to more than 55% this year. CJ Menon also noted the importance of using creativity in achieving justice: for instance, technology companies such as Ebay have been resolving routine disputes between vendors and purchasers using online mediation technology. Such technology allows justice to be achieved where it is economically inefficient to seek formal legal redress. He further shared that the judiciary had been actively searching for ways to make legal processes more accessible for the people, including through involving stakeholders in various discussions.
10. In response to a question on the difficulty of reconciling the pressure to bill high hours with the desire to safeguard the ideals of justice and the public good, CJ Menon noted that this practice was in fact being disrupted in many places. Indeed, CJ Menon noted that law firms stand to benefit greatly from the integration of technology into their

processes so as to increase their efficiency and productivity. This was especially important for law firms which relied on routine work to maximise their billings, as these areas would likely be replaced by artificial intelligence in the near future.

11. CJ Menon further observed that in 10-20 years, people who had familiarity with law as well as other disciplines, such as computer science and technology, would be highly sought after. The provision of legal services would not be the exclusive preserve of lawyers or other legal professionals in the future. As such, there was a need to develop alternative pathways for the development of all legal professionals. For instance, polytechnics were encouraged to provide strong post-graduate diplomas, to allow mid-career paralegals to move up the value chain.

12. In closing, CJ Menon gave the following advice to the students. First, they should embrace lifelong learning, with enthusiasm and passion. Second, they should remember their original motivations in joining the legal profession, and remember what a privilege and opportunity it was to be able to do good. He reminded the students to hold on to their ideals, and be courageous in speaking out when what they saw in legal practice went against those ideals. Thirdly, students should look for communities and mentors that cared for young lawyers' development, who were willing to invest their time for that development. A strong support system would help make the learning and practice of law a joyous journey.