

OPENING ADDRESS BY CHIEF JUSTICE SUNDARESH MENON
SINGAPORE ACADEMY OF LAW
2019 APPRECIATION DINNER

Thursday, 15 August 2019

The Honourable the Chief Justice Sundaresh Menon
Supreme Court of Singapore

Introduction

1. Good evening and thank you very much for joining us this evening. Last year, to mark our 30th anniversary, I delivered the Annual Lecture in which I suggested that the growth and progress of the Academy over the past three decades reflected the maturing of the legal profession itself. As we gather this evening to acknowledge the good work of all those who have helped the Academy fulfil its mission over the past year, we should not forget that the corresponding growth of the Academy and the profession is not a simple coincidence. Rather, it reflects an important symbiotic relationship that is working well. Just as the Academy's initiatives give structure and direction to the development of the profession, so do the profession's needs and concerns inform the mission of the Academy. Many of you have supported the Academy over the years as it discharges that mission. As the Academy begins its fourth decade of work, I thank you for your unwavering generosity and dedication to the needs of our profession.

2. Today, the Academy supports a profession that is in a state of flux. Enough has already been said about the tide of change, driven by the twin forces of technology and globalisation, that advances upon us. The Academy can play a key role in continuing to sound the alarm, helping lawyers and law firms prepare for the coming transformative changes and assisting in the relief effort of those who might have failed to heed the warning signs. This is a difficult and multi-faceted assignment entrusted to the Academy but it is one upon which the future of the profession depends. And it is a task that will undoubtedly be made easier by the selfless contributions of our partners and volunteers like yourselves, who have from the birth of the Academy lent it their strength and wisdom.

3. Let me recount a number of key initiatives that the Academy has worked on over the past year. Time does not permit me to acknowledge all the good work that all of you have done, but know that we are extremely grateful for your contributions.

Innovation as a strategy for the future

4. I begin with the Academy's commitment to innovation. The Academy recognises that the unprecedented challenges of the day will require novel solutions, and to that end it has embraced innovation as a strategic response. It has identified three important "I"s as components of that strategy: "Ideating", "Implementing" and "Inspiring".

5. I start with “*Ideating*”. In June last year, the Academy opened applications for the 90-day Global Legal Innovation and Digital Entrepreneurship, or “GLIDE”, programme.¹ This is Asia’s first legal tech accelerator programme. By connecting selected legal tech start-ups – also known as “GLIDERS” – with law firms, law schools and industry professionals, the programme offers these start-ups the platform and environment needed to develop and market their ideas. The first batch of “GLIDERS” will be revealed next month and I am sure the legal community eagerly awaits the fresh concepts and solutions that they will offer.

6. In the past year, the Academy has also worked closely with the Monetary Authority of Singapore to support the launch of the Variable Capital Company, or “VCC”, framework. The VCC is an important new fund structure introduced by the MAS to encourage fund managers to domicile their investment funds in Singapore, so as to strengthen Singapore’s position as a full-service international fund management centre. The Academy is developing a model constitution for open- and closed-end funds for VCCs and an accompanying set of guidance notes for the industry. These model documents are expected to be completed by the end of the year in conjunction with the official launch of the VCC framework by the MAS.

7. Great ideas, however, mean little unless they are properly implemented. This brings me to the second “I”, which is “*Implementing*”. The

Academy has done much good work in creating an environment in which the potential of great ideas can be realised. A year after its inception, the Academy's Future Law Innovation Programme rolled out a consultancy service to help firms review their workflows and adopt technology in order to increase cost efficiency. The Academy has also developed plans for a new co-working space, known as "CLICKS @ State Courts", at the new State Courts Towers. This is an exciting development that will see the establishment of legal workspaces with shared amenities and facilities such as meeting rooms and office equipment. The aim is to help small law firms adopt technology and relieve the burden of operational costs and inefficiencies so that they might focus on providing accessible and affordable legal services to the public.

8. The final "I" stands for "*Inspiring*". The Academy continues to encourage the profession to develop its own solutions and to be the change it wishes to see. A key aspect of this vision involves the creation of spaces for the exchange of new ideas and best practices on the important issues of the day. The annual TechLaw.Fest, organised by the Academy, returns next month in its biggest iteration yet. It will be headlined by a keynote address delivered by Sir Tim Berners-Lee, the inventor of the World Wide Web. Themed "The Net Effect of Data: Commerce, Connectivity & Control", this year's TechLaw.Fest focuses on the highly topical issues of data security, responsible data use, and the role of data in commerce. These matters

promise to spark lively discussion and debate. I am certain that the forum will both inform participants and inspire them to think of better ways to organise and protect data in a world dependent on digital flows.

Championing professional excellence

9. I turn to an area in which the Academy has long supported the profession. This concerns the creation, management and dissemination of knowledge in order to maintain excellence in professional standards.

10. Academy Publishing has continued to enrich the profession with its publication of six titles in 2019 on a diverse range of topics that go beyond core subject areas. This not only reflects the expansion of our jurisprudence into increasingly specialised areas but also illustrates our awareness of the increasing demand for topical legal literature. The Academy has also launched a new online journal, the *SAL Practitioner*, which aims to be a source of authoritative and practice-oriented information communicated in a clear and concise style and organised according to areas of law. The *SAL Practitioner* fills the gap in the market for a local legal journal with scholastic but highly practical content, and is therefore a welcome contribution to the profession.

11. In an age where the rate of knowledge creation is faster than ever before, the Academy has recognised that effective knowledge management has never been more important. The organisation and searchability of

information has therefore become a priority for the Academy. It has enhanced, refined, and made more accessible its signature knowledge management tool, LawNet. Later this year, users will be able to access the legal research services of LawNet and other databases through a single sign-in. This is part of a larger project, known as “LawNet PLUS”, which will be an electronic platform that aggregates legal tech solutions and e-services. Through the platform, the legal community will be able to access the Academy’s legal research services, authentication services and lawyer directories, as well as an online marketplace offering third party services, learning resources, publications, and events.

12. Intelligent digital platforms such as LawNet PLUS will prove indispensable as we endeavour to navigate this age of information overload and overwhelming choice. LawNet PLUS will be launched at the TechLaw.Fest 2019, and we should all strive to become familiar with the platform and take full advantage of all that it will offer.

Championing Singapore abroad

13. Aside from its many domestic efforts, the Academy’s enthusiasm and drive to promote Singapore as the legal hub of Asia and a thought leader further afield has never waned. In recent years, the Academy has redoubled its efforts to promote Singapore law and Singapore as a jurisdiction of choice in the Asia-Pacific region. These efforts are slowly but surely beginning to bear

fruit. In its 2019 Survey on Governing Law and Jurisdictional Choices in Cross-Border Transactions, the Academy polled over 600 practitioners and in-house counsel involved in cross-border transactions across Asia.² The results showed that Singapore law is the *second-most frequently adopted governing law* in cross-border transactions in Asia, trailing only English law. There is also a growing preference for Singapore as a venue for dispute resolution, with 63% of respondents choosing Singapore as their forum of choice, compared with 52% in 2015.

14. The Asian Business Law Institute, a subsidiary of the Academy, continues to promote the convergence of Asian business laws and has enjoyed growing traction abroad. In an article published in May this year by Justices Zhang Yongjian and Yang Lei of the Supreme People's Court in China, the authors suggested that the ABLI's compendium of national rules on the recognition and enforcement of foreign judgments in Asia could be leveraged in order to promote the signing of memoranda of understanding on recognition and enforcement.³ And in its landmark judgment on the constitutionality of India's *Aadhaar* biometric identification system in September last year, the Supreme Court of India referred to the ABLI's "in-depth study" on the regulation of cross-border transfers of personal data in Asia when discussing privacy concerns arising from cross-border transfers of personal data.⁴ These developments are extremely encouraging and they signal the immense contribution that the ABLI's scholarship can make to

jurisprudence here and abroad and to the gradual convergence of laws and legal processes.

15. In the sphere of cross-border insolvency, ABLI is working hard to develop a set of “Asian Principles of Business Restructuring” which will review national restructuring regimes in Asia and make recommendations on their harmonisation.

16. And in the field of legal education, the Academy has put together a community of academics, policymakers and legal professionals from 9 jurisdictions. These experts will pool their collective experience and expertise to prepare a white paper on the skills needed by legal professionals of the future. This is expected to be published next year.⁵

17. Perhaps the high point of our efforts to promote Singapore law this year has been the naming of the United Nations Convention on International Settlement Agreements Resulting from Mediation after Singapore. The Singapore Convention on Mediation was signed last week by no less than 46 states, including the US, China and India.⁶ It is a tremendous boost to our reputation as an international dispute resolution centre and it reflects the sterling work done not only by the Ministry of Law, which spearheaded efforts to prepare the Convention and build the necessary consensus, but also the entire mediation community in Singapore over the course of many years. The Singapore Mediation Centre, a subsidiary of the Academy, has been a major

contributor to those efforts for over two decades.

18. Since its founding in August 1997, the SMC has spearheaded the mediation movement in Singapore and its expansion abroad. It played a key role in the founding of such institutions as the International Mediation Institute and the Asian Mediation Association. More than 20 years on, the SMC continues to evolve. Last October, it was made an Authorised Appointing Body under the Singapore Infrastructure Dispute-Management Protocol.⁷ The Protocol is a collaborative tool designed to facilitate the early and efficient management of disputes in large infrastructure projects. The SMC offers parties access to a panel of highly regarded professionals who may be appointed to a Dispute Board to assist in the negotiation, mediation and determination of disputes. I am pleased to inform you that the SMC has recently secured its first project under the Protocol, which is the Integrated Business Park Development at the Punggol Digital District. This is a wonderful start and I have full confidence that the Protocol, aided by the experience and expertise of the SMC, can be a tremendous success.

Closing

19. The progress of the Academy over the last three decades has been made possible by the efforts of a core team at the Secretariat and the tremendous generosity of our very many partners and volunteers. Let me close my remarks this evening by specially acknowledging each of these

groups. First, to the devoted team at the Secretariat, let me say that you are the heartbeat of the Academy. It is your efforts each and every day that keeps this institution alive and growing stronger. And it gives me great pleasure to acknowledge the tremendous honour bestowed on the individual at the very centre of those collective efforts, Serene Wee, who was awarded the Public Administration Medal (Gold) in this year's National Day Honours. Congratulations, Serene! And for the invaluable contributions of our partners and volunteers, let me say how profoundly grateful we are, for this is what sustains our work. This evening, I reiterate our commitment to working with all of you to push the boundaries of excellence for the Academy, and beyond that, our profession.

20. On behalf of the Academy, I thank you once again for your commitment and service in the past year, and wish you all a most enjoyable evening.

¹ Future Law Innovation Programme, "GLIDE LegalTech Accelerator": <<https://www.flip.org.sg/glide>>.

² SAL, "2019 Study on Governing Law & Jurisdictional Choices in Cross-Border Transactions": <https://www.sal.org.sg/Portals/0/PDF%20Files/Newsroom/News_Release_PSL%20Survey_2019_Appendix_A.pdf?ver=2019-04-17-151427-870>.

³ ABLI, "Supreme People's Court judges refer to ABLI in 'New Exploration on Mutual Recognition and Enforcement of Civil and Commercial Judgments by Judicial Organs': <<https://abli.asia/NEWS-EVENTS/Whats-New/ID/109>>.

⁴ ABLI, "ABLI cited in Supreme Court of India's Aadhaar judgment": <<https://www.abli.asia/NEWS-EVENTS/Whats-New/ID/80>>.

⁵ SAL, LIFTED, "LIFTED Global Network": <<https://www.sal.org.sg/Resources-Tools/Legal-Education/LIFTED/Community>>.

⁶ Tham Yuen-C, *The Straits Times*, “54 nations to attend S’pore Convention on Mediation signing” (30 July 2019): <<https://www.straitstimes.com/singapore/54-nations-to-attend-spore-convention-on-mediation-signing>>.

⁷ SMC, “Singapore Infrastructure Dispute-Management Protocol”: <www.mediation.com.sg/business-services/sidp/>.