5th Roundtable Meeting of the Asia-Pacific Judicial Reform Forum

Inspiring Confidence in the Courts through Independence, Integrity and Competence

Welcome Address by the Honourable the Chief Justice Sundaresh Menon

Singapore, 31 October 2013

A very good morning. The Honourable Justice Kenneth Hayne, Distinguished Chief Justices and Heads of Delegations, fellow Judges, participating organisations, ladies and gentlemen:

I INTRODUCTION

1. It gives me great pleasure to extend a warm welcome to our distinguished guests at the 5th Roundtable Meeting of the Asia-Pacific Judicial Reform Forum. It is our privilege to host this event with the participation of the Chief Justices and senior Judges from more than 20 judiciaries and jurisdictions, many of whom also participated in the LAWASIA Conference and the 15th Biennial Conference of the Chief Justices of Asia and the Pacific. This Roundtable Meeting comes close on the heels of these two conferences and it affords us a valuable opportunity to build on the discussions that have taken place on such issues as the harmonization of our legal infrastructures to benefit our nations and communities in an age of globalization,[1] as well as on furthering the values fundamental to a robust and effective judiciary that is called upon to discharge its mission in an era of rapid change and burgeoning international trade and investment. This Forum was born out

[1] Keynote Address by Chief Justice Sundaresh Menon at the 26th LawAsia Conference and 15th Biennial Conference of Chief Justices of Asia and the Pacific (27-30 October 2013) at para 64

of the Manila Declaration in 2005, which has at its core, the intention of establishing a network for the sharing of judicial knowledge and techniques and to learn from the success stories as well as from failed attempts at effective judicial reform.[2] This Forum has also provided much-needed scope for greater co-operation and the provision of technical assistance. I would like to credit and thank Justice Kenneth Hayne, chairperson of the APJRF Secretariat, for his pivotal and committed leadership in the constitution of this Forum and the growing realisation of its vision.

2. The theme for the 5th Roundtable Meeting is "Developing Judicial Capabilities to enhance Public and International Confidence in Legal Systems". I venture to suggest that public and international confidence in a country's legal system is important for at least two reasons. The first is that the legitimacy and acceptance of the court's authority rests on the level of trust and confidence that the public has in the judiciary and in its ability to deliver and administer justice. The second is more pragmatic, if also economically driven. A strong and effective judiciary imbues the legal system, and society, with the necessary stability and predictability and this in turn bolsters investor confidence - a vital prerequisite for inward investment. In an analogous setting, it is worth noting that a 2012 survey on practices in international arbitration conducted by White & Case revealed that the parties' choice of governing law for their contracts was primarily influenced by the perceived neutrality and impartiality of the legal system in relation to the parties and their contract. English law was the top choice in cases where the law of the respondents' home jurisdiction

[2] Manila Declaration for a 21st Century Independent Judiciary, accessible at http://www.apjrf.com/declaration.html

was not chosen,[3] because it appeared to fulfil the respondents' criteria of predictability and certainty of outcomes under that law.

3. The foundation for a mature, stable and sophisticated judicial system that attracts international confidence is a robust and trusted judiciary. This requires that the judiciary stands on the key values of independence, integrity and competence. The importance of these values of independence, impartiality and competence on the part of the judiciary is widely accepted and they are reflected in international instruments such as the United Nations Basic Principles on the Independence of the Judiciary[4] and the Beijing Statement of Principles of the Independence of the Judiciary in the LAWASIA region.[5]

II THE IMPORTANCE OF THE JUDICIARY IN SOCIETY

4. This is unsurprising because the judiciary is vested with the power to resolve disputes[6] and its core duty is the administration of justice. The judiciary is the custodian of the sacred trust to uphold the rule of law, the essence of which lies in the assurance that no person is above the law; that everyone is answerable to it; that corruption will not be tolerated; and that every citizen should have the greatest equality of opportunity.[7] The authority of the judiciary to do all those things that courts must do must therefore be rooted in its absolute commitment to neutrality and

[3] http://arbitrationpractices.whitecase.com/news/newsdetail.aspx?news=3786
[4] See http://www.ohchr.org/EN/ProfessionalInterest/Pages/IndependenceJudiciary.aspx
[5] See http://www.apjrf.com/APJRF%20Content/Beijing%20Statement%20of%20Principles%20of%20the%20Independence%20of%20the%20Judiciary.pdf
[6] Chan Sek Keong, "Securing and Maintaining the Independence of the Court in Judicial Proceedings" [2010] 22 SAcLJ 229 ("Chan CJ") at para 2
[7] Response by Chief Justice Sundaresh Menon at the Opening of Legal Year 2013 and Welcome Reference for the Chief Justice ("OLY Address") at para 12

impartiality. It is on this premise alone that courts are able to lay down norms of permissible conduct; provide remedies; enforce the law between the people and the State; give authoritative interpretations of the written laws; and, in the common law tradition, develop important areas of law. Even in the realm of legislation, it is left to the courts to fill in the interstitial gaps between the standards and rules articulated by the legislature and their application in the concrete situations that concern the subjects of the State.[8]

5. In a democracy built on the doctrine of the separation of powers, the judiciary plays a vital function as one of the three arms of the government, independent from the Legislature and the Executive. The judiciary pronounces on the legality of legislative and executive action. In a constitutional democracy, this translates to the courts even having the power to strike down Acts of Parliament that are inconsistent with the Constitution.[9] The relationship between the judiciary and the other arms of government exists within a delicate system of checks and balances where each arm operates independently of the others, refrains from interfering in the functions of the others and accords due deference to them.[10]

6. This fine balance may be illustrated by reference to a recent decision in which our Court of Appeal held that Article 49 of our Constitution did not give the Prime Minister an unfettered discretion in the calling of an election to fill a casual vacancy brought about by an elected Member of Parliament vacating his or her seat. However, the court also declined to lay down any specific limit on when the election had to be called, observing that the Prime Minister had to do so within a reasonable

[8] The Honourable the Chief Justice Sundaresh Menon, "Judicial Attitudes to Arbitration and Mediation in Singapore" (25 October 2013) ("ALA Speech") at paras 2-3
[9] *Law Society of Singapore v Tan Guat Neo Phyllis* [2008] 2 SLR(R) 239 ("*Phyllis Neo*") at [143]
[10] *Phyllis Neo* at [143]

time, and could take into account all relevant circumstances in assessing this. Further, it held that judicial intervention would only be exercised in very exceptional cases.[11] This decision reveals a healthy dose of sensitivity and mutual respect between the arms of government. The courts must be sensitive to the multi-centric concerns that would affect the making of such a decision as one to call a by-election; while the executive must be sensitive to the balance under which the legality of its decisions may be assessed by the judiciary.

7. The role of the judiciary also has a bearing on what it means to be a judge. A judge administers law not for his or her own benefit, but for the benefit of the public.[12] Thus, the decision to accept the vocation of judgeship carries with it a rejection of a number of things which might be perfectly acceptable for a legal practitioner. The judicial vocation is not profit driven and might entail forgoing much higher levels of remuneration that might otherwise be earned in private practice. In addition, a judge must be wary of anything that could convey the perception that the judge is beholden to a party or to counsel or to any political organisation. Mr Justice Thomas in his book on "Judicial Ethics in Australia" suggested that a judge "should not have particularly close contact with anyone who regularly appears in his court".[13] Consistent with the nature of judicial office, the public expects the highest standards of morality and propriety in a judge's conduct. This inevitably requires circumspection on the part of a judge even in the conduct of his or her private or non-judicial affairs.

[11] *Vellama d/o Marie Muthu v Attorney-General* [2013] SGCA 39 at [85] and [92]
[12] Justice Susan Kenny, "Maintaining Public Confidence in the Judiciary: A Precarious Equilibrium" (1999) 25 Monash University Law Review 209
[13] Cited in Tom Bingham, *The Business of Judging – Selected Essays and Speeches*, Oxford University Press, 2000 at p 79.

With these demands, a judge might very well find himself or herself leading a monastic existence.[14]

III FUNDAMENTAL ASPECTS OF JUDICIAL OFFICE

8. These observations lead me to what I think are the fundamental aspects of the judicial office. The oath of office of the Chief Justice, Judges and Judicial Commissioners of the Supreme Court of Singapore states[15] that the judicial officer "will faithfully discharge [his or her] judicial duties… do right to all manner of people after the laws and usages of the Republic of Singapore without fear or favour, affection or ill-will to the best of [his or her] ability, and will preserve, protect and defend the Constitution …". These words echo the Manila Declaration as well as judicial oaths taken in many jurisdictions around the world.

9. The qualities of independence, impartiality, integrity and competence are without question foundational to any judge's ability to fulfil this high calling. Even if the precise way in which they are realised differs somewhat amongst jurisdictions, there can be little doubt that these values are embraced by most courts as ideals to be aspired towards.

10. Some have suggested that these are contested concepts.[16] But I will endeavour to unpack these ideas[17] with particular reference to examples of what we have done in our efforts to realise these values in the Singapore judiciary.

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[14] See also, Colleen McMahon, "The Monastic Life of a Federal District Judge" (2005) 70 Missouri Law Review at 989 at p 990

[15] Constitution of the Republic of Singapore (1985 Rev Ed, 1999 Reprint), First Schedule, para 6

[16] See, for example, Sanford Levinson, "Identifying 'Independence'" (2006) Boston University Law Review 1297 at 1298

[17] For a clear and helpful critique of judicial independence, see Tom Bingham, *The Business of Judging – Selected Essays and Speeches*, Oxford University Press, 2000 at p 79

IV ENHANCING THE CAPABILITY AND QUALITY OF THE JUDICIARY

A INDEPENDENCE

11. First, on independence.

12. Judicial independence embodies the principle that judges must be able to decide cases free from extraneous influences, and to decide cases based only on the law and evidence before them.[18] Judicial independence can be seen from two vantage points; independence of the individual judge[19] and independence of the judiciary as an institution.

13. A key safeguard that ensures individual independence is the provision of security of tenure and adequate remuneration. Security of tenure ensures that judges cannot be removed for decisions that are not favoured either by the other branches of the government or, for that matter, by a majority of the electorate. Rather, judges should only be liable to being removed from office following rigorous processes and even then, only for exceptional reasons, such as for misconduct or due to physical or mental incapacity to perform judicial duties.[20] Under Article 98 of our Constitution, a judge of the Supreme Court may only be removed from office before the retirement age by the President on the recommendation of a tribunal comprising five persons who hold or have held office as a judge of the Supreme Court.

[18] Sandra Day O'Connor, "Vindicating the Rule of Law: the Role of the Judiciary" (2003) 2 Chinese Journal of International Law 1 ("O'Connor") at pp 2-3
[19] Tom Bingham, *The Business of Judging – Selected Essays and Speeches*, Oxford University Press, 2000 at p 56; see also Chan CJ at para 7
[20] Tom Bingham, *The Business of Judging – Selected Essays and Speeches*, Oxford University Press, 2000 at p 59

14. A second safeguard is adequate and reasonable remuneration, with which the likelihood of judges being influenced in their decision making by the possibility of monetary gains would be reduced.[21] Indeed, it has been said that adequate remuneration "reflects the recognition of the Judiciary as an independent, co-equal arm of government" and society's recognition of the importance and value of the judicial function.[22] In this regard, Article 98 of our Constitution provides that the remuneration and other terms of office of a judge of the Supreme Court cannot be altered to his disadvantage after his appointment. A judge who is perceived to be "inconvenient" is therefore not liable to be sidelined.

15. Another important feature which safeguards individual independence is the immunity of judges from suit for any act or omission in the discharge of judicial duties.[23] Under the common law, judges cannot be subject to civil suits for errors of law or fact made in the exercise of these duties. In *Sirros v Moore*,[24] Lord Denning emphasised that this was "not because the judge has any privilege to make mistakes or to do wrong" but so that "he should be able to do his duty with complete independence and free from fear". Thus, judges are not put at the mercy of the litigants in decision making and in the management of their cases. The remedy against errors in the discharge of judicial duties lies in an appeal to a higher court rather than in a civil suit against the judge.[25]

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[21] L P Thean, "Judicial Independence and Effectiveness" in *The Eighth General Assembly and Conference Workshop Papers* (ASEAN Law Association, 2003) ("L P Thean") at p 35
[22] Chan CJ at para 12
[23] Chan CJ at para 11
[24] *Sirros v Moore and Others* [1975] QB 118 at 132
[25] L P Thean at p 36

16. I should also mention the concept of impartiality which relates to the independence of the judicial mind. Judges are to try a case based on the law and not based on personal prejudices and idiosyncrasies. Although it is unrealistic and perhaps impossible to demand that the judicial mind be free of beliefs or of inclinations shaped by the judge's life experiences, a judge should try as much as possible to be aware of these biases and consciously seek not to allow these to affect his or her decision making. If the judge assesses that this is not possible, recusal from hearing the case would generally be the appropriate course. A judge should also accord parties a fair hearing and not pre-judge or be perceived to pre-judge the case.

17. In relation to institutional independence, the ability to have independent control over the administration of the courts with the necessary funding and support to do so is an important feature. In Singapore, the judiciary's budget is subject to the oversight and control of the Chief Justice and not of any member of any other branch of the government. As for the administration of the courts, cases are fixed before individual judges by the Registrar as an administrative matter, with the responsibility ultimately vested in the Chief Justice. No one is able to influence the resolution of cases by choosing the arbiter. We have also been mindful of distributing cases of significant public interest amongst the judges so that no individual judge is unduly burdened by such matters.

18. One issue that has proved increasingly delicate and complex is the judiciary's relations with the media. The increased incidence of criticism in the media requires that the courts manage public relations with wisdom and adeptness. For this reason, we recently enlarged the size and remit of our corporate communications department

and renamed it the Office of Public Affairs or the OPA. Under the leadership of the Chief Executive, Judiciary Operations and Administration, the OPA is the primary means through which the court communicates with the public and the media. The OPA also plays an ambassadorial role by managing and coordinating our interactions with citizens and with our foreign guests.

19. The protection of the judiciary against scurrilous abuse and attacks on the integrity of and public confidence in the judicial institution is equally a matter of importance. We are all familiar with our vulnerability to criticism when issuing decisions. On the one hand, this is a work hazard we must accept because, for better or worse, preserving our independence entails that our primary defence to such criticisms must lie in the robustness of our reasoning. Any attempt to descend into the arena of public discourse or even to communicate directly with the public, risks affecting perceptions of our impartiality. This can hinder our ability to decide future cases. But criticisms that would undermine the independence and confidence in the judicial institution must be guarded against. Thus, Article 99 of our Constitution provides that the conduct of a Judge of the Supreme Court shall not be discussed in Parliament except on a substantive motion of which notice has been given by not less than one-quarter of the total number of the Members of Parliament.

20. We have also preserved the doctrine of contempt of court. The "fundamental purpose underlying the law relating to contempt of court in general and scandalising contempt in particular is *to ensure that public confidence in the administration of justice is not undermined*".[26] A recent highly publicised case concerning contempt was that of a British author who in 2011 was imprisoned for six

[26] *Shadrake Alan v Attorney-General* [2011] 3 SLR 778 at [22]

weeks and fined $20,000 for contempt of court in relation to a book he wrote about the Singapore judiciary.[27] Both the decision to prosecute and the eventual outcome of the case were castigated by the Human Rights Watch[28] and reported in a negative light by the foreign media.[29] Nothing unfortunately was said about the veracity of the claims made by the author. Moreover, the true import of the court's pronouncements might have been overlooked. In *Alan Shadrake v Attorney-General*, the Court of Appeal clarified that to establish contempt of court, the more stringent "real risk" test, rather than the "inherent tendency" test, had to be satisfied, bringing Singapore into line with the rest of the Commonwealth. It also indicated that the issue of fair criticism went to liability rather than establishing an independent defence thus conferring on the alleged contemnor the advantage of not having to establish a positive case in order to avoid liability.

21. The upshot of all this is that we have chosen to deter irresponsible and mendacious allegations that will unfairly undermine the standing of the judiciary. However, we must be and are open to rationally supported criticism which will ultimately help to preserve the integrity and independence of the judiciary. Indeed, fair criticism of judicial decisions encourages greater accountability and competence in decision-making.[30] In the final analysis, such criticisms are indispensable, given that no system of judicial appointments can ever be foolproof.

B INTEGRITY

[27] *Shadrake Alan v Attorney-General* [2011] 3 SLR 778; *Attorney-General v Shadrake Alan* [2011] 2 SLR 506; *Attorney-General v Shadrake Alan* [2011] 2 SLR 445.
[28] http://www.hrw.org/news/2010/07/28/singapore-legal-charges-threat-freedom-expression; http://www.hrw.org/news/2010/11/08/singapore-drop-charges-against-author-who-raised-rights-concerns; http://www.hrw.org/news/2011/04/08/singapore-court-hear-appeal-critic-judiciary.
[29] http://www.telegraph.co.uk/news/worldnews/asia/singapore/8136596/British-author-Alan-Shadrake-jailed-in-Singapore.html; http://www.theguardian.com/world/2011/jul/27/jail-singapore.
[30] Chan CJ at para 21

22. Turning to integrity: the next fundamental aspect of the judicial office is integrity in decision making. Judges, having been tasked to uphold the law, are rightly expected to be incorruptible. This quality is fundamental to the confidence that the public reposes in the judiciary.

23. In Singapore, our efforts at ascertaining the integrity of our judges will generally have begun long before they are appointed to the Bench. This is aided by the selection of judges from the Bar, the Legal Service and academia. High standards of integrity are imposed on these members of the legal fraternity.

24. The late Lord Bingham observed that one advantage of selecting judges from the pool of advocates and solicitors is that the candidates for judicial office would have been "reared in a professional tradition which prizes the exercise of an independent individual judgment above all else".[31] In relation to those appointed from the Bar, it may be noted that rules governing professional conduct have been promulgated as subsidiary legislation[32] and breach of these rules will expose a lawyer to sanctions, which are not insubstantial. What this means is that a lawyer who comes to be considered for elevation to the Bench will not only have had to distinguish himself over decades at the Bar but must throughout that course have conducted himself ever mindful of his ethical obligations.

25. Second, in Singapore, we see corruption as an insidious threat to be guarded against constantly. Every country has founding norms through which its national

[31] Tom Bingham, *The Business of Judging – Selected Essays and Speeches*, Oxford University Press, 2000 at p 58
[32] Legal Profession (Professional Conduct) Rules (R1, 2010 Rev Ed)

identity is expressed. Ours stem from the early years of our development following our independence from the British, and chief among them are racial and religious harmony, self-reliance and, importantly for present purposes, *meritocracy and equality*, which as lawyers we know are essential facets of the rule of law and which necessarily entail an utter repudiation of corruption. This was in part a reaction to the circumstances of the day. Our founding Prime Minister, Mr Lee Kuan Yew, explained that when his government took office in 1959, they were "sickened by the greed, corruption and decadence" of leaders of several newly independent states. Mr Lee observed:[33]

> Fighters for freedom of their oppressed peoples had become plunderers of their wealth. Their societies slid backwards.

Incorruptibility was thus ingrained into the Singaporean psyche and into our culture[34] from the very outset of our birth as a nation, and the notion of a little "something extra" to grease the wheels is simply anathema to Singaporeans.

26. In keeping with these founding notions, we have spared no effort in ensuring that corruption never takes root here and, indeed, to establish a climate of opinion which looks upon corruption in public office as a threat to society.[35] We begin with education. Our children are taught in schools as part of their citizenship education curriculum that corruption is simply unacceptable. To the extent that these values have not been fully internalized, the consequences of corrupt behavior are made manifestly clear to all by extensive reporting in the mainstream media of instances of

[33] Lee Kuan Yew, *From Third World to First, The Singapore Story: 1965-2000*, Times Media Private Limited and The Straits Times Press, 2000 ("Lee Kuan Yew")at p 182
[34] Speech by Prime Minister Lee Hsien Loong at CPIB's 60th Anniversary Celebrations
[35] Lee Kuan Yew at p 188

corruption that are under investigation or before the courts. These consequences are severe. Our Prevention of Corruption Act provides for fines of up to $100,000 and imprisonment for up to 5 years.[36]

27. Furthermore, corruption-related offences are investigated by an independent body, the Corrupt Practices Investigation Bureau. The Bureau reports directly to the Prime Minister, ensuring that it receives instructions and oversight from the highest levels of government. But the Prime Minister does not have sole charge of the Bureau: the independently-elected President may refuse to appoint or even revoke the appointment of the Director of the Bureau should he not concur with the advice of the Cabinet.[37] Senior figures, amongst them Cabinet ministers, have been subject to the Bureau's scrutiny in the past.[38] We are fortunate that no member of the senior judiciary has been similarly investigated. However, I have no doubt – and this is in fact a source of comfort – that there will be no reluctance to prosecute a judge if there was evidence of wrongdoing.

28. Where individuals accused of corruption are brought before the court, there is no reluctance to convict, should a charge be made out beyond reasonable doubt. The end result of all this is the existence of such a complete abhorrence for public corruption that it has become unthinkable to most. It is for these reasons that Singapore constantly fares well in indexes relating to corruption.

C COMPETENCE

[36] Section 5, Prevention of Corruption Act (Cap 241, 1993 Rev Ed) ("Prevention of Corruption Act")
[37] Section 3, Prevention of Corruption Act
[38] http://app.cpib.gov.sg/cpib_new/user/default.aspx?pgID=237

29. I turn to the individual competence of judges and the institutional competence of the courts. Competence is fundamental to the judicial function because judges are expected to deliver considered decisions based on the correct application of the law. Judges are at times met with complex cases having significant repercussions on society at large and on the exercise of legislative and executive power. To this end, judges have to be trained and educated in the qualities of consistency, clarity, flexibility and legal reasoning.[39]

30. Once again, we are aided by the fact that appointments to the senior judiciary are made from among senior members of the private and public Bar, experienced judges of the lower courts and academics. Many of our appointees would have been leading trial lawyers already well-versed in the law. Leading academics are appointed to supplement the pool of expertise and they bring a diversity of experience to the Bench. A key facet of improving the skills of our judges lies in honing specialist knowledge. We have implemented a modified system of docketing in the Supreme Court. With this, cases in specialized areas of law such as intellectual property, shipping and construction are fixed before docket judges with expertise in these areas. This enables these judges to build on their expertise and familiarity with the subject matter and it increases the efficiency of the court whilst improving the quality and consistency of decisions. Significant effort is directed towards the continuing education of our judges. A Board of Judicial Learning has been established under the leadership of one of the most senior Judges in Singapore, Justice V K Rajah, and this oversees judicial learning programs for judges at every level. As part of these efforts, our District Judges are periodically

[39] O'Connor at p 8

attached to High Court Judges so that they might learn from and be mentored by their more experienced colleagues. There are also regular visits by our judicial officers to courts in foreign countries to learn from their best practices.

31. As important as the qualities just discussed is the administrative competence of the courts. The judiciary will only serve the public well by providing access to justice and the timely resolution of disputes. In 2012, the Supreme Court disposed of a total of 14,270 matters and achieved a clearance rate of 94% in spite of a 16% increase in case load compared with the previous year.[40] We are also in the happy position of having short waiting times for matters to be heard. This has been achieved by placing emphasis on the timely dispensation of justice and active case management. Judges are assigned cases at an early stage and take an active part in the preparation of the case for trial. This has enabled us to benefit from the concomitant advantages of familiarity with the case and reduction in the duplicity of work. We have also sought to harness technology where possible. Our eLitigation system which was launched early this year has brought the use of electronic resources in litigation to a higher level.

32. Our courts have also sought continually to keep in step with the expectations of court users. Earlier this year, our Court announced that our Family Justice system would be making a radical shift towards much greater use of counseling and mediation and the adoption of more inquisitorial court processes. We have found that the adversarial system can be extremely damaging to familial relationships in the sensitive and often acrimonious field of family disputes.

[40] Supreme Court of Singapore Annual Report 2012 at pp 53-54

33. We have also sought to enhance access to justice and to this end, we have strongly encouraged the use of alternative dispute resolution. We recognize that it is possible and often preferable for disputants to access and achieve justice through acceptable consensual outcomes that can be reached outside the courts.[41] While it is customary to think of "access to justice" in terms of access to justice in the courts, this need not be so. A system of adjudication supported by ADR processes is better equipped to deliver access to justice and enables a more responsible stewardship of limited and finite judicial resources.

34. It is through these and other efforts that we hope to develop a judiciary with a reputation for integrity, independence and competence worthy of public and international confidence.

V CONCLUSION

35. At the third Meeting in 2009, a book entitled "Searching for Success in Judicial Reform: Voices from the Asia Pacific Experience" was published to share our collective experience in improving integrity, accountability, professionalism, efficiency and access to justice. Perhaps this Forum has matured enough such that further concrete steps can be taken to enable us to grow together. I suggest that the Secretariat and the members of the Forum could consider the possibility of holding training workshops on the sidelines of future Roundtable meetings for the participants to have the opportunity to share their skills with one another. Moreover, the lower courts are the true engine rooms of any legal system. It is therefore

[41] Opening Address of the Honourable the Chief Justice at the Litigation Conference 2013 (31 January 2013) at paras 7 and 18; Subordinate Courts Workplan 2013, Keynote Address by the Honourable the Chief Justice Sundaresh Menon at para 4

inevitable that the preponderance of individuals who have occasion to interact with the courts will have their opinions and attitudes towards the judiciary defined by their experiences there. Perhaps we could consider extending the remit of the Forum to the subordinate judiciaries and to the leaders of those courts. If those leaders join us, then together, we can implement programmes to build competence and expertise in the subordinate judiciaries and encourage the learning processes that are vital to our collective future.

36. I wish each and every one of you fruitful and fulfilling discussions over the next two days. I very much look forward to meeting each of you in person and to building on the warm friendships that have brought us all here. Thank you very much.