



## OPENING OF THE LEGAL YEAR 2023 SPEECH OF THE PRESIDENT OF THE LAW SOCIETY, ADRIAN TAN

May it please Your Honours, Chief Justice, Justices of Appeal, Justices, and Judicial Commissioners of the Supreme Court.

### Appointments and departures

1. I welcome Bar leaders from Australia, Brunei, China, Hong Kong, Japan, Malaysia, South Korea, and the United Kingdom, and from the International Bar Association and LawAsia.
2. Last year saw several notable appointments and departures. Justice Chao Hick Tin retired after serving for more than half a century on the High Court and the Court of Appeal. He is beloved by the legal profession as the embodiment of judicial temperament.
3. Also last year, Justice Andrew Phang Boon Leong retired as Justice of the Court of Appeal, after 18 years in the Judiciary. Justice Phang's hundreds of detailed judgments are cited around the world and have helped achieve Singapore's position as a jurisprudential thought leader.
4. These retirements are part of the constant revitalization of our judiciary, where senior judges are elevated and new judges are appointed. As part of that judicial circle of life, we recognize the following advancements:
  - a. Justice Belinda Ang Saw Ean as a Justice of the Court of Appeal.
  - b. Justice Kannan Ramesh and Justice Debbie Ong Siew Ling as Judges of the Appellate Division.
  - c. Justice Quentin Loh Sze-On as Senior Judge of the Supreme Court.
  - d. Justice Philip Jeyaretnam as the new President of the Singapore International Commercial Court, taking over from Justice Loh.
  - e. Mr Tan Boon Heng as Registrar of the Supreme Court.
  - f. Mr Goh Yihan and Ms Teh Hwee Hwee as Judicial Commissioners.
  - g. Judicial Commissioner Kwek Mean Luck as Judge of the High Court.
  - h. Mr Hri Kumar Nair as Judge of the High Court.
5. These movements demonstrate that our judiciary continues to enjoy a strength in depth, attracting lawyers of the highest integrity, diligence, and expertise.
6. For example, in going to the Bench, Justice Nair concludes a successful tour of duty as a law firm partner and then as Deputy Attorney-General. He now has the complete set. On a personal note, may I say that he was my classmate from the National University of Singapore class of 1991, the popularly-elected President of our First Year class, and the director of our fourth year musical, "*Oliver!*", which opened to rave reviews, and closed after one night.
7. As Justice Nair left the Attorney-General's Chambers, Justice Ang Cheng Hock joined as Deputy Attorney-General. With this addition, and with Attorney-General Lucien Wong S.C. and Deputy Attorney-General Lionel Yee S.C. re-appointed for further three-year terms, the Chambers continues to enjoy an enviable blend of energy, experience, and youth. That's the Attorney-General Chambers' circle of life.

8. And now, it's my pleasure to mention the hundreds of learned friends I see in court today. It's been such a long time since we've had so many lawyers gathered under one roof. It's a stark change from the attendance at our Annual General Meeting.

9. The sight of so many of my brothers and sisters in law fills me with pride, and anxiety, because I must now deliver my report on the legal profession's own circle of life. It's a story of our own need for talent, growth, and renewal. It comes in three parts.

#### Fewer lawyers

10. The first part is titled, "Where have all the lawyers gone?". By "lawyers", I refer to those with practising certificates, who advise individuals and businesses on Singapore law, who advocate for them in our courts, and whom we are proud to call our Law Society members. At last year's Opening of the Legal Year, I informed Your Honour that the Law Society observed a record low number of lawyers called to the Bar. I suggested we might be seeing the beginning of a trend, where fewer young people choose to become lawyers.

11. As it turned out, that's exactly what we saw. This year, I'm here to report that, for the first time in five years, the Law Society is shrinking. From 2017 to 2021, our membership grew year-on-year, reaching a record high of 6,333 members in 2021. But in 2022, we had fewer members: only 6,273. That's a decrease of about 1%. The size of the drop is small. But its significance is large. Because it's the first membership reduction in half a decade.

12. Where did this decrease come from? It wasn't from lawyers who have five or more years of practice: we enjoyed a modest growth in that demographic.

13. The loss of lawyers came from juniors in practice for less than five years. In August 2021, we had 2,214 juniors. By last August, we had only 2,048.

14. In other words, in a year, we lost 7% of our young lawyers.

15. That alarming reduction should be viewed alongside another worrisome trend concerning the rate at which lawyers are called to the Bar.

16. In August 2021, we saw only 613 lawyers called. That was a sharp drop of more than a hundred from the previous year. I highlighted this in my address at last year's Opening of the Legal Year.

17. The latest news is that, as of August 2022, the number of newly-called lawyers fell to 597. In short, after years of steady growth, we've had successive years where the number of incoming lawyers has declined. And last year saw the number dip below 600 for the first time in half a decade.

18. To sum up: more young lawyers are leaving the profession, fewer new lawyers are replacing them, such that the overall number of lawyers has dipped for the first time in half a decade. The Law Society has commissioned a study to investigate the reasons behind the decline.

19. In the meantime, international studies suggest that waning lawyer numbers may not be a uniquely Singapore problem. It seems that, around the world, many want to quit.

20. A United Kingdom survey by legal market analytics firm Codex Edge revealed that the average associate attrition rate for the top 1,000 law firms in England and Wales increased from 10.44% in 2020 to 14.31% in 2021, meaning that, in the space of a single year, the number of juniors resigning jumped by 37%.

21. The situation in the United States is even more dire. The American Bar Association, citing legal market researcher Leopard Solutions, said the average associate attrition rate in top law firms was 16% before the pandemic, and 27% in 2021: a staggering 61% increase. Another study, by the NALP Foundation for Law Career Research and Major, Lindsey & Africa, found that for every 20 lawyers hired by a law firm, 15 would leave within six years. And the latest data suggests that it's mostly the juniors who are moving on, with many leaving private practice altogether.

22. An International Bar Association global survey of 3000 lawyers (aged 40 and under) produced similar results. More than half the respondents said they were leaving or thinking of leaving their current jobs.

23. One in five said they were somewhat or highly likely to leave the legal profession entirely. Of those, half of them cited salary as the most significant reason to quit. But it's not just money that they want. The report said, "Young lawyers want to be paid well and are willing to work hard, but not at the expense of their mental wellbeing and broader work-life balance."

24. This is the part I found fascinating: those who entered the legal profession because of personal interest say they are less likely to leave it in the next five years. On the other hand, those who joined the legal profession because of peer expectations or job stability are significantly more likely to quit the profession entirely within the next five years. I imagine the same can be said of those who became lawyers because of parental ambition.

25. Which brings me back to Singapore. In 2021, 77 per cent of lawyers polled said they would advise their children to take up law as a career. Last year, that figure plunged to 48 per cent. In other words, most lawyers today will not encourage their offspring to follow in their footsteps, judging by the results of a survey conducted by research firm, Statista, in conjunction with *The Straits Times*.

26. Is that because the new lawyer of 2022 is different from the new lawyer of the past? The answer seems to be yes.

27. Before the pandemic, young lawyers would have had a period of orientation and adjustment. They would have worked shoulder-to-shoulder with their colleagues, accompanied their seniors at meetings and hearings, and celebrated or commiserated over midnight suppers. They would have fought in the trenches, met with victory and defeat, and seen how seasoned lawyers coped with the slings and arrows of outrageous fortune.

28. Because, after all, for young lawyers, training happens in the gaps and spaces between cases and tasks, where questions are asked and answered, tricks are learnt, jokes are told, friendships are made, and meaning is found in the work that we do.

29. The class of 2020 and 2021 lost all that. They saw only the convenience of working from home, and none of the benefits of the office. They missed its charm, camaraderie and that sense of unified purpose which comes from striving together as a team towards a common goal.



30. So, it is no surprise that, post-pandemic, lawyers look at law firm culture differently from previous generations. And, if that's not addressed, the odds are that we will face a scarcity of lawyers in the coming years.

#### Lawyers required for national growth

31. I now move to the second part of my speech, which is entitled, "So what?" Should Singapore even care if it has fewer lawyers? Yes.

32. Our city-state is a thriving focal point for commerce, enterprise, and innovation. Singapore aspires to be the everything hub: business hub, medical hub, travel hub, legal hub: you name it, we hub it. Here, on this tiny island, we've built seaports and airports, factories and startups, homes and families. The Singapore lawyer serves them all, in good times and bad.

33. To the Singapore public, the Singapore lawyer provides advice and representation on a wide range of personal issues. In the messiness of life, you will find a lawyer, by your side, providing help.

34. It was Singapore lawyers, such as Senior Counsel Harry Elias, under the banner of the Law Society, who started the Criminal Legal Aid Scheme ("CLAS"). CLAS provides criminal legal assistance to defend the poor facing criminal charges. It's the jewel in the crown of the Law Society. Run by our subsidiary, Law Society Pro Bono Services, now known as ProBonoSG, we field thousands of requests for aid ranging from family disputes to criminal charges. Over 800 lawyers volunteer for ProBonoSG, serving over 17,000 beneficiaries, in legal clinics and in court. Only Singapore lawyers can do this. Even with the introduction of the Public Defender's Office as mentioned by the learned Attorney General, Singapore lawyers will continue to step up to serve heartlanders, migrant workers, foreign domestic helpers, and anyone who needs legal advice and cannot afford it.

35. Apart from individuals, the Singapore lawyer serves the many businesses and institutions that call this island home. If a fledgling local enterprise wants to spread its wings, or an overseas multinational wants to invest in our country, the Singapore lawyer facilitates it. How did this island state with no natural resources become the envy of the world? Why do people bring their businesses and families here? One major reason is the rule of law. People around the world come to Singapore because they know that this nation subscribes to the principle that all are equal under the law. And lawyers play a crucial part in upholding that principle, and in creating a just and fair society.

36. In all, our legal industry directly contributes over \$2 billion to the economy. And our indirect contribution is outsized. Lawyers are essential to the facilitation of business creation, growth, and expansion. One can dream of an innovative corporate unicorn, or a magnificent city on a hill, but one still needs a lawyer to make that dream come true.

37. If you think of Singapore as a hub, and our businesses as the spokes, then the Singapore lawyers are the nuts that hold the wheel together. Without the Singapore lawyer, this nation will find it difficult to be a hub for anything.

38. Now that Singapore is re-opening, Singapore law firms have shown eagerness to help the nation's economy recover and grow. Once air travel resumed, Singapore lawyers were among the first to travel for business, visiting their counterparts overseas, and inviting them back to Singapore to re-establish relationships. Just a few months ago, the Law Society hosted the 32<sup>nd</sup> Presidents of Law Associations in Asia ("POLA") Conference, bringing together law associations from all over the world

to discuss issues affecting the legal profession. This is the first time in 3 years that POLA has been held in-person, and the first time in 15 years that Singapore has hosted it.

39. The point really is this: Singapore is growing, and facing a strong demand for legal services. There is a need to recruit and retain legal talent. Without the influx of young lawyers, what other solutions are there?

#### New ways of practising

40. Perhaps we can reduce our dependence on human lawyers. Will technology or artificial intelligence (“AI”) provide the answer?

41. AI can be used to automate many routine tasks, such as reviewing documents, conducting legal research, and predicting the outcome of cases. This can help lawyers to be more efficient and effective and can free up time for more complex and higher-value work. However, there are certain tasks that are difficult or impossible for AI to perform. For example, AI may not be able to provide the same level of empathy and emotional intelligence as a human lawyer when working with clients. AI also may not be able to fully understand the nuances and complexities of the law in the same way as a human lawyer. In addition, the legal profession involves a great deal of judgment and decision-making, which may be difficult for AI to replicate. While AI can assist lawyers in these tasks, it is unlikely that it will be able to fully replace them. Overall, it is likely that AI will continue to play an increasingly important role in the legal profession, but it is unlikely to completely replace lawyers.

42. By the way, that last passage was written by an AI called ChatGPT. It’s perhaps the first instance of a lawyer using an AI to make a submission to the Court. The first admitted instance, anyway.

43. So, even the AI admits that it cannot be a practical replacement for the flesh-and-blood lawyer. Ultimately, lawyering involves humans talking to humans to resolve human issues. An AI is no good for that. An AI will not provide a listening ear to a betrayed spouse, nor give hope to a dejected accused juvenile. An AI would not invent CLAS. An AI would never give a discount to a client: something human lawyers do regularly, because we feel compassion. Only a human lawyer will say to a client, “I feel your pain”, and mean it. Lawyering is not a job for robots. It is the pursuit of men and women who want to help and heal.

44. What other options are there besides technology? Can we follow the free market? Can law firms “offshore” or outsource some of their legal work to overseas lawyers? This is being explored by some firms. Provided that the legalities are observed, some of the work traditionally performed by junior lawyers, such as research, drafting, and discovery, may be carried out by foreign lawyers sitting in another country.

45. As one senior partner observed, if young lawyers prefer to continue with the idea of hybrid working, working from home, and zooming in for meetings, there will not be any real difference between a partner working with a Singaporean associate on a matter, and that same partner working with a lawyer sitting in Kuala Lumpur. Both are trained in the common law, both have access to our legal tools, and in fact the Malaysian might be more senior, and yet cost a fraction of the price of the Singaporean.

46. So, one can understand the appeal of such an arrangement. It makes economic sense for Singapore firms in the short term, but it won’t benefit the industry in the long term.

47. For Singapore firms to thrive, the profession needs organic growth and renewal. As the older partners retire, we must identify the next generation of Singaporean talent to take over and lead Singaporean firms to serve Singaporeans and Singaporean businesses.

48. This brings me to the third and final part of my speech: rebuilding the profession's circle of life. It starts by acknowledging the elephant in the room: the Covid reset. A senior lawyer told me that, when he was a junior, he was expected to be at the office whenever his seniors were there. Today, it's the opposite. The senior lawyer said that it is now he who must ask his juniors on a weekday, during working hours, whether they would be in the office. And the answer is not always a "yes".

49. The truth is that, after the pandemic, young lawyers have tasted a new way of working: they work from home, with flexible hours. And they like it. Today, an increasing number of young lawyers expect law firms to support them if they prefer to work remotely.

50. Thus, in searching for an employer, the young lawyer of today will consider if the employer has work-from-home arrangements.

51. That, in turn, involves the employer having the technology to support it. Technology investment will become a major factor in attracting talent.

52. To me, it all boils down to this. The pandemic showed young lawyers how fun it was for them to stay at home.

53. They didn't have a chance to understand that meeting your colleagues, working together and socializing with them, also had its attractions. They didn't have the opportunity to see that legal practice, before the pandemic, had its meaningful and satisfying moments.

54. The legal industry must now lure these young people back, and in doing so, it must reshape itself for the 21<sup>st</sup> century. I'm not just talking about investing in technology or having more liberal work-from-home policies. Those are just frills. They don't go to the heart of why we do what we do.

55. It's time for law firm leaders to inspire the next generation, not just with frills or financial rewards, but with something far more valuable: purpose, meaning, and ideals. It's time for us to remember who we were, and what we wanted for our society, when we were first called to put on these black robes. Let's remind the younger generation that, in our time, we were rebels, disruptors, and (sometimes) irritants. Let's talk about how we, too, championed social equality, decency, and justice. Let's show them that there are many different flavours of lawyering, from representing corporations, to serving the underprivileged, to advocating for change. And then let's allow the younger generation to write, with us, a new chapter for the legal profession, one that represents where we want our profession to go.

56. Let's do it. Let's surprise the cynics. Let's make lawyering fun again. Let's tell the younger generation our war stories: why we joined the profession, the battles we won, the defeats we tasted, the opponents who became our friends, the lessons we learnt, the people we helped, the lives we touched. Let's tell the youngsters why we chose this hard, thankless, underpaid, overstressed profession, and found meaning in a life of service. Let us be role models of integrity, excellence, and honour. Let us stand against bullying and harassment, and for inclusion and respect. Let us exemplify our nature as "ministers in the temple of justice", in the words of your Honour, the Chief Justice.





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57. That's my message to senior lawyers. And here is my message to young people deciding whether to make law their career. We know that law graduates of today are far more fortunate than their counterparts a generation ago. A law degree opens many more doors today because modern employers understand the usefulness and versatility of the qualification. Young lawyers are now tempted by a variety of opportunities, of which being an associate is just one. Many will choose the law, but many others will also want to sample the offerings of the new economy.

58. Young lawyers may not even find the notion of a career appealing. They may think less about having a permanent vocation, and more about experiencing a series of jobs, roles, or gigs across different industries.

59. That type of mindset works well for some types of positions, but is terrible for law, medicine, and anything that requires sheer job experience, long-term specialisation, and the maturity of judgment that comes with time.

60. A profession is not a gig. A gig is not a calling. The more junior lawyers who treat it as such, the worse it will be on society. And we know that, as young people, you care about society. To young lawyers, I say this. Society has made an investment in you, by educating and training you. Society is counting on you to pay it forward. Use your skills, your knowledge, and your gifts. Be a lawyer. Make someone's life better.

61. To parents of law students, I understand that you wish happiness and comfort for your children. But we know you also prize grit, fortitude, and the redeeming power of adversity. A legal career provides a challenging rite of passage for any young adult. It builds strength of character, resilience, and maturity. If your children want to become lawyers, don't stand in their way. Your children will improve the Law. And the Law will improve your children.

62. The profession stands at an inflexion point. Our numbers are shrinking. We have the power to reverse that. The seniors must heed the juniors, and vice versa. The Law Society has organised conversations to hear from young lawyers. We also read the reflections, commentaries, and discussions that lawyers post on social media. But that's not enough. We encourage seniors and juniors in every law firm to have open conversations. Speak and listen, and we shall discover that we share the same values and principles. We know that lawyering is a hard job. We know that it is an important job. Because we understand that justice isn't a privilege granted to a few, it is a promise made to everyone: especially to each person who comes to our door and seeks our help. Let us grow our numbers, for there is much to do.

### Conclusion

63. I extend to your Honour, Chief Justice, all members of the Judiciary, the Minister of Law, the Minister of Culture, Community & Youth, and the Attorney-General, the Bar's best wishes for good health, wisdom, and fortitude in the year ahead. Together with the Attorney-General Chambers, our members pledge to do their duty to uphold the rule of law, and to assist the Court with diligence and integrity, for the betterment of Singapore.

64. May it please the Court.

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