

**2022 INTERNATIONAL CONSORTIUM FOR COURT EXCELLENCE
(ICCE) CONFERENCE: Pursuing Court Excellence in Challenging Times**

Keynote Address

Tuesday, 15 March 2022

The Honourable the Chief Justice Sundaresh Menon

Supreme Court of Singapore

Honourable Judges,
Distinguished guests,
Ladies and gentlemen,

1. Warm greetings and welcome to the 2022 International Consortium for Court Excellence Conference.
2. The theme of this Conference, “Pursuing Court Excellence in Challenging Times”, is especially apt as we find ourselves in the midst of one of the most challenging periods for the world in the post-war era. Aside from the very serious and ongoing crisis in Europe, we are now in the third year of having to confront the tremendous challenges posed by COVID-19 to numerous facets of our lives. The courts have not been spared; indeed, we have been compelled to innovate at an astonishing pace. At the same time, we face other, longer-term, challenges: these include the difficult problem of securing effective access to justice and the numerous challenges posed by the pervasiveness of technology in every aspect of our lives and its inevitable interface with the law. Technology has also spawned

a particular issue, the complexification of disputes, which can make it much harder, perhaps even impossible if we confined ourselves to traditional court processes, to adjudicate some types of disputes that we are being faced with. All of these challenges strike at the heart of the primary task of a court system, which is to deliver justice. It is therefore incumbent on the judiciary to take the lead in tackling them.

3. The International Framework for Court Excellence (“IFCE”) was developed to help judiciaries meet these types of challenges by strengthening their capability to deliver justice in a systematic way. Its 3rd Edition, released in May 2020, provides an excellent blueprint for building a judiciary that can rise to meet some of the challenges that I have outlined. With this update, the IFCE redirects our attention to two of the most important priorities for any judiciary today: court leadership and technology. In addition, it does so using a methodology of continual improvement that is especially effective. Let me explain this.

I. Court leadership

4. If courts are to succeed in taking on challenges of the sort I have outlined, the most important resource they will need is effective leadership. The efforts of judges and court administrators to improve the court system can only bear fruit if these are coordinated and supported by leaders in the judiciary, for it is only then that meaningful change can be effected. The IFCE therefore rightly identifies court leadership as the very first area of court excellence.

5. In Singapore, we have had first-hand experience of the fruits of strong judicial leadership. In the 1990s, at a time when our courts had been plagued for decades by a large backlog which resulted in serious delays affecting the disposal of cases, the then-Chief Justice Yong Pung How led a series of decisive reforms that dramatically turned the courts around within the span of just a few short years.¹ Chief Justice Yong did not see his role as being limited to presiding over cases or even being the doyen of the judges. Rather, he saw it as the responsibility of the Chief Justice to define the vision, mission and core values of the courts under his charge. Notably, this principle is prominently captured in the IFCE.²

6. Another key responsibility of those entrusted with leadership of the judiciary is the task of developing training and career development pathways to maximise the potential and fulfilment of those embarking on a judicial career. This can be especially challenging in an environment where disputes entail an ever-growing complexity in terms of the evidence as well as the subject matter. To address this, judicial officers will have to develop some familiarity with fields like statistics, accounting and psychiatry in order to be able to understand and adjudicate increasingly complex disputes. To help achieve this, a major change that took place in the Singapore courts this year was the establishment of the

¹ See Sundaresh Menon, “Speech at the Launch of the Commission of Senior Judges of the Parish Courts: On the Journey to Court Excellence” (22 March 2021) at paras 7–15 and 32.

² See *International Framework for Court Excellence* (3rd edition, May 2020) (“IFCE”) at Area 1, Q1 (p 21): “Our court leaders have defined the vision, mission and core values of our courts.”

Judicial Service Commission (“JSC”). The creation of the JSC will afford the leadership of the Singapore courts greater flexibility in charting a path for the training and development of judicial officers that meets the unique demands of the judicial role today.³ Meanwhile, complementing the work of judicial officers is that of court administrators, who play a vital role in the delivery of justice. Their training and development too must be a critical area of concern for court leaders.

7. In previous editions of the IFCE, training and development and other matters of human resources were grouped together under a single category entitled “Resources”, which also covered financial and physical resources. In the 3rd Edition, however, the Court Workforce has been accorded specific focus under Area 3. This is a welcome enhancement to the IFCE.

II. Technology

8. In leading the judiciary, one of the main questions we will have to ask ourselves is where specifically we should concentrate our attention and energies. Today, there is little doubt that one of the first answers to that would be technology. In line with this, the 3rd Edition of the IFCE includes, for the first time, a recommended approach to strategically plan the use of technology in the courts. This is set out in Annex A. This is timely given that technology is rapidly

³ See IFCE at Area 3, Q3 (p 24): “We identify the training needs of our judges and court staff, and put in place training programmes that meet those needs.”

emerging not just as another tool in the court’s arsenal but as a driver of fundamental transformation in the way we administer justice.

9. Two recent initiatives in the Singapore courts can illustrate the point. The first is our use of asynchronous hearings. This enables the court to decide matters by way of an exchange of correspondence with the parties using an instantaneous communication system such as email, and so avoid the need for an oral hearing. Asynchronous hearings were piloted in our State Courts in the early days of the pandemic,⁴ and will soon be made available in a much wider range of cases.⁵ The second example is the use of facilities such as outcome simulators to potentially avert litigation altogether. For instance, Motor Accident Claims Online (“MACO”) is an online tool launched by the State Courts and the Singapore Academy of Law that enables potential litigants in motor accident cases to get a free preliminary assessment of the likely allocation of fault and award of damages.

10. In both these cases, we went beyond grafting technology onto existing processes; instead, we sought to leverage technology to *transform* court services entirely in order to better meet the specific needs of our court users. As compared to virtual hearings, which seek to replicate traditional hearings save that they are done remotely using technology, asynchronous hearings represent a re-imagining of the hearing itself. The court remains able to ask questions and obtain

⁴ See State Courts Registrar’s Circulars No. 2, 3, 11, 12 and 13 of 2020.

⁵ See ss 13, 25, 27, 46, 55, 59, 62 and 64 of the Courts (Civil and Criminal) Justice Reform Act 2021 (which is not yet in force as at the time of this speech).

clarifications from the parties, which is a critical benefit of an oral hearing, but in a way that dispenses with the need and difficulty of finding a common time for the court and the parties to convene. Likewise, outcome simulators are an entirely new category of tools made possible by ongoing advances in our capacity to process data. While they cannot compare with targeted advice given by a professional, in many cases the information an outcome simulator provides will be adequate to allow a potential litigant to make a better-informed decision as to whether and how to pursue his or her claim, or to respond to a claim, and this can be especially helpful in lower value matters where the cost of securing professional advice can be disproportionate to the sum in dispute.

11. We will need to develop more such transformative solutions if we are to find ways to effectively improve access to justice and to tackle the growing number and complexity of legal disputes. To this end, we must be willing to go back to the drawing board and to re-design court processes around user needs, rather than looking at existing processes and simply asking how we might digitise them. This is one of the insights endorsed in Annex A of the IFCE.⁶

III. Taking stock of progress

12. Even as we become more conscious of the importance of striving for court excellence, our efforts at reform risk losing steam or going off track altogether if

⁶ See IFCE, Annex A at Q4–5 (p 40): “We make use of opportunities presented by technologies to rethink and improve our processes”; “We make use of technology to provide innovative platforms for court users to resolve disputes and/or to make more informed choices”.

we do not keep a close eye on evolving needs and tools. To this end, the IFCE adopts a systematic and disciplined approach to court excellence: a continuous cycle in the course of which courts assess their performance, find areas of improvement, devise and implement an improvement plan, and evaluate their progress against it. This ensures that a considered and holistic approach to reform is adopted instead of one that is reactionary or even piecemeal.

13. Our experiences with the IFCE's methodology of striving for continuous improvement has been very positive. The State Courts of Singapore completed three rounds of self-assessment under the IFCE in 2012, 2015 and 2018, and the improvement plans formulated after each of these exercises have led the State Courts to implement a number of important initiatives. These include the Integrated Criminal Case Filing and Management System ("ICMS") and the Community Justice & Tribunals System ("CJTS"), which are two fully digital systems for case filing and management that have now become integral to the handling of criminal cases and smaller claims in the State Courts. Another such initiative was the formation of a Business Continuity Planning Committee, which develops risk management plans to manage contingencies. These plans greatly eased our transition to new modes of operation when COVID-19 struck. That is why even in the midst of the pandemic, we have continued to engage in this process of ongoing introspection, reflection and improvement. Last June, the State Courts conducted its latest self-assessment exercise based on the 3rd Edition of the IFCE. We are now analysing the results and preparing a responsive improvement plan.

14. Other jurisdictions that have used the IFCE have similar success stories. At a Colloquium held in conjunction with the 2020 Meeting of the Council of ASEAN Chief Justices (“CACJ”), our ASEAN neighbours Thailand and Indonesia shared the benefits that their court systems reaped from applying the IFCE. The Indonesian courts have gone further to translate the IFCE into Bahasa Indonesia and to incorporate it within their own quality assurance framework.

IV. The ASEAN-IFCE Resource Network Portal

15. At the 2020 Meeting, the CACJ also authorised the formation of a network of ASEAN-IFCE resource persons to build expertise on court excellence within ASEAN.⁷ The ASEAN-IFCE Resource Network maintains a collection of materials for the reference of Resource Network members, such as IFCE guides, materials shared at workshops, conferences and seminars, and reports contributed by members.

16. The Network is now in the final stages of putting together a Resource Portal to host these materials online in a members-only portal, which will make it easier for members to access the materials and to communicate with each other. In a few moments, a short video will be played to introduce the Resource Portal. I hope you will enjoy it. I would also like to thank the team of students from Temasek Polytechnic⁸ for the excellent work they are doing in developing the

⁷ Para 20 of the Hanoi Declaration signed at the 8th CACJ Meeting on 5 November 2020.

⁸ Comprising Joyce Teng Min Li, Matthew Ng De En and Ng Leng Khai Jeremy.

Resource Portal in conjunction with the Network. This is a wonderful example of how the courts can collaborate with community stakeholders to work on initiatives that can have a positive impact nationally and internationally.

V. Conclusion

17. Achieving court excellence is a long-term goal that we all subscribe to, and we should aggregate our knowledge and wisdom through resources like this so that it can be shared with our counterparts and preserved for our successors. In the same vein, today's conference gives us an excellent opportunity to learn from each other's experiences in implementing the IFCE and to further our journeys towards court excellence. I wish you an insightful and fulfilling conference and look forward to working with you in the continuing quest to strengthen our court systems. Thank you.