

## **9<sup>TH</sup> MEETING OF THE COUNCIL OF ASEAN CHIEF JUSTICES:**

### **Session 9: Update by ASEAN Judiciaries on COVID-19 Effects and Solutions**

Thursday, 7 October 2021

The Honourable the Chief Justice Sundaresh Menon  
Supreme Court of Singapore

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1. Mr Chairman, thank you for giving me the floor.
2. Since the 8th Meeting last year, our experience with the pandemic in Singapore, in common with what many others have encountered, can perhaps be best described as a difficult journey of discovery and learning. We have had to deal with new variants of the virus, encourage widespread vaccination, and adapt to frequent shifts in safe management protocols.
3. Through all this, thankfully, the Judiciary was able to remain in continuous operation. This is largely because of policies that were implemented near the beginning of the pandemic, such as the shift towards remote hearings and the adoption of asynchronous case management methods. While these policies were initially adopted and thought of as temporary coping mechanisms, it now seems likely that they will remain even after the pandemic abates. Indeed, it has become difficult to imagine returning to the days where all hearings – even if short, routine, or procedural in nature – were conducted contemporaneously in person. These measures that we

implemented in the early months of the pandemic have proved beneficial in terms of efficiency and in bringing about transformational innovations to the justice machinery.

4. The efficacy of these changes, in fact, suggests a need for us to reflect more broadly on the ways in which court and legal services have traditionally been rendered, and to consider how they might be improved. In line with this, since our last meeting last year, we have introduced further measures in response to the pandemic that broadly fall within two themes.

5. The first relates to the efficiency and accessibility of the Courts and its processes. This is particularly significant given the economic impact of the pandemic, which has added urgency to the need to reduce costs of dispute resolution.

6. In this regard, one example is our plan to enable the electronic affirmation of affidavits, as part of a suite of services built into an existing national e-Services platform. The affirmation of affidavits tends to be a time-consuming activity which involves court users travelling to a Commissioner for Oaths or notary, awaiting their turn, and usually having to take time off work or other engagements. For many, this can be very cumbersome. The option of electronic affirmation will therefore not only save time and costs, but also help the parties comply promptly with case management directions and is part of the modernisation of our entire justice machinery.

7. Another example concerns the conduct of hearings. Though remote hearings already tend to be more convenient than physical ones, they still require coordination and dedicated time of all parties, of counsel, and of the court. Further, not all matters require, or even lend themselves well to oral hearings. Judges and parties are best placed to decide in their own cases whether such hearings are necessary, or whether written arguments might suffice.

8. In line with this, the Singapore Parliament passed a Bill last month that grants the Courts a general power to dispense with oral hearings save where oral evidence needs to be taken. Of course, the limits for the exercise of this broad power still need to be calibrated in the rules and in our case law. But our experience thus far suggests that such an option will be a useful tool within the judicial arsenal. Indeed, I suggest that such and other case management tools will soon become necessary components of the Court's procedural and technological infrastructure, in order to better enable us to deal with the growing number and complexity of cases, and to prepare us for further contingencies, whether as a result of the pandemic or otherwise, that may disrupt the manner in which court services are provided to our users and the public.

9. This brings me to the second theme, which is capacity-building for the profession as a whole. Legal systems function as a machinery of many parts,

and we are only as strong as our weakest link. Take for example, remote hearings – even if the Courts are well-equipped to conduct them – a lawyer who is unable to participate in such hearings, or who experiences constant issues whilst doing so, will not be able to reap the efficiency gains and will in fact hinder the efficient and effective delivery of justice.

10. For this reason, our Courts have worked closely with stakeholders outside the Judiciary, including the Ministry of Law and the Singapore Academy of Law, to launch a sector-wide plan promoting the adoption of legal technology by the profession. Under this plan, eligible legal practitioners may apply for partial funding to support their adoption of certain technologies, not only for court hearings, but also for ancillary matters connected to legal work, such as cybersecurity. In a transforming world where so much more business is conducted online, the importance of thinking about digital security cannot be overemphasised.

11. The two themes I have mentioned above reflect the overall policy focus of our judiciary over the past year, and will likely continue to guide our work moving forward. I look forward to hearing more about the experiences and innovations of our sister ASEAN jurisdictions.

12. Thank you.