

## SUPREME COURT OF SINGAPORE

### Media summary

2018 James P White Lecture, Indiana University Robert H McKinney School of Law.

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On 30 October 2018, the Honourable Chief Justice Sundaresh Menon delivered the James P White Lecture at the Indiana University Robert H McKinney School of Law.

In his lecture, entitled “*Law Schools: A Time of New Burdens and New Beginnings*”, the Chief Justice urged law schools to fundamentally reimagine the current model of legal education that is widely adopted in variants across the common law world in response to three “powerful overlapping forces” that are reshaping legal practice, namely, (a) globalisation, (b) technology and (c) the commercialisation of legal practice. He argued that a conservative and incremental approach would not be an adequate response (at **[2] and [7]**).

Elaborating on each of these trends, the Chief Justice noted that:

- a. Globalisation has flattened the world considerably. The transnational nature of business has broken down jurisdictional silos, and lawyers are now expected to address legal issues that straddle multiple jurisdictions (at **[15]–[20]**).
- b. Technology is set to upend the traditional legal services delivery model. First, the traditional beginning-to-end bespoke legal service delivery model is unsustainable given that legal work can be broken down into its constituent parts and automated to be performed more cheaply. Second, technology is threatening the traditional pyramidal staffing model (that is with few partners and many associates) of law firms as the use of interdisciplinary teams comprising lawyers working alongside other professionals, like legal technologists and process engineers, grows in importance. Finally, technology will challenge the traditional time-cost billing model as cost-conscious clients are unwilling to pay for legal services on a time-cost basis when work can be performed more quickly and efficiently with the aid of technology (at **[21]–[29]**).
- c. The commercialisation of practice has intensified since the Global Financial Crisis as the demand for legal services has remained stagnant while the number of providers, which include alternative legal service providers, has grown. In the face of this, law firms around the world have had to prioritise business concerns to survive and that has placed the values of the profession—of service, honour and excellence—under increasing strain (at **[30]–[34]**).

The Chief Justice observed that these trends have created an *urgent* challenge for law schools who must seriously examine how and what they teach to ensure not only that their students are equipped with the relevant skills necessary for *modern* practice, but that they are also imbued with the right values that will allow for a life of meaningful engagement with the law. This is important not only for the students, but also for the societies which they serve (at **[35]–[36]**).

The Chief Justice highlighted that the nature of the challenge was such that it was too vast and complex for law schools to resolve on their own; what is required instead is the concerted

effort of all stakeholders, including law firms, senior lawyers, courts, regulators, funders and policymakers. The Chief Justice underscored the importance of having a unity of purpose by demonstrating how these trends are set to raise difficult *structural* and *policy* questions in every area of the law (at [37]–[40]):

- a. The *content* of the law will change in many areas as it copes with the need to respond to advances in technology. Apart from the development of new legal principles, technology will also affect the development of the common law, as the resolution of disputes through online platforms is already diverting large swathes of cases away from the courts, thus inhibiting the growth of case law (at [41]–[42]).
- b. The *craft* of the lawyer will also be affected as lawyers lose opportunities to cut their teeth on low-value work that is increasingly being turned over by clients to be performed more cheaply by technology-aided solutions and providers (at [43]).
- c. The *consumption* of the law will change as the rise of automated non-lawyer legal service providers (such as mobile apps that help users navigate routine legal processes) give rise to difficult regulatory problems (at [44]).
- d. The *credibility* of the law will also come under siege as complex automated algorithms feature more in judicial decision-making, rendering the law less transparent (at [45]).
- e. The profession's *character* will likely undergo profound change as the entry of foreign lawyers and technology-aided providers will put the traditional identity and values of the legal profession under increasing strain (at [46]).

Apart from a unity of purpose, the Chief Justice also identified two other key ingredients that would be needed in the journey towards reform. The first was a real sense of imagination; while the second was having the courage to change. The Chief Justice noted that there was a need to fundamentally re-think the design of our current system of legal education and to have the courage to move towards meaningful reform (at [48]–[57]).

In concluding the lecture, the Chief Justice repeated his call for all stakeholders to move together in unison, to think imaginatively about the redesign of law schools and the frameworks around which the profession was organised, and to have the courage to act upon those ideas. He warned that the failure for law schools to change “would be to do a disservice not just to their students, but to the profession and society as a whole” (at [58]–[61]).