



**JUDICIAL CODE OF CONDUCT
FOR THE JUDGES AND
JUDICIAL COMMISSIONERS OF
THE SUPREME COURT OF
SINGAPORE**

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Introduction

It is important that there should be a judicial code of conduct setting out the standards of ethical conduct to be expected of judges acting within those principles. Such a code not only serves as guidance to the judges but also explains to members of the public, particularly those involved with the court system, how judges will behave and thereby secure their respect and support for the judiciary. The code will also clarify the conduct expected of Judges, especially in aspects where the position is currently unclear, and ensure that there is uniformity in practice.

The Committee studied the judicial codes of conduct in various other jurisdictions and developed a draft Judicial Code of Conduct for the Judges and Judicial Commissioners of the Supreme Court of Singapore (“Code”), which was circulated among the Judges and Judicial Commissioners (“Judges”) for their comments. The draft was amended pursuant to the feedback received and a final version was presented at the Council of Judges, whereupon it was accepted and approved for publication.

Preamble

The Singapore legal system is founded upon the cardinal principle that an independent and competent judiciary must interpret and apply the laws of the country and do justice without any fear or favour, affection or ill-will to the best of its ability. The Judiciary is therefore entrusted by the Constitution with administering justice and upholding the rule of law. This Judicial Code of Conduct sets out standards of professional ethical conduct that Judges and Judicial Commissioners of the Supreme Court of Singapore (“Judges”) must respect and honour in their duty to maintain and enhance public confidence in the legal system, having utmost regard to the oath of office that they have taken.

As it is impossible in the nature of things to cover every possible situation, a practical approach which nevertheless contains sufficient specific guidance is adopted. To this end, the Code is organised according to **six themes**, each of which is supplemented by **General Statements, Guiding Principles** and **Commentary** prescribing ethical standards for Judges. It is non-exhaustive and is intended to provide guidance and assistance for the proper conduct of Judges in situations where difficult ethical and professional issues may arise.

The Commentary in this version of the Code of Conduct emphasises the importance of judicial independence, impartiality, integrity and propriety, dignity, diligence and confidentiality in the Singapore context.

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INDEPENDENCE

General Statement

Judges must always demonstrate independence in their individual decision-making, safeguard the institutional independence of the Judiciary as a whole, as well as preserve the public perception of independence.

Guiding Principles

1. Judges must be cognisant of and clearly reject any influence, in whatever form or degree or from whatever source, that affects or is capable of affecting, or may be reasonably construed as being able to affect, their independence in decision-making.
2. Judges are independent of one another and are solely responsible for their respective decisions.
3. The Judiciary must be, and must be seen to be, a separate and distinct institution, in particular independent of the Legislature and the Executive.
4. Judges must conduct their private lives in a manner that will not undermine the public perception of their independence and the independence of the Judiciary as an institution.

Commentary

1. Judges should be wary of any attempts, overt or otherwise, to influence their decision-making. They should also guard against subtle forms of influence that may unconsciously or otherwise affect their decision-making.
2. Judges should not underestimate the extent to which print, social or new media can influence them unsuspectingly to make “popular” decisions or refrain from making decisions that may garner public disapprobation. They should therefore exercise caution when they encounter any form of media coverage, particularly with regard to any high profile or sensitive case over

which they are presiding. This will enable them to make decisions unaffected by how their decisions will be received publicly.

3. Although Judges may, from time to time, find it helpful to consult other judicial colleagues on their cases, the views of such other judicial colleagues should be sought only for general guidance and not in substitution for independent decision-making. Judges are solely responsible for the ultimate decisions that they make and they should guard against being influenced by the views of their judicial colleagues.
4. Judges should conscientiously ensure that the level of their associations with members of the Legislature and/or the Executive, if any, do not give rise to any doubts about their independence or any unintended appearance that the Judiciary may be beholden to others in any way by such associations. Judges should not be members of any clubs or associations that have any real or ostensible links with any political party.
5. Judges should be conscious that the manner in which they conduct their private lives may reflect the extent of their independence. They should take the utmost care to ensure that no aspect of their relationships gives rise to any concerns that they may be affected by such associations and undermine public perception of judicial independence.

IMPARTIALITY

General Statement

Judges must be and must be seen to be impartial in their judicial decision-making.

Guiding Principles

1. Judges shall carry out their judicial functions without any fear or favour, affection or ill-will to the best of their ability.
2. Judges should consider disqualifying themselves in cases in which they believe they will be unable, or be perceived to be unable, to judge impartially, unless the failure to hear any such case would necessarily result in irreparable injustice being occasioned to any of the parties in the case or any such other persons to whose interests the Judges in question may properly have regard.

Commentary

1. Unless there is consent by all parties involved, Judges should consider disqualifying themselves from hearing any case in which they and/or their spouses and/or any immediate family members have any material financial or proprietary interest (whether actual or potential in nature) that could be affected by the outcome of the case, or in which that financial or proprietary interest would give rise to a reasonable perception that they would not act impartially. The term “financial or proprietary interest” includes any beneficial ownership in company shares or other forms of property, whether held in the names of the Judges themselves, or in the names of their spouses or immediate family members.
2. Judges should consider disqualifying themselves from hearing any case in which any one of the parties is represented by a law practice in which they practised at any time so long as any financial connection continues to exist between them and any such law practice. Judges should also consider disqualifying themselves from hearing any such case until a period of one year has passed since any such financial connection came to an end or so long as

there are any non-financial connections between them and any such law practice which could give rise to a reasonable apprehension of bias.

3. Judges with prior private practice experience should consider disqualifying themselves from hearing any case in which any one of the parties is a former client for whom they have acted or given any legal advice whilst in private practice within the preceding 5 years or for a longer period where there has been a close and long term relationship with that party in the past.
4. Judges who are former Singapore Legal Service officers should consider disqualifying themselves from hearing any case which involves the ministry, organ of state or statutory board of which they were a former officer or in which a party is represented by a legal officer from that organisation unless a period of at least one year has passed since they left that organisation, and provided there are no other surviving factors in respect of that organisation which could give rise to any reasonable concern of actual or perceived conflict of interest on the part of the Judges.
5. Judges should consider disqualifying themselves from hearing any case in which there could reasonably be a public perception of their lack of impartiality by virtue of their spouses' and/or immediate family members' political activity or affiliation.
6. Where Judges feel that their relationships with any individual (particularly any advocate) involved in a case is such that would reasonably give rise to an appearance of a lack of independence or impartiality on their part if they were to hear the case, they should consider disqualifying themselves from hearing the case. On the rare occasion when the relationship is so close as to be akin to a familial relationship, the Judges concerned might even wish to disqualify themselves from hearing all cases in which the individual concerned is involved.
7. Wherever possible, any decision made by Judges to disqualify themselves from hearing any case should be made as early as practically possible before the hearing itself so as to minimise the number of instances where such a decision cannot be made without first making (in appropriate cases) the relevant disclosures and inviting submissions from the parties in the case.

INTEGRITY AND PROPRIETY

General Statement

Judges must conduct themselves properly and with integrity in a manner that does not undermine public confidence in the Judiciary.

Guiding Principle

1. Judges should strive, at all times, to conduct themselves in a manner that is consistent with high judicial office and avoids any ground for criticism.

Commentary

1. Judges should accord all parties who appear before them in court due respect, civility, patience and dignity.
2. Judges should maintain a professional and collegiate relationship with their judicial colleagues and staff. Undue criticism levied against other judicial colleagues and staff should be avoided, save for objective and fair comments necessary to either advance the interests of the law or to promote the smooth operation of the Supreme Court.
3. Before a Judge acting in his official but non-judicial capacity participates in any discussions directed at making a selection or exercising a discretion, he or she must make proper disclosure to any others who may be involved in the discussions of any relationship he or she may have with any individual who is likely to be affected by the outcome of the discussion which is of such proximity that it would reasonably give rise to an appearance of impropriety. If the selection is to be made or if the discretion is to be exercised by the Judge alone, then he or she must make such disclosure to the Chief Justice.
4. Judges are under constant public scrutiny and must scrupulously respect, obey and abide by the law. They should be mindful that they should avoid committing even minor transgressions because these may well raise doubts as to their integrity and in turn reduce the standing of the Judiciary in the eyes of reasonable and fair-minded persons.

5. Although Judges possess the same rights and freedoms as any other private citizen, they must necessarily accept some restrictions on their private lives by virtue of their judicial office. They must ensure that their behaviour in public is proper at all times as well as arrange their private affairs, engagements and associations properly and responsibly, all of which may seem relatively cumbersome to any other private citizen. If in doubt whether a particular item of conduct or activity is proper or may bring into question the integrity of the Judge and may in turn cause the Judiciary to fall into disrepute, it is prudent either to avoid that conduct or alternatively to seek appropriate consultation with the Chief Justice before engaging in that conduct or activity.
6. Judges should exercise caution and restraint in expressing their views in the context of social media which may give the appearance of prejudice, bias or undue influence or may compromise the independence, impartiality, integrity, propriety, dignity, diligence or confidentiality of the Supreme Court.
7. Judges should never use or allow their judicial office to be used to gain an advantage for their own personal interests, or that of their families or relatives, or that of anyone else.
8. Judges should endeavour not to be litigants (whether represented or in person) or witnesses (whether with or without subpoena) in any court of law and, in the event that this becomes unavoidable, should inform the Chief Justice as soon as is practicable.
9. Judges should manage their affairs so as to ensure that they are at no point financially embarrassed.
10. Related commentary can be found in the next section on “Dignity”.

DIGNITY

General Statement

Judges must uphold the dignity of the Judiciary and their judicial office at all times.

Guiding Principles

1. Judges should stay free from all forms of involvement in any activity that may unnecessarily subject the Judiciary or their judicial offices to attack by members of the public.
2. Judges should refrain from all other forms of engagement or activity that may undermine the dignity of the Judiciary or their judicial offices in the eyes of the public or that may bring disrepute to the Judiciary or their judicial office.

Commentary

1. Judges must cease all partisan political activities (if any) upon appointment and should refrain from conduct that could reasonably give rise to the appearance that they are engaged in any such activity.
2. Judges are free to participate in civic, charitable and religious activities subject to the following non-exhaustive considerations:
 - a. they should avoid any activity or association that could reflect adversely on their impartiality or interfere with the performance of judicial duties;
 - b. they should not solicit funds (except for appropriate judicial purposes);
 - c. they should not lend the prestige of judicial office to any solicitations of funds;
 - d. they should avoid involvement in causes of organisations that are likely to be engaged in litigation; and

- e. they should not give any legal or financial advice.
- 3. Judges may permit the use of their names and titles as a reference, and provide personal recommendations for any person upon request by a prospective employer, office appointment authority or tertiary education admissions office.
- 4. Where Judges accept invitations to deliver speeches, lectures, and written papers in a public forum or to participate as a panellist or moderator at conferences, seminars or other discussions in a public forum, they should notify the Chief Justice, except where such participation was specifically assigned and requested by the Chief Justice.
- 5. Judges delivering extra-judicial speeches, lectures or written papers or participating at conferences, seminars or other discussions in a public forum should not comment, or make any remarks capable of being reasonably understood by the public as making any comment, on any aspect of any case which is pending before the courts or which may come before the courts.
- 6. Judges may receive token gifts, awards or benefits from external parties as appropriate to the occasion on which it is made provided that such gifts, awards or benefits cannot reasonably be perceived as intended to influence them in the performance of their judicial duties or otherwise give rise to any appearance of lack of impartiality. In any case, Judges should declare all gifts, awards or benefits (except those of *de minimis* value) received from external parties to the Office of Public Affairs of the Supreme Court.

DILIGENCE

General Statement

Judges must be conscientious in all aspects of their work and in the discharge of their judicial functions.

Guiding Principles

1. Judges should ensure (as far as is possible) the timely hearing of their cases and matters.
2. Judges should (as far as is possible) deliver timely decisions and should give reasoned judgments to enable parties, appellate courts and readers generally to fully understand why a decision has been reached in a certain way.

Commentary

1. Judges should be mindful that their primary function is to hear cases and that they should not decline to do so except for legitimate and justifiable reasons. They should also give adequate attention to non-judicial work assigned to them, in so far as that work is essential to the smooth running of the Supreme Court.
2. Judges should be prepared for hearings and should employ a conscientious attitude towards the hearing of cases fixed so as to ensure the fair, just and expeditious disposal of all hearings within the allocated hearing time.
3. Judges must be decisive. Much as they should take time to reach a considered decision, Judges should also strive to render their decisions in a timely manner. It bears emphasising that justice hurried is justice buried and that justice delayed is justice denied; a balanced approach at all times is therefore imperative.
4. Judges should communicate clearly how they arrive at their decisions. Brevity is generally encouraged and prolixity in judgments should be avoided, with the caveat that their grounds of decision must be sufficiently reasoned for

parties, appellate courts, and readers generally to fully understand why a case has been decided in a certain way.

CONFIDENTIALITY

General Statement

Judges must, at all times, keep strictly confidential all non-public information which is internal to the Judiciary and their judicial office.

Guiding Principles

1. Judges shall not use or disclose any confidential information acquired by them in their judicial capacity for any purpose not related to their judicial duties.
2. Judges must take all reasonable steps to ensure that all documents and articles in their possession, as well as recorded or stored confidential information acquired by them in their judicial capacity are safe and secure from any form of unauthorised access or use by any person.

Commentary

1. Judges may share information that is otherwise confidential with other judicial officers or staff of the Supreme Court, but only as may be necessary for proper assistance to be rendered to them in the discharge of their judicial duties and functions.
2. Judges should securely dispose of all confidential documents upon retirement or cessation of their office.
3. Judges should continue to keep strictly confidential any knowledge of confidential information after retirement from, or cessation of, their office.

POST-JUDICIAL ACTIVITIES

General Statement

Former Judges must avoid any activities that may bring the judicial office into disrepute or put at risk the public expectation of judicial impartiality, independence and integrity.

Guiding Principles

1. Former Judges must avoid any activities which may tarnish the Judiciary in terms of impartiality, independence and integrity given that they may still be regarded by the general public as representatives of the Judiciary.
2. Former Judges must be sensitive in their involvement in any commercial or other activities which may harm the standing of the Judiciary.

Commentary

1. Former Judges who have held office for a period of three years or more may practice as a solicitor but do not have any right of audience in any court of justice in Singapore: see s 26(2) of the Legal Profession Act (Cap 161, 2009 Rev Ed).
2. Former Judges who have held office for a period of three years or more should not appear in any court of justice in Singapore. This includes attendance in the courtroom as well as the signing of any document to be filed or used in court proceedings (for example, pleadings, affidavits and written submissions). The same considerations apply in *pro bono* cases.
3. Paragraphs 1 and 2 of this Commentary do not apply to Judicial Commissioners.
4. Former Judges may generally take up any employment or appointment in any organisation subject to compliance with the Code of Conduct. This includes:
 - a. joining a legal firm as a partner or consultant;
 - b. acting as arbitrators, mediators or commissioners;

- c. acting as counsel in arbitration proceedings or as expert witnesses in such proceedings; and
 - d. acting as expert witnesses on Singapore law in a foreign court.
5. Former Judges may participate in legal education, for instance, by delivering speeches, lectures or written papers or participating at conferences.
6. Former Judges must comply with the Law Society rules like any other lawyer.
7. Former Judges should remind their clients to refrain from engaging in activities that may be perceived as leveraging on the judge's former status to advance the client's interests.
8. It is generally permissible for Former Judges to retain the use of the title "The Honourable" and to have his or her former status *per se* be mentioned in marketing materials. However, Former Judges should avoid participating in any marketing activities which may give rise to the appearance that the judge is touting or using the prestige of the judge's former office to attract business, gain advantage or suggest qualitative superiority over other lawyers or any kind of influence or favoured relationship with the Judiciary.
9. Former Judges should securely dispose of all confidential documents upon retirement or cessation of their office. Former Judges should continue to keep strictly confidential any knowledge of confidential information after retirement from, or cessation of, their office (see paras 2 and 3 of the commentary on "Confidentiality").