Human Rights Resource Centre (HRRC)  
in collaboration with the  
Asian International Justice Initiative (AIJI); and  
WSD Handa Center for Human Rights and International Justice (Handa Center)

Judicial Training in ASEAN:  
A Comparative Overview of Systems and Programs

April 2014
COUNTRY FACTSHEET 8:  
JUDICIAL TRAINING IN SINGAPORE

A. Training Organization and Institutionalisation

1. Relevant Recent Legal and Judicial Reforms

Prior to 1992, there was a serious backlog problem in the Singapore Courts. Beginning in 1992–1993, the judiciary began to take a more active role in case management.\(^{288}\) This involved a major attitudinal shift for judges, which was effected by the use of management techniques, dialogue to build consensus for change, training and professional development to improve core competencies, and the use of technological support systems to enhance capacity and efficiency and facilitate change.\(^{289}\) Timelines for cases and decisions were also put in place.\(^{290}\)

There is a strong and continuous emphasis on technical training to ensure that the judiciary keeps abreast with new technology employed by the Courts, e.g., the launch of the new e-Litigation system in 2013.\(^{291}\) Further, the Judicial Education Board (JEB) was set up in April 2010 to provide guidance and direction on the development of judicial training for judges in the Subordinate Courts in Singapore, and to put in place a systematic judicial training program.\(^{292}\) Supreme Court judges are to have their own Judicial Awareness programme. Where desirable, common workshops will be run involving all members of the judiciary.\(^{293}\)

2. Institutions Responsible for Judicial Training

There is no separate route to becoming a judge and no institution at the national level is specifically responsible for providing judicial training prior to appointments. It should be noted, however, that individualised training programs are prepared for the career progression of each judge. (See B.3.) Additionally, within the Subordinate Courts, there is a Judicial Education Board with the following characteristics:

<table>
<thead>
<tr>
<th>Institution</th>
<th>Responsibility</th>
<th>Training Oversight and Trainers of the Institution</th>
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<td>Judicial Education Board, within the Subordinate Courts.</td>
<td>Oversees the continuing education of Legal Service Officers in the Subordinate Courts.(^{294}) Legal Service Officers include those who work as, among others, District Judges,</td>
<td>The JEB is within the structure of the Subordinate Courts. It is chaired by the Honourable Judge of Appeal, Justice V K Rajah.(^{295}) The Strategic Planning and Training</td>
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\(^{290}\) Ibid., 75–82.


\(^{293}\) Ibid.


By way of background, the Judiciary is made up of two tiers: Supreme Court and Subordinate Courts (recently renamed “the State Courts”). The Supreme Court is made up of the Court of Appeal and the High Court. The Court of Appeal is the highest appellate court. The Subordinate Courts include the Magistrate and District Courts, as well as other specialist courts, e.g., Small Claims Tribunals, Family Court, Coroner’s Court, and Juvenile Court.

3. Participants of Judicial Training

<table>
<thead>
<tr>
<th>Requisites for Participants</th>
<th>As judges are largely trained on the job, judicial training is only undertaken by persons who have been appointed to the Bench.</th>
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<tr>
<td>Recruitment Process</td>
<td>Available data does not show how the JEB selects participants for its programmes.</td>
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<td></td>
<td>In regards judicial appointments, Judges and Judicial Commissioners of the Supreme Court are appointed by the President with the concurrence of the Prime Minister. In proposing appointments, the Prime Minister must consult the Chief Justice. To qualify for appointment as Judge or Judicial Commissioner of the Supreme Court, a person must have been a “qualified person” within the meaning of section 2 of the Legal Profession Act (Cap 161), read with the Legal Profession (Qualified Persons) Rules 2011, for at least ten years, or a member of the Singapore Legal Service, or both.</td>
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<td>In the Subordinate Courts, persons appointed as District Judges must have been a “qualified person” for at least seven years. Persons appointed as Magistrates must have been a “qualified person” for at least three years. In practice, however, the average length of experience before individuals are appointed District Judges or Magistrates in the Subordinate Courts is about 17 years. To be a “qualified person” under the Legal Profession (Qualified Persons) Rules 2011, a person must have at least passed the final examination of Bachelor of Laws, or have been conferred a degree of Doctor of Jurisprudence. Different additional criteria apply depending on the jurisdiction where such degree was conferred.</td>
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298 Subordinate Courts (Amendment) Bill No. 26 of 2013.
299 Constitution of the Republic of Singapore, Article 95.
300 Section 2 of the Legal Professions Act (Cap 161) provides: Section 2(1): “qualified person” means any person who —(a) possesses such qualifications as the Minister may prescribe under subsection (2), or may deem under section 14(2) or (3) to be so prescribed, and satisfies such requirements as the Minister may prescribe under subsection (2); (b) was approved by the Board of Legal Education as a qualified person under section 7 in force immediately before 9th October 2009; or (c) is approved by the Minister as a qualified person under section 15A(1) in force immediately before the date of commencement of section 3(e) of the Legal Profession (Amendment) Act 2011 or under section 14(1); Section 2(2): For the purposes of the definition of “qualified person” in subsection (1), the Minister may, after consulting the Board of Directors of the Institute, make rules to prescribe the qualifications, education and training for, and any other requirements that must be satisfied by, persons seeking to be qualified persons under this Act.
301 Subordinate Courts (Amendment) Bill No. 26 of 2013, Clauses 6 and 7.
302 Second Reading of the Subordinate Courts (Amendment) Bill No. 26 of 2013.
303 Legal Profession (Qualified Persons) Rules 2011, Rules 5–9A.
304 Ibid.
36 Subordinate Court Judges attended JEB’s 2012 Judgment Writing Workshop. Also in that year, 32 Subordinate Court Judges attended its Craft of Judging Workshop.

4. **Necessity of Undergoing Pre-Judicature Training**

It is typical for persons to be appointed to the Bench without prior judicial training. On the other hand, it does not appear possible for a person to be appointed as a judge without having any law background, as they are required to have been a “qualified person.” Further, the office of the Judicial Commissioners allows for the testing of the suitability of individuals for appointment as Judges of the Supreme Court.\(^{305}\) This office allows such persons (Judicial Commissioners) to be appointed on a temporary basis.\(^{306}\) In fact, all the present Supreme Court Judges were first appointed as Judicial Commissioners. The qualifications and appointment process of Judicial Commissioners is similar to that of the Judges of the Supreme Court.\(^{307}\)

B. **Structure and Content of Training Programme for Judges**

1. **Structure of Training Curriculum**

There is no formal judicial training programme prior to appointment. Continuing judicial education, however, is a “perennial focus area” for the Subordinate Courts and its JEB.\(^ {308}\) Judges are involved in the planning stage of JEB’s training programmes, since judges are best placed to understand their training needs.\(^ {309}\) According to the Subordinate Court’s 2012 Annual Report, which is the latest available annual report,\(^ {310}\) the JEB initiated the following key programmes in 2012:

a.) **Judicial Mentorship Programme**

The inaugural run of the Judicial Mentorship Programme was held between March and May 2012. This programme paired Subordinate Court Judges with High Court Judges who served as their mentors. Its purpose is to provide Subordinate Court Judges with the opportunity to observe and learn from experienced High Court Judges who set the benchmark standards for ideal judicial temperament and ethics.

b.) **Judgment Writing Workshop**

In March 2012, Professor James Raymond, President of the International Institute for Legal Writing and Reasoning, conducted a two and a half day workshop on the skills involved in writing judgments. The course touched on methods for identifying, articulating, arranging and analysing legal issues. It also covered skills on writing effective beginnings and conclusions, recognising and avoiding common stylistic flaws in legal writing.

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\(^{307}\) Constitution of the Republic of Singapore, Articles 94 and 95.

\(^{308}\) *Subordinate Courts Annual Report* 2012. 8.


and coping with other tasks ancillary to the writing process, e.g., hearing management. In addition, part of the programme was devoted to developing the subject matter and pedagogical expertise of the local judicial training faculty.

c.) **Craft of Judging Workshop**

This workshop was conducted by the Judicial College of England and Wales from 8 to 11 May 2012 and focused on developing skills such as assessing the credibility of evidence, providing sound and well-structured reasons for decisions, managing young and vulnerable witnesses, dealing with ethical issues in and outside the Court, and dealing effectively with unexpected and high conflict situations in Court.

2. **Content of Training Curriculum: Selected Specific Topics**

a.) **Judicial Ethics**

The JEB’s Judicial Mentorship Programme and Craft of Judging Workshop both addressed judicial ethics. In general, judges are bound by a code of ethics. Legal ethics form a key component of a judge’s early education and is a core component of the Practical Law Course of the Singapore Institute of Legal Education.

b.) **Human Rights and/or Fair Trial Rights**

Human rights and/or fair trial rights also form key components of a judge’s early education. Constitutional and Administrative Law, Evidence Law, and Jurisprudence—subjects that cover human rights principles—are taught as compulsory subjects in both of the Law Faculties in Singapore (viz., the National University of Singapore and the Singapore Management University). Civil and criminal procedures are also core components of the Practical Law Course conducted by the Singapore Institute of Legal Education.

c.) **ASEAN Instruments**

In general, there is recognition in Singapore that its laws and legal scholarship must reflect the ever-increasing interconnectedness of nations and their respective legal systems. The Law Faculties offer extensive course listings on topics relevant to the ASEAN Charter, ASEAN legal instruments, and the laws of other ASEAN countries. For example, courses such as “Introduction to Indonesian Law,” “Contract and Commercial Law in Civil Law Asia,” “International Law and Asia,” “Human Rights in Asia,” “ASEAN Economic Community Law and Policy,” “Comparative State and Religion in Southeast Asia,” “Law, Governance & Development in Asia” are offered at the National University of Singapore.

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312 Section 4(1) of the Legal Profession Act (Cap. 161). The Singapore Institute of Legal Education was established under the Legal Profession Act (Cap. 161) and is (amongst others) entrusted with maintaining and improving the standards of legal education in Singapore, providing for the training, education, examination of persons intending to practise the profession of law in Singapore, and coordinating and exercising supervision over continuing professional development for the legal profession in Singapore.


d.) *International/Comparative Law and Conflict of Laws*

International and comparative law are also core components of the judges’ early education. Both Law Faculties require graduates to have completed a compulsory course on comparative legal systems, and offer extensive international law listings. Conflict of Laws is also a compulsory course at the Singapore Management University Law Faculty, and an elective at the National University of Singapore Law Faculty.

3. **Continuing Judicial Education**

Individualised training programs and roadmaps are prepared for the career progression of each judge to ensure a systematic progression in the development of knowledge and expertise. These include continual provision of individualised feedback through, e.g., the Court Craft Excellence Programme run by the JEB, which involved having a panel of experienced members of the legal fraternity observe the judge’s bench skills during court proceedings and providing confidential feedback to the judge thereafter.315

Opportunities for further education are also available to judicial officers, via applications to the Legal Service Commission.316 As ex-Chief Justice Yong Pung How, in reference to the Subordinate Courts, emphasized:

> Individualized training road maps for every judicial officer have been charted to actualize their potential and professional development. Officers who show promise are offered scholarships to pursue further studies and programmes. Presently two in every five judicial officers there possess a postgraduate law degree.317

An author also observed that, aside from providing scholarships to study in leading universities locally and abroad and preparing individualised training programs, judges are encouraged to participate in international seminars and workshops. Additionally, contacts with international institutions and access to legal databases, the e-justice knowledge-sharing network, and libraries have helped judges to improve their performance.318

Lastly, as mentioned above, the Subordinate Court’s the JEB has initiated the key programmes in 2012 in order to enhance continuing judicial education.

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