

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:

Institution	Responsibility	Training Oversight and Trainers of the Institution
Judicial Education Board, within the Subordinate Courts.	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,	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

288 See Karen Blochlinger. “*Primus Inter Pares: Is the Singapore Judiciary First Among Equals?*” *Pacific Rim Law & Policy Journal*, (2000) 9(3). 591.

289 Waleed Haider Malik. *Judiciary-led Reforms in Singapore – Framework, Strategies and Lessons* (hereafter **Waleed Haider Malik. *Judiciary-led Reforms in Singapore***). Washington D.C.: World Bank, 2007. 53–54.

290 *Ibid.*, 75–82.

291 *eLitigation: Singapore Judiciary’s Integrated Electronic Litigation System*. Website. Accessed 7 April 2014. <https://www.elitigation.sg/home.aspx>

292 Justice V K Rajah. “Judicial Education in Singapore—Beyond the Horizon” (hereafter **Justice V K Rajah. “Judicial Education in Singapore”**). Paper presented at Asia Pacific Courts Conference 2010, 6 October 2010. 24–31. Available at <http://www.webcitation.org/5vMjy9LC6> (accessed 7 April 2014).

293 *Ibid.*

294 “The Judicial Branch: The Subordinate Courts.” *Legal Service Commission: Annual Report 2010*. Available at: <http://app.lsc.gov.sg/data/AR/2010/LSC/judicial-subordinatecourt.html> (accessed 7 April 2014).

295 Subordinate Courts, Singapore. *Upholding Justice, Serving Society, Inspiring Trust: Annual Report 2012* (hereafter **Subordinate Courts Annual Report 2012**). Subordinate Courts. 34. Available at: <https://app.subcourts.gov.sg/Data/Files/file/AR%202012/AR%202012.pdf> (accessed 7 April 2014).

	Magistrates, Coroners or Registrars at the Subordinate Courts or the Supreme Court Registry. ²⁹⁶	Division (SPTD) of the Subordinate Courts assists the JEB. ²⁹⁷
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By way of background, the Judiciary is made up of two tiers: Supreme Court and Subordinate Courts (recently renamed “the State Courts”²⁹⁸). 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*

Requisites for Participants	As judges are largely trained on the job, judicial training is only undertaken by persons who have been appointed to the Bench.
Recruitment Process	<p>Available data does not show how the JEB selects participants for its programmes.</p> <p>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.²⁹⁹ 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),³⁰⁰ read with the Legal Profession (Qualified Persons) Rules 2011, for at least ten years, or a member of the Singapore Legal Service, or both.</p> <p>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.³⁰¹ In practice, however, the average length of experience before individuals are appointed District Judges or Magistrates in the Subordinate Courts is about 17 years.³⁰²</p> <p>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.³⁰³ Different additional criteria apply depending on the jurisdiction where such degree was conferred.³⁰⁴</p>

296 The Director, LSC Secretariat. “The Singapore Legal Service.” Available at: <http://app.lsc.gov.sg/data/6a%20Law%20Gazette%20Jun%202010.pdf> (accessed 7 April 2014); and “Opening for Singapore Legal Service Officers.” Singapore Academy of Law. Webpage. Accessed 30 March 2014. <http://www.sal.org.sg/Lists/Announcements/DispForm.aspx?ID=9>

297 Thian Yee Sze. “Building a Learning Community of Judicial Practice – The Experience of the Subordinate Courts of Singapore” (hereafter **Thian Yee Sze. “Building a Learning Community of Judicial Practice”**). In *Judicial Education Training: Journal of the International Organization for Judicial Training*, edited by Prof. Amnon Carmi. Israel: International Organization for Judicial Training, August 2013. 25.

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.

Annual Average Number of Graduates	Thirty-six Subordinate Court Judges attended JEB's 2012 Judgment Writing Workshop. Also in that year, 32 Subordinate Court Judges attended its Craft of Judging Workshop.
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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,

³⁰⁵ Constitution of the Republic of Singapore, Article 94(4); Chan Sek Keong, “Securing and Maintaining the Independence of the Court in Judicial Proceedings,” *Singapore Academy of Law Journal*, (2010) 22 SacLJ. 229; and *Supreme Court*. Website. Accessed 7 April 2014. <http://app.supremecourt.gov.sg/default.aspx?pgID=40>

³⁰⁶ Kevin YL Tan. *The Singapore Legal System*. Singapore University Press, 2nd Ed, 2003. 51.

³⁰⁷ Constitution of the Republic of Singapore, Articles 94 and 95.

³⁰⁸ *Subordinate Courts Annual Report 2012*. 8.

³⁰⁹ Thian Yee Sze. “Building a Learning Community of Judicial Practice.” 26.

³¹⁰ “Annual Report.” *State Courts Singapore*. Webpage. Accessed 31 March 2014. <https://app.statecourts.gov.sg/subcourts/page.aspx?pageid=4469>

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.³¹¹ 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.³¹²

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.³¹³ 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.³¹⁴

311 Waleed Haider Malik. *Judiciary-led Reforms in Singapore*. 56.

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.

313 See, *e.g.*, Andrew Phang. “The Singapore Legal System – History, Theory and Practice” (hereafter **Andrew Phang. “The Singapore Legal System”**). *Singapore Law Review*, (2000–2001) Sing L.Rev 23. 44.

314 “Course Listing.” *National University of Singapore: Law*. Webpage. Accessed 7 April 2014. http://law.nus.edu.sg/student_matters/course_listing/courses_disp.asp?MT=LL&Sem=ALL&MGC=2

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.

315 Justice V K Rajah. "Judicial Education in Singapore." 32; Thian Yee Sze. "Building a Learning Community of Judicial Practice." 27.

316 The Legal Service Commission is constituted under Part IX of the Constitution. Its jurisdiction extends to all officers in the Singapore Legal Service. It has the duty to appoint, confirm, emplace on the permanent establishment, promote, transfer, dismiss and exercise disciplinary control over officers in the Legal Service. Its mission is to maintain a dedicated corps of officers with integrity and ability to staff the Judiciary, the Attorney-General's Chambers and the Legal Service departments of various Ministries and other arms of Government. "Introduction." *Singapore Legal Service*. Webpage. Accessed 13 March 2014. <http://app.lsc.gov.sg/data/index.htm>

317 Speech of CJ Yong cited in Andrew Phang, "The Singapore Legal System." 38.

318 Waleed Haider Malik. *Judiciary-led Reforms in Singapore*. 50.

