

A more human touch to the Bench

New CJ wants court disputes to be disposed of in a timely manner but not hurriedly



By BEN NADARAJAN

IT IS clear that the new Chief Justice wants the courts to have a new face — a more human face. While he did not say this in so many words,

CJ Chan Sek Keong wants the courts to move from their cold, hi-tech, efficient image to one in which justice is administered with a heart, with an eye for rooting out unfair treatment and with an ear to the ground.

His new plans unveiled on Thursday were a follow-through from his first speech after taking office last month, when he offered an insight into how he intends to lead the judiciary.

He praised the work of his predecessor, but also made it clear he will bring to the Bench his own priorities, personality and style.

When former CJ Yong Pung How took office in September 1990, he made it his personal mission to streamline court procedures and clear the backlog of court cases for hearing.

Some 2,000 cases were waiting to be heard in the Supreme Court and cases sometimes took years before they were heard.

He increased the number of judges and drew on technological aids such as the Electronic Filing System (EFS) to reduce "dead time" before a case goes to trial.

Within five years, he succeeded in cutting down waiting time for most trials to within a year or two.

However, it also gave rise to questions about whether justice was rushed.

The legal profession also felt the pain. Lawyers quit in droves, because they were stressed by court deadlines.

Then there were the infamous tongue-lashings the Chief, as he was known, gave out to lawyers who were unprepared for their cases.

In his maiden speech, CJ Chan sought to erase the image that the courts were interested only in quick settlements.

Both justice delayed and justice hurried "can cause injustice", he said.

"While court disputes should be disposed of in a timely manner, no litigant should be allowed to leave the courtroom with the conviction or feeling that he has not been given a fair or full hearing because it was done hurriedly."

He signalled that the judiciary can now get back to the basics of judicial decision-making.

This includes safeguarding "fundamental values" such as procedural fairness, equal treatment for all under the law, consistency and proportionality in sentencing, and rationality in making decisions.

He addressed all the points in the workplan he announced on Thursday, underlining again the need for litigants to be have a full and fair hearing.

He added another point: All judges must "treat everyone before them, in whatever capacity, on equal terms", referring to those who represent themselves whether by choice or necessity.

Hence, the concept of allowing McKenzie Friends to help them with their cases, especially in the Family Court, and even a roving "conierge" clad in maroon to direct them to the right places.

What was more significant was the problem-solving approach he wants the judiciary to take.

The Bench should not be a place where only sentences are handed out. For example, judges can also help forestall what could be long, messy divorce proceedings or expensive medical suits.

CJ Chan has also taken the bull by the horns by setting up a Community Court to tackle that bugbear which surfaced in CJ Yong's later years — how to make the sentence fit the crime.

Defence lawyers have complained about the straitjacket judges find themselves in when it comes to sentencing options.

It became so that CJ Yong once admonished the executive for prosecuting mentally ill offenders, as the statutes leave judges little room for manoeuvre.

CJ Chan heads a panel to review sentencing guidelines, which is expected to help the work of the Community Court.

It is also clear he wants to forge a new relationship between the Bench and the Bar, which has been rocky over the past few years.

Unlike CJ Yong, who was in the airline and banking industries for 25 years before returning to the Bench, CJ Chan has been in the legal profession for 42 years of his work life.

"I assure the Bar that young lawyers who appear before me and my fellow judges should not feel stressed and should have no fear of being stressed," he said last month, to laughter from lawyers.

All the new measures and pronouncements about forging a closer bond with lawyers and the community are well and good.

But all eyes will still be on how the CJ leans when it comes to handing down sentences in court. CJ Chan has not made a ruling in any case yet.

CJ Yong made a name for himself as a tough judge when hearing appeals and was known for upping sentences when offenders were looking for less. It was an unfair reputation, given that figures from the courts showed more often than not, he reduced sentences rather than increased them. But it stuck nonetheless.

What sort of name will CJ Chan make for himself?

NEW WORKPLAN: Chief Justice Chan wants to erase the image that the courts are interested only in quick settlements. He wants the judiciary to get back to the basics of judicial decision-making.

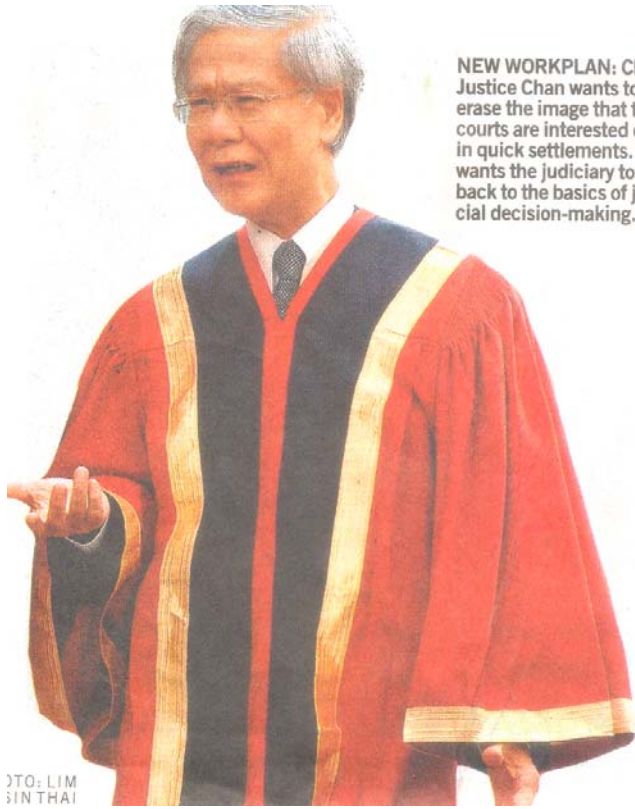


PHOTO: LIM SIN THAI

Other plans

PAY PARKING FINES ANY TIME

PAY your parking fine any time, any day. The Subordinate Courts will put the Automated Traffic Offence Management System online, and not just at AXS kiosks, by year end.

If you still want "face time" in the courts, the deadline for pleas on your date with the court has been extended from noon to 5pm.

IMPROVING KNOWLEDGE OF COURTS

THE courts' internship programme has been extended to journalists, as part of a move to engage the media. Chief Justice Chan Sek Keong also promises to improve the level of knowledge among the legal fraternity. Besides lectures, the Subordinate Courts will publish a series of books on legal practices relating to corruption cases, commercial fraud, medical negligence and other fields.

TRAINING FOR JUDICIAL OFFICERS

A JUDICIAL Studies Board is being considered to provide multi-disciplinary training for new judicial officers, and for continuing education.

It is not enough to have a solid grounding in the law, said CJ Chan. Judicial officers must understand the social, political, economic and cultural context in which they operate. The French and British systems will be studied to see if they can serve as models for Singapore's courts.