A more human touch to the Bench

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

CJ Chan Sek Keong wants the courts to move from their cold, static, efficient image of a place where justice is administered with a heart, with an eye for doing justice and not care to get to the ground.

His new plan unveiled on Thursday was a follow-through from his first speech at taking office last month, where he offered an insight into how he intends to lead the judiciary.

He praised the work of his predecessor and 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 felt the pain. Lawyers quitted in droves, because they were stressed by court deadlines.

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

In his maiden speech, CJ Chan sought to ease the image that the courts were operated 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 tailoring decisions.

He addressed all the points in the workplan announced on Thursday, underscoring again the need for litigants to be given 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 roaming “concierge” chat in another 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 resolve what could be long, away divorce proceedings or expensive medical suits.

CJ Chan has also taken the bull by the horns by setting up a Community Court to tackle the higher 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 statute leaves judges little room for discretion.

CJ Chan sends 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 airlines and banking industries for 25 years before retiring to the bench, CJ Chan has been in the legal profession for 43 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 stern”, he said last month, so laughter from lawyers.

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

But all eyes will still be on how the CJ learns when it comes to handling heavy 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 imposing sentences when offenders were looking for less. It was his unfair reputation, given that figures from the courts showed more than not, he reduced sentences rather than increased them, but it stuck nonetheless.

What sort of name will CJ Chan make for himself?