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DIRECTIONS IN DEVELOPMENT
Public Sector Governance

Judiciary-Led Reforms in Singapore

Framework, Strategies, and Lessons

Waleed Haider Malik



THE WORLD BANK

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Foreword

Over the past 15 years, Singapore's judicial system has been transformed from one that many viewed as characterized by inefficiencies, delays, and inadequate administrative capacity to one widely seen as among the most efficient and effective in the world. How has such positive change been achieved? How did internal and external actors participate in the reform effort? Why were the reforms successful, and what is the best perspective with which to evaluate this success? What were the broad societal impacts of judicial reform?

These questions are timely and significant now because it has become increasingly evident that an efficient and effective judicial system is necessary to promote a sustainable environment of economic and social stability and the rule of law, in which other development initiatives (including poverty reduction, education, and gender equity) can flourish. As a result, judicial reform has come to occupy a prominent place in the priorities of many developing countries as well as in the programs of multilateral lending institutions and other organizations worldwide. This report adopts an action-oriented management perspective in its examination of Singapore's experience with judicial modernization.

While each country's judiciary has unique needs, capabilities, and contexts, the lessons learned from Singapore's success can help to guide

judicial reform initiatives regionally as well as globally. No one would suggest that Singapore's strategy is a magic formula that, if followed, can erase the inefficiencies of all judiciaries. But it would be wise to examine the strategies used and lessons learned from Singapore's experience as a potential guide toward successful and sustainable judicial reform.

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Abbreviations

ASEAN	Association of South East Asian Nations
ATOMS	Automated Traffic Offense Management System
CDRI	Court Dispute Resolution International
EFS	Electronic filing system
GDP	Gross domestic product
GMC	Group Management of Cases scheme
GNP	Gross national product
ICT	Information and communication technology
JS1	Justice Scorecard 1
JUSTNET	Multimedia information kiosks
KIDS	Kids in Difficult Situations line
NCSS	National Council of Social Service
NGO	Nongovernmental organization
OECD	Organisation for Economic Co-operation and Development
PS21	Public Service for the Twenty-First Century campaign
SCRIMS	Singapore Case Recording and Case Management System

UNCITRAL	United Nations Commission on International Trade Law
XTRAS II	Excellence through Active Suggestions system

Executive Summary

Singapore is widely recognized as having one of the most efficient, effective judicial systems in Asia, perhaps in the world. Yet at the outset of the 1990s, its judiciary was inefficient and inaccessible to many. It was marked by the common problems of delays, high costs, and antiquated methods. So how did a judiciary that was inward looking, cloistered, and satisfied with itself come to change so successfully and so quickly? Could any lessons derived from that experience help policy makers elsewhere to design and implement judicial modernization?

This report addresses these questions from a novel vantage point: a management-oriented perspective. Although this is not a customary reference point for studying courts and related entities, judicial organizations can be assessed using this rather simple approach. Among other similarities, the operation and structure of judicial organizations mirror those of business institutions in many respects. This perspective enables taking a broad look at the multidisciplinary aspects of judicial functions and machinery and facilitates seeing how a reform process can affect the economic, financial, client service, and other aspects of the administration of justice. The management-oriented approach is especially appropriate here because Singapore's judicial leaders applied many management concepts and ideas in their reform process.

This summary presents the basic conclusions of the full report, highlighting the lessons learned from the modernization of Singapore's subordinate courts and providing additional findings and recommendations related to the courts' reform strategy and framework. Although the overall process of judicial reform in Singapore dealt with the Supreme Court and the subordinate courts, the report focuses mainly on improvements in civil and commercial justice in the lower courts. The social justice aspects of reform are beyond the scope of this report.

The main report is divided into six chapters: the first introduces the focus of the report, the second describes Singapore's social and economic conditions, the third profiles the judicial system, the fourth describes the strategic framework for the judicial reform undertaken, the fifth describes the eight reform strategies, and the sixth analyzes stakeholders' perceptions regarding court performance and draws lessons of experience.

Judiciary's Condition and Approach

Before 1990, Singapore's courts were slow and inefficient. They failed to demonstrate any desire to improve their performance, despite extensive problems and the example of other national institutions that were taking action to improve their enabling environment. Businesses had to wait long periods for the resolution of disputes, souring the commercial climate, and lags in settling civil and family cases often deprived victims of needed protection for extended periods.

The backlog problem was well known as early as 1948, when Singapore was a British colony. During the 1970s, the Supreme Court and the subordinate courts launched numerous remedial measures. But these efforts accomplished little, as they did not address the problems from a long-term perspective or satisfactorily target the basic constraints. Moreover, senior judges and other leaders saw the judiciary's role more as one of adjudicating than of delivering timely justice.

However, this situation changed in the 1990s. Singapore was increasingly becoming an international business and financial center, and the number and complexity of legal disputes were multiplying. In September 1990, it was estimated that the Supreme Court would need five years to hear all of its pending matters. In 1991 the subordinate courts' fresh workload included 30,000 criminal, 190,000 departmental, and 40,000 traffic cases. These are massive numbers for such a small country. In addition, the country was growing very rapidly, including the large government-owned manufacturing sector. For all these reasons,

Singapore's leaders became increasingly convinced that the courts' shortcomings constituted a threat to the country's future development and needed to be corrected.

The authorities responded by promulgating the far-sighted plan *Towards a Developed Nation*, which set the goal of making Singapore a first-rank country in the world. Among other priorities, the plan stressed the importance of a modernized judiciary for both economic growth and social stability. The government began by changing the leadership of the judiciary. It appointed Judge Yong Pung How as chief justice of the Supreme Court in 1990 and later extended his term. Well qualified in the legal sector, the new justice also had extensive senior management experience in a wide range of private as well as public sector organizations. With this background, on taking office he began to press for reforms aimed at improving the administration of justice. He particularly emphasized raising the judiciary's standards in order to enable Singapore to deal with the emerging challenges of globalization, technological advances, and the impact of foreign cultures, knowledge, and ideas.

At first, the judiciary continued its old approach of taking largely unconnected, procedural steps. These included upgrading facilities, computerizing records, establishing databases, and hiring short-term officers as well as expanding the jurisdiction of the subordinate courts. These were positive efforts to optimize the use of judges' time, but they did not prevent the further accumulation of backlogs. Therefore, the new leadership launched several initiatives based on a quite different approach: deliberately moving to "change the institutional culture."

For this purpose, they set up a "top team" and built a comprehensive framework for looking at how the judiciary operated and how its driving forces might be altered. Simultaneously, they defined values they believed should govern the judiciary's goals and underscored these in mission statements. These included improving the system's efficiency and merit as a public good and strengthening its ability to deal with exogenous factors (singling out "trade, culture, and technology").

Under this approach, the judicial authorities systematically analyzed the courts' problems and capabilities and then charted their probable prospects and requirements in the future. They did these tasks against the backdrop of "futures planning"—that is, examining the effects of changing demographics, economic developments, and technological advancements on the demand for judicial services. In the participatory process, they identified a number of factors in the court functioning that

were posing substantial barriers to the necessary changes—notably, poor coordination across key functions and units; ineffective, unskilled, and “top-down” leadership; unclear strategies and conflicting priorities; absence of modern tools; and inadequate communications. They examined these constraints in tandem by drawing on international experiences with comparable problems, advances in technology, and improvements in managerial practices.

Based on these reviews, the judiciary developed a plan and reform strategy covering wide-ranging issues. The reviews drew on extensive data analyses and on the advice of many experts on the merits of alternative change proposals. Using participatory techniques, they assessed the judicial system’s institutional infrastructure, human resource endowment, and links with clients and other stakeholders.

Equipped with this knowledge, the judiciary initially perceived its task largely as addressing case management problems. But shortly after that, the focus broadened to overcoming “productivity” difficulties. The judicial leadership systematically imposed a wide array of corrective measures, including greater discipline in courtroom procedures (for example, curbing routine adjournments and decreeing pretrial conferences, tighter and time-bound judges and staff actions, and closer monitoring). They instituted hearing fees to deter trials lasting beyond a certain number of days and widened the small pool of lawyers who were monopolizing daily operations. At the same time, the judicial leadership undertook measures to simplify work methods, improve conditions, relax courtroom decorum, and enhance incentives. Following the business-type approach, the judiciary set out strategies for implementing these actions. Detailed work plans were prescribed, and stock taking at different phases was instituted.

In tandem with these measures, the judiciary began to announce and broadly publicize annual work plans, which set explicit markers for desired results and sharpened the judicial system’s institutional image. This tactic was intended to focus public attention on the modernization process, heighten the visibility of the judicial leadership, and encourage staff to be more engaged. It proved to be useful in providing a blueprint for new initiatives and innovations. Improved citizen and stakeholder communication helped to make courts more appreciative of the need to address public concerns. By the same token, judicial authorities sought broad stakeholder participation in charting the direction of work programs, which were shaped to obtain the substantial commitment of these groups.

Modernization Strategies

Many interrelated reform strategies were developed in the 1990s, which helped the judicial leadership to implement comprehensive one-year action plans over the last decade or so (see appendix A for details). These action plans concentrated on the importance of applying management concepts that underscore the significance of using leadership, expanding the possibilities for reform, increasing access, improving capacity, improving the use of human resources, improving performance and measuring results, leveraging technology, and fostering strategic partnerships.

Strategy One: Using Leadership

As in the method employed for the appointment of the new chief justice, the Supreme Court set examples of useful reforms in order to model behavior in the lower courts. The judicial leadership adopted and met higher standards of efficiency, for example. They approved rigorous procedures for ensuring that cases were heard and concluded on schedule, along with sanctions for failure to perform. Subordinate courts were provided with a senior judge to head their operations, to mobilize top teams to deal with staff compensation issues and training programs, and to take steps to lighten and better distribute the judicial workload, among other measures. In addition, the judicial leadership at all levels recognized the need to sustain the modernization efforts by mobilizing resources, empowering staff, and strengthening links with other entities concerned with judicial services. It also sponsored the adoption of good practices used in other countries, such as the establishment of a broad base of knowledge, use of modern technology, and creation of esprit de corps in the judicial branch.

Strategy Two: Refining Models of Justice and Expanding Alternatives

One area of reform focused on realigning the jurisdiction and framework of the courts to reflect the population's changing needs and the country's business priorities. The chief justice was empowered to transfer certain types of proceedings among different courts, to increase jurisdictional limits, to realign procedural rules, and to enhance standards. These changes focused attention on problems at the lower-court levels. For example, diverting some complex cases from the Supreme Court to the lower courts triggered a review of judges' skills and led to better training for lower-court judges. Reforms were also promoted to make judicial personnel more proactive. In the process, the judiciary developed models

for pursuing civil, criminal, family, and juvenile justice cases, which led to some streamlining of the court system's organizational structure. An exploration of new options for resolving issues led to the establishment of small-claims courts, night courts, a tourist court, and "multidoor" court-houses. These were accompanied by the introduction in 1994 of a court dispute resolution scheme that segregated methods of resolution by type and complexity of cases. This helped to provide judicial services at significant savings in time and money to the parties and resulted in better value for money to the state in the provision of judicial services.

Strategy Three: Increasing Access

In order to increase access to judicial services and thus improve conditions for the populace, the sector aimed to reduce barriers related to litigation costs, flexibility, physical distance, and cultural characteristics, among others. Legal aid services were streamlined, and free mediation was provided; nongovernmental organizations provided other services such as counseling as part of partnership programs. Regional offices were opened to bring assistance services closer to the people. Automated kiosks were opened for paying traffic fines and obtaining information about legal services. Interpreters were employed to deal with the multiethnic, multilingual, and cross-cultural demographics. Singapore also piloted an innovative cross-border commercial dispute mediation program in which international judges took part via video conferencing. Programs were introduced to improve the provision of information to citizens of all ages by setting up a public affairs section and using the media.

Strategy Four: Improving Court Administrative Capacity

The judiciary's administrative operation was completely reorganized. Other reforms included strengthening financial management, improving staff training and development, upgrading courthouse facilities, and installing a sophisticated technology infrastructure. Modern "autonomous agency concepts" were introduced in order to expand managerial flexibility, accompanied by the introduction of a "budgeting for results" system.

Strategy Five: Improving Human Resource Management

The judiciary's top team of directors focused on measures for upgrading the core competencies of staff, optimizing the use of resources, attracting and retaining top talent, and grooming future leaders for sustaining the reform process. Salaries for judges and staff were raised to levels comparable to those in the private sector in order to attract—and

retain—top talent. There was substantial complementary training, along with measures to stretch the work of judicial officers and broaden multidisciplinary perspectives and experiences. Some disciplinary actions were taken to bring about changes in basic attitudes.

Strategy Six: Emphasizing Performance and Results

The courts implemented periodic performance reviews of particular aspects of the reforms and set benchmarks against which the progress (results) could be monitored. Policy makers gradually institutionalized the monitoring, evaluation, and control of the modernization process and the courts' daily operations. Information systems were developed to produce automatically the required systems and control data. The subordinate courts also piloted a “balanced scorecard” analysis.

Strategy Seven: Leveraging Technology for Proactivity

The Singapore judges decided to become more proactive in the administration of justice. This was particularly applied to improving case management by making timely and effective use of information and communication technologies. Actions were taken to expand the capabilities and accountability of judges and their staff. Computerized information technology applications were installed to handle case assignments as well as address the concerns of lawyers and citizens.

Strategy Eight: Building Bridges

The judiciary sought to build bridges to other organizations and initiatives in the country and internationally. These proved to be quite important since Singapore's judicial branch had often been perceived as the weakest of the three branches of government. It fostered strategic partnerships, knowledge sharing, and pooling of resources with the Parliament, executive agencies, the bar association, law schools, and nongovernmental organizations. It established networks with international judiciaries and international bodies to encourage the flow of knowledge and other collaborations.

Performance and Lessons of Experience

Singapore's judicial reform was examined from a management-oriented standpoint focusing on efficiency (defined by speed and consistency of service provision and case adjudication), the quality of dispute resolution (defined by the equity and fairness of judicial decisions), and the effects of the court system on peoples' lives (as indicated by the level of citizen

confidence in the system). The data show improvements in all of these dimensions over the past years. It is important to note, however, that performance measurement is not an exact science, with limitations of comparison and other complexities.

Case management actions cleared the backlog and reduced waiting times. More courts were opened and judges employed, together with the increased use of mediation and conciliation services. Collectively, these produced clearance rates in both civil and criminal cases that were at times higher than in many more advanced countries, such as Belgium, Japan, Portugal, and Spain. In 1999 a reported 95 percent of civil and 99 percent of criminal cases were cleared in Singapore. As a result, the average length of commercial cases fell from about five or six years in the late 1980s to about one and a quarter years in 2000. What is more significant, the pending caseload did not grow again.

As the judiciary became more reliable and efficient and new options for remedying legal problems were introduced, citizens became more confident in the system. In 1999 surveys, 97 percent of respondents agreed that “the courts administer justice fairly to all, regardless of language, religion, race, or class.” About 92 percent said that the public could expect disputes to be resolved efficiently. It is likely that these views reflected judgments that the quality of the court systems had improved and its value to society had increased as a result of the reduction in barriers to access, extension of services, and enhanced transparency. Local businesses also commented favorably on the progress of the judicial modernization effort. The international business community commended the work done, ranking Singapore among the best in the world in competitiveness, economic freedom, and country risk.

Therefore, the government’s investment in reforming the judiciary returned a high dividend. To be certain, Singapore’s practicing lawyers did not unanimously approve of the reforms. But overall they were satisfied with the changes, stating that the delivery of justice had improved markedly. They generally praised the system for increased reliability and efficiency, lower litigation costs, and more amicable enforcement of property rights and settlement of disputes.

Stakeholders perceive Singapore’s judicial accomplishments as having helped to improve the nation’s growth and stability and as boosting the country’s participation and competitive position in the rapidly growing Pacific Rim market. Singapore’s lawyers have gained prominence from this as well.

Singapore's judicial reform program can be a useful guide to policy makers in other countries as well. It set a distinctive example as a judiciary-led operation. In this regard, one of the core components of its success was the clear willingness of system personnel to work—and learn—together throughout the modernization process. Most of the judicial personnel surveyed said they feel a sense of pride in serving the public, a sentiment fostered by the promotion of inclusiveness among staff at all levels. Judges and administrators alike reported that they are committed to sustaining the country's acclaimed court system.

The modernization experience also illustrates a useful example of how to blend a heritage of long-established, conservative norms with the desired qualities of a new culture to meet changing conditions. Fortunately, Singapore is a young country with a culture of harmony and a “can do” attitude. These qualities enabled the judicial leaders to chart and implement policies seeking to create a significant “common good.” Unfortunately, some of the rules have tended to clash with liberal ideas on the importance of the duties and rights of individuals vis-à-vis community interests. However, in-depth analysis of these issues is outside the purview of this report.

In summary, what lessons can be derived and perhaps applied to other countries, even those with different legal cultures, traditions, and social and economic levels? Mindful that individual-country differences must be taken into account when designing any judicial reform strategy, the following lessons emerge from Singapore's reform experience.

- *Strategic thinking and business planning are central to institutional success.* Any strategy to reform an organization must be holistic and participatory, fostering initiative for the reform process at all levels.
- *Strong leadership is essential in creating and achieving a vision of change.* While inclusiveness and teamwork are hallmarks of a successful strategy, any reform initiative requires a strong leader to motivate and direct the process.
- *Institutional reform must be tailored for and targeted at those whom the institution serves.* Singapore was successful in its judicial reform effort largely due to its focus on meeting the needs of specific users—for example, local and international businesses.
- *Knowledge and technological innovation are critical components of change.* Training judicial personnel and sharing knowledge among judicial institutions are the most effective ways of improving the system's efficiency

and efficacy. Furthermore, the introduction of Web-based services greatly enhances the access that both judicial personnel and users have to knowledge, helping to speed the process of modernization.

- *Judicial reform is facilitated by a stable economy and an efficient political system.* The functioning of the judiciary is closely tied to the tides of political forces (legislation, regulatory policies, the quality of the education system, and financing arrangements, among others). Singapore's prosperous, stable economy and the unique political system greatly facilitated the success of the country's efforts to reform the judiciary.

Basic Conclusions

As a result of the modernization measures implemented in Singapore, the court system has become more efficient, more responsive to user needs, and more respected, all of which have enhanced the country's economic and social development. While accounting for the particular economic and political conditions, Singapore's reform process has much to offer other nations looking to improve their court system.

CHAPTER 1

Introduction

Singapore's judiciary is known today for its efficiency, its technological sophistication, its accessibility, and the confidence of Singapore's citizens and businesses in the system. The system functions remarkably well, particularly in view of the fact that, as late as 1989, it was characterized by delays, limited access, high costs, archaic procedures, and weak administrative capacity, among other problems. The improvements in the judicial system have contributed significantly to the country's overall progress, which has been widely documented (Gwartney and Lawson, with Samida 2000; Heritage Foundation 1999; IMD 2000; PERC 2000).

How were these changes achieved in an organization generally perceived as inward looking and too wedded to the status quo? What strategies orchestrated the reforms? Why were they successful? Will the improvements prove to be sustainable? What were the roles of sector institutions, the bar, and user groups? What are their current perceptions of the system? Answers to these and other questions will help us to understand why Singapore's judicial reform was so successful and enable us to share the lessons of that success with policy makers striving to improve the performance of judicial systems around the globe.

This report seeks to answer these questions. To do so, it has selected one of several possible perspectives that are useful for identifying the

causal factors, advances, and lessons of Singapore's experience. A legislative perspective would look at changes in laws and procedures. An economic perspective would assess the demand for and supply of court services, the costs of litigation, and their effects on access. A public policy perspective would study the effects of legislative policies and government regulations on court clogs or dispute settlement. A democracy perspective would study the checks and balances among different branches of government and the role of the judiciary in protecting the rights of citizens and serving as the final arbiter in inter- or intra-governmental matters. Alternatively, a management, or business, perspective would take a broad, holistic look at multidisciplinary aspects of the court system and provide insights into various facets of change processes as well.

This report has adopted a management perspective. Accordingly, the operators of the judicial system (judges, administrators, bailiffs) are seen as the equivalent of middle management in private (or other public) spheres. The senior judges who govern the courts are effectively the managers whose main task is to align the two forces available to meet the mission: the judge's mandate (goals, purposes, and authority) and the judge's capability (leadership, resources, other assets). In the private sector, the goal is to maximize profits. In the judicial system, the goal is to provide efficient and equitable management of justice and dispute settlement. The judicial system's productive capability is the sum of its people, knowledge base, legal framework, technology, infrastructure, financial resources, and other factors.

The management prism, which is well suited to strategic planning and change initiatives, is used here to look at different legal, judicial, economic, user, and productivity aspects of the judicial system; it also provides an action-oriented perspective. This approach permits us to look at different elements of reform in a simpler manner than using, for example, the conventional legal perspective. Adopting the managerial approach is especially appropriate because it closely mirrors the ways in which the judicial leadership in Singapore introduced novel thinking and innovation into the system. This "business process" approach shaped a unique blend of strategic thinking and business practices as well.

The report is divided into six chapters. Chapter 2 briefly describes Singapore's geography, people and culture, political evolution, government, and economy, chapter 3 describes the country's judicial system, and chapter 4 describes the conceptual framework for the judicial reforms undertaken. It outlines the processes used for judiciary-led reforms and identifies salient features of the strategy, vision, leadership, and action

plans. It also examines the roles and responsibilities of different actors and describes how the needs of different users and cultural changes were addressed. Chapter 5, the heart of the report, describes the strategies adopted to improve the system. The last chapter analyzes different groups' perceptions of the system, assesses the system's performance, and draws some lessons from the experience. The main text is followed by three appendixes. Appendix A describes the annual work plans implemented in Singapore. Appendix B outlines the management ideas used. Appendix C summarizes the institutions and stakeholders in the judicial system.

The report focuses mainly on the subordinate (lower) courts, which handle about 95 percent of the workload of the court system. Although the overall process of judicial reform addressed all levels of jurisdiction and courts, the focus here is on the civil, family, and commercial side of the subordinate court system.

CHAPTER 2

Historical Background

The Republic of Singapore is a small island state, slightly more than 3.5 times the size of Washington, DC. It is located about 85 miles (137 kilometers) north of the equator, at the southern tip of the Malay Peninsula in Southeast Asia. Its territory consists of the mainland, which is 26 miles (42 kilometers) long and 14 miles (23 kilometers) wide, and some 60 tiny islands strewn about its territorial waters, about 20 of which are inhabited. Geographically, the island can be divided into three regions: the central hilly region of Bukit Timah, Bukit Gombak, and Bukit Mandai; the western region of hills and valleys extending toward the northwest; and the relatively flat eastern region extending from Katong to Changi. The coast is generally flat, and much of the island lies no more than 49 feet above sea level.

People and Culture

Singapore is one of Asia's most cosmopolitan countries. About 3.2 million of its 3.9 million people are citizens and permanent residents; about 0.7 million are non-citizens and expatriate residents. The population is made up mainly of Chinese (77 percent), Malays (14 percent), and Indians (7.6 percent). Most are descendants of immigrants from the

Malay Peninsula, China, the Indian subcontinent, Sri Lanka, and the Middle East. Singapore has four official languages: English (the working language), Malay (the national language), Mandarin, and Tamil. About half of the population speaks two or more languages. The country is a secular state, made up of Buddhists (31.9 percent), Taoists (21.9 percent), Muslims (14.9 percent), Christians (12.9 percent), Hindus (3.3 percent), and others.

Political Evolution

Modern Singapore was founded in 1819 by Sir Stamford Raffles of the British East India Company when the island was just a small fishing village. By virtue of its strategic location as the convergent point for traders from east and west, the island was made a British trade outpost.

Singapore experienced several governance frameworks in the 146 years between its founding and independence. In 1826 it was a Straits Settlement, together with Malacca and Penang, under the control of the East India Company. In 1858 it became one of the Straits Settlements controlled by British India. During World War II, it was governed by the Japanese. In 1946 the Straits Settlements were dissolved, and Singapore became a British colony. In 1963 it joined Malaya in forming the Federation of Malaysia, and in 1965 it became an independent, free, and sovereign republic.

Government

Singapore has a parliamentary system of government. The organs of the state—the executive, the legislature, and the judiciary—are provided for by a written constitution, which establishes the president as the head of state. The legislature enacts laws through 83 elected members, assisted by several advisory commissions. The executive is responsible for administering resources. The cabinet, which is led by the prime minister, handles the administration of government. All cabinet members are appointed by the president from among the members of Parliament. The judiciary is responsible for interpreting the laws and providing justice through the court system.

During Singapore's first 25 years of independence, Prime Minister Lee Kuan Yew was at the helm of government. He focused on a host of national priorities, including political stability, economic development, social progress, and the nurturing of future government and administrative

leaders, and became a senior minister in 1996. In 1991 the constitution was amended to allow the election of the president, who holds office for a six-year term. The first election was held in August 1993, the second in August 1999.

Economy

Singapore has a successful, highly developed free-market economy and a very open and corruption-free business environment. In 2000 it had the ninth highest GNP per capita in the world, at US\$30,170 (World Bank 2000).¹ Exports, particularly in electronics and chemicals, and services are the main drivers of the economy. The government has promoted high levels of saving and investment and spends heavily on education and technology. The current educational emphasis is on creative thinking and learning to equip new generations to become effective “knowledge workers.”

Since achieving independence, the Singapore economy has grown rapidly. Real GDP grew at an average of 8.6 percent a year from 1965 to 1999. Real GDP per capita rose about eightfold, from around S\$4,000 in 1965 to more than S\$32,000 in 1999. The brisk economic growth was accompanied by low inflation, averaging 3.2 percent a year. Singapore’s economic performance compares well with that of the OECD (Organisation for Economic Co-operation and Development) countries over the same period, with GDP growth more than twice the OECD average of 3.3 percent and inflation at about half the OECD average of 7.1 percent. In addition, Singapore’s unemployment rate has remained consistently lower than that of the OECD countries since 1975, while its external position has become stronger.²

The government owns companies, particularly in manufacturing, that operate as commercial entities. These account for 60 percent of GDP. The government’s budget expenditures were about US\$16.9 billion in fiscal 1998–99, including capital expenditures of US\$8.1 billion.³ Exports were about S\$194.3 billion in 1999, and the average rate of unemployment was about 3.5 percent. The general literacy rate among the resident population 15 years of age and older was about 93 percent in 2000. Almost every household owns a television, and the rate of computer ownership was the highest in the world in 1999, at 59 percent (National Computer Board of Singapore 1999).

Singapore is an attractive tourist destination, with almost 7 million tourists visiting in 1999. Moreover, Singapore is the world’s busiest port, measured as tons shipped. The World Economic Forum (1999) rated

Singapore the most competitive economy in the world, and *Fortune Magazine* rated it the world's number one location in which to live, work, and conduct business in 1999.

Notes

1. Singapore's currency is the Singapore dollar. As of October 2006, US\$1 equals S\$1.58 (see www.bloomberg.com [October 15, 2006]).
2. See the Monetary Authority of Singapore's Web site: <http://www.mas.gov.sg/resource/index.html>.
3. A billion is 1,000 million. In 1999 the exchange rate was S\$1 = US\$0.4 (Reuters, June 2004).

CHAPTER 3

Judicial System

Much research has been conducted on the economic costs of a badly working legal system and the benefits of reform. World Bank (2004) finds that a healthy business climate helps to attract the economic investment necessary for growth, and scholars, from Hobbes in the sixteenth century until modern times, have espoused the importance of judicial systems in enforcing the credibility of commitments and contracts (North 1990). Such statements have been tested empirically, such as in a World Bank survey of 3,600 firms in 69 countries, in which more than 70 percent of respondents felt that an unpredictable judiciary is a significant obstacle to efficient business operations (World Bank 1997). Deficiencies in judicial credibility cost up to a quarter of the variations in per capita income growth among developing countries.¹

Policy makers need to recognize that this process of judicial reform is multifaceted and often long term. Numerous elements need to be factored into this effort, including the incorporation of local laws and governance systems (Chirayath, Sage, and Woolcock 2005), the upgrading of judicial sector infrastructure, and the improvement of access to justice among disadvantaged people, among others. The most difficult part of judicial and legal reform, however, is often the process of retraining judicial sector personnel and restructuring the courts and other judicial systems

(Carothers 2006). Incentives must be aligned so that judges and other judicial personnel act reliably within the established legal framework, rather than being susceptible to bribes and other forms of corruption that undermine the legal system.²

Singapore's legal system has been shaped by years of conquest, colonial expansion, and economic evolution. It is based on English common law, as are the legal systems of Brunei Darussalam, Malaysia, and Myanmar, other countries in the Association of South East Asian Nations (ASEAN).³ Its operational laws and procedures are imbedded in the constitution, the Supreme Court of Judicature Act, and the Subordinate Courts Act. These are supplemented by other laws.⁴ There is no written administrative law governing disputes between private agents and the state. Administrative decisions are based on judicial precedents established locally or in other countries, such as the United Kingdom.

Institutions

The institutions that make up the judicial sector are organized around the Supreme Court and the subordinate courts. These institutions include the Attorney General's Chambers, the Ministry of Law, and Singapore Legal Service. The Attorney General's Chambers is responsible for prosecuting criminals, providing advice to the government, and drafting legislation. The Ministry of Law ensures that Singapore's legal infrastructure remains clear, efficacious, and transparent. Areas managed by the Ministry of Law include constitutional and trustee matters, policies on civil and criminal justice, alternative dispute resolution and community mediation, the administration of intellectual property rights, as well as the administration of land titles and the management of state properties. Singapore Legal Service is responsible for recruiting and promoting legal professionals for the government. Officers in the judicial branch, who serve as registrars in the Supreme Court and as judges in the subordinate courts, administer justice in accordance with the law. The officers in the legal branch prosecute offenders and provide advice to government units.

Other institutions in the judicial sector include the Ministry of Home Affairs, the Law Society of Singapore (Singapore's bar association), the Law Faculty at the National University of Singapore, the Corrupt Practices Investigation Bureau, the Singapore International Arbitration Center, and the Singapore Academy of Law. The Ministry of Home Affairs is

responsible for internal security and law and order. These functions are carried out by the police force, the Internal Security Department, the civil defense force, the Prisons Department, the Central Narcotics Bureau, and Singapore Immigration and Registration. The Law Society of Singapore seeks to maintain and improve the standards of conduct and learning of the legal profession and to represent, protect, and assist its members on all matters touching on the law. It also provides legal representation to needy persons accused of noncapital criminal offenses. The Law Faculty of the National University of Singapore provides legal education. The Corrupt Practices Investigation Bureau investigates corruption in the public and private sectors. The Singapore International Arbitration Center provides international and domestic arbitration services. The Singapore Academy of Law promotes legal standards and learning among the judiciary, the bar, and law professionals in government ministries and academia (see appendix C for greater details).

Judicial Independence, Organization, and Roles

Judicial power is vested in the courts through Article 93 of the constitution, which addresses the separation of powers. Judicial independence is guaranteed by Articles 98 and 99 of the constitution. It is also manifested in the oath of office taken by the chief justice and other judges of the Supreme Court as well as judges of the subordinate courts, which states, “[I] do solemnly swear or affirm that I will faithfully discharge my judicial duties, and I will do right to all manner of people after the laws and usages of the Republic of Singapore without fear or favor, affection, or ill-will to the best of my ability and will preserve, protect, and defend its constitution.” Other safeguards of judicial independence include the provisions for security of tenure (until age 65 for Supreme Court judges), maintenance of competitive remuneration, requirements of high ethical standards, immunity from prosecution for acts performed in the discharge of duties, and restrictions on unwarranted criticism of judges.

Singapore’s judicial system has two tiers of courts, the Supreme Court and the subordinate courts. The former comprises the high court and the court of appeal. After the right to appeal to the Privy Council was abolished in 1994, the court of appeal became the highest court. Islamic law is administered by the *shariyah* court, established by the Administration of Muslim Law Act. The Subordinate Courts Act established the subordinate courts, which include district courts (civil and criminal), magistrates’

courts (civil and criminal), the juvenile court, the coroner's court, and small-claims tribunals. Singapore also has specialized courts and centers, such as family court, traffic court, night courts, the Primary Dispute Resolution Center, and the "multidoor" courthouse. Their functions are shown in table 3.1.

Table 3.1. Functions of the Singapore Subordinate Courts

<i>Type of court</i>	<i>Function</i>
<i>Subordinate courts</i>	
District court	Deals with civil claims not exceeding S\$250,000 in value and probate matters in which the value of the estate does not exceed S\$3 million. Handles criminal offenses punishable by fine only or for which the maximum imprisonment term does not exceed 10 years. Also has jurisdiction to hear matters relating to families.
Magistrates' court	Hears both civil and criminal cases. Can handle civil claims up to S\$60,000 and criminal offenses punishable by fine only or for which the maximum imprisonment term does not exceed three years.
Coroner's court	Holds inquiries when a person dies in a sudden or unnatural manner or in other situations required by law.
Juvenile court	Tries offenses committed by children (up to age 14) or young people (14–16). Also deals with children who need care and protection.
Small-claims tribunal	Hears disputes (including tourist complaints) arising from contracts for the sale of goods or the provision of services and claims related to damage to property, other than property damage arising from motor vehicle accidents, for which the amount of dispute does not exceed S\$10,000. Where the amount in dispute is more than S\$10,000 but less than S\$20,000, the parties can agree in writing to have the case heard by a tribunal. Referees, who are district judges or magistrates, preside in the small-claims tribunals, and no lawyers are required.
<i>Specialized courts and centers</i>	
Family court	Handles matters such as divorce, custody, adoption of children, guardianship of infants, and maintenance and division of matrimonial property. Also handles domestic violence cases and enforces court orders for maintenance.
Traffic court	Hears and tries traffic offenses.
Criminal mentions court	When the prosecution is ready to press formal charges, typically handles bail applications and sentences accused people who plead guilty. Judges can transfer cases for pretrial conference or issue other interim orders.

Table 3.1. Functions of the Singapore Subordinate Courts (*continued*)

<i>Type of court</i>	<i>Function</i>
Night court	Deals with summons issued by various government departments (for example, matters related to environment, land registry, company registration, utilities).
Primary Dispute Resolution Center	Provides court-based alternative dispute resolution services for parties to explore settlement options with a view to resolving their disputes without trial. Handles mediation of civil, family, juvenile, small-claims, and criminal matters. Also provides training for staff and volunteer mediators.
Multidoor courthouse	Provides a broad range of services to the public (for example, legal assistance, mediation services, dispute adjudication, information on the operation of courts).

Source: Subordinate courts.

Caseload and Employment Structure

About 430,000 cases a year enter Singapore's judicial system, of which about 95 percent are handled by the subordinate courts. (This figure includes cases and other matters, such as enforcement proceedings, mediation, and requests for information brought before the court system.) The cases in the subordinate courts are a mix of administrative or regulatory cases (32 percent), civil cases (20 percent), traffic cases (16 percent), criminal cases (15 percent), small-claims cases (12 percent), and family cases (5 percent).

About 700 public servants work in the court system, of which 12 percent are judges and the rest are law clerks, court administrators, and support staff, including interpreters and technical support personnel. (This figure does not include contract staff who conduct outsourced activities, such as building maintenance and projects.) About 70 percent of judicial sector employees work in the subordinate courts. About 14 percent of these employees (65 persons) are judicial officers. Many other people are employed by other institutions that work with the courts, including government ministries and agencies, such as the Housing and Development Board, the National Council for Social Service, the Legal Aid Bureau, the bar association, nongovernmental organizations (NGOs) such as the Singapore Association of Women Lawyers, and civic groups. The Singapore Association of Women Lawyers provides conciliators, arbitrators, defense attorneys, volunteer experts, and psychologists as well as business and community volunteers.

The Supreme Court comprises the chief justice, the judges of appeal, the judges of the high court, and the judicial commissioners. The constitution

provides for appointed judges, who hold office until they reach 65 years of age; designated judges, who can be reappointed after retirement at age 65; and judicial commissioners, who are appointed for a fixed term. The chief justice, the judges of appeal, and the judges of the high court are appointed by the president, with the concurrence of the prime minister. In proposing the appointment of a judge or judicial commissioner, the prime minister must consult the chief justice. To be appointed to the Supreme Court, an individual must have been a “qualified person,” as defined by the Legal Profession Act, for at least 10 years or a member of the Singapore Legal Service.

Judicial officers in the subordinate courts are appointed either by the president, on the recommendation of the chief justice (in the case of magistrates, district judges, coroners, and referees of the small-claims tribunals), or directly by the chief justice (in the case of registrars of both the Supreme Court and the subordinate courts, who perform administrative and legal functions). Judicial officers who are appointed district judges must have been “qualified persons” for at least five years. A magistrate is a “fit and proper person” who was a “qualified person” for at least a year before appointment. Judicial officers are members of the Singapore Legal Service, an independent public service presided over by the chief justice. As public servants, judicial officers hold office at the president’s pleasure. They cannot be dismissed or reduced in rank without first being given the opportunity to be heard, and they enjoy judicial immunity.

Budget and Revenues

Operating expenditures of the subordinate courts were budgeted at about S\$33.2 million in fiscal 1999, about 0.22 percent of the government’s total operating expenditure. In fiscal 1998 expenditures were S\$32.4 million, of which about 59 percent went toward salaries and S\$13.4 million went for other operating expenditures. The main source of revenue is court fees, fines, and forfeitures, which yielded about S\$94 million in fiscal 1998.

Court System Problems and Past Reform Efforts

Until 1990, the Singapore courts moved slowly. Senior judges and leaders applied traditional English laws and practices and saw their role as being to adjudicate rather than to deliver timely justice. Administrative staff had little incentive to perform efficiently. Other parts of the state machinery

were subjected to reforms and accorded higher priorities by political leaders, while the court system retained its archaic outlook. This relative lack of attention, combined with an internal culture of preserving the status quo, caused chronic delays and backlogs in the courts.

The backlog problem was reported as early as 1948. In 1947 the total number of civil actions was 650; in 1948 it was 843. A report by the Singapore Criminal District and Police Courts (1948) indicates that 1,983 outstanding cases and 3,000–4,000 applications for summons were remaining to be dealt with at the beginning of the year in the five district courts, seven police courts, and one juvenile court. There was no general opinion that litigants have a right to have their cases heard quickly. Consequently, the parties involved and the lawyers were allowed to dictate the pace of litigation, with the courts expected only to adjudicate when called on to do so.

Problems with the system were recognized, and some efforts were made to eliminate delay.⁵ But policy makers and others involved did not take a comprehensive look at the system (Foenander 1990: 209). In the 1970s, when these problems grew, court “congestion, backlogs, and delay [were] being met from several directions, each independent and quite unrelated” (Khoo 1978). These measures largely involved procedural reforms and efforts to optimize the use of judicial time in order to increase court productivity. In the case of civil litigation, pretrial interlocutory disposal was used to deal with the increase in the number of cases.⁶ Other measures taken to boost court productivity included the centralization of courts in a single building and the distribution and filtering of cases. A shortage of judges limited the effects of these efforts, however. In 1979 the number of high court judges remained at seven, despite a vast increase in the number of actions filed. To address the problem, the constitution was amended to permit short-term appointment of judicial commissioners to “facilitate the disposal of business in the Supreme Court.” However, there was no commensurate increase in the number of judges and judicial officers until the 1990s.⁷ The number of courtrooms remained insufficient to meet the number of cases. In the 1960s there were 15 courtrooms. That figure rose to 26 in 1975 and to 32 in 1991, with plans to build an additional 20 courtrooms. Thus while reforms began in the 1970s, most of these efforts were too piecemeal and responded primarily to immediate problems.

Since 1976, the subordinate judiciary has attempted to improve its service by expanding the jurisdiction of the subordinate courts (1986), establishing small-claims processes (1984), enlarging the jurisdiction of

registrars, and computerizing some court records. But these measures did not prevent the accumulation of a huge backlog.⁸

In 1989 only 32 subordinate courts existed to deal with more than 200,000 cases. One consequence was that hearing dates were set up to two years in the future (Yong 1999). The backlog reflected the fact that, as Singapore's economy and population grew, more laws were enacted to regulate business and individual activities. Increased business activity produced more business disputes, which found their way to the courts. In January 1991, for example, it took about five years for civil cases to be heard by the Supreme Court. Appeals took another two years. In the subordinate courts, the waiting period for both criminal and civil cases was about two years. The Supreme Court handled about 3,000 cases a year, while the subordinate courts dealt with no fewer than 300,000 cases.

In 1991 the main cause of the backlog problem was inadequate administrative support for the senior district judge responsible for administering and managing the subordinate courts (Yong 1999). Moreover, the failure to address this problem had been partly responsible for the ineffectiveness of past reform efforts.

The implications of these difficulties were quite significant. While other public sector institutions were being transformed to promote a good enabling environment for private investment and market development, the courts lagged behind. Business people had to wait a long time for commercial disputes to be litigated, weakening investor confidence. Parties in tort matters also had to wait a long time for resolution, jeopardizing the accuracy of evidence given at trial. Defendants in criminal cases had to wait substantial periods of time before their cases went to trial. In juvenile justice cases, some young offenders reached adulthood before their cases came to trial. Spousal abuse and child neglect cases were not heard promptly, leaving victims unprotected. Across the board, then, many who came in contact with the judicial system were adversely affected by its inefficiency and lack of responsiveness.

In summary, the problems in Singapore's judicial system multiplied at a critical time. In the late 1980s Singapore was rapidly emerging as a regional commercial hub. Foreign investment was pouring in, as confidence in the public sector infrastructure and the corruption-free government and business environment increased. Tourism was booming. With better education, literacy spread, resulting in a more demanding and questioning populace. Meanwhile, in 1991 the government produced a landmark policy document, titled *The Strategic Economic Plan: Towards a Developed Nation* (Singapore Ministry of Trade and Industry 1991). This outlined a

vision of Singapore as a developed country in the first rank and formulated several key strategies for achieving the growth and development needed to reach this goal. The report concluded that a fundamental paradigm shift and a reorientation of values were needed if the economy was to remain competitive.

Against that setting, it became clear that Singapore needed a more modern judiciary to keep pace with the country's fast-moving socio-economic development. As then chief justice Wee Chong Jin noted,

The increase in the volume of commercial and criminal work will require legislative and administrative changes to enable the courts to cope with the anticipated growth in litigation. The technological revolution and the advent of computerization in the courts, the law firms, and the various registries and Government departments in the 1990s will bring about many changes in the administration of justice and the practice of law.

This appreciation of the need to modernize coincided with the change in top leadership of the judiciary. A new chief justice, Yong Pung How, was appointed in 1990. He showed early on that he was aware of the difficulties (Yong 1999):

The organization of the judicial system seems to have lagged behind. As Singapore has developed into an international business, the work in the courts has become more varied and more complex. The volume has grown tremendously, so much so that a backlog of cases has developed both in Supreme Court and in the subordinate courts, and some cases have taken years to come on for hearing.

Then prime minister Lee Kuan Yew (Lee 1990: 155) put it even more succinctly: "If we want to be a top financial centre, we must have lawyers and courts to match."

Notes

1. See Klitgaard (1990) on Equatorial Guinea. See also Sherwood, Shepherd, and de Souza (1994), which broadly discusses the importance of judicial systems to economic performance.
2. For example, a recent report by Transparency International's Mexico chapter found that petty bribes cost Mexico US\$1.8 billion in 2005. See http://www.transparency.org/publications/newsletter/2006/june_2006/anticorruptionwork.
3. Most of the world's legal systems belong to one of two main legal traditions: the common law or the civil law tradition. Civil law jurisdictions usually

follow the French or the German model; common law jurisdictions usually follow the English or the American model. The American common law tradition has influenced the Philippines; the French civil law tradition has influenced Cambodia, Indonesia, Laos, and Vietnam, as well as the Philippines in many matters of private law. Thailand has been influenced by both the French and the German models (Bell 1999).

4. Other countries that have been influenced by their former colonial powers include Pakistan (Islamic and English common law tradition) and Vietnam (Chinese and French civil law tradition). Colonization also has influenced the local legal culture and judicial institutions. A review of 142 judicial systems around the world finds that, of the 81 percent of former colonies with law schools, half provide legal training similar to that provided by the former colonial nation, about 8 percent have their legal professionals trained in the former colonial nation, and three-quarters have adopted a legal system similar to that of the colonial nation. Thus current legal and judicial systems are best described as hybrids, stemming from multiple families of law (Schmidhauser 1992; Tan 1999).
5. As early as 1970, then chief justice Wee Chong Jin observed at the opening of the legal year, "If we, who are connected with the administration of justice, in the new decade that is now with us where the time factor is so important, are to keep in step with the times, we must find ways and means to deal with our work more expeditiously."
6. This mechanism includes entry of judgment in default of appearance, application for summary judgment where no reasonable defense is available, payment of money into court as a compromise of the plaintiff's claim, and the striking out of pleadings that either disclose no reasonable cause of action or defense or are frivolous or abuse the court process.
7. At the end of 1985 there were 36 judicial officers. By the end of 1989, in addition to the Supreme Court judges, there were 53 judicial officers to deal with all the cases in the Supreme Court and the subordinate courts. In 1991 the number of judicial officers rose to 67. Since the end of 1997, the total has risen to 98.
8. Delay is defined as the length of time that cases remain in the courts. Variables that affect the length of time needed to process a case include the type of case, the complexity of the case, the judge, the lawyers, characteristics of the legal and the general community, applicable law, and resources of the adversaries (Sipes 1988).

CHAPTER 4

Conceptual Framework

In the face of these circumstances, Singapore's judiciary developed a comprehensive framework for modernizing its operations. This chapter discusses the approach, diagnostic methods, multidisciplinary scenario planning and envisioning exercises, and institutional change analysis for developing this activity. Appendix A depicts the application of this model and describes the action plans implemented over the last decade.

Adopting a Holistic View

Judiciary-led reforms—a mix of management, economic, policy, social, and legal initiatives—were adopted to meet the challenges facing Singapore's judicial system. Their purpose included making the judiciary a more responsive institution by cutting delays, earning the respect of taxpayers, working proactively, and preparing Singapore to meet its social and economic needs into the twenty-first century. The leadership built a holistic framework for looking at how the judiciary operated and for identifying the potential forces driving change. Other elements included the ways in which judicial managers could improve their vision and build momentum for change, enhance their institutional capacities, and upgrade their focus on users and thus improve customer satisfaction.

An associated goal was to equip the judiciary to deal with the exogenous factors of global trade, advances in technology, and cultural influences, which Chief Justice Yong Pung How has referred to as the “three Ts”: trade, tribe, and technology (Yong 1999). It was recognized that this latter goal could not be achieved without considering the transactional and contextual environments of judicial organization—the interactions among lawyers, prosecutors, law schools, and other institutions in the sector as well as economic and social policies and international factors.

All of these environmental (internal) and external forces were taken into account when developing a causal model for identifying the judiciary’s problems and devising strategies for dealing with them (see figure 4.1). A key factor in the model was the intention to build Singapore’s capacity to learn from and adapt policies from good practices elsewhere in the world and to mobilize, diagnose, formulate, and articulate strategies for reform.

The diagnostic and strategy formulation part of the approach dealt with the institutional setting of the judiciary, its core capabilities, and its interactions (see figure 4.2). The institutional setting encompasses the judiciary’s structure, systems, type and level of staff, organizational culture and policies, and work practices. The judiciary’s core capabilities

Figure 4.1. Internal Environments for Operation of the Judiciary and the Three External Forces Driving Change

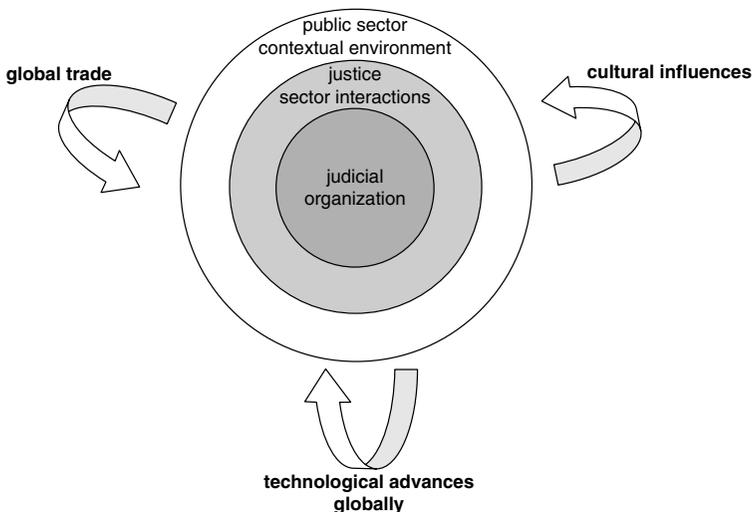
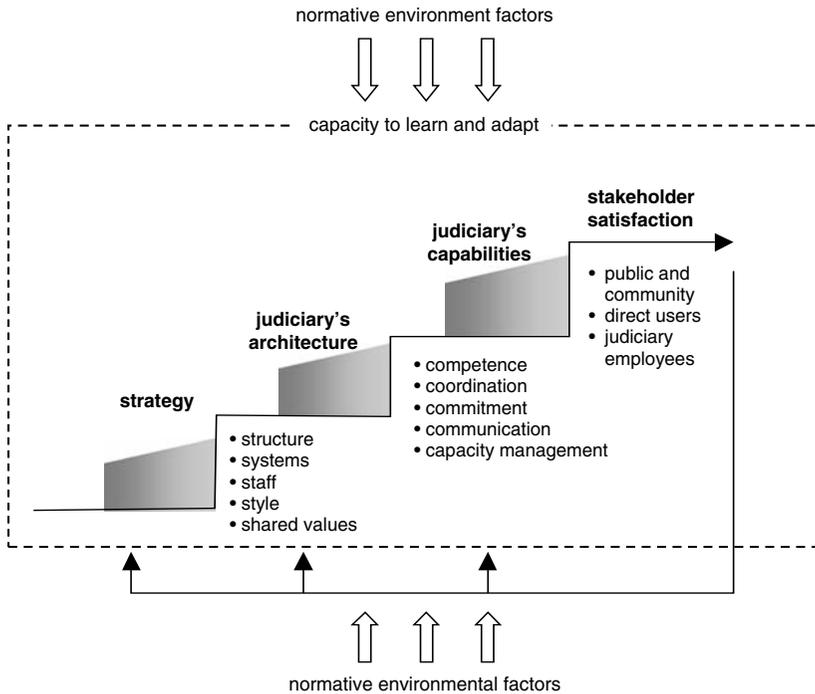


Figure 4.2. Diagnostic Model of Judicial Reform Management

Source: Author.

cover its competencies, coordination mechanisms and capability, staff commitment to change, power to remove the barriers to reform, sense of corporate identity and mission, information sharing and feedback, incentives and salaries, and capability to manage its workload by matching resources with priorities. The system's incentives concern the satisfaction of direct users of the courts, the general public, and the community at-large. The diagnosis and formulation of strategy were performed under the umbrella of normative factors, such as the laws governing the dispute settlement machinery and sector relationships.

These processes, as well as the selection of appropriate reform scenarios, were guided by several global aims: the need to increase the judiciary's value as a public good, the need to enhance the public's perception of this value, and the need to build institutional capacity (see figure 5.1 in chapter 5). Value was to be improved by removing barriers to court access, improving the use of resources, increasing cost-effectiveness,

reengineering business processes, improving service provision by reducing delays and waiting periods, and increasing transparency. Institutional capacity was to be enhanced by upgrading skills and administrative capacity, using technology more strategically to support administrative systems and other functions, and developing better corporate and support services. Ensuring a high quality of decisions, enforcing them, and gaining the support of other institutions were key goals for formulating and implementing strategies.

Futures Planning

In 1993 the Singapore courts entered into the uncharted waters of planning for the future (Magnus 1995).¹ In the process, they stressed the need for the courts themselves to do the work rather than leaving it to others. The courts mapped a blueprint for strategic management and scenario planning that encompassed a broad spectrum of issues and recommendations. These covered civil and penal caseloads; the number of judges, staff, and courtrooms needed through 2015; the use of court or alternative dispute resolution mechanisms; the organizational structure of the courts; methods for judicial management of cases; community-based justice centers; training and development of judges and staff; the economics of litigation; the means to provide “clients” with higher-quality service; establishment of performance criteria and measurement systems; and the enhancement of public trust and confidence in the courts.

This was an important exercise, in which demographic profiles and economic, social, financial, crime, and technical trends were evaluated in a multidisciplinary manner. Participation by internal stakeholders was significant. Judges, administrative staff, and other court professionals actively contributed in reviews and discussions. The process promoted learning and esprit de corps, and it built enthusiasm and proactive judicial management. This exercise prepared the courts for the policy and other changes that came later, principally in 1994–95, to make the transition effective and efficient. In essence, this exercise led to a comprehensive vision of the future of Singapore’s judiciary.

The judiciary’s approach in its future planning was well chosen and positive on other counts as well. It was novel in that there was little written in the early 1990s to guide the courts’ planning for the future.² But the authors of highly respected books on leadership and business strategy had emphasized the importance of articulating a vision. In their influential book *In Search of Excellence*, Peters and Waterman (1982)

note that corporations that have a strategic vision and communicate it to their employees achieve higher levels of productivity. In *The Fifth Discipline*, Senge (1990) emphasizes that, to affect positive change, members of an organization should share a vision and must believe they can make it happen. In *The Change Masters*, Kanter (1983) argues that inspiring change is difficult because “change efforts have to mobilize people around what is not yet known.”

In *Leading Change*, Kotter (1996) stresses the importance of having a vision for business success. He emphasizes the importance of leadership articulating effective visions and sets out an eight-step process for successful transformation to organizations of the future. He stresses that vision—a sensible and appealing picture of the future—is an element in the larger system of organizational transformation that also includes strategies, plans, and budgets. He links change explicitly with leadership as part of the engine driving change.³

Kotter predicts that pressures on organizations to change will increase over the next decades. He cautions that the typical methods that managers have used to transform their companies—total quality management, reengineering, restructuring, and turnarounds—will fall short because they fail to alter behavior. Visions must be rooted deeply in the reality of the institution, and those that are not are a recipe for disaster. A good vision demands sacrifices and is imaginable, desirable, feasible, focused, flexible, and communicable. An effective vision breaks through forces that support the organizational status quo. In contrast, authoritarian decrees or micro management generally prove ineffective.

Significantly, therefore, during the futures planning exercise, Singapore’s judicial leaders—both at the top and in the planning teams—listened carefully, analyzed internal information, and provided feedback to the Supreme Court and chief justice. To counter insider myopia (a typical problem of judiciaries around the globe) and to help them make informed decisions, the leaders collected much valuable external data and commissioned external reviews and studies.⁴ This new approach to justice management helped them to prepare for future uncertainties and challenges. It continues to sustain improvements and promote continuing change.

Box 4.1 describes the evolution of management’s thinking on its practices over the last several decades. The summary, adapted from the September–October 1997 issue of the *Harvard Business Review*, indicates recent trends and highlights some opportunities that can be harnessed by the judiciaries (Sibbet and others 1997).

Box 4.1**The Evolution of Management Practices in the Twentieth Century: New Opportunities**

Developments in management theory and practice traditionally have had a greater impact on the private sector of industrial nations, while public sector institutions have lagged behind in adopting or benefiting from new initiatives. This is particularly true of judicial institutions, which have remained inward looking and conservative in their approach to change. The evolution of management practices in the private sector, however, can offer some important lessons with regard to adapting and harnessing successful practices in the public sector. There are lessons to be learned and opportunities to be seized in all areas of management practice.

The historical development of management thinking over the course of the twentieth century progressed as a sequence of distinct “management eras” that can be conceptualized as follows: scientific management, government regulation, marketing and diversification, strategy and social change, competitive challenge and restructuring, and globalization and knowledge.

In the current era of globalization, developments in information and communication technology (ICT) have transformed the nature of business operations over a relatively short period of time. This transformation is perhaps the most far-reaching paradigm shift in management and business culture to date. Nonetheless, management theory and practice at the beginning of the twenty-first century are a far cry from their counterparts 80 years ago, and this transformation is due to developments that have accrued over time. For example, the emergence of management consulting firms in the early 1920s—a period of accelerated industrial growth and productivity thanks to mechanization and the nascent mass market—coincided with the era of the vertical “command-and-control” organization, driven by the executive policies and procedures that accompanied this philosophy. Modern organizations, by contrast, strive toward greater flexibility and greater openness toward employee initiative and learning.

The immediate fallout from the stock market crash of 1929 in the United States, for example, was felt in the government regulation of industry and in the mobilization of the labor force through unionization. Over the longer term, the challenge to management control represented by these forces, and the need for negotiating skills—with both the government and the labor force—brought

about a greater emphasis on financial disclosure, on the training of shop-floor managers, and on the development of personnel departments. The boom in productivity that accompanied the outbreak of World War II coincided with an equally radical change in the dynamics of the workplace: the training of new wartime workers, with women taking on hitherto untraditional roles. An unprecedented and broad-based spirit of patriotic cooperation with the war effort mitigated the hardship of materials rationing.

Corporate growth in the 1950s went hand-in-hand with the rise of television, a new driving force for mass-market advertising. Market research, quality control, and management by objectives were the new hallmarks of business. A growing interest in the organizational dynamics of corporations ushered in public affairs departments, sensitivity training, and group facilitation. The changing Zeitgeist of the 1960s further ensured the consolidation of these trends in human resources, with an added emphasis on corporate social responsibility. The introduction of mainframe computers and Intelsat (global communication) signaled the beginning of the technological age in business management. The proliferation of products and brands in the 1970s and early 1980s, along with the rise of consumer movements, called for customer-focused marketing strategies, the introduction of value added services, and heightened attention to service management. Strategic scenario planning was developed to address the new challenges of the competitive marketplace. Database marketing was but one of the ways in which competition was increasingly managed by information technology. Corporate culture came to be recognized as an entity to be researched, developed, and managed. In the same vein, cross-cultural awareness training was introduced as an integral part of personnel development.

The late 1980s and the 1990s have been dubbed the era of globalization; knowledge management and—crucially—change management became key business priorities. International mergers and strategic alliances changed the landscape and frameworks of corporate governance. Benchmarking, budgeting for results, and performance measurement are now supported by integrated database systems and by a workforce evaluated and trained in terms of knowledge capital. Electronic commerce rode the wave of the ubiquitous Internet (intranets and extranets) and changed the very fabric and language of business. Vertical deintegration (as opposed to traditional hierarchical structures) produced greater flexibility within organizations, which, in turn, led to greater empowerment. This last gain nonetheless was offset by job insecurity—an inevitable

(continued)

consequence of corporate downsizing, process reengineering, and outsourcing. The open-plan offices of the 1980s were supplemented—and in some cases supplanted—by the new workplace paradigm: the “virtual” organization.

The relationship between developments in management practices, technological advances, *and* the broader historical circumstances of change is a symbiotic one. Business management developments have changed the world in which we work and live. ICT developments have perhaps been the most far-reaching because they have affected, albeit to varying degrees, the fabric of everyday life and the public as well as the private sectors. Technological innovation has offered new opportunities and new challenges to those who want to improve institutional performance. This applies equally to private organizations and public institutions, some of which may in fact have started a little late in the game. Harnessing technological innovations in the public sector, however, necessarily involves the adoption of a gamut of other managerial changes that have arisen as a cultural and organizational corollary to globalization. These include structural and hierarchical changes that reflect the new possibilities for dynamic communication and information sharing, procedural streamlining and transparency, and so on.

The nature of the management ideas and technology that now define business is such that it is indeed possible for new institutions to adapt and address their special needs and to benefit from the opportunities they offer. The new technology, for example, can be geared toward improving access to justice and making the services of judicial institutions more user-friendly. In recognizing the new challenges and opportunities that technology offers, however, public sector institutions must consistently take into account the digital divide that exists in industrial and developing countries alike between the privileged and the poor. As such, it is important for technology to simplify rather than mystify procedures. Only then can it answer the needs of both users and operators.

Source: Adapted from Sibbet and others (1997).

However, little literature was available on the application of these practices to judicial institutions in the early 1990s, when Singapore was conducting its futures planning exercise. Now more is being written and understood by researchers and justice officials alike. Some recent publications on the application of justice management (for example, case

management, incentive systems, and partnerships) have come from the National Center of State Courts headquartered in Williamsburg, Virginia, the World Bank, Carnegie Institution, and other institutions (see, for example, articles collected in Griller and Stott 2002; Hammergren 1999; Messick 1999; Tobin 1999).

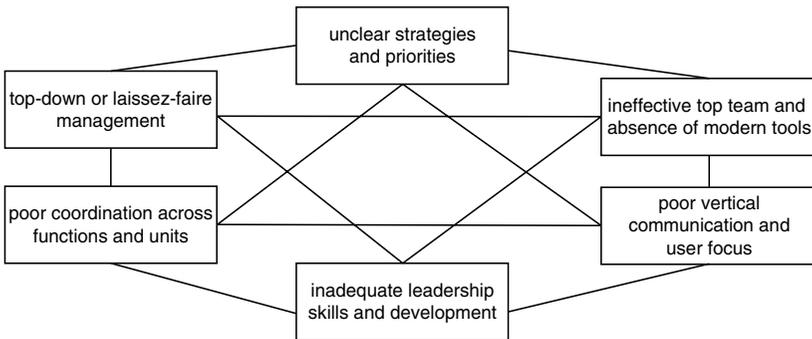
Courts have much to learn from the public and private sectors. But many judicial systems question whether the courts should undertake futures planning; they prefer to maintain the status quo. This is short-sighted because the changing environments in which courts operate make it imperative to recognize new social, economic, and political demands and uncertainties, scientific and technological advancements and opportunities, and their effects on local cultures and traditions. Government systems must change and adapt to these changes.

What does this mean for the courts? Economic recessions affect court dockets by triggering bankruptcies and increasing the divorce rate. The changing economy affects the use and deployment of resources, which influences tax collections. Changing labor patterns may cause disputes and increase crime. Demographic changes affect the number and types of cases and their point of entry into the system. In Singapore, for example, analysis of demographics (and other factors) led to reform of the juvenile justice system. Political forces affect the ways in which civil society interacts with public institutions and the demand for better services.⁵

The courts thus need to engage in futures planning and vision development to remain relevant and sustain the rule of law with practical meaning for the people. If the courts do not take control of their future and play a role in social, political, and economic development, other institutions will. For example, legislative remedies such as setting up specialized courts under the executive could be proposed. Such short-term fixes could rob judiciaries of the opportunity to stimulate positive changes. More important, the courts might become the “slaves” rather than the “masters” of change and expect—and therefore receive—little public support and confidence.

Addressing Hidden Barriers to Institutional Change

The problems of Singapore’s justice system at the beginning of the 1990s were perceived to be backlogs and delays. However, the more fundamental problems really were “silent killers”: the organizational barriers capable of damaging the court’s long-term utility and value to the country’s future and social progress (Beer and Eisenstat 1996; see figure 4.3).

Figure 4.3. Barriers to Institutional Change

Source: Author.

In building its model for judicial reform, Singapore analyzed these impediments and grasped their negative impacts. The same barriers can be found in most judiciaries today and can cause much harm, especially under conditions of rapid social and economic change and renewal. These barriers are the following:

- poor coordination across key functions and units
- ineffective “top team”
- unclear strategies and conflicting priorities
- top-down or laissez-faire management style
- inadequate leadership skills and development
- poor vertical communication

These six barriers can arise naturally as part of attempted transitions to more responsible, task-driven management. They are mutually reinforcing and can produce a vicious cycle from which it is difficult to escape. Thus understanding them and their interrelationships is necessary if the goal is to formulate measures to remove them from judicial reform efforts and thus carry out effective change processes.

Problems in coordination tend to block development of initiatives and strategies. They also lead to suboptimal decisions, delays in cross-cutting programs, and sometimes actual operational failures, creating distrust and poor communication between functions. Often those who feel that their views are ignored or given little importance react belligerently or passively. Either reaction can lead to more unilateral decisions by the

more powerful, which in turn generate more resentment, still less trust, and even worse communications.

The problems of poor coordination are rooted in the organizational history of judicial bodies. Every judiciary can be regarded as a national monopoly in the administration of justice. Each therefore assumes that it is subject to no or minimal competition and that there is little need to improve its coordination with other related bodies. In addition, there is the historical view that individual judges are the only “assets” and that their judgments and orders are the only “products.” Hence a great deal of emphasis is placed on the importance of individual judges. This ignores the fact that a judiciary is the sum total of all the judges, registrars, and court administrative staff from clerks to bailiffs. Strong expertise and highly focused, accountable entities are required within each component, and diverse elements have to work effectively together on tasks such as developing more effective judicial processes.

For these purposes, an effective top team is required to maintain the sometimes delicate balance and to ensure smooth coordination. The top team consists of the key parties who report directly to the highest leaders in the judiciary (the chief justice in the case of Singapore). To varying degrees, the team members review judicial performance, exchange information, make decisions, and shape organizational movements. They are responsible for developing the direction and orchestrating the coordination of functions in pursuit of judicial objectives. Limited trust, lack of communication and cohesion, and open conflict among them reduce their effectiveness. And when the top team does not work well, its subordinates are likely to be in constant turmoil, caught between demands for their loyalty among competing forces. In all probability, such a team cannot devote enough time to strategic issues. Another difficulty is apt to involve aligning individual members with the team’s strategic vision.

The key managers and professional employees of many judiciaries may not have a clear understanding of their system’s strategic direction. They may be unaware that certain changes demand strategic shifts and fail to understand why and how these may require new ways of working together. Most important, a top team may not effectively convey to its employees the implications of strategy for priorities of the sector. Without an understanding of where the judiciary is going and why, it becomes difficult for the lower level to make judgment calls. When faced with unexpected events, the typical reaction may be to either blindly “follow the rules” or repeatedly seek guidance from their superiors

because they are uncertain about organizational directions. This may generate inefficiency and delays in decision making.

Difficulties in both downward and upward communication can impair the implementation of strategy. Poor downward communication tends to produce employees with conflicting priorities or a poor understanding of organizational strategy. Absent the free flow of information both ways, distrust may prevail, rendering a unified vision and goals impossible. Without a clear, shared sense of direction, a judiciary cannot be purposeful and rigorous, which can be costly. That is because administering justice in the modern world is a complex matter. Its processes and outcomes must keep up with and reflect the rapid pace of social change. The judicial system has to support the social sphere and move in tandem with the broader societal direction. The administration of justice renders a public service. As with any service-providing entity, the clarity of objectives and strategies is critical.

An organization's management style may be characterized generally as either top-down or *laissez-faire*. Top-down managers rely on their intelligence and understanding of their businesses to make decisions. Their competence is often so admired that their subordinates consider them infallible. This results in excessive dependence by lower levels on these managers for decisions, discouraging initiative and coordination at lower levels. Similarly, a lack of empowerment from the top results in slower decision making and implementation. By the same token, a *laissez-faire* style with little involvement and visibility is a barrier to implementation of the strategic direction of the organization. Typically, such managers have insufficient interaction with those one or two levels below. They "undercommunicate" the strategic direction or vision of the organization. Such managers frequently are averse to conflict, failing to resolve problems among team members, functions, and businesses.

Both styles impede effective development of a top team and the organization as a whole. Top-down managers tend to fear loss of control if the management style changes. *Laissez-faire* managers may fear that conflict will persist if they become more involved. In both instances, poor upward communication prevents managers and their teams from understanding the costs and effects of their management style. The management of a judiciary can fall easily into either category, both of which can have flaws that hamper organizational synergy and information flow. Therefore, each judiciary must devise for itself a "halfway" house or other workable formula for disseminating information and making decisions in ways that minimize unnecessary conflicts or misunderstandings.

Most judiciaries do not equip judges and court administrators with leadership skills or develop them for managerial responsibilities. The assumption is that a leader is defined by his or her seniority in the judiciary and the appointment he or she holds. This can result in inadequate leadership skills and inadequate development of management in the system. Without effective top leadership, the judiciary may not perform well if staff depend on their higher-ups to make decisions for them. While court clerks or bailiffs are subordinate to their superiors, they are leaders in their own right when dealing with the users who come to them for matters in their competence. They are the users' first contact point with the judiciary, and their performance can shape the users' impressions of the judiciary. With better leadership skills, they can discharge their functions suitably, which is important for the users' overall confidence in the system. A forward-looking judiciary therefore designs a context that enables its personnel to make decisions and take actions at all levels, not just at the top.

Together, these six barriers diminish organizational effectiveness in the judiciary. Styles of management affect the judiciary's ability to work as an effective team. Higher managers may bypass middle managers to access information and give orders directly to those at the lower levels. *Laissez-faire* managers may not hold subordinates accountable for coordinated decision making. Without an effective top team, strategic direction and priorities of the judiciary become unclear. Middle managers might not want to subordinate their individual interests to the needs of the overall organization. The lower levels might perceive conflicting priorities within functions. There is need for a clear, compelling statement of the strategic challenges facing an organization. Without this, a judiciary risks being ineffective and unresponsive to user needs and satisfaction, with a staff that focuses most of its energy inward.

Notes

1. Other judiciaries, including those in Arizona, California, Canada, Córdoba (Argentina), Guatemala, Mexico, Texas, República Bolivariana de Venezuela, and Virginia, have undertaken planning exercises, with varying degrees of success.
2. To stimulate discussion and promote learning among judges and staff in planning workshops, many published articles, reports, and information materials were used, including a futures planning video (Dator n.d.). See Martin (1992); Pilchen and Ratcliff (1993); Schartz (1991); Schultz, Bezold, and Monahan (1993).

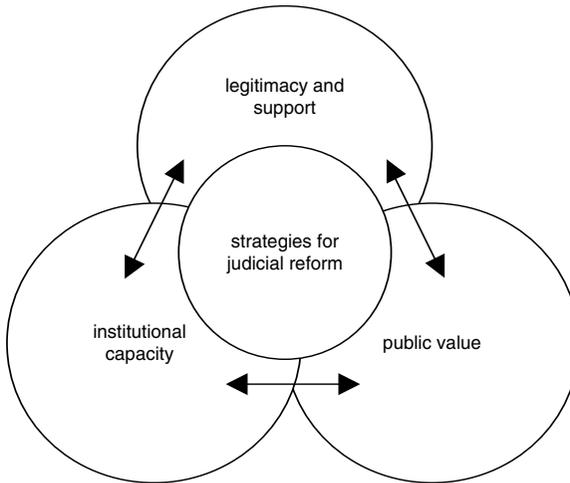
3. Kotter notes that leadership creates vision and strategies (a logic for how the vision can be achieved), while management creates plans (specific steps and timetables for implementing the strategies) and budgets (plans converted into financial projections and goals). The most important aspects of management include planning, budgeting, organizing, staffing, controlling, and problem solving. A successful organization requires an eight-stage change process: establishing a sense of urgency, creating the guiding coalition, developing a vision and strategy, communicating the vision of change, empowering employees for broad-based action, generating short-term wins, consolidating gains and producing more change, and anchoring new approaches in the culture.
4. External data include information on the current and projected patterns of court use, profile of the labor market and aging patterns, outlook on trade, tourism, foreign direct investment, and multinational corporations, government investment in public-private industry, public sector management, and knowledge economy. It also includes data on other public sector agencies operating in the judicial sector and the private sector (NGOs, community associations, and legal service providers for the local and international market). These data were complemented with information on some common law judiciaries in East Asia and elsewhere.
5. In post-conflict countries, normalization of civic and commercial life depends on accessible and affordable mechanisms of dispute settlement and reconciliation. In countries moving from command or socialist economies to market economies, a rule of the game culture may need to be established and promoted.

CHAPTER 5

Reform Strategies

For the subordinate courts, various reform strategies were developed with the help of participatory techniques. These were based on analyses of institutional infrastructure (structures, norms, and systems), human resource capabilities, and linkages with stakeholders in general and active users in particular. The strategies were formulated and action plans were prioritized and prepared with three main goals: to promote value creation, build capacity to implement necessary changes, and enhance the legitimacy of and support for the judiciary (see figure 5.1).

Over the past decade or so, these strategies were formulated and expressed—and then implemented—in annual action plans (see appendix A). The action plans systematically introduced short-, medium-, and long-term measures. They aimed to lay a foundation for generating significant results, establishing a sharper identity, maintaining high standards of public service, and sustaining the processes of change and development over the long run. These action plans were centered around themes such as “vision is power,” “success feeds on success,” “change requires sacrifice and commitment,” “first deserve, then demand,” “justice delayed is justice denied,” “promote knowledge and teamwork,” “lawyers have hearts,” and “put the client first.” In this process, numerous feasible strategies were identified, refined, and tested, and some were expanded as the reforms proceeded.

Figure 5.1. Factors Considered in Developing Strategies for Judicial Reform

Source: Author.

In the description that follows, an attempt is made to group the strategies in a way that highlights the *management* perspectives. The classification of strategic initiatives differs somewhat from the classification prepared by the Justice Policy Group of the subordinate courts (the group responsible for developing plans and thinking about broader future planning issues). Appendix B indicates the application of modern management concepts, such as using leadership, managing people, promoting services, enhancing corporate value, measuring results, and strengthening financial management and budgeting, in Singapore's judicial reform.

Strategy One: Using Leadership

Leadership creates vision and a strategy for how that vision can be achieved. In Singapore the leadership at the Supreme Court set an example at the top to demonstrate, as well as to ensure, that the organization functioned efficiently and that professional standards in the judiciary and the legal profession were and remained high. This approach of modeling behavior at the top was used as a marker for the staff and the profession at-large.

The Supreme Court leadership adopted "good staff" work standards (for example, showing up for work on time), established strict procedures for ensuring that cases were heard on time and concluded expeditiously, and made sure that judges' calendars were kept full. They required judges to submit their written decisions within two months of the conclusion of

a case. Failure to do so could affect their annual bonus. They also required judges to keep up with information technology.

These measures were instituted after Chief Justice Yong Pung How was appointed head of the Supreme Court in 1990. His background as a leading banker who had held key appointments in the public sector made him well equipped to introduce management and other changes.¹ Chiam Boon Keng, a senior Singapore Legal Service officer who headed the Registry of Companies and Business, among other tasks, was brought in to clear the backlog of cases in the Supreme Court. He then became the registrar of the Supreme Court. Richard Magnus, a Singapore Legal Service officer who headed the Legal Service Division of the Ministry of Defense, was recruited in 1992 to reform the subordinate courts. He became the senior district judge and key architect of their reforms. Without the leadership, initiative, and drive of these three individuals—Yong Pung How, Chiam Boon Ken, and Richard Magnus—Singapore's reform of its judicial system would not have been so successful.

The judiciary took other steps as well to signal the importance of the leadership of the Supreme Court and the subordinate courts. One was to increase judges' salaries to make them competitive with those of top earners in comparable professions. The reform was made following a study of salaries and benefits in the legal, medical, engineering, architectural, and international banking professions. A second action, taken in 1991, was to hire law clerks to help Supreme Court judges to carry out legal research in appeals cases. This significantly lightened the workload of judges and enabled them to devote more of their time to adjudicating and writing judgments.

A clear commitment at the top was made to change and improve the performance of the subordinate courts. The senior district judge formed a top team to plan reforms in these courts. This team included the senior district judge, senior judicial officers, and an administrative manager. Many of these senior judicial officers received training in business management at prestigious universities abroad, such as Harvard and Stanford; court administrators received training in legal perspectives and thought.

The top team initiated an annual work plan mechanism in which plans were prepared through participatory techniques (a bottom-up process) and endorsed by the chief justice (a top-down signaling process) at the opening of the legal year. In this way, the Supreme Court and the team exercised leadership and showed commitment to improvement programs, helping the team to mobilize support and resources and to implement activities.

Over the years, the partnership between the chief justice and the top team in the subordinate courts successfully articulated a vision and developed strategies for its achievement. It mobilized resources from both inside and outside—for example, by obtaining financing from the legislative and executive branches. It built bridges with other institutions in the sector—including NGOs, the Attorney General’s Chambers, Parliament, the Singapore Academy of Law, and the Law Faculty of the Singapore National University—to promote significant reforms. It also created links with institutions outside the sector to promote these changes and the adoption of good practices used in other countries, such as Australia, New Zealand, and the United Kingdom. Most important, it created a “road map to reform,” using annual work plans as a tool for an encompassing, challenging process that created esprit de corps in the courts (see box 5.1 for a statement pertinent to this sentiment).

Box 5.1

Justice Statement

One mission:

To administer justice

Two objectives:

To uphold the rule of law

To enhance access to justice

Three goals:

To decide and resolve justly

To administer effectively

To preserve public trust and confidence

Four justice models:

Criminal justice—Protecting the public

Juvenile justice—Restorative justice

Civil justice—Effective and fair dispute resolution

Family justice—Protecting family obligations

Five values:

Accessibility

Expedition and timeliness

Equality, fairness, and integrity

Independence and accountability

Public trust and confidence

Six principles:

The judges and magistrates subscribe to the principles in their oath of office and allegiance:

To faithfully discharge judicial duties

To do right to all manner of people

After the laws and usages of the Republic of Singapore

Without fear or favor, affection or ill-will

To the best of their ability, and

To be faithful and bear true allegiance to the Republic of Singapore

Source: Subordinate Courts of Singapore.

Strategy Two: Refining Models of Justice and Expanding Alternatives

Building momentum and vision are not enough, however. Constant effort is required to promote and sustain improvements, refine plans, and learn in the process. Senior leaders in Singapore recognized that this task was one of their main challenges.

Over the past decade, the organization of the court system was reevaluated, sized appropriately, and refocused through a variety of policies and measures. One was the redefinition and expansion of the subordinate courts' jurisdiction, conceptual purpose, coverage, flexibility, service standards, and accessibility.

After the backlog of cases in the Supreme Court and the subordinate courts was cleared, an exercise was carried out to review the jurisdictional setup and develop new models to reflect more closely the needs of the population and the evolving judicial organization. At the Supreme Court level, a "restructuring from within" approach was adopted in order to free up valuable resources to hear additional cases. The number of high court judges required for the trial of a capital offense was reduced from two to one in 1992. As a safeguard, the number of defense counsels required for such trials was increased from one to two for each defendant. In addition, more judicial commissioners were appointed to help ease the caseload. In 1993, when the backlog problem was solved, a single permanent court of appeals was established for exercising appellate jurisdiction in both civil and criminal matters.

As a result of these reforms, changes were made to the governance frameworks of the subordinate courts. This was done in 1993 (and later in 1997) through legislative amendments that empowered the chief

justice to transfer certain proceedings from the Supreme Court to the district court and vice versa. They expanded the civil jurisdictional limits of the district courts and the magistrates' courts in terms of the monetary values of claims and expanded the jurisdiction of district courts. In 1996 the rules of civil procedure in the Supreme Court were aligned with those of the subordinate courts in order to simplify procedures for lawyers. The chief justice also exercised his powers to transfer matrimonial proceedings under the Women's Charter and proceedings under the Guardianship of Infants Act to the district court for disposition by the family court (established in 1995). These transfers channeled more—and more complex—cases to the lower courts, focusing more attention on family matters, improving court performance, and enhancing citizen confidence in the system. The reforms provided an important framework for defining new judicial models to meet the new realities on the ground.

These initiatives also served as a useful guide for formulating new judicial policies and initiatives in particular areas. They helped to develop policies upgrading the ability of lower-court judges and the courts to adopt information technologies in support of case management. They also linked the courts with mediation centers and regional small-claims tribunals.

During the course of these refinements, the judiciary developed four models during 1992–97. These allow for substantial focus and flexibility (Tin 1999: 377):

- The civil justice model seeks to provide effective and fair resolution of disputes, in part by adopting court dispute resolution as an adjunct to litigation.
- The criminal justice model seeks to protect the public by ensuring public security.
- The family justice model seeks to enforce family obligations and produce amicable settlement of family disputes through mediation and counseling.
- The juvenile justice model seeks to reintegrate juvenile delinquents into society.

To operationalize these conceptual models, the courts were streamlined. In 1995 a family district court was established to deal with petitions for probate, adoption, and spousal or child maintenance, protection orders

relating to spousal violence, and other applications under the Women's Charter. Its purpose was to create a central site for resolving most family-related matters. After matrimonial and guardianship of infants proceedings were transferred to the district courts in April 1996, the family court became a one-stop service center, providing mediation and counseling to victims of family violence, a medical clinic (run by volunteer doctors), and a legal clinic (run by volunteer lawyers). Since 1996 the family court has provided mediation for maintenance and spousal violence disputes in the evenings as well as during the day.

Reorganization of the criminal court included establishing a centralized sentencing court, a traffic court, a vulnerable-witness video-link court, a bail video-link court, and a prison-based immigration offenses court. In addition to expediting case management, these specialized courts provide improved security and protection for vulnerable witnesses. The small-claims tribunals were also reorganized by setting up convenient regional branches. Plans were made to build even more regional branches and to facilitate access to them for individuals of limited means.

The approach of restructuring from within, besides producing changes in the governance framework, also led to the rethinking of some long-standing notions about litigation and alternatives to formal dispute settlement. This came about because the processes of conceptualizing judicial initiatives within the framework of these models involved setting realistic short-term goals for gradually achieving the strategic vision. The process first required the top team to identify the pressing problems limiting organizational efficiency. Once the immediate problems were identified, the top team mapped out a range of alternative solutions, keeping in mind their resources and capabilities.

A good example of this approach was the recognition of and response to the need to change community expectations about the use of litigation to solve problems. The authorities appreciated that mediation could result in substantial cost savings and still provide a satisfactory process for resolving disputes. So the subordinate courts studied the facilitative model used widely in Australia and the United States and the evaluative model used in Hong Kong (China) and the United Kingdom. Their conclusion was that no single model could be transplanted, as cultures and values differ across countries. Instead, after their initial success with court dispute resolution, the authorities developed their own mediation model.

The court dispute resolution scheme was first introduced in 1994 for civil cases as a mediation system, with "settlement conferences" conducted

by a district judge. In the first year, 82 percent of cases were resolved this way, saving 264 trial days, or 1,584 judge hours (Yong 1999). With the help of differentiated case management, cases suitable for court dispute resolution are now identified at the earliest possible stage. Since 1998 court dispute resolution and other measures have helped the subordinate courts to settle about 98 percent of civil cases; only 1.7 percent of all civil cases have gone to trial (Yong 1999). At the Supreme Court level, cases (involving more than S\$250,000) are referred to the Singapore Mediation Center, which boasts very high settlement rates. As of May 31, 2000, the average settlement rate for completed mediations was 74.5 percent.²

Mediation was initially used in family cases involving spousal and child support claims and domestic violence. An 87 percent settlement rate was achieved when it was first introduced. That figure is now in the upper 90s. Evening mediation was introduced to make the process more convenient for individuals who work, especially those with school-age children. The subordinate courts also piloted the use of mediation in quasi-criminal cases involving relationship disputes between relatives or neighbors. In juvenile cases, peer mediation was introduced in schools to induce a culture in which young adults learn to resolve their own disputes. All these efforts brought about positive results and responses. Mediation thus became entrenched in Singapore as a primary choice of the people, rather than simply an alternative means of resolving disputes.

In another new approach, service standards were raised so that taxpayers could see that they receive value for judicial expenditures. In this connection, the judiciary also understood that it could reduce costs, offer services at no cost, develop new initiatives, and improve the quality of services.

One example was the introduction of night courts in 1991. Night courts allow plaintiffs and defendants not to miss work in order to appear in court and maximize the use of valuable human and physical resources. These courts now function on weekdays from 6 p.m. to 9 p.m., enabling minor offenses to be heard after normal business hours. All judicial officers are required to perform night court duties. These courts handle an average of 100,000 cases a year and are an integral part of the Singapore landscape (Tin 1999). The courts were first conceived when analysis showed that more than two-thirds of all cases in the subordinate courts were traffic and other regulatory offenses and that most of these matters could be disposed of fairly quickly.³ Initial resistance to the night courts from judicial staff and the bar was quickly overcome after they

produced positive results. In fact, the night courts were so effective that in 1992 their hours were extended from two to five evenings a week.

Strategy Three: Increasing Access

Consistently greater attention to “users” is one of the hallmarks of the Singapore reforms. Users of the justice system include both direct, active users and indirect, passive users. Active users include people with direct interests in the outcome of a case, such as the parties to a case and their family members and court support groups (for example, civil society organizations). They may also include people with a public duty to ensure that cases are disposed of in accordance with the law (state agencies responsible for investigation, law enforcement, prosecution, and rehabilitation) as well as others involved in the case (pro bono lawyers, volunteer counselors, and social workers).

More indirect, passive users are members of the public, including those who attend open court to witness judicial proceedings and those who never enter a courthouse. They also include all those who benefit from effective judicial systems. If the system functions well and upholds the rule of law, all citizens are afforded adequate protection and can go about their daily pursuits without fear. The needs of these silent users must be accounted for, since a fair, efficient, and responsive legal system provides an important public good. To users of juvenile and family justice systems, justice is viewed more as a social good. Civil and commercial litigants value civil justice more as a private good, while the users of the criminal justice system (general population and criminal defendants) see justice as a public good.

Improving Access

Access to the judicial system in general and to the courts in particular is affected by several factors, including their cost, flexibility, time, and physical, legal, psychological, and cultural characteristics. Over the past decade, most of these dimensions have been addressed in the Singapore system. Court fees, for example, have been rationalized; they have been eliminated altogether in small-claims cases, which account for a large majority of the cases that come to court. Legal aid was streamlined and partnership with the courts was improved to address the needs of people with limited means. Legal aid bureaus were opened inside the courts to improve coordination and access. Video links were established to serve parties who had difficulty coming to court. Free mediation services were

provided, including conciliation and medical attention in the case of family violence matters. NGOs, such as the Singapore Women Lawyers Association and the Law Society, assist court users who cannot afford a lawyer or other legal costs involved in civil and family matters. Regional offices of the small-claims tribunals were set up in different parts of Singapore to provide more convenient access by business users and a physical presence in communities.

One of the key reforms of the new justice models was setting up the “multidoor” courthouse, in which litigants can obtain legal, mediation, conciliation, and small-claims services under one roof (a concept generally similar to that of another Singaporean concept, *kopitiam*, where business and food services are provided in a single location to customers with different and varying needs and preferences).

Laws have been changed to improve access to justice as well. Legal representation is no longer required in small-claims and mediation sessions, for example. Lawyers are required by law to provide cost estimates to clients at all stages of the process, if needed. Initially, this change in the law was not embraced by the bar, but later it was accepted and even lauded. Automated kiosks were set up in different parts of the city to collect traffic fines and provide round-the-clock information about the courts.

The establishment of tourist courts—including one at the airport—improved the dispute resolution mechanism available to more than 7 million tourists who visit Singapore each year. Provisions for electronic filing of small claims have benefited the business community and Internet-savvy Singaporeans. The Web sites of the Supreme Court and the subordinate courts provide basic information and useful tips on how to access their services.

One of the most important ways in which the subordinate courts focus on users is by providing interpreter services to enhance the multicultural and multiethnic dimension of access to justice. Singapore upgraded and expanded these services, which increased confidence in the courts by users from all backgrounds. This could be useful in other multiethnic societies as well (such as Bolivia, Bosnia, Georgia, Guatemala, Kosovo, or South Africa).

Cultural and social harmony was thereby promoted through this balance between the needs of the rule of law and respect for culture and traditions. Court users were given the opportunity to appear before the court in their own language. Although court proceedings are in English, Mandarin, Tamil, and Malay, interpreters are available at all courts, public information offices, small-claims tribunals, mediation centers, and legal aid bureaus. Since Singapore is host to international businesses, shipping

vessels, and tourists from all over the world, there is a need for interpreters in many other languages as well. For these purposes, the courts work with embassies, foreign missions, multinational corporations, and other institutions, which provide services in virtually any language.

Educating the Public

Access has also been enhanced in the area of civic education and communication to help citizens learn about their rights and obtain justice. CD-ROM games prepared by the courts are being used to educate children on the basic principles of justice and civic responsibilities. Since 1994, information leaflets in many languages have been distributed free of charge to inform the public about court procedures and advise citizens on how to avail themselves of court services. Such pamphlets are available at virtually every court procedure. Electronic searches of court records are available to help legal practitioners and the public check on the status of writs of summons and court decision enforcements. JUSTNET kiosks (multimedia information kiosks) allow members of the public to obtain a wide array of court and legal information, including weekly schedules of court hearings and court procedures at the touch of a computer screen. In 1997 a Joint Courts Charter was launched that articulated the service standards the public could expect from the courts (Singapore Supreme Court and Subordinate Courts 1997). The emphasis on higher standards of service led to the establishment of a customer service facility to deal with public inquiries and complaints. The judges came to believe that these were good investments for building confidence and respect for their work.

In 1993 a Public Affairs Section was set up to promote and enhance awareness and understanding of the subordinate courts. It has since developed into an integral part of the judicial process. Its scope of work has expanded over the years to include a wide range of activities and duties to meet the growing needs of the more dynamic court environment. The annual budget of the various programs is about US\$200,000. The goals are to develop a coordinated corporate communications program; develop and maintain a strong working relationship with both the local and foreign media; project the image of the subordinate courts as a caring, responsive, and responsible partner in society; and reinforce the values of accountability and public trust in the judicial system. These goals are advanced through media management, community outreach and education programs, an annual survey of public attitudes toward and perceptions of the subordinate courts, international and community visits, and production of court publications and videos. The subordinate courts have

taken a proactive approach in their media management policy in which the Public Affairs Section cultivates interaction and cooperation between the courts and the media. Officers of the Public Affairs Section communicate regularly with the media on coverage of court cases, policies, procedures, practices, and programs. A media program for reporters, which includes weekly briefings, monthly meetings, and media workshops, has been developed as well.

Various educational and outreach programs have been developed targeting specific audiences. These programs are keyed to recognition that public confidence in the judicial system is strongly influenced by the community's understanding of the role of the courts and the decision-making process. One example of an outreach program is a youth essay competition, which aims to motivate young Singaporeans to think about the justice process and how it contributes to their personal well being and the nation's success. Other outreach efforts have included an annual law quiz targeted at schoolchildren, a court Web site design competition, and the chief justice's Innovation Award for members of the public who suggest innovative ways to improve the administration of justice. Annual reports are now published and shared widely with all stakeholders via the Internet.

Working with Community Members

Community resources have also been deployed and efforts have been made to involve local and international partners, in particular, in the provision of litigation and mediation services. Psychiatrists and social workers in family and juvenile courts work as counselors and advisers. Doctors in family court clinics provide medical assistance, report cases of domestic violence, and offer hospital referral services. Volunteers from various social organizations offer counseling and emergency telephone help-line services in family-related matters. Commercial and business associations, architects, engineers, realtors, and other professionals are involved in mediating business disputes in the subordinate courts. Since 1997, lawyers have worked as mediators in the consultation stage in the small-claims tribunals as part of a pool of volunteer mediators forming a court support group. This group evolved from the court's enlistment of help from various public and private interest and welfare organizations in order to augment the family mediation process. A separate court support group was formed to help in juvenile court; still others assist vulnerable witnesses in criminal cases and parties seeking settlement during the consultation stage in the small-claims tribunals and during court-assisted

mediation in civil cases. The participation of lay people has helped the courts to become identified more closely with the community.

Meeting the Needs of the Business Community

Singapore has a vibrant multinational presence and relies heavily on international trade, finance, banking, and tourism. It recognizes that the rule of law is a key factor in the investment decisions of both local and foreign investors. To address the needs of international business users, policy makers created a separate Singapore International Arbitration Center, which operates in partnership with the Supreme Court, the Singapore Academy of Law, and other institutions. A panel of international and local experts is available to facilitate dispute settlement. Cross-border mediation is being piloted in a program in which judges from Singapore, Australia, and Norway use video conferences to mediate important international business disputes. Public lectures on the performance of the courts and emerging legal issues are organized with local and international community leaders and professional associations. For example, in 2000 the chief justice of England and Wales was invited to give a public lecture on civil justice reform efforts in the United Kingdom.

Through state-of-the-art video-link technology, field visits, exchange programs, and co-hosted conferences and seminars, Singapore has promoted global learning and knowledge in partnership with judiciaries in Australia, El Salvador, Guatemala, New Zealand, Norway, Pakistan, the Philippines, South Africa, the United Arab Emirates, the United States, and República Bolivariana de Venezuela, as well as with institutions such as the National Center for State Courts in the United States, the World Bank, the Asian Development Bank, and the United Nations. The business communities regard these interactions as key to addressing the challenges of the new economy. Information technology has been widely adopted, and Internet-based outreach programs have been initiated.

These initiatives demonstrate that Singapore's judiciary is aware of the importance of meeting diverse needs in the changing world and recognizes that strengthening their links with users enables the courts to create an effective sphere of citizenship.

Strategy Four: Improving Court Administration Capacity

Policy makers trying to overcome resistance to change require strong administrative support and infrastructure to provide the necessary structural support and create the appropriate physical environment for most

initiatives. Therefore, effective administrative capacity and infrastructure are prerequisites for and key elements of sustainable judicial reform.

In Singapore, court administration was completely reorganized. Other strands of reforms included strengthening and modernizing financial management and budgeting, introducing autonomous agency concepts, training and developing administrative staff, upgrading physical courthouse facilities, and creating one of the most sophisticated technology infrastructures in the world.

As noted, the administrative capacity of government institutions in Singapore was long considered among the best in the world, but the courts lagged behind other institutions. To address these problems, the organizational structure was changed, and new programs and incentives were introduced. A Public Affairs Section was created in 1993. Later, a Customer Service Section was added. Capacity building was also carried out for human resource, financial and budget management, and interpreter service units. In 1993 a Research and Statistics Unit was created to institutionalize monitoring and evaluation, studies, and reporting functions. Since 1994, strategic planning capabilities have been developed through training and technical assistance. The Administration Division supported the work of the Justice Policy Group, a think tank made up of judges.

A new Supreme Court building is being constructed, and two seminars for judicial officers were held to assess space planning for the courtrooms of the future. These seminars examined the need to prepare plans to create an "intelligent courthouse" by 2030. Seminar participants developed a preferred scenario for the subordinate courts for 2020.

The system of court fees, fines, and forfeitures and their financial management was upgraded. Between fiscal 1994 and fiscal 1998, overall revenue from court fees grew from S\$14.0 million to S\$22.6 million as a result of improved court performance (about 60 percent cost recovery from court operations).

Modern concepts of an autonomous agency were introduced. Government ministries and organs of state have functioned as autonomous agencies since April 1, 1997, when they adopted the "budgeting for results" system. Under this arrangement, a public sector organization with clearly defined output and performance targets is vested with considerable managerial flexibility to deliver services more efficiently and effectively. "Budgeting for results" seeks to create an administrative framework that will motivate public officers to be more efficient, performance oriented, and

entrepreneurial. It aims to obtain greater accountability from public sector managers on the outputs to be achieved from the funds allocated to them, while at the same time offering management greater autonomy.

Between fiscal 1997 and fiscal 1999, the Ministry of Finance introduced a program of macro-based and piece-rate funding. For macro-based funding, a ministry's baseline operating budget is increased by a standard annual increment each year, and the ministry is required to operate within that increment. For piece-rate funding, the budget is based on projected output, and the unit cost is approved by the Ministry of Finance. The Ministry of Finance provides separate funds for major new programs and initiatives. As an incentive to achieve greater operational efficiency, an autonomous agency that meets all of its performance targets retains some of the savings, which go to staff welfare and organizational improvements. In fiscal 1997, for example, the subordinate courts successfully met all of their performance targets and were permitted to retain about S\$700,000. This sent the right message to all staff. The subordinate courts adopted piece-rate funding for the small-claims tribunals and macro-based funding elsewhere in the system.

Recently, the subordinate courts adopted the national financial system launched by the Accountant General's Department. This replaced and expanded the scope of the old computerized financial and asset management systems. The new system electronically handles the payment of bills and refund of bail, with payments credited to the bank accounts of the vendor or payee. Purchase orders can be created and approved online, with asset records created when the invoice for the purchase is approved.

Reorientation of court services and attention to the public has led to the development of comprehensive building design, construction, and maintenance at the subordinate courts. Some of the plans show projected courthouse needs over the next 30 years. The subordinate courts currently occupy about 37,000 square meters of floor space at five locations much less dispersed than before. About 88 percent of this space is located in the central business district on Havelock Road. Over the years, the strategy has been to concentrate courts by moving them from rented facilities into a single large courthouse in order to save money, improve the use of resources, and improve oversight and control of judges and staff. More recent strategies have been to equip remote locations (legal aid bureaus, prison departments, family conciliation centers, social services) with video-conferencing links to save transportation costs and time and bring the courts closer to the users. Since 1994, the subordinate

courts have carried out more than S\$20 million of building upgrades to cope with the increasing workload, enhance the working environment of the courts, and meet the needs of users and persons with disabilities.⁴

Innovations in maintenance and space efficiency have also been implemented. Since 1994, for example, a comprehensive three-year maintenance contract, at an annual cost of about S\$1.8 million, has been used to out-source building maintenance and upkeep.⁵ Outsourcing has also been used in computer maintenance, materials support, and office supplies, generating cost savings and improving service.

An integral part of the subordinate courts' reform, renewal, and infrastructure buildup has been the strategic use of technology, which intensified in 1995. Early on in their corporate and operational plans, the courts incorporated initiatives designed to help the judicial system keep pace with and deploy technology. As a result, the subordinate courts probably have as sophisticated a technology infrastructure as any judiciary system in the world. To date, the key thrusts have been developing virtual court services and applications, computerizing case management processes, co-developing multiagency systems, and computerizing court administration and corporate services.

These reforms have facilitated organizational reengineering and improved cost-effectiveness, enhancing administrative capacity, bringing users and other actors in the judicial process closer to the system, promoting internal learning and public information, and sustaining and promoting innovative change initiatives and coordination among sector agencies and institutions. Plans call for development of an information technology master plan for the subordinate courts for the next three to five years. The master plan will include various applications, data, desktop, network, and server-host technologies and will define information technology policies, standards, and guidelines. The information technology master plan is intended to optimize the use of resources, achieve system integration, and take advantage of technological advances.

Strategy Five: Improving Human Resource Management

Any system is only as good as the people who run it; a sound system can endure only with the best and the brightest. This seems to be the motto of human resource policies for judges of the subordinate courts. For this set of reform measures, the top team focused on upgrading core competencies, optimizing and stretching resources, attracting and retaining the best

talent, and developing the incentives and esprit de corps needed to groom future leadership that embraces change.

Upgrading Core Competencies

With the changes in the jurisdiction of the Supreme Court and the subordinate courts, the nature and complexity of cases handled by subordinate court judges increased. Lower courts now play a pivotal role in the legal system. To meet the new demands on the subordinate courts, the human resource policy sought to upgrade the core competencies of judges and magistrates.

From a management perspective, core competencies are the bundle of skills and technologies that enable a company to provide a particular benefit to its customers (Hamel and Prahalad 1999). In the judicial context, core competencies are the bundle of skills that enable judges to provide particular benefits to court users. Judges need to acquire competencies as managers, reformers, and educators; court administrators need to acquire competencies as entrepreneurs, technopreneurs, and innovators. Consistent with this thinking, Singapore's judiciary has developed training and development programs to reshape core capabilities of judges and other professional staff. Typically, the judges work as adjudicators (when deciding cases), as managers (when serving as registrars, who handle administrative tasks such as case management and resource allocation), as educators (when training colleagues and new entrants), and as reformers (when working in conciliation and reengineering programs). Court administrators have been trained to work as innovators in reorganization and reengineering activities.

Optimizing Resources

Increasing the number of judges and judicial officers initially reduces the workload in the courts. Eventually, however, diminishing returns set in, and hiring more staff becomes counterproductive. More effective is increasing the productivity of judges and supporting them with an efficient organization. This has been the subordinate courts' proven formula for optimizing scarce judicial resources. Judges and judicial officers are encouraged to start hearings on time, to control the course of proceedings in their courts at all times, and to be prepared to extend a day's hearing beyond the normal time if necessary to complete the day's business. Judges are also expected to deliver their judgments without delay.

Stretching judicial resources has been another strategy. Judicial officers are the concurrently appointed district judge, magistrate, coroner, deputy

registrar, and referee of small-claims tribunals. As a result, they are exposed to a range of hearings and assignments, which broadens their perspective and experience.

Attracting and Retaining the Best Talent

Judges' salaries have been upgraded and made comparable to salaries in the private sector. Salaries of administrative staff have also been increased. These increases have fostered competition for the jobs.

Continuing education and training are interwoven throughout the careers of staff and judges to provide the right incentives to learn and seek professional advancement. Scholarships are provided for study in leading universities locally and abroad (judges have received scholarships to study advanced law and management at Harvard and Stanford, for example). Individualized training programs are prepared for career progression. Participation in international seminars, conferences, colloquiums, and workshops is encouraged. A Continuing Judicial Education Committee runs local workshops and arranges lectures through video links to other parts of the world on topics ranging from judicial reasoning to international mediation and international law. Judges are encouraged to teach courses at universities. High institutional esprit de corps has been promoted among judges and staff through the development of a corporate logo and motto, *Dignus Honore* (Worthy of Honor).

The ability of judges to perform also depends on the availability of support mechanisms and tools for carrying out research. Contacts with international institutions and access to legal databases, the e-justice knowledge-sharing network (for judges and court administrators), and libraries have helped judges to improve their performance.

The judicial system's 420 court administrators are central to the efficient operation of the courts. To improve the quality of administrative staff, their recruitment has been streamlined, and training programs have been developed for all levels of employees. Court administrators are sponsored to attend paralegal training leading to a diploma in legal studies, and overseas training was introduced for them. On average, each professional administrator receives about 100 hours of training a year.

The courts have also begun recruiting law school graduates from both local and foreign universities, and they have allowed court administrators to work on special projects and research. In 2000 the subordinate courts were accorded personnel autonomy. Matters such as recruitment, promotion, and career development are now handled internally. The move increased managerial autonomy and flexibility, which required the courts to develop human resources.

Creating an Institutional Culture

Officials in Singapore recognized that a deep-rooted mind-set had long characterized court proceedings when the pace of litigation was set by the lawyers. At first, efforts were made to increase the number of courtrooms, hear more cases, and extend hours, but these were essentially “quick-fix” solutions. In order to bring about permanent change, a basic attitudinal shift was required. That has been achieved largely through the adoption of better human resource policies and incentives. The changes have not been without costs and disruptions, however. Some judges and staff who were unable to keep up with the faster pace and increased complexity of work left the system; in recent years, the turnover among judges has been about 15 percent a year. Young judges with excellent educational qualifications were hired, as recruitment was expanded to include foreign universities where many Singaporeans go to obtain postgraduate law degrees. Training programs have been used to promote a culture of change, team building, and leadership, in which judges and staff act as activists for change and have the opportunity to obtain the skills and knowledge needed for the twenty-first century.

Strategy Six: Emphasizing Performance and Results

Judicial reform is a medium- to long-term process that requires timely feedback on the impacts and results of change. To address this need, Singapore’s courts introduced varied reviews and established milestones against which progress has been monitored. A review was conducted, for example, to identify how the introduction of night courts improved case disposition time and user confidence. In the early years of reform, performance measurement took the form of a quarterly review of progress by the top team, in consultation with the chief justice. The annual work plans were used to draw lessons and set new milestones. These plans were then used to mobilize organizational resources to accomplish results. Taken together, the annual work plans launched since 1992 have implemented and institutionalized about a thousand initiatives.

Studies by independent consultants have been conducted to review particular aspects of reform. For example, the cost of litigation was reviewed to see if changes in the structure of court fees were justifiable. Mediation techniques employed in other common law jurisdictions were studied to see which model, if any, might be best suited for Singapore. A market survey was conducted to determine whether case management software could produce judicial statistics and other information that could be used to monitor performance.

As the complexity and scope of reforms have increased over time, judicial policy makers have begun to institutionalize the functions of monitoring, evaluation, and control of both the reform process and day-to-day operation of the courts. A Research and Statistics Unit was set up to assemble information and data for policy decision making, fine-tune improvements, and take corrective actions where necessary. The unit also monitors crime and other pertinent trends that are beyond the courts' control, in order to alert policy makers to potential impacts. These changes represent a move away from piecemeal arrangements and toward state-of-the-art performance measurement systems. They reflect the assessment of the chief justice that "the knowledge organization will require performance indicators that measure its performance capacity, its quantitative competence, as well as its qualitative success."

Measuring performance using qualitative and quantitative benchmarks and indicators is difficult in the private sector. It is even more difficult in the judicial system, where the product is difficult to define and the culture of maintaining the status quo (arguably for preserving independence) hampers attempts to monitor performance. However, judiciaries are increasingly exploring this tool for making policy decisions and investments. The National Center for State Courts, in Williamsburg, Virginia, has prepared performance standards for U.S. trial courts that seek to capture a set of institutionalized core values for the administration of justice. The Vera Institute in New York also has developed a useful set of performance indicators and guidelines for application by judiciaries and other institutions in the judicial sector.

Development of performance indicators and benchmarks and the mechanism to undertake monitoring and evaluation reviews requires commitment at the top, the cooperation of the persons operating the system, and the institutional capacity to produce timely and accurate information. Singapore has invested heavily in all three areas. Senior judges have received training on and exposure to the state of the art in measurement of business results. Their studies have been quite productive; they found, for example, that staff were more willing to perform, savings were achieved through the improved efficiency of the courts, and employees saw themselves as performing a public service.

In Singapore, systems that produce statistical reports and give control to those on the front line are available to assess progress and control activities. A set of performance indicators has been developed for use in different justice models. These benchmarks are measured using statistical reporting, analysis, and studies, including independently commissioned

public perception surveys, random opinion polls of users, and feedback from international survey agencies. The subordinate courts regularly publish findings of surveys by international consulting firms specializing in strategic business information and analysis and world rankings by independent foundations and agencies (for example, the World Economic Forum). The subordinate courts' waiting periods and processing times are published in the courts' annual reports and charter. Judges consider that the timeliness and quality of statistical data and information on the status of cases in the system have been instrumental in the success of the reform process.

In 1999 the subordinate courts initiated Justice Scorecard 1 (JS1). This tool is based on the pilot program conducted in the small-claims tribunals, where the balanced scorecard technique developed at the Harvard Business School was tested after some adaptation.⁶

According to the judge responsible for the pilot program, the subordinate courts are now reaping the benefits of the new tool.⁷ The system is said to promote ownership of a more balanced performance measurement system and improved communication within and outside the courts. Other examples of how performance measurement and learning have resulted in concrete actions include the establishment of a customer service facility to deal with public inquiries and complaints, the launching in 1997 of the Joint Court Charter, which articulates service standards, and the provision of access by legal practitioners to multimedia information kiosks (JUSTNET) on the status of cases.

Strategy Seven: Leveraging Technology

A key element of the courts' new strategy focuses on policies governing the role of judges in the day-to-day operation of the courts. In a rapidly changing society, laws often lag behind changing social trends. This, combined with the added caseload that accompanies increased regulatory interventions and conflicts, has brought new challenges to modern judiciaries. Judiciaries have also come under heightened scrutiny from the public, as demands for accountability and user expectations have grown. These forces have caused judges to rethink their roles and acquire new competencies.

In response to realities on the ground, the judges in Singapore, instead of sitting on the sidelines, made a conscious decision to take a more proactive role in the administration of justice. This decision was particularly applied to case management. Before 1992, cases typically waited years

before being heard, backlogs were heavy, and the pace of litigation was slow and governed by the lawyers. But starting with a backlog reduction exercise in 1992–93, judges began to exercise more control over the situation. They introduced a management philosophy that eliminated backlogs and made adjournments the exception rather than the rule. This paradigm shift was not easy to implement, as it involved a major attitudinal shift for both judges and lawyers. For judges, the shift was affected in several phases by the use of commonsense 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.

The concept of individual and group management of cases by judges was introduced to handle first civil and then criminal cases in the subordinate courts. The courts monitored and controlled the progress of cases from filing to disposition, with group management of cases done by a district judge who directed the court calendar. By refining procedural rules, judges were empowered to review the progress of an action from its commencement and to impose appropriate sanctions whenever it appeared that the parties were not conducting their proceedings expeditiously. Strict curbs were imposed on trial adjournments. This more proactive supervision was made possible by computerized information technology applications.⁸ Hearing dates were set automatically, and the efficient use of time and space was planned.

Another innovation was the introduction of pretrial conferences to seek amicable settlements and try to narrow the issues. These conferences were first introduced for civil cases and then expanded to cover family cases. Initial success in making the system perform efficiently led to the development of a differentiated case management system for civil cases. Assignment of cases to different management tracks (for example, express, standard, and complex) coupled with other innovation and policy measures, increased service standards and reduced waiting periods for trials from months and years to weeks. Currently, for example, there is about a 27-week total waiting period (from filing to the execution of judgment) for a typical civil case in district court on the express track, including the processing time from filing to first hearing, the differentiated case management time from the entry of the memorandum of appearance to the status conference, the case evaluation conference, the civil court time from “set-down”⁹ to hearing, and the bailiff’s processing time between filing and execution of a writ. This assumes that mediation is

not used and the case is not appealed. If a settlement is mediated, express-track cases typically take less than 14 weeks. Upon filing a civil appeal, it typically takes about three months before parties receive the written reasons for judgment from the trial judge (the grounds of decision).

Strategy Eight: Building Bridges

Judicial reforms cannot be achieved without the help and support of other stakeholders and public institutions, because the performance and operation of various public sector institutions are linked. Recognizing this early on, the Singapore judiciary sought to build bridges and take advantage of other initiatives in the country, in both the public and private sectors. The courts have benefited from the knowledge of the many executive branch institutions that have already instituted reforms. The civil service reforms of the 1980s and 1990s, the anticorruption programs of the 1970s and 1980s, the computerization of the civil service of the 1980s, the reform of the law school curricula, the development of the Strategic Economic Plan of 1991, and the establishment of political stability and intergovernmental synergy all contributed in one form or another to reducing the resistance to change in the judicial system. Creation of strategic partnerships and alliances as well as the sharing of knowledge and the pooling of resources also contributed significantly to mobilizing financial resources and garnering support from the bar for institutional changes.

Building on Political and Economic Stability, Social Norms, and a Corruption-Free Public Sector

Political and economic stability facilitates reform. Singapore's experience suggests that judicial reform is more robust when a nation's development policies are sound. Singapore has long enjoyed high growth and a stable political landscape. The merit-based nature of Singaporean society—in which judicial appointments carry a certain prestige—also likely facilitated the reform process. In addition, respect for authority, political delegation, and clear channels of communication have contributed to transparent and effective decision making. The Strategic Economic Plan of 1991 provided a solid framework for establishing reform scenarios and meeting external challenges. The courts relied on this framework in their planning and in the development of judicial reform frameworks.

All these factors were complemented by the fact that the country is regarded as one of the most corruption-free governments in the world.

It achieved this status through major reforms in the past few decades. To maintain it, the Corrupt Practices Investigation Bureau is active in investigating and enforcing anticorruption laws. (For a description of the bureau's role, functions, and activities, see appendix C.) The government's checks and balances mechanisms, coupled with the judiciary's internal code of ethics for judges, its Ethics Reference Committee, and the system of declaring assets, property, and gifts, help to promote accountability and transparency and serve as deterrents to corruption. Together with competitive salaries for judges, these have contributed to good performance and conduct.

Garnering the Support of Other Public Sector Institutions

The judicial branch is often seen as the weakest of the three branches of government in many countries. If the other two branches are leery of judicial reform or refuse to allow its various programs and initiatives to take place, it would be extremely difficult to obtain budget resources to support initiatives. In Singapore, the judiciary has enjoyed the support of the other branches. Parliament supported empowering the judiciary to take on new and innovative programs by amending laws, introducing electronic means of taking evidence, enlarging the jurisdiction of the courts, empowering the chief justice to order cases to be transferred to lower courts, enacting legislation for better case management, and upgrading judges' salaries. The executive branch provided the support needed to ensure that court orders are complied with and swift action is taken against people who try to undermine the courts' authority.

The Attorney General's Chambers and the Ministry of Law have also contributed to reform by proposing legislative reforms (such as amendments to regulations governing notaries, oath commissioners, and the legal profession), setting up the Singapore Academy of Law, and promoting the application of information technology in developing legal databases for use by prosecutors, judges, and others. The Ministry of Finance has helped to upgrade budget management and introduced "autonomous agency" concepts to provide the right incentives for judges and staff. The National Computer Board has shared technical know-how and expertise.

The Law Society's criminal legal aid scheme has opened offices at the courts to promote partnership and improve access to justice by individuals with limited means. Recently, joint planning and teamwork resulted in amendments to the Legal Service Commission that streamlined and improved recruitment and career progression.

The Public Service for the Twenty-First Century (PS21, in short) campaign that was launched in 1995 promoted excellence and service in government institutions by encouraging government departments and agencies to promote learning, organizational reengineering, and attention to customer service (Lim 1998). Many court staff members attended these activities, which helped to shift attitudes toward openness and a culture of service. This program helped to build momentum to undertake reform of the subordinate courts.

Recognizing the Importance of Sector Institutions and Actors

Sector institutions such as the bar association and the law schools can play an important role in the reform process. After initial difficulties, Singapore's judiciary was able to harness the support of the legal profession. Proactive case management by judges and their insistence on strict adherence to time lines initially generated resistance and complaints. But the close working relationship between the courts and other judicial institutions and the bar leadership helped to resolve these problems. Development of a list of lawyers to sit on the panel of mediators who assist the civil and family courts and to participate in training and knowledge-sharing activities offered by the Singapore Academy of Law helped to build partnerships and pool resources. Inviting lawyers to join family mediation and counseling services and providing space at the courts for volunteer lawyers to run legal clinics for persons with limited means also helped to improve collaboration.

Improvement in law school curriculum and graduation requirements improved the quality of law school graduates. The number of graduates was reduced in order to improve quality. The curriculum was revised to include subjects from other disciplines, such as economics, business administration, and information technologies. The courts promoted strategic alliances with the universities to develop training courses for judges and staff and made it easier for judges to serve as educators. Development of educational programs by the Singapore Academy of Law, which is headed by the chief justice, provided a forum for collaboration and facilitated the matching of educational criteria and needs.

These partnerships, collaboration, dialogues, and similar activities induced reforms outside as well as inside the courts. The Law Society set up clinics to help persons with limited means in criminal cases. A code of ethics was updated. Foreign lawyers are now allowed to practice in Singapore. Judiciary-led reforms have resulted in reorganization and

specialization of law firms. (The activities and profile of the Law Faculty and Singapore Academy of Law are noted in appendix C.) The courts' strategy of harnessing support paid off. Its successful efforts at forging partnerships for reform represent a good example of the balance that can be struck between internal priorities, on the one hand, and the public sector-wide and societal concerns, on the other.

Notes

1. Some of his appointments include top positions with Malayan Airways and Malaysia-Singapore Airlines, Malayan Banking Berhad, Singapore International Merchant Bankers, Government of Singapore Investment Corporation, Monetary Authority of Singapore, Overseas-Chinese Banking Corporation, Singapore Press Holdings, Singapore Broadcasting Corporation, and Institute of Policy Studies.
2. See http://www.mediation.com.sg/smc_idx.html.
3. In 1991 there were 24,000 civil cases (writs), 25,000 small-claims tribunals cases, 30,000 arrest cases, 40,000 traffic summons, and 190,000 new departmental summons.
4. This includes expenditures for replacing major mechanical and electrical systems; renovating the civil and crime registries, including the technology chambers; setting up the Primary Dispute Resolution Center and the "multidoor" courthouse; setting up the family court in the Paterson complex after family court functions were transferred from the Supreme Court; relocating the Research and Resource Center; relocating the small-claims tribunals, the Administration Division, and the bailiffs section to the Apollo Center; setting up two regional centers for the small-claims tribunals; constructing a 296-seat auditorium (including audiovisual system), a judicial officers' conference room, a training room, and a multipurpose activity room; replacing the elevators in the main headquarters; providing ramp and wheelchair cubicles for individuals with disabilities; and landscaping the areas around courthouses.
5. Before 1994, building maintenance was contracted to various companies for different services, an arrangement that proved cumbersome. Under the new arrangement, a single firm oversees building maintenance, including maintenance of mechanical and electrical systems, housekeeping, horticulture, 24-hour security, fire safety management, and minor building works.
6. The "balanced scorecard framework" helps to translate an organization's strategic objectives into a set of performance indicators distributed among four perspectives: financial, customer, internal business processes, and learning and growth. The balanced scorecard's approach requires that an organization be viewed from one of these four perspectives. Strategic objectives and

performance measures are defined in each of the three nonfinancial perspectives to be linked to each other through a cause-and-effect chain and to the financial measures, ensuring that the organization's ultimate goal of continuing to exist and be successful remains paramount. The framework for JSI incorporates both the balanced scorecard concept and the subordinate courts' five core values found on its judicial statement. JSI measures performance from the perspective of the community, the organization, and the employees.

7. Communication from Judge Valerie Thean, 1999.
8. Singapore has one of the most advanced ICT infrastructures in the world. Applications include administration, case management, research, user access, financial controls and reporting, and internal and external communications. Many new applications and features are added on an annual basis to leverage technology for improving the performance of the system.
9. "Set-down" is defined as the penultimate step to trial. A party must deliver to the registrar of the court both a request that the action be set down for trial and the relevant bundle of legal documents. Once this is done, trial dates are allocated.

CHAPTER 6

Perceptions, Performance, and Lessons

About 15 years ago, delays and backlogs in the judicial institutions constituted a drag on Singapore's economic development. The judicial branch was inefficient, and commercial users had little access to justice or confidence in the system. But in less than a decade, policy and institutional modernization transformed Singapore's court operations into one of the best systems in the world.

How do lawyers, employees, and users of the system perceive the changes that have been made? How has system performance changed? What lessons can policy makers from other countries take from Singapore's experience?

Perceptions of the Reform Process

To appreciate perceptions of the country's reform process, it is important to understand Singapore's unique political culture. Singapore is a young nation in which public institutions play a special role. These institutions operate in a culture of harmony and a "can do" atmosphere. The country's leadership has dominated social interactions, as well as cultural and ethnic realities, and Singaporeans generally accept the importance of the "larger common good." For many years, the population has looked to the leadership to take the correct path and deliver results.

A new era began in the early 1990s, when Lee Kuan Yew stepped aside and a new prime minister and a new chief justice were appointed. The appointment of an outsider, Yong Pung How, a non-career judge, sent a message of change. While the previous regime was content with the status quo of the judiciary, the new leaders recognized that the judiciary was obstructing Singapore's development.

Perceptions of the Legal Community

Senior members of the bar believe that the appointment of a chief justice from outside the system was a key catalyst for reform. The new chief justice saw the courts as a private sector business that needed to be accessible, efficient, and delivering public value. He perceived that suitable management concepts had not been applied to the sector. Initially, the bar (which was used to the status quo and benefited from its practices) was not receptive to the reform. Eventually, however, lawyers came to realize that the changes were for the good. They noted the increase in productivity at the Supreme Court and the new attitude of openness. They also saw a more proactive attitude in the lower courts.

Interviews suggest that the chief justice initially used his authority and powers of persuasion to bring about change. He first set out to change the judicial mind-set by convincing judges that their role was not just to listen to cases but rather to lead and manage the entire process of administration of justice. After all, user perception of the justice system is based on its quality and the efficiency with which justice is dispensed. For many years, people had been treated as numbers on paper. The courts basically issued summons and imposed and collected fines; there was no real interaction. But when the chief justice began to show an open attitude to public service and sought partnerships, members of the bar and others reciprocated. They debated why legal service had been so slow in Singapore, which led to a cultural change. Judges were seen as not just listening to cases but as transforming the "face" of legal service.

Another important task was convincing lawyers of the necessity of imposing strict deadlines for cases and introducing modern management tools and practices. The bar had grown accustomed to a snail's pace of litigation and in fact dictated that pace. Moreover, it was not convinced of the need for the speedy disposal of cases. While some lawyers felt that they could represent more clients bringing cases against the government agencies and obtain swift court services as part of the attitudinal shift in the system, others felt that freedom of expression in society was still weak and that interbranch governance reform needed to advance much further.

Imposition of tighter deadlines tended to hurt small law firms, many of which were less efficient and less agile than larger firms.¹ Clients interviewed felt that it was sometimes better to switch to lawyers who could keep up with the quicker pace of the courts but that doing so involved extra costs. Senior lawyers note that some small firms “opted out” of the market for the provision of litigation services in the belief that the changes would not be sustained. These firms lost in the shakeout. Other lawyers report that some small firms reorganized and were able to compete effectively for litigation services, the most lucrative area of law in Singapore.²

Many lawyers feel satisfied with the changes and note an overall improvement in the administration of justice. The senior counsel of a large firm noted that until 1989 it took him six to seven years to bring a case to trial.³ In recent years, though, he regularly has tried cases six months after filing them. In his opinion, the reduction in delays resulted from the simplification of procedural rules, the use of technology, and the strict application of appropriate management techniques.

The nature of legal practice changed to keep pace with the reforms. Some lawyers feel that the changes in the bar and the complexity of cases now tried in the subordinate courts put strains on judges. The fact that more international queen counsels from Britain now appear before the courts raises the level of legal acumen required by judges.⁴ This trend has helped to enhance the quality of judges. So, too, have higher salaries and other incentives to attract and retain talented judges.⁵ At the same time, some lawyers feel that they are less prepared than the judges, who have been involved in modernization efforts longer.

Perceptions of Businesses and Commercial Users

Business leaders indicate that companies that consider investing in Singapore base their decisions partly on the quality of the legal framework and the integrity and commercial mindedness of judges. “When we go to enforce contracts, we are treated fairly and not made to wait indefinitely,” said Linn Hock San, chief executive of United Industrial Corporation, a real estate, shipping, travel, and manufacturing firm. This view is shared widely by the multinational corporations and businesses interviewed. It corroborates the results of international surveys that consistently rank Singapore’s judicial system highly.

Some banking institutions note that, in the past few years, improvements in efficiency, productivity, and innovation in shortening the court

process have helped them to charge lower premiums on credit cards because collection procedures on accounts in default are more efficient. They appreciate the availability of new options, such as small-claims courts, night courts, tourist court, and the “multidoor” courthouse, which have reduced the costs of litigation. Small businesses consulted believe that a level playing field exists for small businesses litigating in Singapore, unlike in other markets.

Users also appreciate the increased use of modern technology. Cases can be filed at night in Singapore, and legal documents to be served on the other party can be received before dawn the next day in commercial centers in other parts of the world. Users feel that the ability of the courts to computerize services and offer electronic features promotes access, increases transparency, and enhances Singapore’s competitiveness.

The good quality of Singapore’s education system is considered to have complemented the improved performance of the courts. However, interviews indicate that the demand for highly specialized skills still outpaces the supply.

Perceptions of the Public At-Large and NGOs

Singaporeans place a high premium on strong deterrent policies to fight crime and violence. They overwhelmingly support the policies of strict control of the crime rate, which has remained lower in Singapore than in other jurisdictions. “Tough on crime” policies thus represent the prevailing public sentiment. Policy makers also see the tough stance as good for tourism (about 7 million tourists visit Singapore every year). One of the key factors in the choice of tourist destination is believed to be the government’s commitment to zero or negligible crime. In the case of Japanese nationals, good security is believed to be the main factor in their selection of Singapore as a tourist destination. Some defense counsels and human rights associations, however, perceive that the criminal code is too strict.⁶ Singapore’s policy makers have been studying these matters and evaluating criminal justice in other jurisdictions.

Perceptions of the Judges and Staff in Subordinate Courts

The change process is considered to have been difficult but manageable for judges and court administrators, whose attitudes ultimately determine the quality of justice. They believe that the leveraging of institutional capacities and the increased willingness to learn and adapt as reform progressed were among the key factors responsible for cutting backlogs and increasing efficiency. Also, the improvements in salaries,

technology, working conditions, and knowledge made it easier for them to handle heavier workloads and sustain interest in reforms. Moreover, service standards gave them intellectual motivation and a better sense of national service.

Support staff underscored their sense of pride in serving the public. As the system has become more dependent on teamwork, there is a belief that the judiciary is a more integrated institution. Technology is believed to have improved work flow. Training and motivational measures are viewed especially positively. This sense of greater inclusion has promoted a shared vision, according to Glen de Souza, who handles the civil registries.⁷ Some staff members believe that they are the real champions of change, as it is they who operate the machinery of justice and are responsible for the system's efficiency.

Performance of the Court System

Measuring the performance of judicial systems is not an exact science. Performance measurement typically entails identifying inputs and outputs, while taking account of changes in quality. Any analysis of value for money requires assigning a price to outputs as well as inputs. Doing so is difficult for the provision of justice, however, because features of the judicial system make measurement of its performance complex and difficult. The "output" of the justice system, for example, is an intangible, indivisible service, with potentially enormous externality value, which is difficult to compare with "inputs." The periods of "production," which can be determined for other forms of economic activity with a high degree of certainty, are also highly uncertain, because the course of trials and court actions may be drawn out and diffused (Malik and Maclean 1995).

Nevertheless, some indicators of the efficiency and quality of performance in Singapore and other countries can be examined. In reviewing the following data, however, it should be borne in mind that cross-country comparison has limited value, as classification methodologies vary across countries. Differences in legal systems (procedures, classification and complexity of cases, jurisdiction of courts) make comparisons across countries even more difficult.

Efficiency of the System

The efficiency of the judiciary is determined by how quickly and consistently the court system provides legal services, including adjudication of cases. Standard efficiency measures include clearance rates (the percentage

of cases disposed of within a given period of time), the number of cases decided per judge, the waiting time, the number of writs issued, the time between case filing and judgment, the number of hours judges sit a year, the internal efficiency of financial resources (measured by cost per case processed), the cost of salaries per case, total expenditure as a percentage of national budget, and the relative share of salaries in total expenditure.

The quality of dispute resolution is determined by the manner in which rights and obligations are enforced. It is measured by the attributes of output, such as the equity and fairness of judicial decisions. Opinion polls and surveys generally are used to assess users' perceptions of quality or overall confidence in the system (which, broadly defined, includes features such as the independence of judges and the transparency of the system). As a proxy for quantitative measures, some countries use indirect measures of factors that can affect quality, such as pending cases or backlogs, the level of total court fees (filing fees, lawyer fees, bailiff fees, and so on), the number of judges per capita, the number of lawyers per capita, expenditure per case in legal assistance programs, proportion of cases that result in appeals to higher courts, the number of cases deleted from the roster (through conciliation, mediation, pretrial conferences), and expenditures on the judicial sector as a share of the national budget.

As indications of the improved efficiency of the judicial system after the reforms, 95 percent of civil cases and 99 percent of criminal cases in Singapore were cleared within a year in 1999 (see table 6.1). The overall clearance rate of the subordinate courts was 96 percent. Singapore's clearance rate for commercial cases in 1999 was much higher than that of Japan (80 percent) or Belgium (50 percent). Its clearance rate for criminal cases in the same period was higher than those of Belgium (88 percent), Spain (78 percent), and Portugal (60 percent), but lower than that of Japan (98 percent; see Malik and Maclean 1995).

In 1999 only about 10,000–20,000 cases remained in the system at the end of the year. This appears to be a normal level for work-in-progress inventory since the elimination of the backlog problem in the mid-1990s and the adoption of early-warning systems in case management. What is important is that the pending caseload has not been growing.

The average length of commercial cases in Singapore fell from about five to six years in the late 1980s to about one and a half years in the mid-1990s and one and a quarter years in 2000. These figures compare favorably with the average length of civil cases in Portugal (1.8 years) and Quebec, Canada (1.2 years).

Table 6.1. Indexes of the Singapore Subordinate Courts

<i>Item</i>	<i>Indicator</i>
<i>Budget and expenditure (Singapore dollars unless otherwise stated)</i>	
Per capita budget	8.5
Per judge budget	495,522
Per employee budget	47,428
Percent share of salaries in total expenditures	60
Capital investment per capita per case ^a received	81.3
<i>Employment (numbers)</i>	
Judges per million population	About 17
Ratio of judges to court administrators	1:7
<i>Caseload^a</i>	
Number of cases received per million population	104,744
<i>Clearance rate (percent)</i>	
Overall	96
Civil cases	95
Criminal cases	99
<i>User confidence rating (percent)</i>	
Full confidence in the fair administration of justice in Singapore	97

Source: Data for 1999; Singapore subordinate courts, Research and Statistics Unit and Finance Section (base case: judges, 67; administrative and support staff, 506; caseload, 408,500; and population, 3.9 million).

a. Includes civil, family, labor, criminal, and other types of cases and matters, such as enforcement proceedings, mediation, and information requests brought before the court system.

Other useful efficiency measurements apply to “waiting periods.” These are the intervals between the filing of a suit and its hearing in court (see table 6.2). In the subordinate courts, the waiting period for complex civil cases is about 12 weeks. In small-claims tribunals, the waiting period is one day for tourist claims, 10 days for consumer claims, and two weeks for other claims. In mediation of civil cases, the waiting period is about two weeks. The waiting period for bailiff services (enforcement of court decisions) is also about two to four weeks.

Quality of the System

The performance test for a satisfactory judicial system, however, is not reflected in statistics but in whether it improves lives and increases public confidence in the rule of law. In the past years, confidence in Singapore’s judicial system has improved to the point that the international business community now ranks the system first in the Asia-Pacific region and first in the world (with a score of 8.8 out of 10), in terms of whether the legal framework supports the competitiveness of the economy (PERC 2000; World Competitiveness Center 2000).

Table 6.2. Waiting Periods and Processing Times for Procedures in Subordinate Courts

<i>Division or type of action</i>	<i>Waiting time</i>
<i>Administrative Division</i>	
Response to public query	Immediate
Response to public feedback	2 working days
<i>Criminal Division</i>	
Crime registry	
Activation of field magistrate for the Supreme Court	Immediate
Processing of application for bail	Within 24 hours
Processing of warrant of arrest	1 week from order of court to police for enforcement
Preparation of record of appeal	2 weeks from submission
Criminal courts	
Magistrates' arrest case	1–4 weeks from past mentions, pretrial conference to first hearing
General traffic case	1 week from last pretrial conference to first hearing
Drunk driving case	2 weeks from last pretrial conference to first hearing
Coroner's court	
Activation of field coroner	Immediate
Coroner's inquiry, general category	8 weeks from date of death to first hearing
Juvenile court	
Juvenile arrest case	2–4 weeks from last mentions
Family case conferencing	2 weeks from submission of social report
Delivery of judgment	2 weeks from last hearing or submission
Preparation of grounds of decision for appeal against conviction and sentence	3 months from filing of appeal
<i>Civil Division</i>	
Civil registry	
Processing of writs	Within 15 minutes
Interlocutory applications for assessment of damages	2–4 weeks from filing to first hearing
<i>Differentiated case management</i>	
Status conference	
Express track	8 weeks from entry of memorandum of appearance
Complex track	14 weeks from entry of memorandum of appearance
Case evaluation conference	
Express track	5 weeks from status conference
Complex track	12 weeks from status conference
Primary Dispute Resolution Center	
Mediation of civil cases	3–4 weeks from request

Table 6.2. Waiting Periods and Processing Times for Procedures in Subordinate Courts
(continued)

<i>Division or type of action</i>	<i>Waiting time</i>
<i>Civil courts</i>	
District court	2–4 weeks from set-down to hearing
Magistrates' court	2–4 weeks from set-down to hearing
Preparation of grounds of decision (reasons for judgment) from filing of appeal against judgment after trial	3 months from filing of appeal
<i>Bailiffs section</i>	
Processing of writ of execution	2–4 weeks from filing of writ
<i>Family Division</i>	
Processing of magistrates' complaint against family violence	1–3 days from filing of complaint
Service of summons (no urgent cases)	1 week
Status conference for cases involving agreed parenting plan	3 weeks from filing of petition
Pretrial conference	
For contested divorce petition	3 weeks from set-down
For ancillary matters	2 weeks from hearing of petition
<i>Hearings</i>	
Uncontested divorce case	2–3 weeks from set-down
Adoption case	3–4 weeks from date of filing
<i>Family counseling and mediation</i>	
Counseling of family violence case	1 week from referral (date of request or pretrial conference)
Counseling of divorce case	2–3 weeks from referral (date of request or pretrial conference)
Mediation of family support (maintenance) case	1–2 weeks from referral (date of request or pretrial conference)
Mediation of divorce case	3–4 weeks from referral (date of request or pretrial conference)
<i>Small-claims tribunals</i>	
Tourist claim	24 hours from filing to consultation
Consumer claim	10 days from filing to consultation
Nonconsumer claim	2 weeks from filing to consultation

Source: Singapore Subordinate Courts 1999a.

These qualitative judgments demonstrate that the reformed judicial system has shown the value of investing in justice and of motivating and imbuing a sense of service among judicial personnel. It also has shown that multiethnic, multicultural, and multilingual communities can live harmoniously under the rule of law through the introduction of alternatives (such as conciliation and mediation) and respect for cultural values

(use of language interpreters in courts). Of Singaporeans surveyed in 1999, 97 percent strongly agreed that “the courts administer justice fairly to all, regardless of language, religion, race, or class.” About 92 percent perceived that the population can expect disputes to be resolved efficiently (Singapore Subordinate Courts 1999b).

Lessons of Experience

Singapore’s reforms combined various elements to achieve results, build capacity, and transform attitudes in the sector. Its experience offers insights into how policy makers can study other common law jurisdictions and countries in order to diagnose their own system’s problems and formulate solutions. Singapore’s policy makers looked at all experiences critically: instead of just copying what others did, they considered adaptability and cultural relevance. The knowledge of judges and staff on the elements of and need for reform was strengthened by creating teams that learned about and shared information for undertaking improvements. These teams promoted dialogue, consensus building, and the ability to set tactical priorities.

Several lessons emerge from Singapore’s experience with reform. Their relative importance and relevance for application elsewhere depend on the country circumstances and the level of readiness for judicial reform.

Strategic thinking and business planning are central to institutional success. An organization’s strategy needs to cover every aspect of its operation. Singapore’s reforms covered the key issues facing its judiciary. They created multidisciplinary teams; enhanced user coverage and outreach; built administrative service capacity; increased access to justice and improved efficiency; harnessed knowledge, technology, and judicial expertise to create an enabling environment and a road map for the medium and long term; and produced benchmarks and time lines for improvement strategies. They also demonstrated the social role of the judiciary in promoting the rule of law. Reforms emphasized the need to direct targeted interventions in areas in urgent need of improvement and to evaluate progress continually and make adjustments.

Strong leadership is essential to create and achieve a vision of change. Strong political will is essential for initiating improvements at the top that can demonstrate effectiveness, particularly in hierarchical organizations. Action at the top can alter behavior within and outside the institution and promote team work and excellence. Singapore’s

experience provides an excellent example of innovative and firm leadership and motivating teamwork. A new mind-set was created by adopting more people-oriented measures. The leadership took an active role, made policies, and reached out to other agencies and other branches of government. It represented the interests of judges and other staff, fostered esprit de corps, and empowered judges and staff for broad-based action and teamwork. It adopted participatory grass-root ideas to motivate staff, ensure organizational unity, and obtain quick results. It created incentives intended to offset the costs of organizational transformation and encourage learning. And it communicated to all employees its vision that a judicial system is only as good as the people who run it.

Institutional reform must be tailored for and targeted at those the institution serves. Building user and investor confidence and increasing access promote a culture of service and represent first steps toward successful judicial reform. Singapore's program highlighted meeting user needs with respect to timeliness, location, language, culture, and economic and social concerns. It aimed to ensure the equitable dispensation of justice to the multilingual, multiethnic, and multicultural population and to local and international businesses. These reforms included bringing courts closer to the people, offering interpreter services, creating specialized courts and services for women and children, and upgrading legal aid counseling services for people with limited means. Simple, cost-effective measures for business users, tourists, and investors were also adopted. Participation of and outreach to the legal community and civil society as well as training and knowledge initiatives helped to nip problems in the bud.

Engaging the community in judicial transformation helped to promote social stability (and reduced demand for court adjudication by settling disputes through alternative conciliatory means). Transparency and information sharing met social demands for public involvement. Reformers seriously considered popular views in public policy choices regarding measures about crime and violence. These efforts reveal how stakeholders can be won over and brought into the reform process rather than working against it. However, it is important to underline the unique nature of Singapore's political institutions and corruption-free, robust public sector, which facilitated reform.

Increasing knowledge and technological innovation are critical components of change. Experience indicates that knowledge sharing and training, case management reforms, procedural reforms, computerization and

provision of Web-based services and communication, and organizational streamlining and procedural simplification are basic vehicles for change. The motivation of stakeholders may be affected by the definition or content of change activities (in the words of Keith Burgess, of Anderson Consulting, "The world is full of advice; what's in short supply are solutions").

Policy makers recognized that senior judges are by nature generally conservative and abhor institutional change, especially change brought about by new technology that requires technical (new) competence. To counter this concern, there was a seamless integration of user-friendly technology, which made Singapore's judiciary one of the most technologically sophisticated in the world. It should be impressed on judges and administrators that technology provides them the medium to learn, that content is critical, and that they must decide what they want to learn and adapt.

Judicial reform is facilitated by a stable economy and an efficient political system. The judiciary operates in an environment that is shaped by the interplay of public sector forces. Judicial performance is influenced by regulatory arrangements, legislation, financing arrangements, civil service policies and the culture of public service, the performance of criminal justice agencies, the quality of the education system (especially the Law Faculty), audit arrangements, and other factors. Only when there is good working synergy among the branches of government can positive change be made and sustained. Singapore's stable economy and political system enabled it to develop into a middle-income country despite its small size and lack of natural resources. Its corruption-free environment facilitated economic progress and governance. Positive initiatives that improved the performance of ministries throughout the public sector proved helpful when introduced in the courts.

Notes

1. "Swifter Justice," *Strait Times*, May 11, 1999; "Lawyers Taking on Too Many Cases," *Strait Times*, May 11, 1999.
2. The lucrateness of litigation reflects the huge increase in foreign direct investment in Singapore, from about S\$50 billion in 1990 to about S\$96 billion in 1996. The increase created demand for legal services, spurring many international firms and lawyers to set up shop in Singapore.
3. Personal communication with Davinder Singh of Drew and Napier, 1999.

4. It is a feature of the confidence of Singapore and the maturity of its society that the presence of foreign lawyers, such as those of the British queen counsel, is not only tolerated but indeed welcomed, in contrast to the parochial attitudes of other countries.
5. Some feel that salaries at the top are very high, which may affect decision making.
6. Analysis of due process considerations and rules, antiterrorism laws and transnational crime, and victims' rights, among others, is beyond the purview of this report.
7. Interview with Glen de Souza, 1999.

APPENDIX A

The Nine Judicial Work Plans, 1992–93 to 2000–01

This appendix presents the details of the nine judicial work plans that were instituted between 1992 and 2001 to reform Singapore’s judiciary.

First Work Plan, 1992–93: “Progressing toward Excellence”

In the inaugural work plan, the judiciary focused on strategies and measures to solve the backlog problem. Rather than building more courts, which would have been a short-term solution, the plan called for raising productivity, with judges taking a more active role in managing their cases. Special pretrial conferences were to be conducted, a strict no-adjudgment policy was adopted, punctuality at court sittings was enforced, hearings were conducted beyond office hours, hearing fees were imposed to discourage frivolous cases, civil cases were individually managed by the registrars to whom the cases were assigned, and a culture in favor of change was established among judges and staff.

Second Work Plan, 1993–94: “Achieving Excellence”

In the second work plan, the judges institutionalized case management in order to ensure that the backlog problem would not reemerge. Case

management, introduced in 1992–93, was extended to 1993–94. Examples include pretrial reviews to help parties narrow the issues and explore settlement. Case management enabled the courts to monitor and control a case from its commencement to disposal. The Group Management of Cases (GMC) scheme was also extended to both criminal and civil cases. The jurisdiction of the subordinate courts was increased, with the civil jurisdiction of the district courts increasing from S\$50,000 to S\$100,000, and the civil jurisdiction of the magistrates' courts increasing from S\$10,000 to S\$30,000.

Third Work Plan, 1994–95: "The Subordinate Judiciary in the Twenty-First Century: Excellence and Beyond"

After the initial emphasis on processes and resources, in the third work plan the focus shifted toward performance and performance measurement. In an effort to bolster the case management system, the rules of the subordinate courts were amended to empower the courts in summoning parties to ascertain the progress of a case and to cause any lawyer responsible for a delay to bear its cost.

Centralized sentencing courts were established for different groups of cases. The Children and Young Persons Act and the sentencing options of the juvenile court were reviewed. Court Vision 21 showcased new court technology, demonstrating how technology and information application systems could improve their effectiveness. Futures planning was fully institutionalized to help plan for the future of the subordinate courts.

Fourth Work Plan, 1995–96: "The Subordinate Courts: Excellence and Beyond; The Next Phase"

In the fourth work plan, the focus turned to the core values of the subordinate courts in order to ensure that the achievements attained in the previous years would be sustained. The core values were defined as accessibility, timeliness, equality, fairness and integrity, independence and accountability, and public trust and confidence.

Disposition periods for cases were established. Differentiated case management (in which different types of cases are assigned different time lines) was implemented. Case conferences and case evaluation conferences were convened to monitor cases, and cases with a possibility of settlement were referred for dispute resolution. The Court Mediation Center was set up for matters such as civil, family, and small claims. The

Automated Traffic Offense Management System (ATOMS), which allows offenders to pay fines for minor traffic violations at kiosks, located at convenient locations throughout Singapore, was also created.

The family court was established, providing the public with a one-stop center for family-related services. Mediation was to be used to help parties resolve their disputes in an amicable manner. A court support group, manned by volunteers, was formed. Improvements in juvenile courts were introduced, with an emphasis on increased involvement of the family and society. Family conferencing was also introduced. The method of collecting evidence was simplified, allowing initial evidence to be tendered in a sworn written statement. Video links to courts (for vulnerable witnesses, for example) were also introduced to improve operation and services.

To emphasize that court time is a scarce resource and to encourage its efficient use, court hearing fees were introduced for trials lasting more than one day. New technology was introduced into the daily processes of the subordinate courts. The subordinate courts also organized the Asia-Pacific intermediate courts conference, held in 1995, with the theme “Judicial Administration: Current Trends and Future Challenges.” The conference (the first of its kind in the region) brought together judges, prosecutors, lawyers, and administrators from more than 15 countries.

Fifth Work Plan, 1996–97: “The Subordinate Courts: Excellence and Beyond; Phase II”

In the fifth work plan, the subordinate courts turned their focus to the timeliness of cases, decisions, and administrative processes. Environmental scanning—a futures planning method—was used to identify emerging trends that could affect the judicial system; more court support groups, made up of volunteer mediators and counselors, were established; night mediation for family cases was introduced; the small-claims tribunals were regionalized; the family court legal clinic was launched; free legal advice was made available to parties involved in matrimonial proceedings who satisfy a means test; a conference entitled “Justice and Technology: Superhighway to the Twenty-First Century Courts” was organized; the Singapore mediation model was developed for civil and family cases; a code of ethics for mediators was drafted; the Center for Judicial Education and Learning was established; and matrimonial and guardianship cases were transferred from the high court to family court.

Sixth Work Plan, 1997–98: “Our Vision: A World-Class Court”

In the sixth work plan, the subordinate courts set out a vision of becoming a world-class court. The subordinate courts introduced key initiatives to achieve this vision, which included the justice statement, the Justice Policy Group, a code of ethics for judges, and strategic partnerships with advanced judiciaries.

The justice statement set out the vision, mission, goals and objectives, core values, and principles for discharge of judicial office (box 5.1). It is a declaration by the subordinate courts of their commitment to professionalism and excellence of service. It produced the four justice models. The Justice Policy Group, a think tank of forward-looking judges and administrators, was formed to advise on and assist in the formulation of proactive judicial policies.

A draft code of judicial ethics was prepared to fix appropriate standards of conduct for judicial officers. Strategic partnerships with advanced judiciaries in other countries were established to facilitate the exchange of information and ideas relevant to the administration of justice. In addition, a corporate logo was created; the monetary jurisdiction of the district court was increased from S\$100,000 to S\$250,000 for civil cases; night mediation for small-claims matters was introduced; and the Women’s Charter was passed, providing for the parenting plan to be filed together with the petition for divorce. A Joint Courts Charter was created, describing the various services and establishing the standards of service that court users can expect, and a Family Protection Unit was established. The courts also organized several training and knowledge sessions, including a conference held in Singapore entitled “International Mediation: Dynamics and Phenomenon” as well as a conference entitled “Managing Change in the New Environment,” which was run jointly with the Australian Institute of Judicial Administration.

Seventh Work Plan, 1998–99: “Subordinate Courts 21: Leading Justice into the New Millennium”

In the seventh work plan, the subordinate courts focused on building competencies designed to enable them to lead justice into the next millennium. Key initiatives included the establishment of the “multidoor courthouse,” the redefinition of the court mediation center as the Primary Dispute Resolution Center, and the launching of the Strengthening Community Links project in collaboration with the Ministry of Law, the

National Council of Social Services, the People's Association, and the Singapore police force. The project aimed to institutionalize and operationalize various community-based programs and initiatives and to coordinate the various services provided to the public by enforcement agencies, community agencies, and the courts.

Other measures included the upgrading of the Singapore Case Recording and Case Management System (SCRIMS), which automates the processing of criminal cases from registration to disposal; the preparation of the third information technology plan to support business process reengineering projects in courts; the preparation of the information technology master plan for the subordinate courts for the next millennium; introduction of a pilot program testing the balanced scorecard concept in small-claims tribunals; and organization of the third Asia-Pacific courts conference, which was held in Shanghai, China.

Eighth Work Plan, 1999–2000: "Administering Justice in the Knowledge Economy"

In this work plan, the subordinate courts focused on becoming the first among equals and on being a dynamic public institution responsive to community needs.

The subordinate courts provided a broader dispute resolution process in civil cases with cross-border elements through the Court Dispute Resolution International (CDRI) initiative. CDRI involves cross-border real-time co-mediation with judges from other jurisdictions to enhance the quality of civil justice by providing added value and a broader judicial perspective and content. This initiative was extended to include participation from Australian, American, and European judiciaries. Video-link sessions were established with the senior master of the Queen's Bench Division in the royal courts of justice in London—and with the district judges in the county courts and the family court of Australia—to discuss daily judicial issues. A virtual multijurisdictional judicial cluster—with the domain name, e-justice.subcts.gov.sg—was established to provide an opportunity for judges and court administrators around the world to brainstorm court governance and legal issues and share ideas and knowledge.

The role of the multidoor courthouse of the subordinate courts was expanded to facilitate and coordinate community involvement starting with linkages to the family service centers and the police. The multidoor courthouse worked together with the Singapore police force, the community mediation centers of the Ministry of Law, the National Council

of Social Service, and the People's Association in a strategic partnership to train frontline service providers, such as police officers and other counter staff, to provide relevant information about the courts. Participating agencies wrote an integrated pamphlet with information for the general public. For the needy who come to the courts seeking assistance, a scheme, implemented jointly with the Legal Aid Bureau, enabled litigants to apply for legal aid and have their cases referred to the Legal Aid Bureau within the precincts of the multidoor courthouse.

The Primary Dispute Resolution Center began new services. Co-mediation with technical experts was provided in complex, high-value claims. With respect to the civil process, a committee of judicial officers examined ways to simplify the rules and procedures for litigants. A third regional center of the small-claims tribunals was established in the western part of Singapore.

The family court set up the Family Justice Center to coordinate and implement counseling programs, legal clinics, medical facilities, and joint projects with government organizations, hospital referrals, community welfare agencies, and crisis shelters. To encourage victims of family violence to seek protection sooner rather than later, the family court installed video-link facilities to lodge complaints from remote sites. The counseling unit set up the Kids in Difficult Situations (KIDS) line to provide information to children caught in the middle of parental conflict. The Children's Resource Center was established to furnish opportunities for children to share their anxieties and obtain advice.

The ATOMS was extended to offenses under the Parking Places Act prosecuted by the Housing and Development Board and the Urban Redevelopment Authority. The system was enhanced to enable persons to use the kiosks up to the scheduled date of their court appearance. Also, broadband network infrastructure was expanded in the subordinate courts for advanced technological applications.

Emphasis was placed on training and career-long education. Road maps, with a full complement of training plans and initiatives, were developed for officers. Revision courses on a variety of legal issues were conducted by Supreme Court judges for subordinate court judges. Video-conference sessions with experts were arranged. Computer-based training was used to enable officers to view presentations from their personal computer.

The Justice Policy Group developed a preliminary preferred scenario for the subordinate courts in 2020. Focus groups were created to refine the preferred scenario so that the entire organization would think, plan,

and act in concert with a coherent vision. The justice scorecard, based on the balanced scorecard system, was piloted at the small-claims tribunal.

Ninth Work Plan, 2000–01: “Investing in Justice in the New Economy @ The Subordinate Courts”

The focus of the ninth work plan was on transforming Singapore into the Silicon Valley of the global justice community and sustaining the position of the subordinate courts in the administration of justice.

On the international front, the United Nations Centre for International Crime Prevention tapped the subordinate courts’ experience in the administration of criminal justice. The subordinate courts also shared their judicial work and reform experience with judiciaries both inside and outside the region. The “e@dr” (Alternative Dispute Resolution) Center finalized discussions with the World Intellectual Property Organization Arbitration and Mediation Center to provide virtual resolution to aggrieved parties in intellectual property, e-commerce, and domain name cases. At the same time, the CDRI program was expanded to bring in a wider judicial input from judges in Europe and the Asia-Pacific region.

The subordinate courts worked with the Economic Development Board, the Trade Development Board, the Singapore Mediation Center, the Singapore International Arbitration Center, and the Ministry of Law to establish a comprehensive dispute resolution framework for e-commerce cases. The parties concerned are planning to resolve e-commerce disputes by the use of video conferencing and other electronic means.

One of the focuses was to enhance all knowledge work within the subordinate courts. Examples include giving scholarships, sending judicial officers for Supreme Court and overseas attachment, establishing a specialist cluster of commercial, criminal, and civil district courts, and forming a Knowledge Management Group to coordinate communities of practices within the subordinate courts.

To ensure a participative judicial system, the People’s in.court Lab, an interactive training and learning laboratory for members of the public, was set up to improve even further the public’s access to justice. A one-stop Web-based information portal for the public, “Law for the Layman on the Web,” was set up as a joint initiative of the Law Society and the Ministry of Law. The electronic filing system (EFS) learning lab allowed lawyers with little knowledge of information technology to participate fully in the EFS environment. The chief justice’s Award for Judicial eInnovation was launched to bring the justice system closer to the people

and give them a constructive role in building up a court for the people. Community participation in justice programs was enhanced through the courts' partnership with secondary schools, with support from the Ministry of Education and the Ministry of Law, for peer mediation initiatives. To acquire new knowledge, the courts also continued dialogue with the biotechnology, life sciences, and technology sectors, besides business organizations, trade bodies, and relevant statutory boards.

This work plan also saw the establishment of various specialized justice centers—for example, the Juvenile Justice Center. Together with the Ministry of Community Development and Sports, the Inter-Ministry Committee on Youth Crime, and the Family Service Center, the Juvenile Justice Center supports the rehabilitation of juvenile offenders. The Criminal Justice Center was set up to begin studying and evaluating criminal justice developments in other jurisdictions, with a view to reviewing Singapore's criminal justice system. A civil justice system with better use of resources, lower costs for litigants, and easy access to justice for all was promoted. The Family Justice Center offered counseling services to the courts' Family Care Center, which provides outreach and family rehabilitation programs for family violence cases. Parenting workshops were expanded to include group counseling for children, and the Singapore courts expanded their community outreach work dealing with children and youth.

APPENDIX B

Management Concepts Used in Singapore’s Judicial Modernization

The table below provides the management concepts and examples of applications used in Singapore’s judicial modernization.

Table B.1. Management Concepts Used in Singapore’s Judicial Modernization

<i>Management concept</i>	<i>Examples of application</i>
<i>Leadership</i>	
Strategic planning	<ul style="list-style-type: none"> • Annual strategic work plans and biannual reviews of strategic planning by the Justice Policy Group • Strategic framework
Development of a corporate or organizational culture	<ul style="list-style-type: none"> • Mission statement • Code of ethics • Motto (<i>Dignus Honore</i> [Worthy of Honor])
Protection of stakeholders’ constituents’ interests	<ul style="list-style-type: none"> • Four justice models: criminal justice (protecting the public), civil justice (resolving disputes effectively and fairly), family justice (protecting family obligations), juvenile justice (practicing restorative justice) • Enhancement of access to justice by reducing barriers
Entrepreneurial management	<ul style="list-style-type: none"> • Differentiated case management for civil cases • Use of piece-rate and macro-based funding approaches
Framework of corporate governance	<ul style="list-style-type: none"> • Justice statement • Strategic framework • Judicial core competencies

(continued)

Table B.1. Management Concepts Used in Singapore's Judicial Modernization*(continued)*

<i>Management concept</i>	<i>Examples of application</i>
Vertical hierarchy or flat hierarchical organization	<ul style="list-style-type: none"> • Stronger community links • Peer advisers' scheme • Regional multidoor courthouse • Regional justice centers
Strategic alliances with concerned organizations	<ul style="list-style-type: none"> • Partnerships with other forward-looking judiciaries (links with Australian Institute of Judicial Administration, National Center for State Courts, World Futures Studies Federation, international financial institutions, Commonwealth Magistrates and Judges Association)
Articulate and win agreement on the mission and vision of the organization	<ul style="list-style-type: none"> • Justice statement • Annual work plans • Declared intention of becoming <i>primus inter pares</i> among international judiciaries
Become a learning organization	<ul style="list-style-type: none"> • Continuing education for judges and court administrators • Video conferences with foreign experts • Distance learning opportunities • Social context programs for judges and administrators • Management and financial programs by the Institute of Public Administration and the Civil Service College
Core values	<ul style="list-style-type: none"> • E-justice judges' corridor for knowledge sharing • Constant emphasis on core values in the judicial system (accessibility, timeliness, fairness, and integrity, independence and accountability, and public trust and confidence)
<i>Managing people</i>	
Empowerment	<ul style="list-style-type: none"> • Project groups (committees on legislation, computerization, juvenile justice, new judiciary building) • Staff suggestion schemes and work improvement teams
Recognition of cross-cultural or gender factors	<ul style="list-style-type: none"> • Stress in judicial education • Language interpreter services
Change management	<ul style="list-style-type: none"> • Application of sensitivity training to promote change and train staff to lead
Special attention to the top team	<ul style="list-style-type: none"> • Individualized skills-training road maps for judges and court administrators • Attendance at advanced courses in local and foreign universities and advanced management programs (at Harvard, Oxford, Cambridge universities) for judges • Improved salaries and other incentives

Table B.1. Management Concepts Used in Singapore's Judicial Modernization*(continued)*

<i>Management concept</i>	<i>Examples of application</i>
<i>Promoting services</i>	
Focus on "customers"	<ul style="list-style-type: none"> • Increased perception of court users as "customers" • Use of pamphlets, videos, CD-ROMs to disseminate service information
Flexibility	<ul style="list-style-type: none"> • Creation of Public Affairs Section • Tourist court for visitors • Night court for government-related matters • Night mediation for family and small-claims cases • Video links to Legal Aid Bureau, prisons, and other agencies • Half-day work schemes for staff members with other commitments
Value added services	<ul style="list-style-type: none"> • Court hearings after customary office hours • Free mediation in civil and family cases and counseling for family cases • Free procedural advice at multidoor courthouse • Language interpretation services • Legal aid for persons with limited means • Customer Service Division • Waiting space for children
Customized services	<ul style="list-style-type: none"> • Multidoor courthouse; screening of cases to determine most appropriate forum • Family Protection Unit • Court Counseling Unit for estranged couples and their children • Vulnerable Witness Support Program (assistance for vulnerable witnesses—for example, children—before and during court proceedings) • Separate tribunals for small-business claims • Differentiated management of civil and criminal cases
Electronic commerce	<ul style="list-style-type: none"> • Electronic payment of court fees or spousal and child support payments • Electronic payment to vendors • Publication of procurement notices • ATOMS
<i>Enhancing corporate value</i>	
Establishment of core competencies	<ul style="list-style-type: none"> • Catalogue of core competencies of judges, court administrators, and judiciary as an entity
Top-quality management	<ul style="list-style-type: none"> • Training in management tools for senior judges and court administrators and links with government ministries and private sector
Benchmarking and statistics	<ul style="list-style-type: none"> • Courts Charter • Annual reports • Research and Statistics Unit

(continued)

Table B.1. Management Concepts Used in Singapore's Judicial Modernization*(continued)*

<i>Management concept</i>	<i>Examples of application</i>
Standards of the International Organization for Standardization	<ul style="list-style-type: none"> • Surveys of public and business perceptions of the judiciary • International rankings (Political and Economic Research Consultancy, World Competitiveness Report, Economic Freedom of the World)
Time-based competition	<ul style="list-style-type: none"> • Case disposition time lines • Time lines for decisions
Process reengineering	<ul style="list-style-type: none"> • Redesigned work flows in court registries • Business process reengineering of work systems before investing in automation
Outsourcing	<ul style="list-style-type: none"> • Court technology • Logistics support • Court building maintenance
Service chain management	<ul style="list-style-type: none"> • Multidoor courthouse
Virtual organization	<ul style="list-style-type: none"> • Electronic filing systems • Case management systems • Vulnerable witness video link • ATOMS • Consultation of claims via video link in small-claims tribunals • Web site • Access to Internet and government intranet • Judicial officers' database • Law Net (electronic legislation database and information)
<i>Measuring results and finance</i>	
Performance measurement systems	<ul style="list-style-type: none"> • Annual work plans
Activity-based costing	<ul style="list-style-type: none"> • Autonomous agency (subordinate courts) • Balanced scorecard
Integrated information management and control systems	<ul style="list-style-type: none"> • Integrated criminal justice system • Subordinate courts criminal records and information management system • Judicial officers' database
Budgeting for results	<ul style="list-style-type: none"> • Capital planning and investment • Integrated financial management and micro- and macro-funding techniques
Cost-effectiveness	<ul style="list-style-type: none"> • Court fee schedules

Sources: Yong (1999), field visit discussions, Singapore Supreme Court (various years), and Singapore Subordinate Courts (1999a).

APPENDIX C

Description of Judicial Institutions and Stakeholders

The judicial sector comprises various institutions and stakeholders, which are discussed in this appendix.

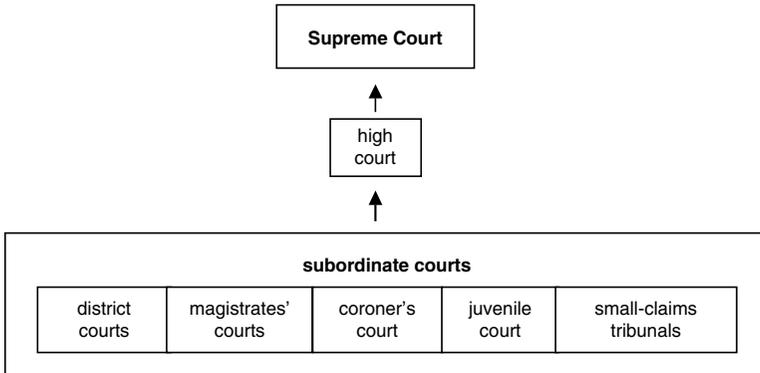
The Supreme Court

The Supreme Court is a superior court of record. It consists of the court of appeal and the high court, which hear both civil and criminal matters (see figure C.1). The Supreme Court consists of the chief justice, judges of appeal, judges, and judicial commissioners.

The high court is supported by the registrar, deputy registrar, and assistant registrars, who perform both judicial and administrative functions. They deal with certain civil proceedings in the high court that are heard in chambers.

The justices' law clerks, who work directly under the charge of the chief justice, assist the judges and judicial commissioners by carrying out research on the law, particularly for appeals before the court of appeal.

The Corporate Services Division, a supporting arm of the Supreme Court, provides a range of corporate services, such as finance, administration, office services and projects, corporate communications, and personnel administration.

Figure C.1. Court Organization–Simplified View

Source: Singapore subordinate courts.

The registry comprises various legal counters such as civil, criminal, writs of summons, probate, taxation, bankruptcy, bailiffs, summons-in-chambers, power of attorney or practicing certificates and services, orders of court, and records and searches, among many others. It is the responsibility of the registry to process, register, and keep records and to make them available for court hearings and inspection by litigants. Other supporting arms of the Supreme Court include interpreters, verbatim reporters, stenographers, and court monitors.

Civil cases commence in high court when the value of the claim exceeds S\$250,000. In criminal cases, the high court generally tries cases where the offenses are punishable by death or a term of imprisonment exceeding 10 years.

The court of appeal is the final appellate court in Singapore and the highest court in the land. This court consists of the chief justice, who is also president of the court of appeal, and the judges of appeal. (At the request of the chief justice, judges of the high court also sit in the court of appeal from time to time.) The court of appeal hears appeals from decisions of the high court in both civil and criminal matters.

The high court consists of the chief justice and the judges of the high court. Judicial commissioners have the powers and immunities of a high court judge and are appointed for a defined period. The high court hears both civil and criminal cases as a court of first instance. It also hears appeals from the subordinate court registrars, magistrates, and district

judges as well as registrars of the Supreme Court. Proceedings in the high court are normally heard and disposed of by a single judge.

Subordinate Courts

The subordinate courts are established by the Subordinate Courts Act and comprise the district courts, the magistrates' courts, the coroner's court, the juvenile court, and the small-claims tribunals. These courts exercise various powers. Certain district courts and magistrates' courts are designated as specialized courts such as the family court, the commercial, civil, and criminal courts, the traffic court, the centralized sentencing court, and the night courts. The Primary Dispute Resolution Center and the multidoor courthouse are part of the subordinate courts.

The subordinate courts are presided over by the senior district judge, district judges, magistrates, coroners, the registrar, deputy registrars, and referees of the small-claims tribunals. The president appoints the senior district judge, district judges, magistrates, coroners, and referees of the small-claims tribunals on the recommendation of the chief justice, who also appoints the registrar and deputy registrars.

The subordinate courts comprise a total of 47 district and magistrates' courts, the civil, family, and crime registries (headed by the registrar), the Primary Dispute Resolution Center, and the small-claims tribunals. Under the Group Management of Cases (GMC) scheme, the various courts are divided into groups. Each group is overseen by a group manager (the most senior district judge). There are nine GMC groups altogether. Six of the GMC groups consist of criminal courts and the juvenile court. The Primary Dispute Resolution Center forms one GMC group. The other two GMC groups consist of the civil courts and the family courts, respectively. All of the group managers, the registrar, and the senior referees of the small-claims tribunals report to the senior district judge.

Criminal cases are heard by district or magistrates' courts exercising criminal jurisdiction. A district court has the jurisdiction to hear most offenses, except those that are punishable by imprisonment for life or death. In general, it may impose a term of imprisonment not exceeding seven years, a fine of up to S\$10,000, or both. A magistrates' court deals with offenses of a less serious nature. In general, it may impose imprisonment for a term not exceeding two years, a fine not exceeding S\$2,000, or both.

The criminal courts are supported by a crime registry that manages all criminal processes in the subordinate courts and monitors the progress of cases until final disposition (including appeals). The crime registry also provides information on the status and progress of cases and crime statistics.

Mediation has been introduced in cases instituted by way of magistrates' complaints. These cases relate mainly to neighborhood and relational disputes, where parties are known to each other. Examples of these include causing a nuisance and mischief.

Civil cases are tried in district or magistrates' courts exercising civil jurisdiction. These include claims in contract and tort, applications for grants of probation, adoption proceedings, taxation of costs (the process of calculating legal and other fees), and cases brought by the small-claims tribunals.

District courts have jurisdiction to hear civil disputes where the subject matter of the dispute does not exceed S\$250,000. District courts also deal with matters such as the grant of injunctions and adoption of children. The jurisdictional limit of magistrates' courts is S\$60,000. In civil cases, parties are encouraged to settle their disputes privately. To this end, a settlement conference was introduced in June 1994 to assist parties in a civil case to come to a negotiated settlement. Matters discussed therein are kept confidential. If the parties are unable to resolve the matter, it is fixed for trial before another judge who is not aware of what transpired at the settlement conference.

The multidoor courthouse is a service offered by the subordinate courts. It is a one-stop center for screening and channeling cases to the most appropriate forum for dispute resolution. The multidoor courthouse offers assistance on civil, family, juvenile, and criminal matters. The service is free of charge. It is not legal advice, and it is not legally binding. The assistance provided is for information only. The objectives of the multidoor courthouse are to assist and guide the public in selecting the most appropriate dispute resolution mechanism, to increase public awareness of the dispute resolution process, to assist the public in locating a suitable dispute process within the subordinate courts or external agencies, and to provide more comprehensive coverage of the dispute resolution programs in the subordinate courts.

The family court, established in March 1995, is presided over by district judges. The family court hears applications for divorce and matters ancillary to divorce such as applications by a spouse for maintenance, custody of children, and protection from domestic violence. It also deals

with the adoption of children. The family court has implemented additional services such as a legal clinic and a hospital referral service for applicants applying for personal protection. A Family Protection Unit was established in November 1997. This unit houses a one-stop intake counter to receive applications and orders and a counseling unit.

The juvenile court was created with passage of the Children and Young Persons Ordinance in 1949. This court deals with all types of criminal offenses by individuals under the age of 16. The juvenile court deals with three categories of cases: juvenile offenders, children and young persons beyond parental control, and children and young persons in need of care and protection.

In dealing with juveniles, the court works closely with the offender, his or her parents, peers, teachers, and various care-giving agencies. To this end, the juvenile court has introduced innovative measures such as family conferencing, family care conferencing, peer advisers, peer mediation, and youth family care.

The traffic court manages the conduct of traffic cases, except in cases where death has been caused by a traffic accident. Use of the Automated Traffic Offense Management System (ATOMS) allows first-time offenders to settle traffic tickets containing an offer of a composition fine (the standard fine ordered by a traffic official). In cases where the period for payment of the composition fine has expired, offenders may plead guilty to the offense at an ATOMS kiosk instead of having to appear in court.

The coroner's court is presided over by the state coroner. The coroner's main duty is to ascertain the cause and circumstances under which a person died, in cases where there is reason to suspect that a person died in a sudden or an unnatural manner or by violence or where the cause of death is unknown. The coroner also determines whether any person was criminally involved in the deceased person's death.

There are currently two criminal mentions courts—Court 26 and Court 23—which exercise the jurisdiction of a district court and a magistrate's court, respectively. When accused persons are first charged, their cases are mentioned in one of the criminal mentions courts. The criminal mentions courts deal with a wide variety of applications, including applications for bail, remand, and adjournments. If an accused person decides to plead guilty, his or her case is dealt with immediately. More serious cases are sent to the sentencing courts. However, if the accused person claims trial, the mentions court fixes a date either for the trial or for the pretrial conference.

Mediation in Singapore revolves around the Primary Dispute Resolution Center in the subordinate courts. The center is headed by a director, who

is a district judge. The main aim of the center is to provide a forum for disputants to explore various options for resolving their dispute without adjudication. Consequently, conflicts can be resolved at a much quicker pace, helping to save legal fees and costs.

The mediation services offered by the center are court initiated and conducted without charge. They cover a wide spectrum of processes, including mediation for civil cases, family matters, small claims, juvenile matters, and magistrates' complaints.

The center strives toward a model of mediation that caters to the multicultural Singaporean context. The center trains and manages a pool of volunteers, comprising specially trained court interpreters, lawyers, professional social workers, and counselors.

The small-claims tribunals were established to provide a fast and inexpensive way for the public to resolve their claims or disputes. The tribunals were established in 1985 with passage of the Small-Claims Tribunals Act. The tribunals function at three locations: the headquarters is at Apollo Center, and the regional centers are at Ang Mo Kio and Marine Parade. The tribunals offer services through fax, phone, and Internet.

The tribunals hear all claims not exceeding S\$10,000 that arise out of a dispute from contracts for the sale of goods or the provision of services and claims relating to damage to property (except damage arising out of or in connection with the use of a motor vehicle). Claims must be lodged within one year. If the parties to the dispute agree in writing, the claim can be raised to S\$20,000. In order to bring about an agreed settlement, consultation is held before the registrar of the small-claims tribunals. These sessions are fixed within 7 to 14 days from the time the claim is lodged. If there is no settlement, a hearing before a referee is fixed within the following 7 to 14 days. For claims by tourists or other urgent cases, the small-claims tribunals usually fix the hearing and consultation within 24 hours.

Night courts were established in April 1992 to deal with the huge volume of regulatory and traffic offenses. They function for the convenience of the working public who would otherwise have to take time off from work in order to attend court. These courts function from Monday to Friday. There are two night courts. One deals with summons issued by the various government departments such the Housing and Development Board, the Urban Redevelopment Authority, the Central Provident Fund Board, and the Registry of Companies and Businesses. The other deals with traffic offenses brought by the traffic police and with regulatory offenses brought by the Land Transport Authority.

Interpreter services constitute a special group of the judicial branch. About 80 specialists interpret court hearings and proceedings at both the Supreme Court and the subordinate courts. They also help administrators to prepare affidavits and bonds, serve as commissioners for oaths, help plaintiffs to write complaints, translate official documents, and perform other duties. In addition, arrangements have been made with embassies and agencies to offer language assistance in cases where in-house language skills are not available.

Qualified graduates are recruited for a one-year probationary period, during which time they are required to pass a qualifying examination. Interpreters passing the examination are then assessed every second year. They may be allowed to attend a course of study prescribed by an examination board (made up of representatives from the judiciary, the Ministry of Information and the Arts, the Ministry of Labor, and the Ministry of Education) in preparation for a certification exam conducted by the Civil Services Institute. At the conclusion of the one-year probationary period, a student interpreter who displays satisfactory performance is considered by the Public Service Commission for appointment as a permanent interpreter.

Emphasis is placed on practical on-the-job training intended to inculcate a culture of continuous learning and improvement. Each interpreter receives 100 hours of training a year, including courses on language, dialect, writing and speaking, self-development, and management. Student interpreters must also satisfy an examination board that they are competent. Promotion is generally based on performance and experience. On completion of five years of service, interpreters must pass a test based on their on-the-job training. They must satisfy an examination board that they have attained high standards of proficiency in spoken and written language or dialect and have improved their skills enough to justify advancement.

Attorney General's Chambers

The attorney general is the government's legal adviser and the public prosecutor. With an annual budget of about S\$27 million, the office provides legal advice and assistance in developing a fair and responsible legal system, furthering good public administration, and protecting the interests of the state and the population. In 1998 about 65 percent of actual spending was on staffing, 10 percent on office rentals, 7 percent on investments, 8 percent on legal costs (settlement of motor accident claims

involving government vehicles, civil and criminal proceedings, and court fees), 4 percent on support services, 3 percent on training and development, 2 percent on other charges and fees, and 1 percent on maintenance of premises and equipment.

The Attorney General's Chambers employs about 240 people, about half of whom are lawyers. Professional development and staff training are a high priority. Staff attend continuing education courses at the Singapore Academy of Law, the Singapore Mediation Center, the Law Faculty of the National University of Singapore, the Civil Service College, and abroad. In 1998 about 3 percent of budget expenditures went to training (including employee welfare and public relations), about twice the percentage spent in 1997 (partly because the government increased the minimum training requirement for all public officers from 60 to 100 hours). The foreign programs that provide training include a program for executive development in Switzerland, master of law degrees in the United States and the United Kingdom, and an international executive program in France.

The work of the Attorney General's Chambers is handled by six divisions: civil, criminal justice, international affairs, legislative, commercial affairs, and administration and support. The Civil Division represents the government in civil matters, including regulatory and administrative issues. It provides a wide range of legal services, including legal advice, debt collection, drafting of laws, advice on commercial transactions, and representation in mediation, arbitration, and disciplinary proceedings. The division is also responsible for the statutory duties of the attorney general (for example, acting as guardian in adoption proceedings, reviewing applications for admission of advocates).

The Criminal Justice Division investigates and prosecutes criminal cases. As the public prosecutor, the attorney general has control over all criminal prosecutions and proceedings. Under the authority of the attorney general, officers conduct inquiries and prosecutions in the subordinate courts and argue appeals before the Supreme Court. Officers of the Criminal Justice Division also advise law enforcement agencies on criminal justice matters, review and assist in drafting proposed amendments to penal legislation, and deal with representatives of defendants and members of the public.

The International Affairs Division advises on matters of international law. Since 1995, it has facilitated the application of international law, advising the government on trade, civil aviation, maritime, and transnational issues and negotiating bilateral agreements and agreements with the World Trade Organization, ASEAN, and others. The division is also

responsible for assisting and advising government agencies on the domestic implementation of Singapore's international legal obligations.

The Legislative Division drafts legislation that conveys parliamentary intentions simply, clearly, and concisely. It advises parliamentary select committees and maintains a database of legislation. Over the years, the division has developed a legal framework for information technology, e-commerce, and banking, drafting the Electronic Transactions Act of 1998, for example. It also helped to develop the government's e-gazette for official publication of laws and regulations.

The Commercial Affairs Division seeks to protect the integrity of financial markets and to protect investors by enforcing laws pertaining to commercial crimes, such as money laundering. It collaborates with other divisions on complex commercial crime and financial market matters.

The Administration and Support Division provides administrative support and has developed information technology applications to facilitate the work of the Attorney General's Chambers. These include two main sets of applications: productivity-enhancing applications and knowledge management applications. Institutional and legal information (both primary and secondary) is available through Law Net and through intranet applications.

The Ministry of Law and the Legal Aid Bureau

The Ministry of Law's primary responsibility is to formulate and implement the broad legal policies of the government. Its mission is to ensure a sound legal infrastructure as a foundation of social and economic progress and to optimize the allocation of land resources for economic growth. The ministry manages areas such as constitutional matters, policies on civil and criminal justice, alternative dispute resolution and community mediation, the administration of intellectual property rights, the administration of land titles, and the management of state properties. The minister of law also heads the Legal Education Committee and promotes implementation of the Legal Professions Act.

The ministry also runs the Legal Aid Bureau, which was established in 1958 to help people of limited means. The Legal Aid Bureau employs about 40 professional staff (including interpreters, investigators, legal assistants, and accountants). About 63 percent of clients are women (Legal Aid Bureau 1999). Ethnically, about 68 percent are Chinese, 17 percent are Indian, 11 percent are Malay, and 4 percent are of other ethnic backgrounds. About 59 percent are 21–40 years old.

The Legal Aid Bureau provides three types of services—legal advice, assistance, and aid. Legal advice consists of oral advice on Singapore law, information on court counseling services, and advice on where and how to seek legal recourse. Legal assistance consists of negotiating out-of-court settlements and drafting various legal documents, including wills, deeds of separation, and letters to the authorities. Legal aid (or monetary assistance) accounts for about 40 percent of the services provided by the Legal Aid Bureau and is available for civil proceedings in courts and mediation centers. Matters commonly handled include divorce and child maintenance, disputes over family property, labor matters, tenancy matters, property disputes, claims in torts involving accidents, medical negligence, and estate matters.

Data for the period 1988–98 indicate that about 54 percent of legal aid applicants sought help in matrimonial matters and another 16 percent sought help in property and contract claim matters. Interviews indicate that the Legal Aid Bureau is the primary source of legal assistance in family-related matters to people who meet the means and merit test. To qualify for legal aid, a person must be a citizen or a permanent resident of Singapore, demonstrate financial need, and establish that his or her case warrants the granting of legal aid. Aid is not available to persons with disposable income of more than S\$7,000 a year or disposable capital of more than S\$7,000.¹ A merit test involves determination by the Legal Aid Bureau that applicants show reasonable grounds for taking, defending, continuing, or being party to a court action.

Persons receiving legal aid do not pay court, process server, or other fees. They receive copies of court records free of charge. They are obligated to pay a deposit for out-of-pocket expenses incurred in court proceedings and to reimburse some of those costs when money or property is recovered.

Interviews indicate that citizens typically do not abuse legal aid programs; nevertheless, safeguards against abuse are in place. Punishment for abuse includes the termination of legal aid privileges and the imposition of fines of up to S\$5,000.

The Corrupt Practices Investigation Bureau

Leadership, laws, and organizational capacity are the three critical factors in the fight against corruption, according to the director of Singapore's Corrupt Practices Investigation Bureau.² Over the past few decades, strong anticorruption policies and actions, strategic preventive measures, and a public attitude that corruption is not acceptable have contributed

greatly to the improvement in the investment climate and the operation of public institutions in Singapore.

The Corrupt Practices Investigation Bureau was established in 1952 as an independent body. It is responsible for receiving and investigating complaints alleging corrupt practices in both the public and private sectors, investigating malpractice and misconduct by public officers, and preventing corruption by examining public sector practices and procedures in order to minimize opportunities for corrupt practices. It is under the charge of the prime minister. The Prevention of Corruption Act of 1960, chapter 241, provides the bureau with the necessary powers to fight corruption. The Corruption (Confiscation of Benefits) Act of 1989 empowers the courts to freeze and confiscate property and assets obtained from corrupt offenders.

The bureau has about 49 investigating officers and 26 other staff members. It has two divisions—the Operations Division and the Administration and Specialist Support Division—each headed by a deputy director. Its annual budget is about S\$9 million.

About 500 complaints are received each year. Most cases involve the public sector. About two-thirds of these cases pertain to bribery. The public prosecutor takes about 150 of these complaints to the district court. Particular attention is paid to law enforcement personnel. Private sector corruption usually involves the payment or acceptance of illegal commissions or kickbacks. Complaints are made by telephone, by letter, or in person. To safeguard against malicious complaints, fines of up to S\$10,000 or prison sentences of up to one year can be imposed.

Persons convicted of corruption face fines of up to S\$100,000 or prison sentences of up to five years, or both. In addition, the court can impose a penalty equivalent to the amount of the bribe.

Successful prevention involves minimizing opportunities for corruption and increasing the likelihood of being caught and punished for corrupt practices. To do so, the Prevention and Review Unit of the Administration and Specialist Support Division, in partnership with different institutions, has carried out public education campaigns on the menace of corruption. It has helped public institutions to review work methods that are prone to delays and thus breeding grounds for corruption (examples include agencies responsible for issuing licenses and permits). It also has promoted the introduction of measures to force public officials (including judges) to declare their assets.

Officials of the Corrupt Practices Investigation Bureau note that judicial reforms, including the reduction in court delays, have supported their

efforts. They believe that detecting and bringing to justice the persons involved serve as a deterrent to others.

Singapore Police Force

The Singapore police force resides under the Ministry of Home Affairs. Its mission is to uphold the law, maintain order, and keep the peace. It comprises several departments, including airport police, the Commercial Affairs Department, the Criminal Investigation Department, Gurkha contingent, national police cadet corps, Planning and Organization Department, Public Affairs Department, Service Development and Inspectorate Department, special operations command, police coast guard, Police National Service Department, traffic police, and voluntary special constabulary.

The Singapore police force has an operationally ready strength of about 36,000 officers, including 8,950 regular officers, 854 civilian officers, 3,288 national service full-time personnel, 21,786 operationally ready national servicemen, and 1,264 volunteer special constabulary officers.

The overall budget (about S\$1.13 billion) comprises the recurrent budget and the development budget. The recurrent budget consists of other operating expenditure, which amounts to about S\$257 million and expenditure on staffing, which amounts to about S\$527 million. Total recurrent budget for fiscal 1999 was about S\$785 million. The total development budget was about S\$344 million.

Since 1997, work improvement teams and the staff suggestion scheme have helped to improve the performance of the police. The staff suggestion scheme was computerized in 1998 using the XTRAS II (Excellence through Active Suggestions) system, through which officers can submit suggestions online and perform monitoring and control functions. Recently, the Singapore police force commissioned a survey to find out how the public perceives the level of security and gauges its performance. This involved face-to-face and other interviews with persons who had direct dealings with the police.

Law Faculty of the National University of Singapore

Established in 1959, the Law Faculty of the National University of Singapore is the premier legal education center of Singapore and the South Asia region. It offers both graduate and undergraduate programs.³

Over the last decades, the process of legal system development involved review of the legal education system, and several initiatives

launched by the courts as part of the judicial reforms of the 1990s were developed in partnership with the universities. These included developing internship programs for students in the courts, preparing new and innovative courses for meeting the continuing education needs of legal professionals in Singapore, modifying the curriculum to reflect the changing needs of the economy (e-commerce, intellectual property, ethics, and so forth), and limiting the number of law students by raising the standards for admission to law school.

In 2000 the Law Faculty numbered about 50 (40 full-time and 10 part-time) faculty and about 25–30 administrative staff. As a public university, it works with the Ministry of Law to achieve “managed growth” of professionals by limiting the number of law school graduates. In the mid-1970s, about 90 students were enrolled in undergraduate law programs. That figure rose in the 1980s, peaking in 1992, when 212 students were enrolled.

In recent years, about 1,000 students a year apply to the Law Faculty. Of these, about 450 are chosen for oral and written examination, and 150 are admitted. This procedure has improved the quality of students and reduced the number of professionals in the market, in line with the Legal Profession Act of 1993.

The undergraduate program is divided into two two-year phases. The number and variety of courses have increased over the past decade: in 1998–99, 47 law courses were offered, up from just 14 courses a decade earlier. Courses include finance, accounting, and political economy as well as courses on human rights, the law of the seas, and environment, banking, and comparative law. Courses on comparative law are particularly important because of the region’s different legal systems. About 5 percent of the students are selected to participate in talent development programs that arrange student exchange and leadership programs (including study visits to courts).

Singapore Academy of Law

The Singapore Academy of Law was established in 1988 as an umbrella organization for all legal professionals in Singapore—not just private law practitioners, but judges, notaries, and others as well. It had about 5,800 members in 1999.

The Singapore Academy of Law is a corporate body responsible for promoting learning and high standards of conduct throughout the legal profession. Its role and scope of activities were limited until 1995, when it

became more active following passage of the Singapore Academy of Law Act. Today its functions include promoting high standards of conduct; promoting legal research, scholarship, and reform; providing continuing legal education to its members; appointing public notaries and commissioners of oaths; and undertaking projects relating to the study, development, and operation of laws and legal systems, information technology, and infrastructure.

The Singapore Academy of Law has several committees, including committees on the library and publications, legal reform, Law Net management, legal education and studies, the Board of Commissioners for Oath and Notaries Public, and the Board of Legal Education. Since 1994, the academy has organized annual lectures delivered by prominent professionals, including chief justices of Canada, Great Britain, Australia, and Hong Kong (China). The academy also has taken the lead in preparing guidelines and manuals for the effective operation of public notaries and commissioners of oath.⁴

The academy's affairs are managed by its senate, which includes the chief justice (who serves as president), judges of the Supreme Court, the attorney general, the solicitor general, the president of the Law Society, the dean of the Law Faculty, the chair of the Board of Education, and other members appointed by the chief justice. Initially dependent on a grant from the Ministry of Law, the academy now covers the cost of its activities through revenues from courses, membership fees, registration of notaries and commissioners of oath, and donations.

Singapore Mediation Center

The Singapore Mediation Center was established by the Singapore Academy of Law in 1997 to help resolve the growing number of complex business- and finance-related disputes. A board of directors governs its operations, assisted by advisers and advisory committees, including committees for mediation of disputes related to construction and information technology.

The Singapore Mediation Center provides mediation services, promotes knowledge and understanding of alternative dispute settlement mechanisms, trains and certifies mediators, and offers consultant services. It adopts an "interest-based" rather than a "rights-based" approach. Typically, rights-based arbitration is closer to the formal adversarial process. In this approach, a decision is imposed. Interest-based mediation is much less formal. In this approach, the parties work together to craft

a decision. The center provides confidentiality, some control over the outcome by the parties to the dispute, and maintenance of harmonious social and business relationships.

The day-to-day operation is overseen by a director, assisted by support officers. It also has about 80 mediators from various disciplines. Reputable architects, businesspeople, engineers, and others offer services in construction mediation cases. Fees for cases involving up to S\$250,000 are S\$750 a day per party plus an administrative fee of S\$250, which is shared by the parties.

Over a three-year period, about 200 cases have been referred to the Singapore Mediation Center, of which 159 cases were mediated and 125 were settled, saving the judiciary and the parties to the dispute at least S\$10 million (Singapore Academy of Law 1999). The judiciary has supported the center by informing lawyers of the service and by sending cases to it or to the Court Mediation Center of the subordinate courts. The Singapore Mediation Center has helped to train the mediators working for the judicial branch.

Singapore International Arbitration Center

The Singapore International Arbitration Center was established in 1991 with the support of the judiciary, the Trade Development Board, and the Economic Board. It provides facilities for international and domestic commercial arbitration as per the International Arbitration Act and the Arbitration Act, respectively.⁵ Its rules are in line with the United Nations Commission on International Trade Law (UNCITRAL) model, and it calls for a standard arbitration clause in contracts.⁶

The center has five permanent staff and a large list of arbitrators in fields such as shipping, marine insurance, construction and engineering, corporate banking and insurance, international trade, and commercial transactions. It can administer arbitration from the outset of a dispute until receipt of the award. It can advise on arbitrators' fees, which range from S\$700 to S\$3,000 a day in Singapore. Lawyers' fees are S\$1,500–S\$2,500 a day during hearings. Parties need not retain lawyers for arbitration. The center also offers partnership facilities to the International Center for the Settlement of International Disputes. It has working relationships with arbitration associations in China, Japan, Switzerland, and the United States.

Over the past few years, the Singapore International Arbitration Center has gained popularity. In 1998 about 90 cases were arbitrated at

the center. Most of these cases involved international arbitration, although the recent construction boom has increased the number of domestic cases. It now competes with the Hong Kong Arbitration Center, as its cost-effectiveness and reputation are helping to bring in more business (Law Society of Singapore 1998).

The Law Society

In Singapore, there are about 3,300 registered legal practitioners, according to 1998 data. About 70 percent of them are under the age of 40, and 68 percent have 10 years or fewer of practical experience. Only 142 (4 percent) are over 61 years of age. The number of practitioners increased from 2,216 in 1993 to 3,243 in 1998. In 1998, 333 law firms had a single lawyer, and only six employed more than 50 lawyers (Law Society of Singapore 1998).

The Law Society was restructured in 1998 and subsequently run by a chief executive officer, with a staff of about 25. Law Society committees deal with admission to the bar, advocacy, civil practice, corporate practice, continuing legal education, ethics, criminal practice, information technology, intellectual property, family law, Islamic law, international relations, and criminal legal aid. The society publishes annual reports and the *Singapore Law Gazette*. It also carries out regular continuing education programs for the benefit of legal professionals and the public. It is actively involved in developing the legal and judicial reform measures being adopted by the courts. Together with the Singapore Academy of Law, it recently organized a millennium law conference to explore the challenges ahead. Conference participants discussed multidisciplinary practices, foreign law practices, and knowledge and technology issues and trends.

The bar has had to confront the reality that, if it remains as “insular” as it has been, it is unlikely that the legal profession will be able to provide the support necessary for Singapore’s future. Local law firms have operated in a sheltered environment, in which foreign firms have been prohibited from practicing law. The system of fees has not encouraged local firms to expand into more challenging areas. Only a few firms have traditionally advised on complex corporate or financial transactions. However, the Legal Profession (Amendment) Act of 2000 allowed foreign and local firms to form joint ventures and to incorporate. It would be helpful if these changes would result in longer-term investments and greater competitiveness.

Notes

1. *Disposable income* includes the income of the applicant and his or her spouse during the 12 months immediately preceding the date of the application, after deducting S\$1,000 a year for each person totally or partially dependent on the applicant or spouse, S\$2,000 a year for the applicant, an amount not exceeding S\$41,000 a year for rent, and an amount equal to the applicant's contribution to the Central Provident Fund. *Disposable capital* is defined as the property an applicant owns or to which he or she is entitled, excluding the subject matter of the proceedings, the applicant's clothing, the tools of the applicant's trade, household furniture, house owned and used exclusively by the applicant as his or her home assessed at an annual value of not more than S\$7,710 or a Housing and Development Board apartment owned and used exclusively by the applicant and his or her family as their home, savings of up to S\$30,000 (for applicants 60 and older), and money in the applicant's Central Provident Fund (Legal Aid Bureau 1999).
2. Personal interview during visit to the bureau, 1999.
3. This section is based on interviews with Professor Alexander Loke and Professor Terry Kaan Sheung-Hung of the Law Faculty of the National University of Singapore. However, systematic legal teaching in Singapore began in 1957, after the Law Department of the University of Malaya was set up. In 1959 the department attained faculty status. In 1962 the University of Malaya was renamed the University of Singapore; in 1981 it was renamed the National University of Singapore.
4. There are about 299 public notaries and 1,208 commissioners of oath in Singapore. About 55 percent are public officers, 35 percent are private legal practitioners, and 10 percent are court interpreters. Their appointments may be renewed on an annual basis. The lawyers pay S\$500 for annual renewal (Singapore Academy of Law 1999).
5. Arbitration (private, consensual process for the binding resolution of civil disputes) is international when at least one party has its place of business outside Singapore, the place of arbitration is outside the parties' places of business, the place where a substantial part of the commercial relationship is to be performed is outside of Singapore, the place to which the dispute is most closely connected is outside of Singapore, or the parties expressly agree that the matter relates to more than one country. Parties choosing Singapore as the venue for their arbitration are not obliged to adopt a strict common law adversarial approach. The arbitral tribunal can adopt inquisitorial processes, if it sees fit. Arbitral awards are binding and enforceable as a judgment of the high court. Since Singapore acceded to the 1958 International Convention on Arbitral Awards, foreign awards may also be enforced in a Singapore court by action.

6. In drawing up contracts, parties are urged to include the following arbitration clause: "Any dispute arising out of or in connection with this contract, including any question regarding its existence, validity, or termination, shall be referred to and finally resolved by arbitration in Singapore in accordance with the Arbitration Rules of the Singapore International Arbitration Center for the time being in force which rules are deemed to be incorporated by reference to this clause." Since the 1980s, the government has actively encouraged the growth of international arbitration in Singapore. It acceded to the New York Convention on Recognition and Enforcement of Foreign Arbitral Awards in 1986, established the Singapore International Arbitration Center, and enacted the UNCITRAL Model Law on International Commercial Arbitration as part of the 1995 International Arbitration Act.

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