

INTERNATIONAL CONFERENCE ON ELECTRONIC LITIGATION

11 August 2011

Welcome Address of the Honourable Justice Lee Seiu Kin

Chief Justice Chan Sek Keong, Lord Justice Rupert Jackson, Chief Justices and Fellow Judges, Distinguished Guests, Ladies and Gentlemen,

1 I am delighted to welcome all of you to the International Conference on Electronic Litigation. We are privileged to host over 350 participants and speakers, who comprise a fair mix of practitioners and in-house counsel, judges and arbitrators, litigation technology managers and specialist service providers. Nearly a third of us here today are from some 36 countries: about half our overseas friends are from the Asian region with the other half coming from Africa, the Middle East, Europe, Oceania and the Americas. To all our friends from abroad, I bid you a warm welcome to Singapore, especially those of you who are here for the first time. I hope you have a fruitful and enjoyable stay in Singapore.

2 We have a distinguished set of speakers lined up for us over the next 2 days. Among them are in-house counsel who advise their organisations on day-to-day document retention policies, as well as practitioners who deal with electronic evidence and e-discovery issues upon the commencement of litigation. Our speakers also include judges and registrars or masters who consider how the law in this field should be developed, as well as how technology can make our court processes more efficient and effective. In addition, we have speakers who are specialist service providers, who will give us an insight into the

capabilities and methods available to litigators and courts today, made possible by the latest technology.

3 Later this morning, we have Lord Justice Rupert Jackson of the Court of Appeal of England and Wales to deliver today's keynote address on how litigation can be managed at proportionate cost. You probably already know Lord Justice Jackson from his treatise, "Jackson and Powell on Professional Negligence". In January 2010, Lord Justice Jackson published the Final Report on his review of civil litigation costs in England and Wales. He will be speaking to us regarding measures to be implemented for costs and case management there, as well as current developments in English civil procedure relating to information technology in the English courts.

4 Our keynote speaker for tomorrow is Judge of Appeal Justice V K Rajah. Justice Rajah was appointed Senior Counsel in 1997 and was the Managing Partner of Rajah & Tann before he was appointed Judicial Commissioner in 2004 and Judge soon thereafter. In 2007 he was elevated to Judge of Appeal. Having rich perspectives of court advocacy from both the bar and the bench, Justice Rajah is just the person to speak to us on "The Incorporation of Technology in Court Advocacy." Beyond discussing the technology available to litigators and the courts, Justice Rajah will also consider whether technology enhances or impedes our justice systems. I am sure you are all looking forward to both keynote addresses.

5 This conference takes place over two days. The emphasis for this morning is the increasingly pertinent issue of electronic discovery. This afternoon, we move on to consider related issues pertaining to the preservation of electronic evidence. We will then discuss upcoming

technological developments and how they can transform the litigation process. We end the day with a Welcome Dinner tonight.

6 Tomorrow, Day 2, we will discuss legal and practical issues concerning electronic and computer forensic evidence. We will also consider the impact of the pervasive use of social media today on civil litigation. The courts in certain jurisdictions such as England, Australia and New Zealand have already permitted substituted service of court documents *via* Facebook and Twitter. Given the widespread use of social media and its rapid surge in popularity among today's IT-savvy generation, it is timely for us to examine the possibilities of its use in the litigation process.

7 During lunch tomorrow, our rapporteurs will deliver their closing remarks. There are two lunch sessions organised, but each will have a rapporteur to make his report. After lunch, some of us will observe a mock electronic trial in the Supreme Court's technology court, while the others will watch a mock electronic arbitration at Maxwell Chambers. Those mock proceedings bring us to the end of this conference and will hopefully give us a flavour of what the future holds. We have done our best to pack the conference schedule with engaging discussions and activities. I humbly ask for your kind cooperation by being punctual for the scheduled presentations so that we may make the most of our short time together. On that note, I would like to inform you that the chairs of each session have been asked to commence the proceedings promptly as advertised.

8 I would like to thank all the presenters who have put so much effort into preparing their presentations. We are only able to put this conference together with their commitment to synthesize and articulate

the lessons they have learnt through their experiences. Let me also thank our generous sponsors: Microsoft Operations Pte Ltd, Thomson Reuters, LexisNexis® Singapore, Deloitte & Touche Financial Advisory Services, WebNatics Pte Ltd, i-Analysis Pte Ltd (Asia eDiscovery Alliance & Catalyst Repository Systems), K2 (SourceCode Asia Pacific Pte Ltd), CrimsonLogic Pte Ltd, Allen & Gledhill LLP, Drew & Napier LLC, Rajah & Tann LLP, Advocatus Law LLP, Audemars Piguet (S) Pte Ltd, Stone Forest Corporate Advisory Pte Ltd and Litigation Edge Pte Ltd.

9 In addition, we thank the following of our supporting partners for making the mock electronic trial and arbitration possible: Merrill Legal Solutions, BiziBody Technology Pte Ltd, WongPartnership LLP, the Arbitration Chambers and Maxwell Chambers. We also thank our other supporting partners: the Singapore Corporate Counsel Association, the Infocomm Development Authority of Singapore and the Ministry of Foreign Affairs. In particular, we are grateful to the MFA for supporting this conference under the auspices of the MFA-Singapore Cooperation Programme. Last but not least, we thank our media partner: Asian Legal Business. Without the sponsorship and support of all these organisations, and the good people therein, this conference would not have been possible.

10 Finally, may I express my gratitude to my Conference Programme Committee, which comprises the chairpersons of the various sessions at this conference, as well as the staff from the Singapore Academy of Law and the Supreme Court. They have all worked tirelessly in the background for this conference and I am sure will continue to do so throughout the next 2 days to ensure its successful conclusion.

11 Allow me to make a few administrative announcements: <if required>

12 It remains for me to introduce the next speaker, Chief Justice Chan Sek Keong. Born in Ipoh, Malaysia, Chief Justice Chan came to Singapore in 1957 to study law. He graduated in 1961, practised law for 25 years, briefly in Malaya and most of the time in Singapore. In 1986 he went into public service, first as Judicial Commissioner, then Judge of the Supreme Court. He was appointed Attorney General in 1992 and in 2006 became the Chief Justice of Singapore. Chief Justice Chan's legal achievements are well known. What is less well known is his connection with Information Technology. The earliest of our cases interpreting the old section 35 of the Evidence Act were decided by Chief Justice Chan when he sat in the High Court some two decades ago. In *Aw Kew Lim v PP* [1987] SLR(Reissue) 443, he dealt with the admissibility of a computer printout from the register of companies. In *PP v Ang Soon Huat* [1990] 2SLR(Reissue) 246 he grappled with the admissibility of computer printouts of chromatograms and spectrograms as real evidence. We will be hearing about the development of this provision of the Evidence Act later in this conference. As Attorney-General, Chief Justice Chan oversaw the Attorney-General's Chambers' computerisation projects which included the Statutes Database, which was the first database that was made available to the public under LawNet. Chief Justice Chan was the first chairman of the LawNet Management Committee in 1995 and during his ten-year term, LawNet grew from a single database to include most of the legal research databases in it today, as well as the Intereq and Biznet systems. Chief Justice Chan's stamp may also be found on the other legal developments which we will be discussing in this conference. The

development of the next generation electronic filing system for the Singapore judiciary, as well as the practice directions relating to electronic discovery, all take place under his watch. And way back in 1989, when computers first made their way to judges' chambers in the Supreme Court, the then-Justice Chan Sek Keong was one of the earliest judges to embrace the technology and he was soon typing his judgments with WordPerfect. As Attorney-General, he very quickly adopted email as the main mode of written communication with the officers in his chambers. The Chief Justice has been a keen supporter of technology for the improvement of the judicial and legal system and has walked the talk in being a keen user of technology. There is no one in Singapore more appropriate to deliver the opening address to this conference.

13 It gives me great pleasure now to invite Chief Justice Chan Sek Keong to do so. Chief Justice, please.