

*Session 6.1*

*The Journey Towards Court Excellence: Integrating Quality Management into Judicial Training*

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- 1 The key to a first-class judiciary is training. What sort of training are we talking about? Training has to be focused, and training has to be relevant. The ideal platform, or framework, is to gear your training to quality management. Judicial management. That is what the Institute of Judicial Administration will want to strive for: a broad, overall training to have an efficient and effective judiciary. However, it is even better if your training can be further refined to what is your strategic thrust for your judiciary. Each judiciary will have their own type of problems so if you can steer your training to a very focused strategic thrust you can achieve the objective of your strategic thrust.
- 2 Strategic thrust normally comes in two levels: future planning [we] have at tree level but I think it is too far-sighted. You can have an intermediate: your medium range. I think that is good enough because the environment in which we are operating is changing very fast so it is very difficult to postulate five or ten years down the road.
- 3 What is 'training' in relation to the Singapore judiciary's context? Singapore is a small city-state. If you look at the Moore map of Singapore we are only represented by a tiny red dot, and that is a fact. Our size is slightly more than 700 kilometres. We do not have natural resources. We depend on, our lifeline is, foreign direct investment and in order to support this national strategy of inviting people to come to Singapore we must have a credible and effective judiciary that commands the public trust and confidence, that we are an independent judiciary. When you perform business with business partners you are bound to have problems. Where can you find an environment where you can say there is harmonious business relations – maybe at the time when you sign a contract? Maybe after signing the contract, as the business goes along you are going to have problems, and that is where we come into the picture.
- 4 The unfortunate thing about the cost is, we are not a registry of marriages where everybody is very happy when they come before you. We are in a business where people come to you because they have got problems, and you must know how to deal with these problems. You must not increase the anxiety of the parties. They already have a lot of problems between or amongst themselves. That is a job for the judiciary. How do we improve it? Is adjudication the only road that we know of, that we are trained in? Are there no other means to help them to resolve it, the dispute? In Singapore, we believe in giving a 'buffet' of modes to resolve your conflict. Alternative Dispute Resolution I am very sure you are familiar with; ADR. We are court mediation, negotiation to help you to go along, to settle your dispute: life must go on. That is why we call our judiciary the 'multi-door courthouse', a word used by Professor Sender. Multi-door Courthouse. You choose: what is the word that you want to resolve it. We make sure that we resolve it ASAP, and that is our job, and that is how we contribute towards Singapore's national interest in inviting foreign direct investment, our lifeline.

- 5 The Singapore judiciary works in a very competitive environment, believe it or not. Many of you will say that, ‘ohh, what competition are you talking about?’ The judiciary is a monopolistic entity. Let me explain to you why I say that in Singapore it is very competitive and very stressful. That tiny red dot: most entities want to be the world best. Singapore Airline wants to retain their title as, and continue to be, the world’s best airline. Changi Airport wants to be the best, and continue to be the best. The zoo, also, wants to be the world best. Even our tax-men want to be the world best! So, now, you can file your claims anywhere in the world. Fifteen minutes, literally fifteen minutes. They have simplified so much for you. In that sort of environment, can you afford to be the second-best? That is why it is a great challenge for the judiciary. That is the environment we are operating in.
- 6 We learn from other judiciaries. We go to NCSC. We go to Australia. We go to anywhere in the world, to Japan, to the UK – to London. We go to the best, but that is not all for the judiciary. The pool is not good enough. We go to the private sectors. We learn concepts like ‘creative destruction’ from Gary Hamel. We learn about ‘learning organisation’ from Peter Senge. We even go to Toyota, the car manufacturer. What relevance has it got to the judiciary?! We learn about kaizen. We learn about how to cut [inaudible]. We learn how to cut processes. Now, that is the scope of training that we are talking about if you want to deliver a first-class judiciary, besides giving qualitative decisions.
- 7 Christine Wheeler has kindly brought you through the Framework for Court Excellence. Now, maybe I can give you, very briefly, the genesis of this journey. It is a very interesting journey. We have received accolades and compliments from international organisations like the World Bank, IMD [International Institute for Management Development, Switzerland], Perks, and so on, which I will go on with later on. We receive very good feedback from surveys too. But these are perceptions so we want to know in reality, are we there or are we not? In Singapore, companies subject themselves to evaluation. We, the judiciary, consider delivery of a service as does a corporation. How good is your corporation compared to the private sector? What is your product? Your product is the deliver of quality, independent fair justice. That is my business and that is what we are supposed to deliver. Do you have the framework, do you have the case management, to achieve that objective? We want to know. We want to know where lie our shortcomings.
- 8 We go to all these jurisdictions, yes. But is it good enough? Unfortunately, it is not good enough for us. We want to be exposed to self-evaluation. We submitted a very thick document to this organisation which is known as SPRING. They assessed our submission and in, I think, three days or four days, five or six assessors made sure that our returns were accurate. They interviewed the judges. They interviewed the court administrators. They interviewed everybody. Of course they do not give you advice. They know who it is they want to interview.
- 9 First try, we only got ‘Singapore Quality Class’. Second try, we did not succeed. Third try, we managed to achieve that prestigious award. And then, we asked ourselves, as a judiciary we went through a lot of problems trying to learn from so many jurisdictions and now is our payback time. We thought that maybe we can help the other judiciaries, say, ‘hey, maybe we can share this framework’. That is how we broached the subject to AIJA. We said, ‘hey, this is a framework; I think we can

modify it to suit and share with fellow judiciaries'. That is how this Framework came about.

- 10 There are seven broad categories. I will bring you through them quickly, one at a time. You have Court Management and Leadership and that is extremely important as far as the judiciary is concerned because the people in the judiciary do not have the sense of urgency because of the lack of competition. But, unfortunately, in Singapore it is different. I explained to you the competitive environment we are in. What is it we are talking about when we talk about 'leadership'? We are talking about the leadership which in a subordinate court is divided into four divisions. There are three operative divisions: family, civil, and criminal; and one court and support services division. These are leaders each of their divisions and together form the leadership group, and we strategise for the Department.
- 11 Now, what is the leader supposed to do? Some of you have attended the workshop on judicial leadership and found how inadequate we are. We realised very quickly how inadequate we are. What did we do? We trained ourselves. We do not have the benefit of other countries which have a big pool of judicial officers and judges. I don't mind telling you, in the Subordinate Courts we only have 75 magistrates at district courts. We deal with 95% of the cases in Singapore. The Subordinate Courts is the face of justice. Good or bad, that is what you are going to get away with. Good or bad, the foreigners are going to have that impression.
- 12 So, how are we now training? Over the years, we have been sending our people on attachment to overseas business schools. The common problem when you attend these business schools, like Harvard and IMD. In Switzerland they are very curious. We have one whole school of sixty people, CEO's, CFO's, and they ask you, are you sure you are in the right course? What are you doing here? You are the judiciary! This is business! But we are deliberately sending people to these places to learn how to compete with these corporate leaders, to train them in leadership besides their judges' skill. Your primary, core, competency is as a judge. Your secondary competency is administration. Those who are promising, who show signs of leadership, will go for these courses. That is why it is important, and that is why even internally the KPI [Key Performance Indicator] for the leadership role is that we must go for at least one training course each year that is relevant to our job: things like strategic planning, how to motivate your people to give of their best.
- 13 Next I will go into Core Policies. Core Policies means you strategise. If you go and ask a CEO, his job is to make sure that companies have good bottom lines. The judiciary does not have a bottom line, but we are accountable to the public. We have to grow each year, set targets each year, to make it more challenging. How do you go about that? You have got to do cases, and you have got to strategise. So, we set up strategic planning and training. These two must go hand in hand because you can plan, have wall plans and big blueprints and big dreams, but if you do not execute them it is as good as not having one. Having good plans is very easy. You go the library. You do research. You go and get a big plan. To materialise your plan is a whole different ball-game. That is what you must train in, and you say that if you want to serve the people well you must train your judges, you must train your court administrators, so that they can deliver what you have set out to achieve.

- 14 Training and strategic planning is important. With strategic planning by itself, you do not have the synergy. What constitutes a good strategic planning unit? Research, statistics, these are important because you want to know your shortcomings. That is one unit under strategic planning. Second, you must do research. You must do 'environmental scanning', so your research and resource centre is another arm of strategic planning. Thirdly, you cannot do without IT now. IT is the one that helps you and makes you deliver a first-class judiciary. These three are the most important to this unit.
- 15 You need not only to train your judges but to make sure that your court administrators are trained, and when it comes to training very often when you are busy you say 'training takes second fiddle' but this is where your leadership must come in, to say that this is important for you to be trained. In training, what do you go for? You do not just simply attend lectures and then forget about it. You must have a framework. Because we are human beings we are bound to lapse. If we can retain, for instance, this session – if you can retain 10% – I think you are great. True? So, before you go for training there is a pre-course form that you have to fill out. What is it that you want to gain from this training? During training we enforce what we have gained and then, most importantly, you will take away and implement the ideas of the training. This is what I call the 'people developer standard'. This is a framework that we also went through internally.
- 16 To us, what is a court? A court is just bricks and mortar. True? It is the people that deliver justice, and when you say 'people delivering justice' you have got to place emphasis on training your people. If you will talk about the training of people, it is very important that it has to be focused training. People is the most important asset to an organisation, in my view, and you must look after them, and that is why I practise what we call 'server leadership'. I am not 'the boss'. I am servant to my people, and to the court users.
- 17 So, these are the areas which I have gone through very quickly. Now, I go into Court Proceedings. Court Proceedings is one whereby you have to take charge, because in running the court you have to make sure that your processes and your case management are effective and efficient. We were, at one stage many years ago, saddled with a waiting period, when the parties are ready for trial, believe it or not, of three years or thereabouts, in some cases four years. It was a sad state of affairs but we acknowledged that. We pulled up our socks and, would you believe it, now we give days they cannot take. We have brought it down to four to six weeks – weeks. For anything shorter than that the maxim you apply is, Justice Hurried is Justice Buried. We have no intention of shrinking this timeline any further but we can be more magnanimous and say that, if you cannot be ready for trial in four weeks, yes, we will give you the fifth week.
- 18 How do we go about achieving it? The tool is the Pre-Trial Conference. You learn things from the private sector. You remember kaizen, which I told you about, from Toyota Motors? Using kaizen, our bill-processing at one time took five to six hours and in our justice statement we baldly state 'within 24 hours'. If you believe in service and if you believe in the principle that all persons that come through your gate are innocent until proven guilty, every minute spent in pre-trial custody must matter to the court. Right? The challenge is to bring it down from five to six hours to thirty minutes. When that challenge was given, the court administrators all flipped. My

judges all flipped: it is impossible! I knew it was possible. I would not have set targets that were impossible. I told them my ideal time was fifteen minutes. They all did not believe me. Because of that, I had to engage hands-on and make use of this tool which is known as 'kaizen'. I brought it down. I gave them a compromise: one hour. They were happy. They managed to keep 100% within an hour. I said, not good enough. My original target was fifteen minutes. Recently, we rejoiced. Trained in kaizen, they actually brought it down to fifteen minutes. That is what I meant by saying that you must expose yourself to the tools of the private sector.

- 19 What we talk about is Learning Organisation, by Peter Senge, of Harvard. What is this about? What is 'learning organisation'? We talk about individuals going for training, right? We send him to attend these lectures for training. These are individuals training. As an organisation, as a collective force, we must learn. What do we mean by that? We mean that if there is a problem, discuss. Discuss with judges, discuss with court administrators, find a common solution. No hang ups: you can be a court administrator and still have a thinking brain. It is not the case that only judges can think, but that is actually the mindset, a cultural barrier to the germination of ideas. That is what 'learning organisation' is about.
- 20 If you talk about service you had better put emphasis on service, and that is why we set up a service relations unit, that focuses on quality of service in terms of court administrators, who are the front-liners, as well as on the quality of the judges.
- 21 Dispensing justice. When you dispense justice you take an oath, an oath that you will do justice to all manner of people without fear or favour. I have 100% confidence in my officers doing that. But, justice must not be perceived to be not done. We are in this business, not in rocket science. If it is rocket science, two plus three will give you five. Everybody knows it. I can be biased towards you but I give you five: I am a fair judge. Our job is not. Because our job is not, you have got to watch your process. You must be mindful of your body language, your communication skills, your way, your manner, your tone must walk the difficult tightrope of impartiality. If you show signs of partiality, regardless of the outcome it will be difficult to convince people that yours is a fair judgment.
- 22 Now, to talk about Court Resources. You heard yesterday that court resources are always the biggest problem. Our solution is very simple: get more people, get/hire more resources; but that is rather simplistic. Look within. Do more with less. That is my point. Until you are stretched, until you cannot stretch any further, do not look for outside resources.
- 23 Our system, over the years, has become archaic. It becomes irrelevant and that is what Gary Hamel is suggesting. Do 'creative destruction', even when things are going well. That is what we did. At one time we had five courts doing pre-trial conferences. I needed more courts. I did not have more judges. What to do? I did 'creative destruction'. I destroyed the pre-trial conference and collapsed it into one, leaving two, creating three. You need to be creative in your approach to problems and not take the easy way. The easy way is, 'yes, go out to the market and get more'.
- 24 The last three are more the result of what you have. Public Trust and Confidence: we subject ourselves to surveys and the outcome of the survey is pretty encouraging. 97% of those consulted in survey conducted independently by a local company,

showed that they have confidence in our administration of justice. As for 99%, oh my God. I think that in the next survey that we do I do not think we can match that. It will probably drop. Ninety-nine percent saying that we are independent, you know that sure shows what you did. These standards are really difficult to maintain. I am not talking about improvement but maintaining it. I am pretty sure that in the next survey we conduct it will drop.

- 25 Justice Core Cut is something like a Key Performance Indicator, and this is the SQA [Society of Quality Assurance] that I was talking to you about, saying that it was a long journey but that we managed it. These are the elites of international organisations, that spoke well of Singapore's judiciary. You have Perks, you have IMD, Economic Intelligence Unit, the IMF, the World Bank, and to maintain the standard is a tough journey.
- 26 The take-away message is that training is vital to quality justice in the context of the support of courts. 'Training' is not just any training. It has to be focused and relevant training, according to your strategic thrust, so that you realise your strategic thrust and your journey. Once you reach that journey, then you should not be sitting on your laurels. Set up another target and try. If you cannot achieve your goal, it does not matter. But that is what I would encourage you to do.