

IMPORTANCE OF LEADERSHIP IN JUDICIAL REFORMS

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Introduction

1. I am humbled by the presence of numerous luminaries at this conference. In the preparation of this speech, I did some research to understand more about Ukraine and her judiciary system. I came across the speech of President Viktor Yanukovych. Last year he announced an urgent need for reforms to improve the judicial system aimed at making it effective, impartial and accessible for the public. This journey will not be easy as Ukraine is a large country of about 46 million people with 27 distinct regions. There will be pain, suffering and sacrifices in the transformation journey before the system improves. I am confident that the Ukraine judiciary will one day be world class.

Singapore's Judiciary in the 1990s and beyond

2. In the early 1990s, we also had massive backlog of cases. This was because the pace of litigation was largely dictated by the lawyers' diaries with little intervention from the courts. There were more than 10,000 inactive cases, some of them for over ten years. Parties often had to wait for two to four years to obtain a trial date. Appeals took a further two to three years to be heard as judges took a very long time to write their judgements. The judiciary was plagued with huge inefficiencies and we were moving at snail pace. Litigants were frustrated. The judiciary was badly in need of an overhaul. Indeed we had to embark on a transformation. By mid-1990s we were freed of the backlog. We were able to grant trial dates to litigants within 4 weeks. This is still the timeline today. It was strong leadership that drove this transformation.

3. We continued to make changes over the years and Subordinate Courts have been scaling greater heights. As a result, we received several accolades internationally. Today our courts have been favourably ranked against other judiciaries in many international surveys, including the Political and Economic Risk Consultancy Asian Intelligence Report,¹ the Institute for Management Development,² the Economic Intelligence Unit,³ the International Monetary Fund,⁴ the World Bank,⁵ the Fraser Institute⁶ and the Accenture Study on e-Government Leadership⁷. The World

¹ The Political and Economic Risk Consultancy Asian Intelligence Report has constantly ranked Singapore's judiciary as either first or second over the past 13 years since 1996, in terms of quality and confidence in the judiciary system.

² The Institute for Management Development ranks countries on their ability to create and maintain competitiveness. One assessment component is whether the legal framework encourages competitive enterprises. Singapore's legal framework has been consistently ranked highly since 1997. In 2008, Singapore was ranked first.

³ The Economic Intelligence Unit assessed 200 countries and reported that the Singapore Judiciary is experienced, well-qualified and independent, especially in commercial and business matters.

⁴ The International Monetary Fund has given top ratings for the soundness of Singapore's legal, supervisory and institutional framework. In 2007, Singapore's framework was ranked first.

⁵ The World Bank's Doing Business Report released in 2008 ranked Singapore as the second highest Asian economy in terms of the efficiency of the judicial system in resolving a commercial dispute.

⁶ The Fraser Institute Economic Freedom of the World Report measures the degree to which countries' policies are supportive of economic freedom. One assessment indicator is the legal structure and security of property rights. Singapore has maintained a top 20% banding for this indicator since 2000.

⁷ In this study, Singapore has been identified as one of the innovative leaders in the area of service delivery.

Bank had also accorded the Subordinate Courts a world-class status and held us out as a role model for successful judicial modernisation efforts.

4. Our current pursuit is to change the ethos or DNA of the Subordinate Courts from court centric to service centric as we intend to bring court excellence to a different level.

International Framework of Court Excellence

5. The International Framework for Court Excellence (IFCE) which was officially launched in 2010 in Singapore enables judiciary at any stage of development to strive for court excellence. The IFCE was the effort of the International Consortium comprising of The Australian Institute of Judicial Administration, The US Federal Judicial Center, The US National Center for State Courts, The Subordinate Courts of Singapore, The European Commission for the Efficiency of Justice, Spring Singapore and The World Bank. The IFCE has been acknowledged by judiciaries across different continents as a global standard to measure court excellence. The IFCE provides guidance to judiciary on seven categories to achieve court excellence. This is illustrated as follows :-



The most challenging task is to implement the IFCE.

Leadership

6. Capable leadership is vital to judicial reforms. Henry Kissinger described leadership as:-

“The task of the leader is to get his people from where they are to where they have not been.”

7. Kissinger knew that it was no great feat to get people to do something they had done before. Real leadership skill is getting them to do something they haven't ever done or aren't even sure is possible.

Visionary Leadership

8. A visionary head of the judiciary sets the pace, tone and extent of judicial reforms. He has a vision for the judiciary and he articulates and communicates the vision to his people. Thus capable leadership is paramount to transformation of the judiciary into a progressive and advanced justice system. Unfortunately most judicial leaders are not adequately trained for leadership positions. Often judicial leaders are appointed for their excellent legal and judicial abilities rather than their leadership skills. Judicial leaders therefore have to learn on the job and quickly master the art of leading people who have equal legal competencies and an independent mind. I am sanguine and believe that the art of leadership can be acquired by judicial leaders as they are intellectually competent. However, they must possess conviction and drive.

Role of Leadership in driving Judicial Reforms

9. This paper seeks to examine the role of leadership in driving judicial reforms in the Subordinate Courts using the International Framework for Court Excellence (IFCE). In the 1990s, we started our judicial reforms. We were then pre-occupied with the clearance of huge backlog of cases. Although this is no longer a problem, judicial reforms continue to dominate our annual workplan seminar. One of our immediate tasks is to change the deeply entrenched court centric culture to a service-centric ethos. The latter will pave the way for greater court excellence. In particular, I shall explain how servant leadership, which has been described as the most powerful leadership principle in the world⁸, has been utilised in implementing the various judicial reforms.

Servant Leadership

10. The traditional idea of leadership is a top down approach where the head of the judiciary makes the decisions and pushes those under him to fulfil the outcome that he desires. However, even leaders who were military commanders believe that leadership is not about issuing orders but is about influencing people to believe in your cause to work towards a shared mission and vision. Dwight D Eisenhower, Supreme Allied Commander in World War II and later the President of the United States in the 1950s said:

“by leadership we mean the art of getting someone else to do something that you want done because he wants to do it.”⁹

11. The term “*servant leadership*” first came about in Robert Greenleaf’s essay “*The Servant as Leader*”. Robert Greenleaf described “*servant leadership*” as follows:

⁸ See The World’s Most Powerful Leadership Principle (2004) by James Hunter.

⁹ Remarks at the Annual Conference of the Society for Personnel Administration, May 12, 1954, see hyperlink: [EMC - Speeches - Society for Personnel Administration](#) from the Eisenhower Memorial Commission.

*"The servant-leader is servant first. It begins with the natural feeling that one wants to serve. Then conscious choice brings one to aspire to lead."*¹⁰

12. The traditional idea of a leader is one who desires to build more power for himself. Conversely, servant leadership emphasises trust and empowerment of leaders at multiple levels of an organisation. Steven Covey has described servant leadership as follows:

"The deepest part of human nature is that which urges people—each one of us—to rise above our present circumstances and to transcend our nature. If you can appeal to it, you tap into a whole new source of human motivation. Perhaps that is why I have found Robert Greenleaf's teaching on Servant Leadership to be so enormously inspiring, so uplifting, so ennobling."

"... I am convinced that [Servant Leadership] will continue to dramatically increase in its relevance.... You've got to produce more for less, and with greater speed than you've ever done before. The only way you can do that in a sustained way is through the empowerment of people. And the only way you get empowerment is through high-trust cultures and through the empowerment philosophy that turns bosses into servants and coaches..."

*"Leaders are learning that this kind of empowerment, which is what Servant Leadership represents, is one of the key principles that, based on practice, not talk, will be the deciding point between an organization's enduring success or its eventual extinction."*¹¹

13. Ann McGee-Cooper, a well-known proponent of servant leadership, has described servant leadership as focusing on:

*"sharing information, building a common vision, self-management, high levels of interdependence, learning from mistakes, encouraging creative input from every team member and questioning present assumptions and mental models."*¹²

14. In order to draw out the quality of servant leadership, I would like to compare servant leadership with the traditional leadership. According to Ann McGee-Cooper and Duane Trammell in the article, *"From Hero as Leader to Servant as Leader"*, they explained the difference between the traditional boss and the servant-leader. The differences are as follows:

Traditional Boss	Servant as Leader
Motivated by personal drive to achieve	Motivated by desire to serve others.
Highly competitive; independent mindset; seeks to receive personal credit for achievement.	Highly collaborative and interdependent; gives credit to others generously.
Understands internal politics and uses	Sensitive to what motivates others and

¹⁰ The Servant Leader Within (2003), by Robert K. Greenleaf, p. 13.

¹¹ See hyperlink: [What is Servant Leadership? - Stephen Covey](#) from the Greenleaf Centre for Servant Leadership

¹² From Hero as Leader to Servant as Leader, by Ann McGee-Cooper and Duane Trammell, The System Thinker (April 1999)

them to win personally	empowers all to win with shared goals and vision.
Focuses on fast action. Complains about long meetings and about others being too slow.	Focuses on gaining understanding, input, buy-in from all parties.
Relies on facts, logic, proof.	Uses intuition and foresight to balance facts, logic, proof.
Controls information in order to maintain power.	Shares big-picture information generously.
Spends more time telling, giving orders. Sees too much listening or coaching as inefficient.	Listens deeply and respectfully to others, especially to those who disagree.
Feels that personal value comes from individual talents.	Feels that personal value comes from mentoring and working collaboratively with others.
Sees network of supports as power base and perks and titles as a signal to others.	Develops trust across a network of constituencies; breaks down hierarchy.
Eager to speak first; feels his/her ideas are more important; often dominates or intimidates opponents.	Most likely to listen first; values others' input.
Uses personal power and intimidation to leverage what he/she wants.	Uses personal trust and respect to build bridges and do what's best for the "whole".
Accountability is more often about who is to blame.	Accountability is about making it safe to learn from mistakes.
Uses humor to control others.	Uses humor to lift others up and makes it safe to learn from mistakes.

Servant Leadership and the IFCE

15. In this paper, I shall explain how the main principles of servant leadership are used to achieve the objectives as set out in the seven categories in the IFCE. These are:-

- Building a common/shared vision
- Questioning present assumptions and mental models
- Empowerment through self management
- Encouraging creative input from every team member

- Sharing information and knowledge
- Learning from mistakes
- Building trust through leadership by example
- Foresight.

Building a common/shared vision - A Service Centric Ethos

16. The judiciary exists to serve its community through the delivery of justice. Do the people working in the judiciary care more for themselves or for true service to others? Are we creating an environment and culture that encourage excellent court services? This requires a significant shift in mindset from a court-centric culture to a service-centric ethos. The key challenge is to motivate both judges and staff to improve their level of service in spite of monopoly on services. Judges and staff who are used to a court-centric model where their convenience dictates the proceedings have to be convinced of the necessity of service-centric ethos. To be effective, it must come from the heart. As an example, courts ought to start punctually and not at the convenience of the judge. Another example is the introduction of staggered timing so that lawyers and court users do not have to wait longer than necessary.

A New Justice Statement

17. The IFCE emphasises that “*A shared understanding of organisational values gives meaning to an organisation in general and provides a direction.*”¹³ In 2009, the Subordinate Courts decided to embrace a service-centric culture. Thus, we collectively crafted a new Justice Statement with a new mission and shared vision emphasising the court’s role in serving the public. We spent much time brainstorming ideas and soliciting feedback from judges and court administrators from all levels of the Subordinate Courts. This wide engagement brings about broader ownership and generates better understanding of our justice statement amongst the judges and court administrators.

HELP Centre

18. In 2010 we established HELP Centres to assist litigants-in-person. The acronym HELP stands for **H**elping to **E**mpower **L**itigants in **P**erson. The objective of the HELP Centres is to help the litigants-in-person understand the legal processes and navigate the justice system so as to be able to make an informed decision. These centres manned by experienced court administrators are unable to render legal advice as we have to maintain impartiality. We have engaged the legal professionals to provide pro bono services to litigants-in- person who can ill afford legal services. Although these lawyers are not employed by the courts, they share our mission of an accessible system of justice, inspiring public trust and confidence. As stated by our Chief Justice:

*“An informed litigant is likely to appreciate the Court’s processes better and is able to participate effectively in those processes. His prospects in his case are enhanced. Even if the outcome is not in his favour, he is likely to accept that justice has been done.”*¹⁴

¹³ International Framework of Court Excellence, p. 9.

¹⁴ Subordinate Courts Annual Report 2009, p. 3.

19. The goal of the HELP Centres builds on our mission of providing an accessible system of justice and our vision of a leading subordinate court serving society. The HELP Centres are in accord with the IFCE which states “*Excellent courts are affordable and easily accessible for litigants.*”¹⁵ Many of our judges and court administrators are inspired and motivated by the HELP Centres’ goal of helping litigants-in-person. They worked very hard and with great enthusiasm in preparing brochures, videos and online materials to explain in simple layman language our court processes and procedures.

20. Thus, we have engaged not only our judicial officers and court administrators, we have also collaborated with our external stakeholders. This is in line with the IFCE which advocates that “*An excellent court organisation with outstanding performance results can only be realized by co-operation with other organisations and partners that influence the work of the court.*”¹⁶

Questioning Present Assumptions and Mental Models

Risk of Judiciary going into Complacency

21. Under the IFCE, “*Proactive management and inspiring leadership ... are key in moving beyond the status quo by improving quality, effectiveness, and efficiency of services.*”¹⁷ It is easy for a dominant organisation to slip into complacency and rest on its laurels. Such a laid back organisation would often be unaware of important changes that would affect its performance. It operates on assumptions and mental models which may no longer be relevant or appropriate to current reality. A successful organisation is more likely to fall into this trap as it assumes that the policies and processes that have worked in the past will continue to work in the future. Henry Ford once said “*Any customer can have a car painted any colour that he wants so long as it is black.*” In 1909 Ford could display such arrogance as they were dominant leaders in the automobile industry. Today, no car makers can take such an approach. Almost every automobile maker has a wide variety of cars available in different colours and models with a constantly evolving generation of new cars arising from technological and market changes.

22. The judiciary is a dominant and authoritative institution as there is either no or little competition. Hence, it could easily slip into complacency. Judges are highly respected and esteemed people chosen to judge over others in the country. Hence, the judiciary has a responsibility to render quality and expeditious justice and provide excellent court services.

Confidence in the Subordinate Courts

23. The Subordinate Courts have been providing the people of Singapore with an efficient and accessible system of justice. There is confidence in the independence and impartiality of the judiciary and corruption in the courts is unheard off.

24. Under the IFCE, there is a category that requires courts to measure user satisfaction.¹⁸ In the latest Public Perception survey 2010 conducted by an independent research agency¹⁹, more than one

¹⁵ International Framework for Court Excellence, p. 16

¹⁶ International Framework for Court Excellence, p. 12

¹⁷ International Framework for Court Excellence, p. 12.

¹⁸ International Framework for Court Excellence, p. 14.

thousand respondents were polled from different parts of Singapore. 100% of the respondents agreed that the courts independently carried out justice according to the law and 99% agreed that the courts provided user-friendly services. In the latest survey of more than two thousand actual court users conducted last year by another independent research company²⁰, 96% agreed that the courts provided an effective justice system and 98% were satisfied with the quality of our court services.

25. In the latest World Bank Doing Business Report 2011, we were ranked 1st in the world in having the shortest time frame for enforcing contracts and 2nd in the world for the fewest number of procedural steps.²¹ In the IFCE, “*a high level of public trust and confidence in the judiciary is an indicator of the successful operation of courts.*”²²

Strategic Planning and Training Division

26. The challenge facing the Subordinate Courts as an organisation with past successes is continuous improvement. We have to examine our present assumptions and mental models to prepare for the future. I shall now elaborate.

27. Firstly, we created a Strategic Planning and Training Division (SPTD) within the Subordinate Courts. This Division works very closely with the Chief District Judge. It is headed by an experienced District Judge who is a Senior Director of this Division. This division monitors and anticipates changes in our society that affect the work of the courts and formulates short to long term strategic plans that will prepare the Subordinate Courts to deal with these changes. This is in line with the IFCE which stipulates that “*Strong leadership also requires ... the anticipation of changes in society which can lead to changes in demands for judicial services*”.²³

Kaizen

28. Secondly, we have institutionalised the “Kaizen” system to cut red tape and unnecessary processes in our work and procedures. Kaizen is one of the ways to adopt a lean management. The “Kaizen” methodology is a concept developed by Toyota Motor Company. “Kaizen” is Japanese for “improvement” or “change for the better” and refers to the continued, incremental improvement in work processes. The Kaizen system is practised by judges and court administrators to consider ways and means to streamline and simplify the work processes and procedures in the Subordinate Courts. The Kaizen system accords with the IFCE which provides that “*Excellent court managers ... actively involve staff and judges not in leadership positions in identifying challenges and solutions.*”²⁴

¹⁹ Nexus Link Pte Ltd was commissioned to conduct face to face household interviews with Singapore citizens and permanent residents.

²⁰ Forbes Research Pte Ltd conducted face to face interviews from lawyers, court users with and without matters in Subordinate Courts. The Deputy Public Prosecutors provided their responses online.

²¹ Doing Business 2011 published by the World Bank and the International Finance Corporation, p. 75.

²² International Framework for Court Excellence, p. 14.

²³ International Framework of Court Excellence, p12.

²⁴ International Framework of Court Excellence, p. 13.

29. The benefits of Kaizen are twofold. Internally, a simplification of processes enables our judges and staff to be more productive. Externally, cutting out unnecessary procedures enables us to provide a faster turnaround time to the public that we serve.

Kaizen dramatically reduced Bail Processing

30. Prior to the Kaizen project, lawyers and court users had given adverse feedback about the long bail process which used to take one working day. We were determined to solve this problem as every accused person is presumed innocent until proven guilty and should not be incarcerated longer than necessary by administrative procedure.

31. We used Kaizen methodology to reduce the bail waiting time from one working day to 15 minutes. How did we do it? Bail procedure involves a myriad of processes and many parties like the police, court administrators from various courts, lockup, cashier and the bail center. We examined the entire workflow from the time the judge ordered the accused to be released on bail till his release from the Subordinate Courts lockup. We also went upstream i.e. when the offender was arrested by the police and was released on police bail. At each stage, we determined whether the process was necessary and if it could be done differently to reduce the waiting time. We also had to think out of the box for creative ideas on how to reduce the bail caseload. We came up with the extension of police bail for those that do not require verification i.e. below \$10,000. This amount was raised to \$15,000. This constitutes about 40% of the bail caseload.

32. When we first started, our staff were pessimistic. They were not confident that the bail processing could be reduced to 15 minutes. When this project was implemented in 2008, we first managed to reduce the bail processing time from one working day to one hour. In 2009, we further reduced the bail processing time to 15 minutes.

33. Since the introduction of Kaizen about 2 years ago, we have more than 230 Kaizen projects with more than 200 of them implemented. Hence, we are constantly reviewing and improving our processes. This makes access to justice more efficient and hassle free.

Alternative Disputes Resolution (ADR)

34. Thirdly, in questioning our present assumptions and mental models, we have gone beyond the traditional idea of the judge as an adjudicator of disputes and have pushed the boundaries of alternative dispute resolution (“ADR”). We believe that providing a variety of dispute resolution processes allow the parties to select the appropriate mode of dispute resolution. This facilitates a better resolution of cases. With ADR, we save time and costs and help the parties reach an amicable resolution. We have adopted the vision of making “ADR the First Stop” for our disputants. We have embarked on programmes to expand the number of volunteer mediators across Justice Divisions. Lawyers are also required to inform their clients the various options of ADR. In the Criminal Justice Division, we have implemented a Criminal Case Resolution process to allow prosecutors and defence counsel to negotiate their cases. A judge acting as a neutral party facilitates and mediates the negotiation.

Empowerment through Self-Management

35. In any large organisation, countless decisions are made every day. A leader should trust those who are empowered to do his best. A leader that micro-manages every minute detail will demoralise the organisation. This management style is a barrier to rapid judicial reforms and may lead it to a standstill of indecision.

36. Today's challenges are more complex. The world itself is changing rapidly. The solutions do not reside solely with the senior judicial leadership. The best solutions and effective implementation require leaders at every level. We believe in the power and synergy of collective leadership. Change agents are needed to support the Head of the judiciary to drive judicial reforms. The IFCE acknowledges that *"To become an excellent court, proactive management and leadership are required at all levels, not only at the top"*.²⁵

Grooming and Training Leaders

37. Effective empowerment through self management requires the judiciary to groom and train its leadership team. We believe that it is vital to nurture and groom leaders at all levels to build the capability of the judiciary to meet future challenges. It also builds the foundation for leadership succession, as the leaders in the middle ranks of the Subordinate Courts today may well be the Senior District Judges and Chief District Judge in the future. The aim of empowering good leaders at all levels of the Subordinate Courts is to create a natural cycle of leadership renewal.

38. We have invested heavily in leadership training. These include sending officers with high potential to the best universities abroad and at home to interact with and learn the latest in leadership and management. This accords with the practice recommended by the IFCE:- *"Excellent courts ... engage non-judge court administrators who are professionally trained in financial and organizational management and may encourage them, as well as the judges in leadership roles, to take part in courses to improve their management skills."*²⁶ We also use tools such as the "360-degree performance appraisal" and the "Clifton strengths-finder test" to facilitate greater self-awareness and understanding of our different strengths and weaknesses, so that we can optimise our strengths and minimise our weaknesses as a team.

Encouraging Creative Input from Every Team Member

Learning Organisation

39. In encouraging creative input from every team member, we practised "Learning Organisation", a management concept by Peter Senge in his book "The Fifth Discipline". In brief, a learning organisation (LO) promotes continued and mutual learning, taps on the collective wisdom and experience of its members and cuts through barriers caused by rank, function, social groups, etc. Judges have also used this concept to seek the wisdom of their fellow judges.

²⁵ International Framework of Court Excellence, p. 11

²⁶ International Framework of Court Excellence, p. 12.

40. Judging is often considered a solo activity. When a judge desires to obtain other views, he typically relies on an informal network of his own friends who may or may not have particular expertise in the area. We have formed expert forums in our courts comprising judges who have been nominated by their peers as leaders in their area of expertise. A judge can refer a question to these panels to tap on their collective wisdom. Discussion amongst colleagues on novel points of law itself provides an additional avenue of learning.

41. These forums facilitate a greater awareness of legal precedents, previous experiences and alternative arguments. In fact, the discussions at these forums are often robust. The referring judge is free to decide whether or not to adopt the views of the panel. His autonomy in decision-making is not impinged in anyway. This forum acts as a good sounding board for the judges. This is in line with the IFCE which emphasises that “*excellent courts respect the professional values that are related to the function of a judge and stimulate knowledge sharing and improvement of relevant knowledge.*”²⁷

Sharing Information and Knowledge

42. A good leader shares as much information as possible within the organisation. A common issue facing many large organisations is that leaders at the top are often unaware of what is happening on the ground. The various divisions of the organisation do not know what the other divisions are doing. The organisational structure may unwittingly breed silo culture. Thus, conscious efforts have to be made to promote sharing of information and knowledge.

Feedback

43. Firstly, there are regular dialogue sessions with both the judges and the court administrators. This provides an opportunity for the judges and court administrators to raise their concerns on changes in policies that affect them.

Leveraging on Technology

44. Secondly, we harness technology as a form of resource enhancement to meet the needs of the litigation process. Technology enables information to be shared easily, without the physical space and the slow manual retrieval required of paper records. The Electronic Filing System is a step towards our vision of a paperless court system where documents are filed, served, extracted and stored electronically. This system will soon be replaced with the Integrated Electronic Litigation System which is a much superior system that better caters to the need of the lawyers and court users.

45. We have also embarked on an integrated paperless criminal justice system that includes the Attorney General’s Chambers, Prisons, Police and the Criminal Bar of the Law Society of Singapore. The Integrated Criminal Matters system will provide unsurpassed convenience to the court users.

²⁷ International Framework of Court Excellence, p. 15

Knowledge Management

46. Thirdly, we have established a Knowledge Management (KM) Unit under the Strategic Planning and Training Division. We have an existing database of bench manuals, research papers, internal circulars, etc but much improvement can be made to our existing database. KM is necessary to build a quality bench and to grow our knowledge capital. This is in line with the IFCE which recognises that “*Excellent courts ... stimulate training and education.*”²⁸

Learning from Mistakes

47. In a recent interview in the Harvard Business Review, the former CEO of Procter & Gamble, A.G. Lafley said that “*The most important and insightful learning is far more likely to come from failures than from successes. ... I think of my failures as a gift. Unless you view them that way, you won’t learn from failure, you won’t get better – and the [organisation] won’t get better.*”²⁹

After Action Review

48. The Subordinate Courts deal with more than 95% of cases in Singapore. With the heavy caseload and workload, it is inevitable that there would be some mistakes or lapses. We practise After Action Review as part of LO so as to learn from our mistakes or lapses in order to avoid repeating them in future. A culture of learning from one’s mistakes instead of focusing on who makes the mistake encourages the discovery of mistakes to be disclosed at an early stage so that the mistake can be rectified and damage limited. Conversely, a culture of assigning blame promotes a cover up of mistakes. The consequence of the cover up is much more severe than the original mistake.

49. As part of experimental learning, foreseeable mistakes are sometimes permissible when there is no harm caused. It allows leaders to learn from their mistakes and enhances their sense of judgment. It also gives them a sense of empowerment which comes with responsibility, ownership and accountability.

50. We also learn from our successes so as to build on greater successes. This is the spirit of LO.

Building Trust through Leadership by Example

51. Servant leadership is not solely about building consensus. Greenleaf recognises that there are times for leaders to make quick and difficult decisions. Servant leadership builds the bonds of trust that puts the leader in a better position to make such decisions:

“In any leadership situation problems are apt to arise when swift, decisive action is important. Followers need to accept that when those conditions arise leaders are apt to behave a little differently than they do in more relaxed times. You can’t always call a

²⁸ International Framework of Court Excellence, p. 15.

²⁹ Harvard Business Review, April 2011, p. 89

meeting; there may not be time. I suspect that part of the art of servant leadership is to take advantage of the good times to prepare people for the tough times.”³⁰

Leading from the Front

52. The journey towards court excellence and access to justice is fraught with challenges. Often tough changes are required to meet new challenges. There are times when leaders must lead from the front to implement unpopular policies even before the necessary consensus has been built for such policies. The IFCE emphasises that “*Proactive management and inspiring leadership in an organisation are crucial for court success and excellence.*”

53. The bonds of trust built during good times help in the implementation of difficult policies. The willingness of the leader to also go into the trenches to do what he is asking his followers to do further builds on such trust. As General George S Patton, who was well known for his leadership from the front has said, “*Always do everything you ask of those you command.*”³¹

Family Night Court

54. For example, we realised that there is a need to operate Family Night Court for the convenience of working spouses who require maintenance of their children. With Family Night Court, these working spouses do not have to apply for time off or leave. Frequent time off or leave may jeopardise their career and thus add more financial problems to them. The Family Night Court would further increase our access to justice. This was an unpopular initiative with the judges and staff who already have a heavy workload. We also have existing Night Courts that handle minor criminal cases such as illegal parking, littering, etc which take up much of our resources. Hence, they politely resisted this initiative although it is aligned with our ethos of providing good services to our court users. When I volunteered to preside over the Family Night Court for 6 to 12 months continuously before the rotation of judges commences, the resistance stopped and the discussion took a complete turn. They were on board and implementation details dominated the meeting.

Lunch Time Counter

55. Another example is the unpopular policy of opening our services to the public during lunch hours. The provision of such services is a step towards making it more convenient for court users to attend to their matters in court without taking leave from work. However, it was also met with resistance when it was first mooted. It is the role of the leaders to convince both judges and staff that the added load and inconvenience to them provides significant value to the court-users. At the same time, the leaders took into consideration staff concerns relating to the implementation of the policy, such as alternative lunch arrangements for duty officers. Senior management also took the first slots of lunch time duty so that they would become aware of any problems on the ground in the implementation of this policy. Leading from the front is leading by example and is a good morale booster to the people in the organisation. General Patton said:

³⁰ Robert K. Greenleaf, *A Life of Servant Leadership* (2004), Don M. Frick, pp. 288-289

³¹ I Remember General Patton's Principles (1984) by Porter B. Williamson, p. 174

*“Trying to lead men from behind makes you a driver and not a leader. ... The troops will keep running back to you for instructions – really from fear. A leader has to be ahead of his men. You’ve got to know what is going on all the time.”*³²

56. The involvement of senior management in this initiative signals a joint sacrifice and a policy fairly implemented across the ranks. A core value of the Subordinate Courts is “*Fairness*” which goes to the very root of how a court conducts itself. It would be hypocritical and destructive to morale if a judiciary that is supposed to resolve disputes between parties in a fair and just manner, does not treat its own people fairly.

Exemplary Leadership

57. Leadership by example sets the tone for the whole judiciary. The leader must walk the talk so that trust is built and the message is sent through the ranks that policies implemented are not self-serving policies but are policies implemented for the greater good and for the service of society.

Importance of Perception

58. Very often leaders look after the interest of their people but do not explicitly express them. This may not be wise. Charles C Krulak, 31st Commandant of the US Marine Corps said “... *followers need to know that their leader has their interest at heart. ... Yet remember that in leadership perception is nearly as important as reality. You know you have their best interest at heart, but that is not enough. They must know it too.*”³³

Foresight

59. It is important that the leader should have the foresight to lead the judiciary towards a desired outcome. Greenleaf described it as the central ethic of leadership:

*“The failure of a leader to foresee may be viewed as an ethical failure, because a serious ethical compromise today ... is sometimes the result of a failure at an earlier date to foresee today’s events and take the right actions when there was freedom to act.”*³⁴

60. A simple example of this would be a judiciary that fails to foresee the consequence of attracting competent, independent and incorruptible judges. That judiciary would subsequently have to deal with the ethical problem of dealing with judges that are inept, beholden and corrupt.

Foresight has been described as:

*“a characteristic that enables the servant-leader to understand the lessons from the past, the realities of the present, and the likely consequences of a decision for the future.”*³⁵

³² Patton on Leadership (1999) by Alan Axelrod, p. 27.

³³ The Fourteen Basic Traits of Effective Leadership by Charles C Krulak.

³⁴ The Servant Leader Within (2003), Robert K. Greenleaf, p. 54

³⁵ As described by Larry C Spears in his introduction to The Servant Leader Within (2003), Robert K. Greenleaf, p. 18.

61. Greenleaf has said that:

*“Foresight is the “lead” that the leader has. Once leaders lose this lead and events start to force their hand, they are leaders in name only. They are not leading. They are reacting to immediate events and they probably will not long be leaders.”*³⁶

Technology to support advanced judiciary

62. In today’s context, any leader of an advanced judiciary will have the foresight to leverage on relevant technology. We constantly harness IT in the course of our work. For example, video conferencing is extensively used for all manner of court proceedings. These include linking up the prisons and the courts so that criminal mentions may be conducted without transporting large numbers of accused persons under remand. The pervasive use of IT helps our courts deliver justice to litigants in a more efficient way. Currently we have more than 40 IT projects.

Public Trust and Confidence

63. It is crucial for every judiciary to command Public trust and confidence. This is the foundation of a sound judiciary. Hence in the pursuit of Court Excellence, quality of justice is as important if not more important than efficiency.

Conclusion

64. I would like to conclude with this quote from our Chief Justice:

*“A justice system that is accessible to all including the poorest members of society enhances the social contract that forms the bedrock of our society.”*³⁷

65. The ultimate aim of leadership in judicial reform is to strengthen the fabric of our society by enhancing access to justice for all. I have shared with you some of our initiatives in our journey to steer the Subordinate Courts from a court-centric to a more service-centric judiciary. We must also be wary that past success is no guarantee for future success. We must remain vigilant, try to anticipate and address changes in our environment and continually test our assumptions and mental models and replace the obsolete ones.

66. Resistance to change is a common problem facing leaders of judiciaries. It is easy to take the view that the judiciary being a monopoly does not require the same drive to change and reform as a company selling its products and services in a competitive market economy. Such attitude is not good for the country. We live in an interconnected world where countries compete for investments and the best talent. Hence countries with competent, independent and incorruptible judiciaries that provide access to quality and expeditious justice for all irrespective of nationality, race, religion or social status have an edge in the global market place. In the quest for judicial reforms, leadership is key.

³⁶ The Servant Leader Within (2003), Robert K. Greenleaf, p. 54

³⁷ Subordinate Courts Annual Report 2009, p. 3.