

SPEECH OF THOMAS S. T. SO
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Chief Justice, Secretary for Justice, Chairman of the Hong Kong Bar Association, Members of the Judiciary, Members of the Legal Professions, Distinguished Guests, Ladies and Gentlemen,

Introduction

It gives me great privilege to stand before you again, on this occasion, a year after celebrating the 110th Anniversary of the Law Society of Hong Kong. We solicitors have had a year of celebratory events, and I take this opportunity to thank many in the community for having been a part of these events – to have shared this significant milestone with us, and for the many congratulatory gifts and messages we have received.

We are proud that to this day, the Law Society stands as one of the longest standing professional bodies in Hong Kong. During this time, societies and communities evolve and change, and over the past a hundred and eleven years, we have seen a lot of changes to the profession. And it is the evolution of these changes – which were shaped by certain decisions made by our predecessors at the time, that gives the Law Society we have today.

And today is an era that finds us disrupted by ‘change’ in ways that are more penetrating, and rates that more frequent than before. So it seems timely, to have the phenomenon of ‘change’ as the overarching theme for my speech today. I would like to talk primarily about the relationship we as a profession has with change; I would talk about what it truly means for the profession to be so-called ‘adaptable to change’ in today’s contexts, and will also make a point to highlight the balance that is to be maintained for the profession, between the things that can change and the things that cannot, in an ever-changing environment.

‘Adapting to Change’ Is a Mind-Set

Looking back at the past speeches of Law Society Presidents at various Opening of Legal Year Ceremonies, the speech in 1997 for instance, recounted the initial uneasiness in the profession, with the issue of bilingualism in the law being introduced in courts. In the speeches of the early 2000s, we talked about diversification in practices due to the oversaturation of the Conveyancing market, and then speeches into the 21st century put unprecedented emphasis on the importance of ‘meeting mainland demands’ and ‘forging mainland counterparts.’ All these evidence that our profession had long been adapting to

changes. But a more specific example that is closer to home, which is also more relevant to the legal professionals of this generation, is perhaps best exemplified by the wave of law firm mergers that had been permeating the legal space.

Many of you here will remember a time 10-15 years ago, when changed market needs and client demands prompted many domestic law firms to enter into merger with law firms from other jurisdictions in order to stay competitive. Many local law firms at this point were willing to adapt to the changes on the outset, with many very quick to spring on the idea of merging. However, not many were successful, as many were not able to adapt to the changes that came about as a result of the merger. In hindsight, many of these had stemmed from a resistance to compromise – this had usually resulted in a stand-off with one law firm unwilling to change their firm's direction, and the other unwilling to see eye to eye.

The lesson that we learn from this, is that the true definition of 'adapting to change' involves more than just adapting to changes on the outset. What is missing, is a correct mind-set that is truly willing to adapt to change: a mind-set that is willing to depart from old habits and old interests, so as to develop a new one that better caters the newest needs.

And this is precisely where the difference lies with law firms that were successful in merging. These situations usually describe where the local and foreign law firms come to understand and respect where their mutual common interests lie, and adopt a willingness and open-mindedness to compromise for a better common goal. And this resultant goal and interest for the merged firm, has to be in itself an interest that is common to both firms. In other words, this is also to say that the law firms on both ends have had to depart from their own original mind-sets and interests, before developing a new one that strives for mutually beneficial outcomes.

In fact this mind-set bears relevance to the larger society, not just the legal profession itself. In a similar way, looking at how our society has changed over the years after the Handover, some of us might often find ourselves too inclined towards safeguarding our own interests on certain matters, that we forget there's also the option to seek for an outcome that can be of everyone's best interests. In these situations, we must remember that it is only if we are willing to let go of some of our old mind-sets, can we be in a position to assume into new ones – so we are able to identify mutual common interests, and be truly 'adapting to change'.

Curating a Mind-Set that Embraces Technology

So moving forward, what kind of mind-set should the profession prepare, for today's most imminent changes? Well I think it is telling, when ten out of ten law conferences I attended recently had been discussing the disruption of 'high-tech' and 'AI' to the profession. So perhaps the mind-set we should prepare is one that is embracing towards

these innovations.

In this connection, we can see that there are legal sectors around the world that have already assumed this kind of mind-set. For instance, Law Societies from a number of jurisdictions had published comprehensive roadmaps, which set out blueprints on how legal technology must be captured in their services. We know for a fact, that legal industries in some jurisdictions had already incorporated various AI systems, where they automatically review thousands of documents, to extract the desired output: this makes it a lot easier for legal practitioners to identify relevant trends across different documents – which saves them a lot of time. In some jurisdictions, predictive analytics is already being applied to massive datasets, to spot trends and generate insight around case behaviours; this has helped law firms and General Counsel better-manage risks in their decision-making. Now these innovations are only a glimpse of what is at the forefront of legal-tech innovation, and they are to be applauded, because they augment the skills of human practitioners, saving them a lot of time, and therefore making a constructive impact and contribution to the ecology and competitiveness of the profession.

In this regard, it would seem that the legal sector in Hong Kong has got some catching up to do. And the Law Society on this front, has done some work.

Our dedicated Innotech Committee has recently developed a ‘technology roadmap’ with a strategic plan outlining what the Law Society proposes to do to assist the profession to take advantage of technology. We explore the possibilities in developing a Mobile App that would better connect the public with our members, which also facilitates the lining up of legal services and online payment gateways. Cyber law firms is also another initiative we are keen to further explore, and our wider aim is to encourage more in the profession to raise their technology competencies, and use these innovations in ways that benefit them, so they are better equipped to ‘do a better job at what they do.’

Hence the Law Society sees an urgency to encourage more members to tune-in to this mind-set that embraces legal technology. We urge for a mind-set that is open to accepting the benefits this disruption brings, and a mind-set that is prepared to adapt even if it means old ways of practice, and old ways of doing things become interrupted.

Curating a Mind-Set that also understands the Ramifications of Technology’s Impact

And so it is accepted that technology can help us ‘save a lot of time.’ It is also accepted that technology makes our lives more convenient, because we are given the option to be more efficient with what we are set to do. However, this covers only half the picture, because embracing and normalising to such technologies can also portend other significant implications. Let me tell you why.

A Multitasking ‘Mind-set’

When we went to school, we were taught the art of doing one thing at a time. In the workplace and otherwise, I was brought up to do one thing at a time; parents and teachers would tell me ‘not to be distracted’ and ‘do one task after another.’ (唔好分心，做完一樣到一樣) This was unchallenged way of delegating tasks then, but today, I have observed that this way of thinking has become obsolete – being supplanted by the practice of doing many things simultaneously at a time.

With technology, people are invited the option to have many things on the go at the same time: people text whilst walking, text whilst driving, text whilst talking to somebody else. And many more take pride in their abilities of completing many tasks at once: I have seen this skill on CVs and I’ve had fresh law graduates introduce themselves to me in confidence as competent multitaskers, because this may be what they believe as being ‘efficient.’ In fact, I think we have reached a stage today, where in reverse you’d have people turn around in astonishment, and say, ‘Did you just say you cannot multitask?’

But if we take a step back to consider its most fundamental implication, we realise that the very notion of multitasking means allowing yourself to be distracted whilst you’re doing something else. And the only reason why it embodies so-called ‘efficiency’ is because you seem to get more things done within the same time. But in so doing, you are required to divide your attention – which clearly validates, that a certain degree of distraction must be presupposed. Yet if you look around you, this attitude is highly favoured and endorsed by today’s social norms, and is a commonplace in today’s lifestyles; to add to that, ‘multitasking’ has also become a trendy ‘asset’, possessed by many working professionals alike.

Now this example is just a microcosm of what is happening in the world currently, and only scratches the surface of a much larger, and more complex social phenomenon. But if it tells us anything at all, it has demonstrated that yesterday’s ‘wrongs’, has become today’s ‘rights’; yesterday’s systems of values increasingly becoming today’s items of castaway. And this has been made the way it is, because society now tends to favour modern enticements such as convenience and efficiency over traditional norms and values.

Diving deeper into this, a second deduction may then be derived. And it is one that pertains to the issue of trade-offs. I suggest that trade-offs usually come as a by-product of technology’s benefits, and that many of these benefits we favour today, are actually a result of letting others go – this can mean the trading off of certain traditional values in favour of modern enticements, or in the context of the profession, it can also mean allowing certain professional values to be subject to compromise.

‘Quality of Service’ is a Professional Core Value that Cannot be Traded Off

And this would bring me to the crux of today’s speech. Because I am here to remind us, that there are professional core values within our profession that have to remain unchanged.

The core value of upholding ‘quality’ in our professional services is a value that warrants extra attention these days. This is because speaking out of my own experience, I find that too often, we may compromise our quality of service, in order to appear ‘efficient’ in our work. A typical example might describe a situation where some of us may choose to take on more cases than we know we can handle, in the hope that ‘being efficient’ or being brilliant ‘multitaskers’, could maximise our business opportunities – maximising our profitability as a result. But then too often we come to realise we can only complete all the cases if we lowered certain standards in other areas. And there will be some of us, in this scenario, who may be inclined to give in, and allow the quality of our services to be compromised. But in these cases we would in other words, be trading off our professional values, for enticements such as making more money. And this very much goes against our professional integrity, which is not right. Because our professional core values for upholding ‘quality’ in our services, just cannot budge, even if the materialistic enticements of the modern world keep calling us to.

I wonder if inserting a layman analogy here would help reinforce this point, and I like to use the analogy of meeting someone online. Just because this person you met online seems to talk on the same wavelength as you do, it does not make them less of a stranger than a randomer cold-calling you or someone who tries to chat you up in the street. The core principle of not talking to strangers doesn’t change. And just because all the interaction happens on the Internet now rather than out in the street, it still does not change the nature of things: that person online is still a person you had never met in real-life, and is still that ‘stranger’ you wouldn’t have spoken to in the street otherwise.

If you think about it, this runs parallel to how the principal core values of professionalism just do not change even when the world outside has. In this context, we as legal professionals are endowed with the duty of sustaining and upholding the quality of our professional services, and so even in times like these – when society has become increasingly wired to always choosing convenience and efficiency over all else, the profession must stand firm on its grounding principles. And stick untarnished to our core beliefs. It is important to remind ourselves, that better serving our client does not necessarily have to equate to raised profitability, and if striving for efficiency meant for the quality of our professional services to be compromised, then we must let our desire for ‘efficiency’ go, so we can preserve and uphold our professional values that are more important.

Judicial Independence and the Rule of Law are Core Values that Cannot be Demeaned

Up to this point, we have only touched on the provisions of ‘quality’ in legal service as a professional core value that has to resist change. But this theme of ‘resisting change within change’ applies to other professional core values too, and with the time I have left, I must last but definitely not least, touch upon the fundamental core values within the profession – and that is the rule of law and the judicial independence.

Technology has once again proven it also has the potential to make upholding even values as core as these, more difficult than before.

Technology has privileged us with accessibility to express views and consume ideas from a plethora of platforms on social media. And many amongst us welcome this, expressing our opinions on blogs, facebook posts and tweets etc. It is shown that these platforms of opinion exchange, and the prevalence of chatrooms and social media, can make people believe that their views are affirmed by what they think to be a rally of ‘like-minded supporters’ on cyber community, so much so that they are more ready to, and sometimes feel justified to, comment on, or even challenge judges’ decisions on matters that had followed legitimate legal procedures.

So whilst we must acknowledge that people online do have freedom of speech and may comment on cases, at the same time, we must also equally respect that judges should be allowed to decide on cases independently, without interference from anyone.

This is why it is precisely in times like these when we must be vigilant that the right balance be struck, and that our core principles and beliefs remain unchanged amongst the sea of unfiltered and uncensored comments online. And the Law Society had long been defending such core values. In the past year, the Law Society had already, twice issued statements to fend off unwarranted criticism that aimed to attack and threaten the rule of law and the judicial independence.

Having said all this, by no means am I suggesting that it is better to resist using technology. There may be times when technology and AI may have created an illusion that it has made everything seem to stand on its head, but really, it can be a wake-up call that reminds us to also be aware of aspects in our profession that may have been influenced, traded off or supplanted.

Conclusion

To conclude, I urge for more in the profession to be sensitive and aware of the tensions between changes that must be adapted, and values that must be persisted. In upholding our professional core values, we need discipline in our lives so as to discern the things we can

change, and the things we do not change; and it is this professional discipline that informs us of the 'right' from the 'wrong.' And as established, these definitions may themselves change overtime, but yet still, we must remember there are certain principles that cannot, and should not change.

In the years to come, Hong Kong is to face many more changes in all dimensions. As a start, there will be continued challenges in maintaining the interests of one country, whilst defending the two systems. And globalisation will of course, continue to bring in both opportunities and challenges – with imminent socio-economic movements such as Belt and Road, Greater Bay Area, and trade agreements with ASEAN countries etc, they are bound to bring in talents, commodities, lifestyles and values of different cultural backgrounds, portending a manifestation of new changes. With our home prized as a cosmopolitan city, and a free and open market, Hong Kong of all places is therefore one that is most susceptible to the pressures of 'succumbing to change.'

Hence, at an ever-faster rate than before, social norms will become social faux pas, and today's values might become tomorrow's burdens. But in spite of all this, let us hope that in another 110 years, our professional core values will remain unchanged. The Greek philosopher Heraclitus may have been the first to say, 'Change is the only constant in life'; but let the Law Society be the first to validate that 'professionalism' is a constant too.

On this note, let us together as a profession, strive to adapt to the changes this new year will bring, and collectively adjust our mindsets to appreciate what changes and what does not. I thank you all for listening.