

## **MEDIA RELEASE**

### **Joint Launch of the State Courts Centre for Dispute Resolution and “Mediation in Singapore: A Practical Guide”, a Thomson Reuters Publication on 4 March 2015**

1 At the State Courts Workplan 2014, The Honourable the Chief Justice Sundaresh Menon commented that Alternative Dispute Resolution (ADR) had been integral to the State Courts’ delivery of justice. His Honour announced that the State Courts would be building upon their philosophy of encouraging the use of ADR by launching the “State Courts Centre for Dispute Resolution”.

2

*“ADR has been a central component in the delivery of justice within the State Courts and it has been promoted as the “first stop” for all cases entering the court system.”*

...

*“The Centre will provide greater integration and consolidation of the various efforts to promote and improve the quality of ADR services for the whole range of disputes that are dealt with by the Courts. The Centre will bring together judges, staff, lawyers and volunteer ADR practitioners to facilitate mutual learning and sharing in this critical field.”*

– Chief Justice Sundaresh Menon  
State Courts Workplan 2014  
7 March 2014

3 The State Courts Centre for Dispute Resolution was officially launched on 4 March 2015 at 11.30 am by The Honourable the Chief Justice Sundaresh Menon at the State Courts Atrium. The launch event was attended by, amongst others, representatives from ADR stakeholders as well as the legal fraternity.

4 During the event, a Thomson Reuters’ publication was also launched. Entitled “Mediation in Singapore: A Practical Guide”, the publication highlights the growth of mediation in Singapore. The book reflects the diverse contributions of mediators from a wide range of disciplines including passionate mediation advocates in private practice, academics, as well as judicial and government officers.

5 Please refer to Appendix A for more information on the State Courts Centre for Dispute Resolution, and Appendix B for more information on the Thomson Reuters publication “Mediation in Singapore: A Practical Guide”.

Jointly Issued by: State Courts, Singapore and Thomson Reuters

DATE: 4 March 2015

Enclosed: Speech by The Honourable the Chief Justice Sundaresh Menon for the launch of the State Courts Centre for Dispute Resolution (embargoed till delivery at 12.00 pm)

---

For further information or clarification on the launch of the State Courts Centre for Dispute Resolution, please contact:

(1) Ms Cheryl Ho, Senior Executive, Corporate Communications, at 6435 5498 or [cheryl\\_ho@statecourts.gov.sg](mailto:cheryl_ho@statecourts.gov.sg)

For further information or clarification on the Thomson Reuters publication “Mediation in Singapore: A Practical Guide”, please contact:

(1) Ms Pamela Lim, Regional Communications Manager – ASEAN & North Asia, at 6870 3212 or [pamela.lim@thomsonreuters.com](mailto:pamela.lim@thomsonreuters.com)

## **ABOUT THE STATE COURTS CENTRE FOR DISPUTE RESOLUTION**

### **1. What is the State Courts Centre for Dispute Resolution about?**

*Consolidated Alternative Dispute Resolution (ADR) services for the whole range of matters in the State Courts*

The State Courts Centre for Dispute Resolution offers ADR services for the whole range of matters in the State Courts. The current ADR processes offered by the Centre are mediation and neutral evaluation.

Prior to the launch of the Centre, all civil claims were referred to the Primary Dispute Resolution Centre for ADR. Magistrate's Complaints filed by individuals for minor criminal offences were referred for mediation in the State Courts' Crime Registry, while pre-trial resolution of certain criminal matters was facilitated through Criminal Case Resolution Conferences.

However, many disputes will involve different aspects of the law, and might even cut across the civil / criminal divide. A Magistrate's Complaint may be filed for assault, while a civil action for monetary compensation may simultaneously be lodged in respect of the same dispute. The establishment of the State Courts Centre for Dispute Resolution will thus consolidate the different Court ADR services which used to be offered in discrete departments, with the view of providing an integrated and holistic approach to resolve each conflict.

*Close partnership with other agencies in increasing the awareness and use of ADR*

The Centre will also partner closely with other agencies and ADR providers to increase the awareness and use of ADR both within and outside the Courts, so that individuals will consider the use of ADR as early as possible in the life cycle of a dispute. The Centre will collaborate with others in the areas of ADR outreach, ADR training and research.

### **2. What types of services will the Centre provide?**

The Centre will provide ADR services for:

- (a) civil claims, including motor accident and personal injury claims,
- (b) Magistrate's Complaints lodged to initiate private prosecution of criminal offences in the Crime Registry, and
- (c) other relational disputes such as applications under the Protection from Harassment Act.

### 3. How do the ADR services in the State Courts Centre for Dispute Resolution benefit court users?

The Honourable the Chief Justice Sundaresh Menon has, on several occasions, highlighted that ADR is one of the best ways to increase access to justice.

“Access to justice need not entail having to access the Courts if consensual outcomes can be reached in a way that secures acceptable outcomes which disputing parties can accept and move on from.”

- The Honourable the Chief Justice Sundaresh Menon  
Opening Address at the Litigation Conference 2013  
31 January 2013

“The increasing use of mediation beyond inter-personal disputes rests on two primary drivers: party autonomy and the saving of costs. Parties in mediation are conferred great control over the process in the hope of ensuring that a mutually-satisfying outcome is achieved. ... mediation, with its more flexible and informal process, delivers resolution more quickly and at lower cost...”

The judicial function can never be replaced by ADR processes, but a system of adjudication supported by such processes will be better equipped to deliver access to justice...

It is often possible and indeed preferable for users to access and achieve justice through acceptable consensual outcomes that can be reached outside the courts. Consensual outcomes are amongst the best ways of achieving affordable access to justice.”

- The Honourable the Chief Justice Sundaresh Menon  
Talk on “Judicial Attitudes towards Arbitration and Mediation in Singapore”  
ASEAN Law Association (Malaysia) - Kuala Lumpur Regional Centre for Arbitration (KLRCA)  
Dinner & Talk  
25 October 2013

In a 2013 - 2014 survey administered by the State Courts' Primary Dispute Resolution Centre for mediations of claims within the Magistrate's Court jurisdiction,

- 100% of the parties surveyed indicated that mediation had *reduced the total time they would have spent in court.*
- 95% of the parties and 98% of the lawyers surveyed agreed that mediation *helped them to avoid additional legal costs;*
  - 73% of the lawyers surveyed further indicated that *participation in mediation had lowered their clients' total litigation costs.*
- 94% of the lawyers surveyed agreed that mediation *had given their clients a more favourable result than going for a trial.*
- 81% of the parties surveyed agreed that mediation had *helped them in their relationship with the other person.*
- 99% of the lawyers and parties surveyed agreed that *they would recommend mediation to others.*

In addition, other surveys conducted have similar findings:

- In a Court Users Survey administered by Forbes Research Pte Ltd in 2014, more than 90% of the respondents agreed that mediation services provided by the Courts at the Primary Dispute Resolution Centre have contributed to early settlement of cases, resulting in costs savings for litigants.
- In a Public Perception Survey conducted by Nexus Link Pte Ltd in 2014, 9 out of 10 court users agreed that the State Courts should provide Court ADR services.

The ADR services provided by the State Courts have yielded very positive results. In the last 3 years, more than 80% of civil claims and Magistrate's Complaints referred for Court ADR were successfully resolved.

The following are examples of cases that have been resolved through mediation in the State Courts:

X, a primary school boy, was assaulted by some schoolmates, one of whom was Y. After the assault, Y sent a short text message to warn X against reporting the matter to the teachers. In the same SMS, Y indicated that he was part of a secret society and threatened to unleash the fury of his "gang" on X if the incident was ever reported. The incident was discovered by X's furious mother, who filed a Magistrate's Complaint against Y. The Magistrate referred the matter for mediation before a Judge.

During the mediation session, X's mother was extremely upset and insisted on teaching Y a lesson. During a private session with the Judge-mediator, X's mother shared that she was simply fearful on behalf of her son. She wanted Y to be "locked away" in a Boy's Home to "atone for his violent behaviour" and for the safety of her child. Y's father, on the other hand, had difficulties accepting the allegations made against his son. He told the Judge-mediator that Y was a gentle and amiable boy at home. When the Judge-mediator met privately with Y and his father, Y admitted that he was part of the group that assaulted X and that the SMS was sent from his phone. Both Y and Y's father were prepared to acknowledge what was done by Y.

Mediation allowed the matter to be resolved amicably. Y apologised to X, and Y's father gave an undertaking to keep Y and his friends in check. Had the matter not been referred for mediation, X and Y might have to be put through the criminal proceedings despite their young age.

A company brought a civil action against its ex-employee for unauthorised transactions that he entered into on behalf of the company, and for starting a business that competed with the company after resignation. The ex-employee denied these allegations, and claimed that all the transactions were entered into with the approval of the company. He was also aggrieved with how the company had terminated his employment.

Being indignant with the allegations made against him, the ex-employee wanted to file a claim against the company for defamation, based on several e-mails the company had written to others about his conduct. In retaliation, the company also stated that it would sue him for defamation for other e-mails that he had circulated concerning the company. The parties then decided to attempt a mediation session in the Primary Dispute Resolution Centre.

At the mediation, both the company representative and the ex-employee expressed their grievances against each other. It was clear that each party wanted certain matters to be redressed. There was however a deadlock, as the ex-employee wanted an apology while the company insisted on being paid compensation.

Over the course of a few mediation sessions, both parties eventually agreed to issue written apologies to each other, and to retract the allegations made. The ex-employee, seeing that the company was willing to apologise to him, decided to pay the company a small amount of money not exceeding \$2,000, which was accepted. If this matter had not been settled through mediation, it would have been litigated for approximately 5 days at trial.

#### **4. How can a person access the State Courts' ADR services?**

- The Centre's ADR services are only available for individuals who have pending matters in the State Courts.
- In general, the State Courts will refer parties to ADR services within the Centre once all the parties consent to use ADR. In certain disputes, such as Magistrate's Complaints, the Judge is empowered under legislation to order the parties to attempt ADR.

#### **5. What can parties expect to go through when their case is directed to the State Courts Centre for Dispute Resolution?**

- The Centre will inform the parties when their case is fixed for ADR.
- If the parties reach an agreement, the terms of their settlement are recorded before a Judge in the Centre.
- The most common ADR process is mediation. Mediation is a flexible process in which a neutral mediator facilitates the parties' settlement negotiations to help them reach their own solution. The focus of mediation is on finding solutions that will meet all the parties' concerns. The mediator will not make a decision concerning who is at fault in the dispute.
- The time taken for a mediation session can range from a few hours to half a day. All the parties and their lawyers (if any) are present at the mediation and involved in the process.
- For more information on what is involved in the ADR process, please refer to [www.statecourts.gov.sg](http://www.statecourts.gov.sg).

#### **6. Who are the Centre's mediators?**

The current strength of the Centre comprises 7 judge mediators and more than 100 volunteer mediators.

All the judge mediators have been accredited by the Singapore Mediation Centre, and several have also been trained by the Centre for Effective Dispute Resolution based in London, the National Judicial College in the United States of America, the Harvard Negotiation Programme and other internationally renowned mediation programmes.

Many of the volunteer mediators are members of the Bar, Justices of Peace and professionals who have been trained in mediation. Many of them are also involved in mediation training outside the State Courts.

The Centre will work towards significantly boosting the participation of court volunteers in ADR, and to diversify the pool of mediators to include more mediators who may have specific areas of expertise.

Members of the public, who are accredited and are interested in being a volunteer mediator, may send an e-mail expressing their interest to [statecourts\\_cdr@statecourts.gov.sg](mailto:statecourts_cdr@statecourts.gov.sg).

**7. What are the charges for the State Courts Centre for Dispute Resolution services?**

The State Courts have been providing free ADR services for than two decades.

The State Courts Centre for Dispute Resolution will provide free ADR services for:

- (a) All civil claims falling under the Magistrate's court jurisdiction (i.e. less than \$60,000 in value);
- (b) Motor accident claims;
- (c) Personal injury claims;
- (d) Actions under the Protection from Harassment Act; and
- (e) Magistrate's Complaints for minor criminal offences.

ADR fees will be introduced only for District Court civil claims (excluding non-injury motor accident and personal injury claims). Such claims are, in general, between \$60,000 and \$250,000 in value. The ADR fees are most likely to take effect from May this year. The Rules of Court will be amended in due course to implement this fee structure.

**ABOUT “MEDIATION IN SINGAPORE: A PRACTICAL GUIDE”,  
A THOMSON REUTERS PUBLICATION**

**1. What is the publication about?**

The publication provides an overview of both the development and current practice of mediation in Singapore. It includes discussions on all aspects of mediation encompassing the psychological, cultural and legal aspects of the mediation process: how parties choose a mediator, mediation agreements, enforcement of mediation settlements, accreditation of mediators, mediation in family disputes, divorce, family estate disputes, and many other topics.

**2. Who should read the publication?**

The publication will be useful for practitioners, business professionals, in-house counsel as well as all others who are interested in Mediation matters in Singapore.

**3. How will the readers benefit from the publication?**

This publication offers practical insights and background methodology which helps lawyers and mediators develop the technical skills which they can put into practice in the dispute resolution area. It is written by authors who come from a wide range of disciplines and are able to offer valuable commentary on this dynamic and growing field of expertise.

**4. Who are the authors of the publication?**

The publication is edited by Mr George Lim S.C. and Mr Danny McFadden. In 2014, Mr Lim was identified by *The International Who's Who of Commercial Mediation* as being among 298 of the world's leading commercial mediators. He is chairperson of the Singapore International Mediation Centre, and currently practising with Wee Tay and Lim LLP. Mr McFadden is Managing Director of Centre for Effective Dispute Resolution (CEDR), Asia Pacific. He helped CEDR, London open its first overseas office in Hong Kong in 2011, and has been developing its dispute resolution practice throughout Southeast Asia.

The other contributors are:

- a) Three academics from the National University of Singapore, Associate Professors Ho Peng Kee, Lim Lan Yuan and Joel Lee;
- b) Ms Gloria Lim from the Ministry of Law;
- c) Ms Eunice Chua from Singapore International Mediation Centre, and Mr Loong Seng Onn and Ms Deborah Koh from Singapore Mediation Centre;
- d) Ms Linda Heng and Mr Aloysius Goh who come from private mediation practices;
- e) District Judges Kevin Ng, Joyce Low, Dorcas Quek, and Josephine Kang;
- f) Solicitors Mr Lim Tat and Mr Paul Teo; and
- g) Mr James South from the Centre for Effective Dispute Resolution, London.