

Frequently Asked Questions

1. What is Conciliation?

Conciliation is a court dispute resolution process for you and the other party in your case to resolve your dispute without going for a trial in Court. It allows you and the other party to seek guidance from the Judge during the conciliation session and tap on his experience and knowledge to come up with an optimal settlement for all of you.

2. Who conducts the Conciliation?

Conciliation is conducted by a Judge of the State Courts Centre for Dispute Resolution.

3. What takes place during Conciliation?

During a conciliation session, the Judge will assist you and the other party in your negotiations. He will provide suggestions, develop suitable proposals and direct you and the other party towards a mutually acceptable settlement. You will then make decisions about the proposals put forth by the Judge.

A typical conciliation has the following stages:

Preliminary meeting

The lawyers usually brief the Judge presiding over the conciliation session on the facts of the dispute and the issues to be discussed during the conciliation session. You and the other party need not be present in the Judge's chambers during this time.



Joint meeting with all parties and lawyers present

The Judge will introduce you and the other party to the conciliation process, and set out any ground rules applicable to the session. Each of you will have the chance to speak about the dispute. The Judge will facilitate the discussion and offer his views and guide the parties on the possible solutions.



Separate meetings

If necessary, the Judge will hold separate meetings with either you or the other party, together with your respective lawyers. This is a time to discuss further matters and raise your concerns with the Judge, who will provide suggestions for a possible settlement and adjust the suggestions based on the parties' input. There may be several of such meetings, depending on the circumstances of each dispute.



Conclusion of Conciliation

If you and the other party have reached an agreement, everyone will meet the Judge together with your lawyers to review and confirm the terms of the settlement. These terms will be recorded before the Judge.

If you and the other party have not reached an agreement, conciliation ends and the case proceeds to trial.

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4. Do I have to be present at Conciliation?

You and the other party have to attend the conciliation in person. Your respective lawyers should also be present.

If you are a corporation or an entity, you should appoint a representative who has the authority to settle the case to attend the conciliation. If only a board or body has the authority to settle the dispute on behalf of your entity, you should send the person who has the most knowledge about the case and has full authority to attend the conciliation to settle the case

5. Why should I attend Conciliation?

Conciliation provides an avenue for you and the other party in your case to resolve your dispute without going for a trial in Court.

Benefits of Conciliation

Low cost	• It generally costs you less to attend conciliation than a trial
Save legal costs	• Early settlement through conciliation means that you can avoid the cost of preparing for a trial
Saves time	• A dispute can generally be resolved more quickly through conciliation than through a trial
Full control	• The parties choose whether or not to settle
Confidentiality	• The matters discussed and the proposals and views expressed by the Judge for the purpose of settlement are kept confidential
Opportunity to receive a Judge's independent view on the matter	• The Judge will provide valuable perspective or advice on how the parties can best resolve their dispute
Opportunity to negotiate for agreed terms	• The parties have the freedom to choose whether to take the Judge's views and proposals into account when deciding how to settle
Peace of mind	• You can have an early closure to your dispute

6. How do I prepare for the Conciliation session?

➤ **Discuss your case together with your lawyer if you have engaged one before the conciliation session**

Remember that the purpose of the session is not to determine who is at fault but to explore a settlement. The following matters may be discussed with your lawyer:

- **Your main concerns that have to be addressed in order to resolve this dispute** (e.g. monetary compensation, preserving the relationship with the other party, or acknowledgment of wrongdoing).
- The **strengths and weaknesses of your case**, and the risks involved in proceeding for a trial

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- The **likely cost of proceeding for trial** (e.g. time, legal costs and reputation) and whether you are prepared to bear it.
- The **possible ways of settling** the dispute through the session, and how the other party is likely to react to these suggestions.

➤ **Keep an open mind**

The purpose of conciliation is for you to communicate with the other party and be open to negotiation. For this process to work, you have to be prepared to listen to the other side and work with the Judge and the other party to arrive at an agreement that works for all the parties.

- If you are representing an organisation or company, please also ensure that you have the **full authority to negotiate** and decide the outcome. If you have to consult someone, please ensure that you are able to contact the person by telephone during the session.
- Please **bring along all relevant documents** relating to the dispute. These may include letters, e-mail exchanges, invoices, contractual agreements, expert reports and photographs.
- Please **arrive early** and set aside sufficient time for the session.

7. Do I have to pay for the Conciliation session?

Conciliation for Magistrate’s Court cases is provided free-of-charge by the State Courts.

For District Court cases, each party is required, under the Rules of Court, to pay a fee of \$250.

8. What happens if my matter is not resolved after Conciliation?

If you and the other party are unable to come to a settlement after conciliation, the Judge may recommend that other court dispute resolution processes such as neutral evaluation be applied.

The Judge may also direct you to take the necessary steps within certain time frames for your matter to proceed for a court trial as part of the case management process (e.g. filing affidavits of evidence-in-chief). Such a trial will be heard before a Judge in the Civil Courts. The Judge who presided over your case as the conciliator will not be the trial Judge. The information discussed during the conciliation process will remain confidential and will not be revealed to the trial Judge.

9. How is Conciliation different from a trial?

Factor	Conciliation	Trial
Control over outcome	The Judge will not make a judgment or determine who is at fault in your dispute. The Judge will use his experience and knowledge to focus on offering you and the other party suggestions and guidance on how best to resolve your dispute. You and the other party are the ones who will decide whether to settle your dispute and determine the terms of your settlement.	You give up control to a Judge at trial who will hear the evidence and make a decision that binds you.
Confidentiality	The discussions between all the parties during conciliation will remain private and confidential. If you and the other party reach a settlement, you may	Court hearings are open to the public.

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Factor	Conciliation	Trial
	<p>also decide to keep the details of the settlement confidential.</p> <p>If there is no settlement and the case proceeds to trial, the trial will be held before a different Judge.</p>	
Without prejudice	The discussions during a conciliation session are “without prejudice”. This means that what is said by you or the other party will not be used against you as evidence if your case proceeds to trial.	Everything you say in a court hearing is evidence and may be used against you.
Costs	Settling your dispute through conciliation will generally be less costly as you will be spending less time to resolve the dispute, and you will save on legal fees that would have been spent on a trial.	<p>Court hearing fees are charged after the first day of trial.</p> <p>Apart from court hearing fees, you would also have to pay legal fees for preparing and going for a trial.</p>

10. I have heard of Mediation conducted in the State Courts. Is Conciliation the same as Mediation?

Factor	Conciliation	Mediation
Role	The Judge actively suggests possible solutions and gives advice on how to resolve the dispute.	The Judge/mediator primarily facilitates communication and conveys ideas between the parties.
Conduct of the session	The Judge will provide his views and comments based on his knowledge and experience in the subject matter.	The Judge/mediator lets the parties take the lead in the discussions and negotiations, and helps them reach their own solution.
Decision on settlement	The Judge may formulate his own proposal on how to resolve the dispute. The parties can then choose to accept or reject.	The parties devise solutions to the dispute and determine the terms of the settlement on their own.
Suitable cases	Conciliation is suitable for parties who would like more guidance and direction from the Judge in the negotiation and settlement process.	Mediation is suitable for parties who wish to take a more self-directed approach to court dispute resolution.