

- ◆ What might the Complainant/Applicant need from you in order to resolve the dispute, and why might that be important to him/her?
- ◆ What is it that you need from the Complainant/Applicant in order to resolve the dispute, and why is this important to you?
- ◆ What solutions can you think of that would resolve the dispute in a way that would be fair and reasonable to you and the Complainant/Applicant?
- ◆ Considering factors like time, costs, convenience, peace of mind, relationships and any other long term

What should I bring along for mediation?

You should bring any documents, photographs, records, etc. that are relevant to the dispute.

What happens if I do not attend mediation?

The Duty Magistrate / Judge has directed you to attend mediation with the Complainant/Applicant as part of the case process. If you fail to attend the mediation without valid reason, not only will you miss the chance to negotiate a mutually acceptable out-of-court settlement with the Complainant/Applicant in a private and confidential setting, the Complainant/Applicant may proceed with the case against you, in which case you might have to face a trial.

As such, you are strongly encouraged to attend mediation.

What happens if the Complainant/Applicant does not attend mediation?

If the Complainant/Applicant fails to attend the mediation without valid reason, the case against you may be dismissed.

How long does mediation take?

It depends on how soon the parties are able to reach a mutually acceptable solution.

Mediation sessions are usually fixed for one whole morning or one whole afternoon of about three hours each. In many cases, the parties are able to resolve the dispute well within that time. In some cases, you may be required to come back for another session.

Can I bring along a family member or friend?

You can bring a family member or friend with you to the SCCDR. However, you will need the mediator's permission for your family member or friend to enter the mediation room.

Do I need to pay any fees for mediation?

No. Mediation for your case at the SCCDR is free of charge.

Do I need to engage a lawyer?

There is no need for you to engage a lawyer if you are comfortable with attending the mediation on your own. However, if you have already engaged a lawyer, your lawyer can attend the mediation with you.

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1 Havelock Square
 Singapore 059724
 Tel: 1800-JUSTICE (1800-5878423)
www.statecourts.gov.sg

Mediation for the Respondent

You have been asked to attend mediation at the State Courts Centre for Dispute Resolution (SCCDR). The purpose of mediation is to help you reach a mutually acceptable settlement with the Complainant/Applicant without having to bring your case to trial. This brochure explains how mediation works.

What is mediation?

A way to settle disputes

The mediator is a neutral third party who will help you and the Complainant/Applicant negotiate to settle your case out of Court. The mediator will not take sides in the dispute and will not be biased. Neither will the mediator give any legal or other advice to you and the Complainant/Applicant.

A meeting led by the mediator

The mediator will help you and the Complainant/Applicant work towards a settlement that both of you agree to. Be prepared to listen to the Complainant/Applicant and see how you can address his/her concerns, just as you would want the Complainant/Applicant to listen to you and address your concerns.

Not a trial

The mediator will not judge or decide who is right or wrong in the dispute.

Confidential and without prejudice

“Confidential” means that everything that you and the Complainant/Applicant discuss will not and should not be revealed to anyone else. “Without prejudice” means that if the dispute cannot be settled through mediation, what the parties say in mediation cannot be revealed and used against them in court.

What is the goal of mediation?

The goal of mediation is to help you and the Complainant/Applicant settle the dispute by finding a mutually acceptable solution.

Will the mediator force me and the Complainant/Applicant to settle?

No. The mediator will not force parties to settle. The mediator will help you and the Complainant/Applicant to find a mutually acceptable settlement. The decision on whether to settle and the details of the settlement is entirely for you and the Complainant/Applicant to make.

Who is the mediator?

The mediators in the SCCDR are judicial officers, volunteer mediators and Justices of the Peace.

Why should I attend mediation?

Mediation has many **advantages** over going to trial.

Less costly	Faster resolution	Parties have greater control of results
More flexible and informal	Greater peace of mind	Less stressful
Confidential and without prejudice discussions and settlements		

What happens at mediation?

Introduction and joint session

The mediator will meet you and the Complainant/Applicant and explain the mediation process. You and the Complainant/Applicant will have the chance to speak about the dispute, and the mediator will help you and the Complainant/Applicant to identify the issues that each of you are concerned about and start looking at possible ways to resolve the dispute.

Private sessions

If necessary, the mediator will speak to each party separately in a private session. This is a time to tell the mediator about any other matters and concerns you have, including those you may not be comfortable sharing with the Complainant/Applicant. It is also a time to continue to explore possible mutually acceptable solutions. The mediator will not tell the Complainant/Applicant anything you say unless you allow the mediator to do so.

Further joint and private sessions

If the mediator thinks it is useful, the parties may have more joint and private sessions.

Conclusion of session

If you and the Complainant/Applicant reach a settlement, both of you will meet the mediator together to check and confirm what you have agreed on. The mediator will record the terms, and the case will be closed. Both you and the Complainant/Applicant will then have to comply with the terms of the settlement.

If you and the Complainant/Applicant do not reach a settlement, the mediator will either:

1. arrange another mediation session ; or
2. send the case back to the appropriate Registry for the next steps to be taken for the case.

Does coming for mediation mean that I agree to the Complainant/Applicant's case? Will I get a criminal record?

Coming for mediation does not mean that you agree to the Complainant's/Applicant's complaint or case against you. You will not get a criminal record just because you come for the mediation or reach an agreement during the mediation.

Instead, mediation gives you a chance to

- ◆ hear the Complainant/Applicant's reasons for bringing the complaint or case against you;
- ◆ let the Complainant/Applicant hear your views of the dispute and clear up any misunderstandings; and
- ◆ talk through the dispute with the Complainant/Applicant and find a solution together.

What if I have complaints or issues to raise against the Complainant/Applicant?

If you have complaints or issues to raise against the Complainant/Applicant, you can bring these up during the mediation. Both you and the Complainant/Applicant may then try to settle any differences in a mutually acceptable way.

How do I prepare for mediation?

Mediation can only work if both parties

- ◆ come in good faith;
- ◆ are willing to listen to one another, consider each other's interests and concerns and be reasonable towards each other; and
- ◆ are prepared to work together to find mutually acceptable solutions.

For the mediation to be effective, you should focus on solving the dispute and come with an open mind to find mutually acceptable solutions.

The mediator will not decide your case, so you do not need to try to persuade the mediator that you are right and that the other party is wrong.

It is helpful for you to think about the following questions before you attend mediation: