

How should I prepare for my mediation session?

✍️ **Discuss your case together with your lawyer before the mediation session.** Remember that the purpose of mediation 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;
- 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 mediation, and how the other party is likely to react to these suggestions

✍️ **Keep an open mind.** The purpose of mediation 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 together with the mediator 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 via telephone during the mediation 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.

✍️ You may wish to **view a video** that explains the court mediation process, at www.statecourts.gov.sg (information on mediation/alternative dispute resolution).

What happens when no agreement is reached after multiple mediation sessions?

When a case cannot be settled through mediation, the parties will be directed to take the necessary steps within certain time frames for the matter to proceed for a court trial (e.g. filing affidavits of evidence-in-chief). Such a trial will be heard before a Judge in the trial courts. The Judge who may have mediated your case will not be the trial Judge. The information discussed during the mediation process will remain confidential and will not be revealed to the trial Judge.



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Alternative dispute resolution

Mediation

Mutual agreement

Private

Settlement

Confidential

Preparing for Mediation

- What is mediation?
- How is court mediation different from a trial? and other information

Preparing for Mediation

What is mediation?

Mediation is a way of resolving a dispute without going for a trial in Court. The mediator facilitates and guides the parties in negotiating a mutually acceptable agreement to their dispute.

How is court mediation different from a trial?

Factors	Mediation	Trial
Control over outcome	The mediator will not make a judgment or determine who is at fault in your dispute. The mediator will focus on helping you and the other party find solutions that will meet your concerns and needs. You and the other party are the ones who will decide whether to settle your dispute, and the details of your settlement.	You give up control to a Judge in a trial who will listen to the evidence and make a decision that binds you.
Confidentiality	The discussions between all the parties during a mediation session will remain private and confidential . If you and the other party reach a settlement, you may also decide to keep the details of what you have agreed to confidential. If there is no settlement and the case proceeds to trial, the trial will be held before a different Judge.	Court hearings are open to the public .
Without prejudice	The discussions during a mediation session are “ without prejudice ”, that is, 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.
Flexibility	The mediation process is flexible and more informal .	A court trial is formal .
Cost	Settling your dispute through mediation will generally be less costly as you will be spending less time to resolve the dispute, and will save on legal fees that would have been spent on a trial (for civil cases).	Court hearing fees are charged after the first day of trial. Apart from court hearing fees, you would have to pay legal fees for preparing and going for a trial.

What should I expect to happen at my mediation session?

Your dispute will be mediated by either a Judge or a volunteer mediator who has been trained and accredited by the State Courts and Singapore Mediation Centre.

Your mediation session will take about three hours. You and the other party may reach a settlement at the end of the session. In appropriate cases, you may be asked to return for another session.

Each mediation session usually has the following steps:

