MEDIA RELEASE

Launch of Practitioners’ Library Assessment of Damages: Personal Injuries and Fatal Accidents, 3rd edition

and the

Electronic Motor Accident Guide

on 22 February 2017 by

The Honourable the Chief Justice Sundaresh Menon

1 The Honourable the Chief Justice Sundaresh Menon officiated the launch of two publications by the State Courts on 22 February 2017. These publications will give lawyers and litigants indications of the factors that the Courts may consider when adjudicating their matters, thereby allowing them to evaluate their legal positions and the options available to them, enhancing their access to justice.

Practitioners’ Library Assessment of Damages: Personal Injuries and Fatal Accidents

“The assessment of damages is therefore often a fine balancing exercise of comparing a claimant’s injuries and specific set of circumstances with the many previously decided cases to arrive at a calibrated award that seeks to do justice in each individual case.”

- Chief Justice Sundaresh Menon
  Launch of Practitioners’ Library Assessment of Damages: Personal Injuries and Fatal Accidents
  22 February 2017

2 The Practitioners’ Library Assessment of Damages: Personal Injuries and Fatal Accidents (“Book”), first published in 2001 and next in 2005, is often referred to by judges to arrive at awards of damages, to ensure a level of consistency across similar cases. It is also widely used by practitioners and members of the insurance industry to negotiate and expedite the settlement of accident cases without the need to subject accident victims to the stress of litigation. Mr Nigel Bogaars, Partner of Bogaars & Din, found the Book:

“…an essential resource for practitioners advising on personal injury and fatal accident cases and for quantum advocacy. No two cases are the same and the authors have assembled decided cases which practitioners can use as guidelines for the particular case they are working on.”

3 Mr Loh Kia Meng, Partner of Dentons Rodyk & Davidson LLP, added:
“The 2005 Edition provided practitioners in this area of law with a useful guide on general principles concerning claims for personal injury and fatal damages. Presenting case precedents in tabulated form was a smart way of delivering key points for the busy practitioner.”

4 The third edition of the Book, jointly published by the State Courts and LexisNexis, is written by State Courts’ judges. It is an updated collection of awards made by the Supreme Court and State Courts, and sets out the important principles for the various types of losses and the amounts of damages awarded where injury or death has occurred. In addition, substantial developments in the law are explored and covered in considerable detail.


Electronic Motor Accident Guide

6 The Electronic Motor Accident Guide (“eMAG”) is the State Courts’ first e-book to cater to users’ preference for mobility and user-friendly features such as keyword-search, bookmarking and highlighting capabilities. These features will allow users to retrieve the information that they are seeking more quickly and easily. Mr Lim Biow Chuan, President of the Consumers Association of Singapore, welcomes these new features:

“Motorists who are involved in accidents need a quick and reliable source of information as to what they should do after the accident. The eMAG is an update and would provide motorists faster and more accurate information as to their next course of action. Hopefully, this will encourage all parties to resolve their claims more expeditiously which will reduce costs and in the long run benefit all consumers with lower insurance premiums.”

7 As with the first edition that was published in 2014, the eMAG provides comprehensive and relevant information that one requires when dealing with an accident claim. It contains a range of liability indications for a series of different motor accident scenarios, including those involving motorists, pedestrians, cyclists and passengers. Each motor accident scenario is complemented by simple text, pictures and diagrams. The ranges with respect to liability are based on actual awards given in locally decided cases. Quick tips on what to do when one is involved in an accident are available in the eMAG. The possible defences that one may raise when defending a claim are also referred to in the eMAG.

8 Mediators, lawyers, motor insurers and motorists have found the first edition of the Guide an invaluable tool for their accident claims. Mr Ng Wee Jin, Chief Executive Officer, Financial Industry Disputes Resolution Centre Ltd (FIDReC) said:

“For FIDReC-Non-injury Motor Accident Scheme cases, FIDReC’s mediator would assess the case and provide his or her indication on the liability apportionment. In doing so, he or she will be guided by the Motor Accident Guide and/or the Barometer of Liability. In view of the above, some disputants may be more inclined to accept the mediator’s indication especially so when due consideration has been given to both
parties’ accounts of the accident. With the launch of the electronic version of the Motor Accident Guide, the various stakeholders would further benefit from it.”

9 Mr Abdul Salim Ahmed Ibrahim PBM, Director of United Legal Alliance LLC and an Associate Mediator of the State Courts and Singapore Mediation Centre, noted that:

“The Motor Accident Guide has been a welcome addition to our area of work. It has become a useful tool to guide lawyers in arriving at a fair and amicable settlement on the issue of liability. It has greatly assisted me in convincing clients, both individuals as well as claims handlers in accepting the prescribed or recommended apportionment of liability.”

10 The Chief Executive of the General Insurance Association of Singapore, Mr Derek Teo, added:

“With clearly defined illustrations on accident scenarios in the Motor Accident Guide, parties in dispute are more amenable to reach a settlement.”

11 Mr Bernard Tay, BBM, Chairman of the Singapore Road Safety Council, said:

“The Motor Accident Guide is definitely a useful and informative educational guide book. Road users are equipped with knowledge on how to resolve their accident claims and prevent them from incurring unnecessary costs. The various motor accidents scenarios also provide road users with a better insight of the possible defences when defending a claim.”

12 Judges, too, have referred to the Guide when adjudicating cases involving motor accident claims. In her grounds of decision for Soh Lay Lian Cherlyn v Kok Mui Eng¹, Senior Judge Lai Siu Chiu referred to a scenario in the first edition of the Guide to assess the Defendant’s liability. In addition, the Guide is widely used in the motor accident claims cases filed in the State Courts. When neutral evaluation is conducted by judges at the State Courts Centre for Dispute Resolution, the Guide is used as the first point of reference to aid parties in resolving their cases amicably.

13 The eMAG, which is authored by judges of the State Courts, can be purchased from Google Play Books at S$7.78 each.

14 The event was attended by representatives of the Supreme Court, Attorney-General’s Chambers, Legal Aid Bureau and The Law Society of Singapore. Legal professionals and members of stakeholder organisations such as the Automobile Association of Singapore, Consumers Association of Singapore, Financial Industry Disputes Resolution Centre Ltd, General Insurance Association of Singapore, Singapore Motor Workshop Association, and Singapore Road Safety Council were also present, together with judges and staff of the State Courts.

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Date : 22 February 2017

¹ Soh Lay Lian Cherlyn v Kok Mui Eng [2015] 5 SLR 53 at [24]
Enclosed:

(i) Factsheet on the Practitioners’ Library Assessment of Damages: Personal Injuries and Fatal Accidents, 3rd edition

(ii) Factsheet on the Electronic Motor Accident Guide

For further information or clarification, please contact:
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1. What is covered in the Practitioners' Library Assessment of Damages: Personal Injuries and Fatal Accidents (“Book”)?

The Book, jointly published by the State Courts and LexisNexis, sets out the important principles for the various types of losses and the amounts of damages awarded for them where injury or death has occurred.

This third edition of the Book is an updated collection of awards made by the Supreme Court and State Courts. Substantial developments in the law are explored and covered in considerable detail. Some of the seminal new cases include:

- AOD v AOR [2016] 1 SLR 217 (measure of damages for personal injury claims)
- Lai Wai Keong Eugene v Loo Wei Yen [2014] 3 SLR 702 (comparative approach appropriate to determine the multiplier)
- Lee Wei Kong v Ng Siok Tong [2012] 2 SLR 85 (capacity to work destroyed thus award on the basis of loss of earning capacity is inadequate and award should for loss of future earnings)
- Koh Chai Kwang v Teo Ai Ling [2011] 3 SLR 610 (loss of earning capacity and loss of future earning are distinct and not alternate measures)

The other key features are:

- The general principles relating to assessment of damages, including tables of awards made in the Supreme Court and State Courts
- Fully updated content including legislative changes and the latest case law developments

2. How will the Book benefit the readers?

Judges may refer to the Book to arrive at awards of damages, to ensure a level of consistency across similar cases.

Practitioners and members of the insurance industry will find the Book useful when negotiating and expediting the settlement of accident cases, to avoid the need to subject accident victims to the stress of litigation.

Academics will also find the Book useful in their research on damages awarded for personal injuries and fatal accidents.

3. Who are the authors of the Book?

This third edition of the Book is contributed by judges of the State Courts.
The authors are:

(i) District Judge Carrie Chan
(ii) District Judge Constance Tay
(iii) District Judge Laura Lau
(iv) District Judge Lorraine Ho
(v) District Judge Lynette Yap
(vi) District Judge Ong Chin Rhu
(vii) District Judge Sandra Looi
(viii) District Judge Wong Peck

The editors are:

(i) District Judge Clement Tan
(ii) District Judge Georgina Lum
(iii) District Judge Joseph Yeo
(iv) District Judge Kevin Kwek
(v) District Judge Koh Jiaying
(vi) District Judge Olivia Low
(vii) District Judge Peter Lo
(viii) Magistrate Regina Lim

4. **Where can the Book be purchased from?**

1. **What is the Electronic Motor Accident Guide ("eMAG") for?**

The eMAG, published by the State Courts, provides the general public and others involved in motor accident claims, e.g. insurers, vehicle repair workshops and lawyers, with useful information so that they will have a better opportunity to resolve their accident claim cases amicably and avoid incurring litigation expenses.

Like the first edition published in 2014, the eMAG contains a range of liability indications for a series of different motor accident scenarios, including those involving motorists, pedestrians, cyclists and passengers. Each motor accident scenario is complemented by simple text, pictures and diagrams. The ranges with respect to liability are based on actual awards given in locally decided cases. Quick tips on what to do when one is involved in an accident are available in the MAG. The possible defences that one may raise when defending a claim are also referred to in the MAG.

2. **What are the new features in the eMAG?**

In addition to user-friendly features such as keyword-search, bookmarking and highlighting capabilities, the key features of the eMAG are:

- **Mobility:** readers who prefer having information at their fingertips can save the eMAG in their electronic devices and read it at their convenience
- **"Dictionary" function:** readers can ascertain the meaning of the terms used in the eMAG
- **Personalisation:** readers can make use of the functions found in their electronic devices to adjust the font size, or change the font and background colour of the content, to suit their reading preference

3. **How do potential users think they will benefit from the eMAG?**

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<thead>
<tr>
<th>“It is likely to be more accessible. For my clients, I hope it would lead to more cost savings and faster resolutions.”</th>
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<tbody>
<tr>
<td>Mr Desmond Tan</td>
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<td>Partner</td>
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<td>Lee &amp; Lee</td>
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<th>“The eMAG will benefit me as it will be easier to use and I can email the relevant scenarios to my clients.”</th>
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<td>Mr Anthony Chey</td>
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<td>Partner</td>
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<td>RHTLaw Taylor Wessing LLP</td>
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**Electronic Motor Accident Guide**

“**My clients and I will be able to refer to the eMAG easily when we attend the court dispute resolution sessions.**”

- Mr Adnaan Noor  
  Associate  
  RHTLaw Taylor Wessing LLP

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

   The authors are:
   
   (i) District Judge Laura Lau  
   (ii) District Judge Lorraine Ho  
   (iii) District Judge Lynette Yap  
   (iv) Magistrate Regina Lim

5. **Where can the eMAG be purchased from?**

   The eMAG can be purchased from Google Play Books at S$7.78 each.