MEDIA RELEASE

Beyond Adjudication – State Courts Impart Legal Knowledge to Enrich the Community

1 As the primary dispensers of justice handling about 90 per cent of the judicial cases in Singapore, the State Courts have accumulated valuable experience in the adjudication and resolution of civil disputes and criminal matters in Singapore, as well as in court and tribunal administration. Beyond providing access to justice and serving society through adjudication, they are committed to enriching the community’s knowledge in law by sharing their knowledge and expertise with the legal fraternity, including law students, and the public through their wide spectrum of programmes ranging from publications to classroom training.

2 This afternoon, the State Courts launched two publications authored by their judges, and signed Memoranda of Understanding (MOUs) with the law schools of three universities in Singapore – National University of Singapore (NUS), Singapore Management University (SMU), and Singapore University of Social Sciences (SUSS). These were part of their continuing efforts to contribute to legal scholarship and academic jurisprudence, as well as to impart legal knowledge to non-lawyers and members of the public.

3 The launch of the two publications was officiated by The Honourable the Chief Justice Sundaresh Menon, who also witnessed the signing of the MOUs by Justice See Kee Oon, Presiding Judge of the State Courts, with Professor David Tan, Vice-Dean (Academic Affairs), NUS Faculty of Law; Professor Goh Yihan, Dean, SMU School of Law; and Professor Leslie Chew, SC, Dean, SUSS School of Law.

Publications to Enrich Legal Knowledge

4 The publications launched were the “Practitioners’ Guide on Damages Awarded for Defamation Cases in Singapore” and the “Law and Practice of Tribunals in Singapore”, both of which are the first of their kind in Singapore. The publications are part of the Monograph Series published by Academy Publishing, a division of the Singapore Academy of Law.
Practitioners’ Guide on Damages Awarded for Defamation Cases in Singapore

5 The Practitioners’ Guide on Damages Awarded for Defamation Cases in Singapore is a comprehensive resource for the range of damages awarded for defamation cases filed in the Singapore Courts between 2006 and 2017. It features tables of awards for defamation cases, and contains case summaries that set out the factors considered by the Courts in arriving at different awards of damages as well as the outcome of appeals. In addition, it outlines the general principles of defamation law, and the State Courts’ pre-action protocol for defamation actions that took effect in September 2018 to encourage pre-action settlements.

6 With this publication, potential litigants and their lawyers will have realistic and measured expectations of the likely awards of damages should they succeed in their defamation suits while practitioners and judges will have a ready reference when dealing with comparable defamation cases. The publication also serves as a primer on the law of defamation to anyone with an interest in this area of the law.

Law and Practice of Tribunals in Singapore

7 The Law and Practice of Tribunals in Singapore explains the nature of tribunals, sets out the basic laws and principles that should govern tribunal hearings, and lists best practices in managing and operating a tribunal. The contents of this publication are set in the context of tribunals whose primary function is the determination of disputes – administrative tribunals, tribunals hearing civil claims and professional disciplinary tribunals.

8 Tribunals play a critical role in the administration of justice as they complement the work of the Courts by providing access to justice in specialised areas. While tribunal proceedings are typically less formal than court proceedings, the decision-making process in tribunals are still subject to the rules of natural justice and basic rules of evidence. This publication draws from the State Courts’ experience in managing their tribunals for small claims, community disputes and employment claims. As there are limited existing resources to guide tribunal members who may not have legal training, this publication will be a valuable resource for tribunal members hearing cases, those managing or who are in the process of creating a tribunal, as well as laypersons who are curious about how tribunals function.

Customised Training Programmes to Impart Legal Knowledge

9 The MOUs with the law schools of NUS and SMU formalise the Clinical Clerkship Programme (“Programme”) that was piloted two years ago with NUS and which was extended to SMU this year. The Programme aims to give law students the opportunity to experience judicial work and gain a practical insight into the operation of the judicial system.
10  This Programme is the first law school clinical module for credit conducted in collaboration with the judiciary and the first joint NUS-SMU law module. The students under this Programme are supervised by two senior judges of the State Courts – the Deputy Presiding Judge and the Senior District Judge. They observe criminal and community cases at various points of the cases’ lifespan in the State Courts, attend tutorials, prepare bench memoranda on live cases, and undertake oral presentations on interesting current issues.

11  At the end of the Programme, the students would have acquired a different perspective of legal work and their legal studies, through personalised interaction with judges, working on actual cases and experiencing them through the eyes of a sitting judge. They would also have gained a deeper understanding of the criminal justice process, which would help them in deciding if they wish to pursue a career in criminal litigation.

12  The MOU with the SUSS School of Law establishes the Legal Clerkship Programme to provide SUSS students with practical training and clinical experience, as the law degree programmes in SUSS are focused on preparing its students for a second career in law. Instead of a research paper or bench memorandum, the students will prepare court documents and present them in a mock court hearing, to develop their written and oral advocacy skills.

**Commitment to Enhancing Access to Justice**

13  About 100 members of the judiciary and legal fraternity, tribunal administrators and law academia attended this afternoon’s “twin event” which reinforced the State Courts’ commitment to enhancing access to justice. The Honourable the Chief Justice Sundaresh Menon said: “The core duty of the courts is the delivery and promotion of just outcomes. Enhancing access to justice is key to achieving this, and the State Courts’ judges have been proactively contributing to this mission. The publications launched today and the MOUs signed with the law schools demonstrate the State Courts’ commitment to broadening and deepening the education of the legal fraternity, court users and law students.”

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Issued by : State Courts, Singapore
Date : 4 November 2019
Enclosed:
(i) Factsheet on Practitioners’ Guide on Damages Awarded for Defamation Cases in Singapore
(ii) Factsheet on Law and Practice of Tribunals in Singapore
(iii) Factsheet on the Clerkship Programmes

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Social media and instant messaging platforms provide an easy and unrestrained forum for views to be expressed. These platforms also facilitate quick re-publication of the expressed views. The risk of defamatory statements being made nowadays is therefore far greater than a decade ago.

Yet, the tort of defamation remains technical, and disputes are often factual. As such, defamation proceedings tend to be time-consuming and costly. After liability has been established, the damages awarded for injury to the claimant’s reputation are based largely on precedents. The awards are often disproportionate to the time and costs that had been spent on the matter.

The Practitioners’ Guide on Damages Awarded for Defamation Cases in Singapore will enable a potential litigant to conduct a cost-benefit analysis at an early stage to ascertain if he should pursue his case in Court.


The key highlights of the Guide are:

(a) Range of damages awarded for defamation cases

The Guide provides the range of damages awarded for defamation cases filed in the Singapore Courts between 2006 and 2017. It has a useful and concise tabulation of defamation cases organised according to the nature of the defamation – slander or libel or both, the category of claimant, the amount awarded, and the outcome of any appeal as well as case summaries.

Examples of the cases illustrated in the Guide include:

- Slander against a company: Statements made during a sales presentation
- Slander against a professional: Words uttered during an annual general meeting
- Slander against a community leader: Words uttered during a clan association meeting
- Libel against a political leader: Publication of articles and a photograph in a political party's newspaper
- Libel against an office bearer: WhatsApp messages sent to committee members and officers of a monastery

(b) General legal principles on the tort of defamation in Singapore

The Guide outlines the general legal principles on the tort of defamation in Singapore, to provide a primer on the law of defamation.
(c) Reference to the Pre-action Protocol for Defamation Actions in the State Courts

The Guide outlines the Pre-Action Protocol for Defamation Actions in the State Courts that came into effect on 24 September 2018. The Protocol aims to encourage constructive negotiations with the view to promoting pre-action settlements and to keep parties focused on the key issues in dispute.

2. Who the Guide is for

The Guide will benefit litigants, practitioners, judges and the general public.

(a) Potential litigants and their lawyers

– Will have a realistic view and measured expectations of the likely awards of damages should they succeed in their defamation suits

(b) Practitioners and judges

– Will have a ready reference when dealing with comparable defamation cases

(c) Interested members of the public

– Will have an introduction to the law of defamation

3. Authors

The authors of the Guide are judges and a former Magistrate of the State Courts:

(i) District Judge Salina Ishak – Editor-in-Chief
(ii) District Judge Clement Julien Tan – Contributing Editor
(iii) District Judge Peter Lo – Contributor
(iv) Magistrate Patrick Tay – Contributor
(v) Ms Regina Lim (former Magistrate) – Contributor

4. Where to purchase the Guide

The Guide can be purchased at S$64.20 each from Academy Publishing www.sal-e.org.sg
Tribunals play a critical role in the administration of justice in Singapore as they complement the Courts by providing accessible justice in specialised areas. Hence there is a need to ensure that tribunals continue to dispense quality justice efficiently. As there is currently a dearth of resources to guide tribunal members and users, the State Courts authored the *Law and Practice of Tribunals in Singapore* to share their knowledge on the legal principles governing tribunal hearings, and their practical experience in managing tribunals.

1. **Highlights of the *Law and Practice of Tribunals in Singapore* (“book”)**
   The key highlights are:
   (a) Legal principles governing tribunals, how tribunal hearings should be conducted, and how tribunals should be managed
   (b) Guidance for new tribunals and established ones
   (c) Best practices for tribunals to consider adopting
   (d) List of the relevant tribunals in Singapore

2. **Who the book is for**
   The book will benefit legally and non-legally trained tribunal members hearing cases; those managing or in the process of creating a tribunal; and members of the public who are curious about what tribunals are and how they function.

3. **Authors**
   The authors of the book are judges and former Magistrates of the State Courts:
   (i) Senior District Judge Bala Reddy – Editor-in-Chief
   (ii) Deputy Principal District Judge Jill Tan – Contributing Editor
   (iii) Ms Regina Lim (former Magistrate) – Contributor
   (iv) Mr Wong Thai Chuan (former Magistrate) – Contributor
   (v) Ms Yan Jiakang (former Magistrate) – Contributor

4. **Where to get the Book**
   The Book can be purchased at S$64.20 each from Academy Publishing www.sal-e.org.sg
The Clerkship Programmes with the law schools are introduced to allow the participating undergraduates to acquire a different perspective of legal work through personalised interaction with senior Judges, working on actual cases from a judicial perspective and experiencing legal practice in a real-life court setting. The Programmes also offer the participants a glimpse into the career options available to them and promote an interest in pro bono work involving criminal and community-related cases.

(A) Clinical Clerkship Programme with NUS and SMU

In 2017, the State Courts and the National University of Singapore’s Faculty of Law piloted the Clinical Clerkship Programme (“Programme”). The pilot involved three NUS Year 3 and 4 students. In 2018, there were six NUS students participating in the Programme. As feedback from the students and the NUS faculty was positive, the pilot was expanded to include SMU undergraduates in 2019. There are currently 11 students in the Programme – four from NUS and seven from SMU.

The Deputy Presiding Judge of the State Courts Jennifer Marie, SC, and Senior District Judge Bala Reddy are the Supervising Judges for the Programme. They have also been appointed as adjunct faculty members by NUS and SMU. In their role as faculty members, they design the Programme’s curriculum, conduct weekly tutorials at the universities and grade their students’ assignments.

Highlights of the Programme

Under the 12-week Programme, the participants from NUS and SMU will:

(a) observe the various types of criminal cases throughout their lifespan in the State Courts, from the first Mention to the Pre-trial Conference to the Trial or the Plead Guilty hearing;

(b) observe hearings and case resolution conferences for Magistrate’s Complaints, cases in the Small Claims Tribunals, neighbour disputes in the Community Disputes Resolution Tribunals and cases under the Protection from Harassment Act;

(c) have weekly tutorials with their Supervising Judges to discuss their observations and their reading of the latest cases on the subject-matter in question; and

(d) prepare a Bench Memorandum on a live case, deliver an oral presentation on current and interesting topics which are relevant to the judiciary, and undertake a supervised research assignment.
Legal Clerkship Programme with SUSS

Participants of the Legal Clerkship Programme will receive clinical training from private practitioners and institutions that work with criminal and family law, such as the Legal Aid Bureau, the Law Society of Singapore’s Pro Bono Services Office, the Criminal Legal Aid Scheme and relevant state agencies such as the Attorney-General's Chambers, the State Courts and the Family Justice Courts (FJC). The participants are required to do a four-week full-time attachment at either the State Courts or FJC.

Highlights of the Programme

The participants from SUSS will:

(a) observe the various types of criminal cases throughout their lifespan in the State Courts, from the first Mention to the Pre-trial Conference to the Trial or the Plead Guilty hearing;

(b) have weekly tutorials with their Supervising Judges to discuss their observations and their reading of the latest cases on the subject-matter in question;

(c) prepare a Plea-in-Mitigation with submissions on sentence; and

(d) participate in moot Plead Guilty Mentions to defend their Plea-in-Mitigation and submissions on sentence, to develop their written and oral advocacy skills.

Feedback from past NUS participants

"What amazed me was how much time and effort the judges were investing in teaching us. I don't think we could have gained as much insight into the judicial decision-making process without that much interaction and face time. The golden thread than ran through every aspect of the clerkship was seeing how hard judges grapple with the facts to deliver a just outcome, even in the most seemingly routine cases. In Singapore’s adversarial legal system I think it's tempting for lawyers to think in terms of 'winning' or 'losing' cases, but knowing that judges are focused on doing justice in each case will probably help lawyers assist the court better when making submissions. This principle has remained with me throughout my stint as a prosecutor, and helped me to be even-handed and balanced in the way I conduct my cases. I hope the Programme will continue to inspire advocates-to-be, and ultimately provide them with the insight and experience to be excellent officers of the court, even as junior lawyers."

Lim Wei Yang
NUS (Academic Year 2017/2018)
“The Programme gave me the rare opportunity of gleaning first-hand insights from experienced State Courts judges. I was immersed in a practical, on-the-ground experience of the judicial process in the State Courts through weekly court observations and tutorials as well as interactions with court translators, administrators and volunteers.

The Programme gave me the opportunity to have really insightful conversations about judicial administration in the State Courts, with the very judges and administrators who run the system. I now better understand what it means and how to be a more effective advocate that assists the Court in the administration of justice.”

Liu Siew Rong
NUS (Academic Year 2018/2019)

“The Programme was a unique and enriching experience for me. Having learnt from various judges about the intricacies of judicial work, I gained a deeper understanding and appreciation of Singapore's court system. Overall, it was an inspiring, educational, and one-of-a-kind experience.

My greatest takeaway from the Programme was being able to understand the judicial perspective. Throughout the course, and in particular while preparing the bench memorandum, I gained exposure to what it is like being in the position of a Court. Learning how different the vantage point of the decision maker can be was not only eye-opening, but it also introduced a whole new dimension into how I conduct legal analysis.

I hope that the future runs of the Programme will continue to educate and inspire the younger generation of law students in the same way that it has done for me.”

Keith Jieren Thirumaran
NUS (Academic Year 2018/2019)