

Singapore Development - The Primary Justice Project

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This post seeks to provide readers an update of a recent development in Singapore – the launch of the Primary Justice Project. While the Primary Justice Project does not relate specifically or solely to mediation, its goals are the same: the amicable resolution of disputes. During the State Courts Workplan 2013 (1 March 2013), the Chief Justice of Singapore Sundaresh Menon announced the introduction of the Primary Justice Project.

The idea was to provide parties to a dispute an intermediate step between self-help and the commencement of legal proceedings in Court so that they would have the opportunity to resolve their disputes expediently, cheaply and amicably.

In the words of the Chief Justice, "The Primary Justice Project envisages a future where a greater number and variety of disputes will be resolved expediently and amicably outside the court system. While our Courts will, without doubt, continue to play a vitally important role in the administration of justice, they will no longer be viewed as the place where the resolution of disputes begins; instead, the Courts will be the forum that one turns to after other primary methods of resolving disputes have been exhausted."

This vision came to fruition and the Primary Justice Project was launched on 9 May 2014 as a collaboration between the Community Justice Centre, State Courts and The Law Society of Singapore.

The concept of primary justice is an analogy drawn from the health-care context. When one is unwell, people generally self-medicate first. If one is still unwell, then they may approach a primary health provider like a general practitioner. Only when the condition remains unresolved would a specialist be called for.

In the legal context, a party to a dispute will generally seek to resolve the matter on his or her own, perhaps by negotiation. Should the matter remain unresolved, s/he may turn to a lawyer to commence court proceedings. This is akin to going to a specialist.

The Primary Justice Project seeks to insert an intermediate step between self help and legal proceedings. Parties can seek assistance under this scheme from a Primary Justice Lawyer who will provide their clients with basic legal advice and facilitate negotiations and when appropriate, assist parties in engaging a mediator to facilitate the resolution of the dispute.

The Primary Justice Project will deal with two types of cases. The first are civil claims below S\$60,000 and beyond the jurisdiction of the Small Claims Tribunal. The second are divorce matters with most ancillary issues which are close to settlement for example maintenance, division of matrimonial assets, and arrangements for the children involved.

This scheme will be administered by the Community Justice Centre who will match interested parties with Primary Justice Lawyers. The Community Justice Centre will also monitor the progress of the cases. Primary Justice lawyers will provide basic legal services at a fixed fee for up to six hours.

The presently 50 strong group of Primary Justice lawyers will have at least three years of post-qualification legal experience and been trained in mediation or mediation advocacy skills. They would also have been equipped with the necessary materials and tools, such as a directory listing the different ADR providers in Singapore to assist them in this endeavor.

To the writer's mind, this is an excellent development for Singapore. It enhances access to Justice by providing for more affordable legal service while at the same time allowing lawyers to widen the scope of their practice.

It is an ambitious project and only time will tell if the hope (of the Chief Justice) that this will "embed a pro-settlement and pro-ADR culture in our society" will come to pass. I, for one, sincerely hope it will.