

Kluwer Mediation Blog

Singapore Development – Joint Launch of the State Courts Centre for Dispute Resolution and “Mediation in Singapore: A Practical Guide”

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I'd like to spend this month's blog entry providing an update on a Singapore development. On the 4 March 2015, there was the launch of the State Courts Centre for Dispute Resolution by the Chief Justice of Singapore, Mr. Sundaresh Menon.

At the same time, Thomson Reuters also launched their book “Mediation in Singapore: A Practical Guide” which houses the contributions of a diverse group of mediators and mediation advocates in private practice, academia, judiciary and government.

This author hopes to provide a review of this book in a future entry. For the moment, this entry will focus on the State Courts Centre for Dispute Resolution.

The State Courts has had a long relationship with mediation. In fact, when the modern mediation movement was first introduced in Singapore, the State Courts (then known as the Subordinate Courts) embraced mediation with the establishment of the Primary Dispute Resolution Centre. The Primary Dispute Resolution Centre handled all civil claims without charge and provided mediation and neutral evaluation services.

However, the Primary Dispute Resolution Centre was not the only place that mediation occurred. For example, minor criminal offences filed in the Magistrate's Courts are referred for mediation in the Crime Registry and resolution of certain criminal matters, pre-trial, was done through Criminal Case Resolution Conferences.

And this highlights one of the benefits of establishing the State Courts Centre for Dispute Resolution. The new centre consolidates the different Court ADR services, which in the past may have been offered separately. By housing all these services under one umbrella, it is hoped that this will provide an integrated and holistic approach to resolving conflicts faced by parties. In the words of Chief Justice Sundaresh Menon, “The centre aims to adopt a holistic approach to dealing with each dispute. Many disputes will involve different aspects of the law, and might even cut across the civil/criminal divide.”

The State Courts Centre for Dispute Resolution will handle civil claims (including personal injury and motor vehicle claims), Magistrate's Complaints (that are private prosecutions of criminal offences) and relational disputes (such as applications filed under the Protection from Harassment

Act). It is important to note that the State Courts Centre for Dispute Resolution will only be able to offer ADR services to parties who have pending matters in the State Courts.

The mediators for the State Courts Centre for Dispute Resolution comprise 7 judge mediators and over 100 volunteer mediators. The judge mediators and mediators have been trained and accredited by, inter alia, the Singapore Mediation Centre or organisations like the Centre for Effective Dispute Resolution, the National Judicial College and the Harvard Negotiation Programme. It is important to note here that the judge mediators are dedicated to mediation and do not go on to hear cases.

It is also a mission of the State Court Centre for Dispute Resolution to work with other agencies and service providers to increase the awareness and use of ADR, not just in the courts, but in general. The goal is to ensure that ADR is considered and used as early as possible. The Centre will also work with partners in the areas of outreach, training and research.

It was mentioned that the State Courts have provided ADR services for free since the 1990s. One significant departure is that fees will be introduced for District Court civil claims (these claims are generally between S\$60K and S\$250K in value). ADR services will continue to be provided for free for civil claims under S\$60K, Motor Accident claims, Personal Injury claims, Magistrate's Complaints for minor criminal offences and actions under the Protection from Harassment Act.

While the move to charge fees will be met with mixed reactions, the writer submits that this is correct for two reasons. First, charging fees will lessen those instances where parties are going through the motions and not invested in the mediation process. Secondly, it is important to acknowledge that mediators provide value. That mediation has been free or provided at a subsidized rate sends the wrong message to parties, lawyers and mediators. By charging, even if it is a small amount, for mediation services is an acknowledgment that mediators provide a valuable service and deserve to be compensated for it. This will help the development and growth of private mediation services and establish mediation as a profession in its own right.

Singapore is blessed with a judiciary that is strongly in support of ADR. The establishment of the State Courts Centre for Dispute Resolution is a sign of their commitment to make ADR the first step in any dispute. The rationale, of course, is that it can bring parties relief at an early stage, lower legal costs, reduce time in court and provide results which are more favourable than going to court can. To this writer's mind, it is certainly a step in the right direction.

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This entry was posted on Saturday, March 14th, 2015 at 12:01 am and is filed under [ADR](#), [Developing the Field](#), [Dispute Resolution](#), [Domestic Courts](#), [Future of mediation](#), [Judges as mediators](#), [Mediation Schemes \(In Courts, etc.\)](#), [Singapore](#)

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