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Book Review – Mediation in Singapore: A Practical Guide

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I'd like to take this month's entry to briefly review a book that was launched in Singapore in March 2015.

The book is Mediation in Singapore: A Practical Guide published by Sweet & Maxwell. The editors of this book are Danny McFadden and George Lim (Senior Counsel) and boasts an impressive list of contributors ranging from legal practitioners, mediators, trainers, academics, judges and policy makers.

This is a timely publication in view of the developments (both recent and continuing) in mediation in Singapore and that the mediation movement in Singapore is now over 20 years old.

The purpose of this tome is best expressed by its General Editors in their Preface.

"This book will provide the reader with an easy-to-read but comprehensive understanding of ADR, with in-depth discussion of conflict, mediation, culture, skills and training, criminal offences mediation, the psychology of mediation and the different models of mediation being currently practised. The reader will gain an understanding of the legal foundations of mediation, how it fits into legal practice and its part in a civil justice system. Singapore's important ADR centres are discussed and their current practices explained in an easy-to-understand style by experts in the field."

The 15 Chapters in this book can be grouped into 4 points of focus; context, cross/multi-disciplinary perspectives, institutional perspectives and legal perspectives.

Chapters 1, 2, 3 and 4 provide important contextual background for the rest of the book. Chapters 5, 6 and 7 look at the importance of training and the impact of psychology and culture. Chapters 9 to 14 explore differing aspects of institutional mediation. Chapters 8 and 15 address the practical issues that impact upon legal practitioners.

This entry seeks to provide only a brief review of this book so as to give readers a sense of the breadth of this publication and will focus on 5 chapters. A more complete review will be published in the Asian Journal on Mediation (http://www.sal.org.sg/ebookshop/jrnls_AJM.aspx) and the Singapore International Mediation Institute website (http://www.simi.org.sg/Resources/Resources/Book-Reviews).

The first is Chapter 1 titled "Development of Mediation in Singapore". This chapter explores the

development of modern mediation in Singapore in the early 1990s, which saw the establishment of court-based mediation, community mediation and commercial mediation. It also explores recent developments in Singapore including the establishment of the Singapore International Mediation Centre (to promote international mediation) and the Singapore International Mediation Institute (to set standards, certify mediators and provide a disciplinary framework). As an opening chapter, it sets out the mediation landscape, which is useful background for the rest of the book.

The second chapter is Chapter 4 titled "Process and Stages of Mediation". One might think from the title that it would be a dry summary of what is Mediation 101 material. However, the author takes an interesting approach to this by examining the mediation process not just from the perspective of the purposes of each stage of the mediation process but also the respective roles of the mediator and the disputants and their counsel.

The third chapter is Chapter 7 titled "Culture and its Importance in Mediation". This chapter provides a useful primer to notions of culture and in particular, offers a way to think about how the assumptions of culture fit within the commonly used interest-based model. It then goes on to specifically consider the intersection between the notions of status and belonging on the one hand; with communication modes and face play on the other. It provides a helpful framework to think about when to engage in certain modes/styles of communication and when to engage in face play. This is particular significant in Asia, and certainly Singapore, where harmony is valued and where "straight talking" may not always be appropriate.

The fourth chapter is Chapter 8 titled "Legal Foundations of Mediation". This chapter provides a useful guide for legal practitioners who may know a little about mediation but are not completely familiar with the mindsets and processes involved. The chapter examines the pitfalls lawyers should look out for, how to determine whether mediation is suitable for the case at hand, developing a strategy for mediation/settlement, setting up a mediation, preparing for the mediation and settling.

The fifth is Chapter 13 titled "The Development of Mediation for Community and Social Disputes". This chapter explores the early adoption of mediation to resolve community disputes through the establishment of the community mediation framework and the setting up of the Community Mediation Centres. It also looks at the important question of how to channel appropriate cases effectively through community mediation. Finally, it also highlights the importance of building a mediation culture in Singapore; something especially significant taking into account the small size of Singapore and the multi-racial and multi-religious demographic of its population.

This is valuable book and while there could have been more focus on matters of ethical and professional responsibility on the part of mediators and legal practitioners, this reviewer feels that its editors and contributors have delivered on its promise of a practical guide. I would recommend this to academics, mediators and legal practitioners.

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