

Kluwer Mediation Blog

Singapore Development – Opening of the Legal Year 2016

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11 January 2016 saw the opening of the Singapore Legal Year. As is tradition, the Chief Justice of Singapore, Mr. Sundaresh Menon delivered his address to the legal fraternity. In his address, there were a number of initiatives relating to mediation which the writer would like to provide readers an update on.

The Chief Justice mentioned 3 developments or initiatives relating to mediation. The first was the Global Pound Conference. Readers may be familiar with the Pound Conference of 1976 held at Pound Hall at Harvard Law School. The Pound Conference has been identified as the start of the formal ADR movement. 40 years on, the Global Pound Conference seeks to revisit the field and to consider the future of dispute resolution and its continuing development.

The Global Pound Conference will be unique in two ways. First, the Global Pound Conference is not a standalone event. It is in reality a series of conferences with its inaugural conference launching in Singapore on the 17-18 March 2016. Subsequently, similar conferences will be held across the world culminating in London in 2017.

The second unique feature is that unlike other conferences where participants generally come to listen to speakers, participants will play a very active role at the Global Pound Conference. The core of the conference involves 4 sessions each with a particular theme. The panelists for each session will come from a variety of backgrounds (Users of Dispute Resolution, Providers of Dispute Resolution, Educators, Policy Makers, Advisors, etc) who will engage in discussions around the theme for each session. Participants will then be asked to provide their inputs via an electronic voting system. These inputs will then be digested for analysis in a closing session and made available for further discussion. Put simply, the Global Pound Conference will give participants the opportunity to shape the future of dispute resolution. Readers interested in finding out more about and attending the Global Pound Conference Series can visit <http://singapore2016.globalpoundconference.org>.

It is important to note here that the Global Pound Conference is not an ADR or Mediation conference. Instead, it speaks to the entire field of conflict resolution including arbitration and litigation. As such, the Chief Justice felt that selecting Singapore to launch the Global Pound Conference underscored Singapore's standing as a dispute resolution hub.

The second initiative the Chief Justice mentioned was the use of mediation in Family Justice. The Family Justice Court was established in October 2014 and its overriding concern was to ensure that users of the Family Justice Court would go through the system with as little trauma as possible.

Considering the potential for conflict and trauma not just to the parties but to the children involved, this is a worthy goal indeed!

To this end, it is therefore not surprising that mediation would feature as one significant aspect of the Family Justice system. Counseling and mediation are now required in all contentious child cases. The courts have found that this helped parents appreciate how their children are affected by their conflict which in turn resulted in 75% of cases being resolved amicably.

The court is also refining its pre- and post-writ processes to feature mediation more significantly. It has worked with the Singapore Mediation Centre and the Singapore International Mediation Institute to develop a national framework for family mediation accreditation and will continue to work with the Singapore Mediation Centre in the coming year to develop an international family mediation framework to address the increasing incidence of cross border family law issues.

The final initiative mentioned by the Chief Justice relates to medical litigation. It is of course a concern that the increasing incidence of medical litigation can lead to undesirable effects such as the practice of “defensive medicine” and rising insurance costs. It is therefore important to manage and change this dynamic.

One of the measures the Chief Justice is evaluating is the promotion of mediation as a primary step in resolving medical malpractice disputes. This is sensible and complements existing medical mediation schemes run by the Singapore Mediation Centre and the Ministry of Health.

This writer has said elsewhere that a significant contributing factor to the development and success of mediation in Singapore is the strong support from institutions such as the government and the judiciary. This was true in the early days with the setting up of the Primary Dispute Resolution Centre in the Subordinate Courts, the Singapore Mediation Centre and the Community Mediation Centres. It has remained true in recent years with the setting up of the Singapore International Mediation Centre, the Singapore International Mediation Institute and the State Courts Centre for Dispute Resolution. Chief Justice Menon’s remarks in his address indicate a continued support that certainly bodes well for the future of mediation in Singapore.

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