

Form 6

COURT ALTERNATIVE DISPUTE RESOLUTION (COURT ADR) FORM

The State Courts regard Court Alternative Dispute Resolution (“Court ADR”) as a crucial step in the cost-effective and amicable resolution of disputes. Early identification of cases is essential to help the parties save costs and improve settlement prospects. To assist in this regard, this Form should be completed by you and your client

- (a) before the first Civil Simplified Case Conference, for Originating Claims filed in the Magistrate’s Court on or after 1 April 2022 and by consent, Originating Claims in the District Court (pursuant to Order 65 of the Rules of Court 2021 and Practice Direction 36);
- (b) before the first General Process Case Conference (pursuant to Practice Direction 37)
- (c) before the first Specially Managed Civil List (“SMCL”) Case Conference (pursuant to Practice Direction 35); or
- (d) in compliance with any directions or orders given by the Court at any Case Conference or otherwise.

Information concerning Court ADR is provided on the second page of this Form.

This section is to be completed by solicitors

Case details	MC/DC* OC _____ / _____(year)		SUM _____ / _____ (year)	
Number of witnesses	Claimant		Defendant	
Nature of claim				

Signature of solicitor

Name of solicitor for claimant/defendant*:

Law Firm:

Date:

**delete where inapplicable*

This section is to be read by your client

What are my Court ADR options?

The State Courts' Court Dispute Resolution Cluster ("CDRC") oversees the provision of Court ADR modalities such as **mediation**, **conciliation** and **neutral evaluation**. You should choose the Court ADR modality that best addresses your needs. Most litigants are concerned about issues such as legal costs, the duration of the litigation process, confidentiality and whether they have control over the outcome of the case. Some other concerns may include the desire to preserve the relationship with the other party, discomfort over the formal proceedings and a need to be vindicated.

Different ADR options

Mediation is a process in which a mediator (*ie*, a neutral third party) helps you and the other party negotiate for a settlement of your dispute. The mediator does not focus on who is at fault for the dispute. Instead, the mediator will help you and the other party discuss and reach a solution that will meet the concerns of both parties. Apart from mediation by the CDRC, mediation services are also privately provided by the Singapore Mediation Centre (<http://www.mediation.com.sg>), the Singapore International Mediation Centre (<http://www.simc.com.sg>), as well as the Law Society under the Law Society Mediation Scheme (LSMS) (<http://www.lawsociety.org.sg>). More information and details may be found on the respective organisation's website.

Conciliation is a process in which a conciliator (*ie*, a neutral third party) possessing expertise in the subject matter assists you and the other party to negotiate for a settlement of the dispute. A judge of the CDRC will play a more direct role in the resolution of the dispute and assist parties to arrive at an optimal solution by developing and suggesting proposals for the settlement. Ultimately, the decision whether or not to accept the settlement proposal still remains with the parties.

Neutral Evaluation involves an early assessment of the merits of the case by a neutral evaluator (*ie*, a neutral third party). Parties' lawyers will present the case to the neutral evaluator, who will review the evidence and provide an evaluation based on the merits of the case. The evaluation can be binding or non-binding, depending on what the parties choose. When neutral evaluation is conducted by the CDRC, a judge of the CDRC will provide the early assessment. Apart from neutral evaluation by the CDRC, neutral evaluation services are also privately provided by the Singapore Mediation Centre, and the Law Society under the Law Society Neutral Evaluation and Determination Scheme (LSNEDS). More information and details may be found on the respective organisation's website.

More information and details on the Court ADR modalities of mediation, conciliation and neutral evaluation may be found at <http://www.judiciary.gov.sg>.

In **arbitration**, there will be a determination of who is at fault. However, the decision is made by a private individual, the arbitrator, instead of a judge. Arbitration services are privately provided by the Law Society under the Law Society Arbitration Scheme (LSAS). More information and details of the scheme may be found on their website.

State Courts Practice Directions 2021
(To be read with Rules of Court 2021)

With effect from 1 April 2022

To help you decide the best option for you, we have provided a diagram on the following page highlighting the features of each option. Your solicitor will also be able to advise you on the pros and cons of each ADR option.

Which option should I use to resolve my dispute?

I want to control how the dispute should be resolved

I want someone else to decide on the outcome of the dispute

Mediation

Low cost
Fast
Confidential and without prejudice
Can achieve win-win solutions
Preserves relationships
But ...
User-friendly
No guaranteed outcome

Conciliation

Low cost
Fast
Confidential and without prejudice
Can achieve win-win solutions
Preserves relationships
Judge possesses expert knowledge on the subject matter, proposes solutions and guides proceedings
But ...
No guaranteed outcome

Neutral Evaluation

Low cost (but may involve more costs compared to mediation)
Fast (but may involve more time compared to mediation)
Confidential
Benefit of an evaluation on your likely chances of success
But ...
No guaranteed outcome

Arbitration

Allows for privacy and confidentiality
A binding decision by an arbitrator
Simplified procedure
But ...
More expensive than mediation
(Arbitration can be suitable for tenancy / construction disputes but not economical for complicated matters involving modest claims)
More time consuming than mediation
Limited avenues of appeal

Trial

Public vindication
Adjudication of the case by a Judge
Avenues of appeal
But ...
Costly
Time-consuming
Win-lose outcomes
Likely destructive impact on relationships
Highly stressful

Settled? Yes

No

Proceed for trial / arbitration

Dispute resolved

This section is to be completed by your client

FOR MAGISTRATE’S COURT CASES ONLY

1. This is to certify that my solicitor has explained to me the available Court Alternative Dispute Resolution (“Court ADR”) modalities, and I am aware of the benefits of settling my case by Court ADR.
2. I have been advised and understand that the Judge may take the view that Court ADR is suitable for my case, and that any unreasonable refusal on my part to resolve this matter via mediation or other means of Court ADR may then expose me to adverse costs orders pursuant to either Order 5 or Order 21 of the Rules of Court 2021.

3. My decision concerning Court ADR is as follows:-

(Tick the relevant boxes)

- I wish to opt out from Court ADR for the following reasons:-

I have already attempted ADR, *ie*, _____

The dispute involves a question of law / To establish legal precedence.

Other good reasons, *ie*, _____

(Note: Your view that the other party has a weak case is not considered a good reason)

- I would like to be referred for the following Court ADR modality/ attempt the following ADR services privately:*

Mediation by the State Courts’ Court Dispute Resolution Cluster (“CDRC”)

Conciliation by the CDRC

Neutral Evaluation by the CDRC

Mediation at Singapore Mediation Centre (SMC)** / at Singapore International Mediation Centre (SIMC)** / under Law Society Mediation Scheme (LSMS)**

Neutral Evaluation at Singapore Mediation Centre (SMC)** / under Law Society Neutral Evaluation and Determination Scheme (LSNEDS)**

Arbitration under Law Society Arbitration Scheme (LSAS)**

Others (Please specify): _____

Signature of claimant/defendant*

Name:

Date:

** Delete where inapplicable*

***Please refer to the organisation’s website for more information and details of the fee structure of the services.*

This section is to be completed by your client

FOR DISTRICT COURT CASES ONLY

1. This is to certify that my solicitor has explained to me the available Court Alternative Dispute Resolution (“Court ADR”) modalities, and I am aware of the benefits of settling my case by Court ADR.
2. I have been advised and understand that my case will be referred for Court ADR unless any of the parties opt out of Court ADR.
3. I have been advised and understand that the Judge may take the view that Court ADR is suitable for my case, and that any unreasonable refusal on my part to resolve this matter via mediation or other means of Court ADR may then expose me to adverse costs orders pursuant to either Order 5 or Order 21 of the Rules of Court 2021.
4. My decision concerning Court ADR is as follows: *(Tick the relevant boxes)*

- I wish to opt out from Court ADR.

Reason(s): _____

- I would like to be referred for the following Court ADR modality/attempt the following ADR services privately*-

- Mediation by the State Courts’ Court Dispute Resolution Cluster (“CDRC”)
I am aware that each party in this case is required to pay Court ADR fees of \$250 in accordance with Order 25, Rule 8 of the Rules of Court 2021 (except for any action under the Protection from Harassment Act 2014 or Community Disputes Resolution Act 2015).
- Conciliation by the CDRC
I am aware that each party in this case is required to pay Court ADR fees of \$250 in accordance with Order 25, Rule 8 of the Rules of Court 2021 (except for any action under the Protection from Harassment Act 2014 or Community Disputes Resolution Act 2015).
- Neutral Evaluation by the CDRC
I am aware that each party in this case is required to pay Court ADR fees of \$250 in accordance with Order 25, Rule 8 of the Rules of Court 2021 (except for any action under the Protection from Harassment Act 2014 or Community Disputes Resolution Act 2015).
- Mediation at Singapore Mediation Centre (SMC)** / at Singapore International Mediation Centre (SIMC)** / under Law Society Mediation Scheme (LSMS)**
- Neutral Evaluation at Singapore Mediation Centre (SMC)** / under Law Society Neutral Evaluation and Determination Scheme (LSNEDS)**
- Arbitration under Law Society Arbitration Scheme (LSAS)**

Others (Please specify): _____

Signature of claimant / defendant*

Name:

Date:

** Delete where inapplicable.*

***Please refer to the organisation's website for more information and details of the fee structure of the services.*