

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE
PRACTICE DIRECTIONS
AMENDMENT NO. 2 OF 2015

It is hereby notified for general information that, with effect from 4th March 2015, the State Courts Practice Directions will be amended as follows:

- (a) the existing paragraphs 18, 25, 25B, 25C, 25D, 25F, 25G, 39 and 171 will be deleted and replaced by the following paragraphs:

New paragraphs 18, 25, 25B, 25C, 25D, 25F, 25G, 39 and 171

- (b) the existing Form 6A in Appendix B (ADR Form) will be deleted and replaced by the following new Form:

New Form 6A of Appendix B

- (c) the existing Appendix C will be deleted and replaced by the following new Appendix C:

New Appendix C

2 These amendments arise from the forthcoming establishment of the State Courts Centre for Dispute Resolution on 4th March 2015. This Centre will provide greater integration and consolidation of the various efforts to promote alternative dispute resolution (ADR) services for the whole range of disputes that are dealt with by the State Courts. The existing Primary Dispute Resolution Centre, that provides ADR for civil claims, will be subsumed within this new Centre. These amendments do not introduce any substantive changes to the current practices concerning Court Dispute Resolution.

Dated this 23rd day of February 2015.



JENNIFER MARIE
REGISTRAR
STATE COURTS

18. Summonses for Directions

Cases that are subject to the simplified process under Order 108 of the Rules of Court (Magistrate's Court cases filed on or after 1st November 2014 and by consent, District Court cases filed on or after 1st November 2014)

- (1) Under Order 108 of the Rules of Court (Cap. 322, R 5) and paragraph 171 of these Practice Directions, a case commenced by writ on or after 1st November 2014 in a Magistrate's Court, and by consent, a case commenced by writ on or after 1st November 2014 in a District Court, will be called for a case management conference within 50 days after the Defence has been filed. The case management conference is convened to facilitate the management of the case from an early stage and to encourage parties to consider how the case may be resolved without trial, through negotiation or any Alternative Dispute Resolution (ADR) process including mediation, neutral evaluation or arbitration. A summons for directions need not be filed in such cases, as the necessary directions will be given at the case management conference.

Cases that are not subject to the simplified process under Order 108 of the Rules of Court: Application of presumption of ADR

- (2) Order 25, Rule 1(1)(b), of the Rules of Court provides that directions may be given at the Summons For Direction (SFD) hearing for the just, expeditious and economical disposal of the case. At the SFD hearing, solicitors should be ready to consider all available ADR options, including mediation and arbitration, for the most effective resolution of the case. *The Court will refer cases for ADR during the SFD hearing, and/or make any other directions for the purpose of case management.*
- (3) The Deputy Registrar may recommend the appropriate mode of dispute resolution at the SFD hearing. To facilitate a considered decision on the ADR options, the ADR Form (Form 6A of Appendix B) must be read and completed by the solicitors for all parties and their clients when taking out or responding to an SFD application. A party who is not represented shall also complete the relevant sections of the ADR Form.
- (4) When filing the SFD, the plaintiff must file the ADR Form through the Electronic Filing Service (EFS) under the document name "Incoming Correspondence – ADR Form (Plaintiff)". The defendant must file the ADR Form *not less than 7 days before the hearing date for the SFD*. This form shall be filed under the document name "Incoming Correspondence – ADR Form (Defendant)" through the EFS. No court fees will be charged for the filing of the ADR Form.

- (5) This requirement does not apply to —
- (a) motor accident claims;
 - (b) personal injury claims other than claims in medical negligence; or
 - (c) any case which has gone through Court Dispute Resolution before the SFD is filed.
- (6) The solicitors for *all the parties* shall be present at the SFD hearing.
- (7) All cases shall be automatically referred by the Court for the most appropriate mode of ADR during the SFD hearing, unless any or all of the parties opt out of ADR. A party who wishes to opt out of ADR should indicate his/her decision in the ADR Form. Where the Judge is of the view that ADR is suitable, and the party/parties have opted out of ADR for unsatisfactory reasons, this conduct may be taken into account by the Court when making subsequent costs orders pursuant to Order 59 Rule 5(1)(c) of the Rules of Court, which states:
- “The Court in exercising its discretion as to costs shall, to such extent, if any, as may be appropriate in the circumstances, take into account the parties' conduct in relation to any attempt at resolving the cause or matter by mediation or any other means of dispute resolution.”
- (8) The Deputy Registrar hearing the SFD may make recommendations to the parties for the matter to proceed for —
- (a) Mediation in the State Courts Centre for Dispute Resolution;
 - (b) Neutral Evaluation in the State Courts Centre for Dispute Resolution;
 - (c) Arbitration under the Law Society's Arbitration Scheme; or
 - (d) Mediation by private mediation service providers.

25. Overview of Alternative Dispute Resolution (ADR) for civil cases

- (1) This Part of the Practice Directions focuses on ADR for *civil* disputes only.
- (2) ADR should be considered at the earliest possible stage. Court-sponsored ADR services give the parties the opportunity to resolve their disputes faster and more cheaply compared to litigation. These services are collectively termed “Court Dispute Resolution” (CDR) and are provided by the Court for free. CDR sessions are convened under Order 34A of the Rules of Court, which empowers the Court to convene pre-trial conferences for the purpose of the “just, expeditious and economical disposal of the cause or matter”.
- (3) In addition to CDR sessions provided by the Courts, the Courts also encourage parties to consider using other ADR procedures, such as the following:
 - (a) Arbitration under the Law Society’s Arbitration Scheme; and
 - (b) Mediation by private mediation service providers.

Processes used for Court Dispute Resolution sessions

- (4) CDR is provided by the State Courts Centre for Dispute Resolution. There are 2 processes used —
 - (a) Mediation; and
 - (b) Neutral Evaluation.

(Solicitors may refer to the State Courts’ website at <http://www.statecourts.gov.sg> for more information on these processes.)
- (5) CDR sessions are conducted on a “without prejudice” basis. All communications at CDR sessions, except terms of settlement or directions given for trial, are confidential pursuant to Order 34A, Rule 7 of the Rules of Court, and shall not be disclosed in any court document or at any court hearing.
- (6) If the parties are unable to resolve their dispute at the CDR session, the Judge will give the necessary directions for the action to proceed to trial. The action will be tried by another Judge other than the Judge conducting the CDR session.

Presumption of ADR for all cases

- (7) A “presumption of Alternative Dispute Resolution” applies to all civil cases. The Court encourages parties to consider ADR options as a “first stop”, at the earliest possible stage. The Court will, as a matter of course, refer appropriate matters to ADR.

Presumption of ADR for non-injury motor accident (NIMA) claims, personal injury claims and medical negligence claims

- (8) All *non-injury motor accident and personal injury cases excluding claims where the pleadings contain an allegation of a negligent act or omission in the course of medical or dental treatment (“medical negligence claims”) filed in court* will be fixed for CDR. The Court will send a notice to the solicitors fixing the date of the first CDR session within 8 weeks after the memorandum of appearance is filed.
- (9) Subject to subparagraph (10) below, the Judge will use the process of *Neutral Evaluation and indicate the likely apportionment of liability of the parties at trial*. The parties may then negotiate using the indication as a basis. The procedure and protocols set out in paragraphs 25B and 25C of these Practice Directions shall apply, as appropriate, to these claims.
- (10) For NIMA and personal injury claims arising from motor vehicle accidents, the Judge will provide an indication on the likely apportionment of liability of the parties at trial if —
- (a) the factual matrix of the particular motor accident does not correspond substantially with any of the scenarios set out in the Motor Accident Guide (1st Edn., 2014 State Courts, Singapore) (“Motor Accident Guide”); or
 - (b) despite the parties’ reasonable efforts in resolving the question of liability through negotiation with reference to the Motor Accident Guide before the CDR session, no settlement has been reached.
- (11) All medical negligence claims will be fixed for CDR. The Court will send a notice to the solicitors fixing the date of the first CDR session within 4 weeks after the writ is filed. The procedure and protocols set out in paragraph 25D of these Practice Directions shall apply, as appropriate, to these claims.

Presumption of ADR for other cases (excluding NIMA, personal injury and medical negligence cases)

Cases that are subject to the simplified process under Order 108 of the Rules of Court (Magistrate's Court cases filed on or after 1st November 2014 and by consent, District Court cases filed on or after 1st November 2014)

- (12) All cases commenced by writ on or after 1st November 2014 in a Magistrate's Court and any case commenced by writ on or after 1st November 2014 in a District Court (where parties have filed their consent in Form 233 of Appendix A of the Rules of Court for Order 108 to apply) will be subject to the simplified process under Order 108 of the Rules of Court (Cap 322, R 5).
- (13) The Court will convene a case management conference within 50 days of the filing of the Defence pursuant to Order 108, Rule 3 of the Rules of Court. At the case management conference, *the Court may refer cases for the most appropriate mode of ADR, where —*
- (a) *the parties consent to the case being referred for resolution by the ADR process; or*
 - (b) *where the Court is of the view that doing so would facilitate the resolution of the dispute between the parties.*
- (14) Paragraph 171 of these Practice Directions sets out details of the case management conference.

Cases that are not subject to the simplified process

- (15) In all other cases commenced in a Magistrate's Court before 1st November 2014, and all cases commenced in a District Court on or after 1st April 2014, the Court will fix a Pre-Trial Conference (PTC) within 4 months after the filing of the writ if —
- (a) the Defence has been filed;
 - (b) no summons for directions or application for summary judgment, striking out, stay, transfer or consolidation of proceedings has been taken out for the case; and
 - (c) no CDR session has been fixed.
- (16) Such cases shall be automatically referred by the Court for the most appropriate mode of ADR during the PTC, unless the parties opt out of ADR.

- (17) The procedure for referral to these ADR options is set out in paragraphs 25A of these Practice Directions.

Request for CDR

NIMA, personal injury and medical negligence cases

- (18) A Request for CDR is not required to be filed for all NIMA, personal injury and medical negligence claims as the parties are automatically notified by the Court to attend CDR.

Cases subject to the simplified process in Order 108 (excluding NIMA, personal injury and medical negligence claims)

- (19) For all cases commenced by writ on or after 1st November 2014 in a Magistrate's Court, parties are not required to file a Request for CDR as the Court will deal with matters concerning ADR at the case management conference. Further details are set out in Part XVIII of these Practice Directions.

Cases that are not subject to the simplified process (excluding NIMA, personal injury and medical negligence claims)

- (20) For all such cases commenced before 1st November 2014 in a Magistrate's Court, and all cases commenced in a District Court, parties are not required to file a Request for CDR as the Court will refer the appropriate cases for CDR during PTCs or summonses for directions. A Request for CDR may be filed via the Electronic Filing Service when the parties wish to attempt CDR at an earlier stage.

Request for adjournment of CDR session

- (21) A dedicated time slot is set aside for each CDR session. In order to minimise wastage of time and resources, any request for adjournment of a CDR session shall be made early. A request to adjourn a CDR session —
- (a) for NIMA and personal injury claims shall be made *not less than 2 working days* before the date of CDR; and
 - (b) for other cases shall be made *not less than 7 working days* before the date of CDR.
- (22) A request for an adjournment of a CDR session shall be made *only* by filing a "Request for Refixing / Vacation of Hearing Dates" via the Electronic Filing Service. The applicant shall obtain the consent of the other parties to the adjournment, and list the dates that are unsuitable for all the parties.

Sanctions for failure to make early request for adjournment, lateness or absence

- (23) Where any party is absent without valid reason for the CDR session, the Court may exercise its powers under Order 34A, Rule 6 of the Rules of Court to “dismiss such action or proceedings or strike out the defence or counterclaim or enter judgment or make such order as it thinks fit”.
- (24) Where any party is late for the CDR session, this conduct may be taken into account by the Court when making subsequent costs orders pursuant to Order 59 Rule 5(1)(c) of the Rules of Court, which states —

“The Court in exercising its discretion as to costs shall, to such extent, if any, as may be appropriate in the circumstances, take into account the parties' conduct in relation to any attempt at resolving the cause or matter by mediation or any other means of dispute resolution.”

25B. Non-injury Motor Accident (NIMA) Claims

- (1) **Compliance with FIDReC (Financial Industry Disputes Resolution Centre) pre-action protocol for low value NIMA claims**
 - (a) For NIMA claims where the quantum of damages claimed, before apportionment of liability and excluding survey fees, interests, costs and disbursements, is below \$3,000 (“NIMA claims below \$3,000”), claimants are to comply with the FIDReC pre-action protocol at Annex A in Appendix F of these Practice Directions before commencing court proceedings. The claims will be managed by FIDReC in accordance with FIDReC's Terms of Reference providing for mediation and adjudication of disputes. All parties are required to comply in substance and spirit with the terms of the protocol. A breach by one party will not exempt the other parties from following the protocol as far as they are able.
 - (b) Where the claimant has commenced an action in Court, the Court will consider compliance with the protocol in exercising its discretion as to costs. In particular, the Court will consider the following situations as non-compliance with the protocol by the claimant:
 - (i) commencement of Court proceedings before adjudication of the claim by FIDReC;
 - (ii) a finding by the Court that the quantum of damages before apportionment of liability is less than \$3,000 and the pleaded claim is for an amount exceeding \$3,000; and
 - (iii) the claimant has failed to obtain a judgment that is more favourable than the award of the FIDReC Adjudicator.
 - (c) If non-compliance with the protocol has led to incurring unnecessary costs, the Court may make the following orders:
 - (i) an order disallowing a party at fault his costs, or some part of his costs, even if he succeeds;
 - (ii) an order that the party at fault pay the other party or parties their costs of the proceedings, or part of those costs; and
 - (iii) an order that the party at fault pay those costs on an indemnity basis.

- (d) The Court will consider compliance with the protocol in exercising its discretion when deciding the amount of interest payable and may make the following orders:
 - (i) an order awarding a successful party who has complied with the protocol interest from an earlier period; and
 - (ii) an order depriving a successful party who has not complied with the protocol interest in respect of such period as may be specified.
- (e) The Court will not impose sanctions on the claimant where there are good reasons for non-compliance.
- (f) Where the claimant has commenced Court proceedings before adjudication of the claim by FIDReC, the Court may stay the action under Order 34A of the Rules of Court to require the claimant to comply with the protocol.

(2) Compliance with NIMA pre-action protocol

- (a) For NIMA claims of \$3,000 and above, claimants are to comply with the NIMA pre-action protocol at Annex B in Appendix F of these Practice Directions before commencing court proceedings.
- (b) For NIMA claims below \$3,000, claimants are also to comply with the NIMA pre-action protocol before commencing court proceedings unless paragraphs 3 and 8 of the FIDReC pre-action protocol providing for discovery of documents and negotiation have already been complied with.
- (c) All parties are required to comply in substance and spirit with the terms of the protocol. A breach by one party will not exempt the other parties in the claim from following the protocol so far as they are able.
- (d) The Court will consider compliance with the protocol in exercising its discretion as to costs. If non-compliance with the protocol has led to incurring unnecessary costs, the Court may make the following orders:
 - (i) an order disallowing a party at fault his costs, or some part of his costs, even if he succeeds;
 - (ii) an order that the party at fault pay the other party or parties their costs of the proceedings, or part of those costs; and
 - (iii) an order that the party at fault pay those costs on an indemnity basis.
- (e) The Court will consider compliance with the protocol in exercising its discretion when deciding the amount of interest payable and may make the following orders:

- (i) an order awarding a successful party who has complied with the protocol interest from an earlier period; and
- (ii) an order depriving a successful party who has not complied with the protocol interest in respect of such period as may be specified.

(3) **General Case Management for all NIMA claims filed in Court**

Court Dispute Resolution sessions for NIMA claims subject to the simplified process under Order 108 of the Rules of Court

- (a) All cases commenced by writ on or after 1st November 2014 in a Magistrate's Court and any case commenced by writ on or after 1st November 2014 in a District Court (where parties have filed their consent in Form 233 of Appendix A of the Rules of Court for Order 108 to apply) will be subject to the simplified process under Order 108 of the Rules of Court (Cap 322, R 5).
- (b) The requirement for upfront discovery under Order 108 Rule 2(4) of the Rules of Court and paragraph 170 of these Practice Directions apply to such cases.
- (a) These claims will continue to be called for CDR within 8 weeks after the filing of the memorandum of appearance. In accordance with Order 108 Rule 3(8), there will be no case management conference convened as these claims will be dealt with following any pre-action protocol and practice direction issued by Registrar. Sub-paragraphs (3)(e) to (3)(j) also apply to these claims.
- (b) Where parties are unable to resolve the case through CDR, the Court will manage the case, having regard to the provisions of Order 108 Rule 5 of the Rules of Court, by, amongst other things, —
 - (i) giving such directions as the Court thinks fit in order to ensure that the case progresses expeditiously (including directions for the list of witnesses to be called for trial, the appointment of a single joint expert where appropriate, the exchange and filing of Affidavits of Evidence-in-Chief and setting the matter down for trial);
 - (ii) fixing timelines to manage and control the progress of the case; and
 - (iii) taking such other action or making such other direction as the Court thinks appropriate in the circumstances including costs sanctions or unless orders.

Court Dispute Resolution sessions for all NIMA claims

- (e) The Court will convene the first CDR session for all NIMA cases under Order 34A of the Rules of Court within 8 weeks after the filing of the memorandum of appearance. Solicitors shall comply with the relevant CDR guidelines in Appendix C of these Practice Directions when preparing for and attending CDR sessions for NIMA claims.
- (f) The Judge will provide an indication on liability during the CDR session if —
 - (i) the factual matrix of the particular motor accident does not correspond substantially with any of the scenarios set out in the *Motor Accident Guide*; or
 - (ii) despite the parties’ reasonable efforts in resolving the question of liability through negotiation with reference to the *Motor Accident Guide* before the CDR session, no settlement has been reached.

The solicitors for all parties seeking an indication on liability should complete a “Liability Indication Form” (see Form 9A) and submit it to the Judge at the first CDR Session.

- (g) If the parties settle the issue of liability or quantum or both, they shall submit Form 9I to the Court to record the settlement terms or to enter a consent judgment.
- (h) Parties may expect, generally, 3 sessions of CDR. If the matter is not settled at the third session, the Court may make such orders or give such directions as it thinks fit for the just, expeditious and economical disposal of the action, including directions for trial.

Directions made after entering consent interlocutory judgment

- (i) Where the solicitors record a consent interlocutory judgment before the Court, they shall submit the “Form for Application for Directions under Order 37” (i.e. Form 9C). The Court shall give the necessary directions under Order 37 of the Rules of Court.

Forms

- (j) Soft copies of the “Liability Indication Form” (Form 9A), “Form for Application for Directions under Order 37” (Form 9C) and “Recording Settlement/Entering Judgment by Consent (Form 9I) may be downloaded at <http://www.statecourts.gov.sg>.

(4) **Benchmark rates for cost of rental and loss of use**

- (a) Where the dispute involves a claim for damages in respect of a motor accident for cost of rental of a replacement car and/or loss of use, parties are to have regard to the Benchmark Rates for Cost of Rental and Loss of Use at Appendix G of these Practice Directions.
- (b) The Benchmark Rates are to serve as a starting point and adjustments may be made according to the circumstances of each case.

25C. Personal Injury Claims

(1) Compliance with Personal Injury Claims Pre-Action Protocol

(a) In this paragraph —

“Form” means the appropriate Form in Appendix B to these Practice Directions;

“personal injury claims” refers to all actions for personal injuries including motor vehicle accidents (“PIMA”) and industrial workplace accidents, *but excluding actions where the pleadings contain an allegation of a negligent act or omission in the course of a medical or dental treatment*;

“personal injury claims” refers to claims for personal injury with or without an additional claim for property damage arising from the same accident.

(b) Claimants in personal injury claims are to comply with the Pre-Action Protocol for Personal Injury Claims at Appendix FB to these Practice Directions before commencing court proceedings. All parties are required to comply in substance and spirit with the terms of the protocol. A breach by one party will not exempt the other parties in the claim from following the protocol so far as they are able.

(c) In exercising its discretion as to costs, the Court will consider compliance with the protocol. If non-compliance has led to unnecessary costs, the Court may make the following orders:

- (i) an order disallowing a defaulting party his costs, or some part of his costs, even if he succeeds;
- (ii) an order that the defaulting party pay the other party or parties their costs of the proceedings, or part of those costs; and
- (iii) an order that the defaulting party pay those costs on an indemnity basis.

(d) The Court will consider compliance with the protocol in exercising its discretion when deciding the amount of interest payable and may make the following orders:

- (i) an order awarding a successful party who has complied with the protocol interest from an earlier period; and

- (ii) an order depriving a successful party who has not complied with the protocol interest in respect of such period as may be specified.

(2) **General Case Management for all Personal Injury Claims filed in Court**

Court Dispute Resolution sessions for personal injury claims subject to the simplified process under Order 108 of the Rules of Court

- (a) All cases commenced by writ on or after 1st November 2014 in a Magistrate's Court and any case commenced by writ on or after 1st November 2014 in a District Court (where parties have filed their consent in Form 233 of Appendix A of the Rules of Court for Order 108 to apply) will be subject to the simplified process under Order 108 of the Rules of Court (Cap 322, R 5).
- (b) The requirement for upfront discovery under Order 108 Rule 2(4) of the Rules of Court and paragraph 170 of these Practice Directions apply to such cases.
- (c) These claims will continue to be called for CDR within 8 weeks after the filing of the memorandum of appearance. In accordance with Order 108 Rule 3(8), there will be no case management conference convened as these claims will be dealt with following any pre-action protocol and practice direction issued by Registrar. Sub-paragraphs (2)(e) to (2)(m) also apply to these claims.
- (d) Where parties are unable to resolve the case through CDR, the Court will manage the case, having regard to the provisions in Order 108 Rule 5 of the Rules of Court, by, inter alia, —
 - (i) giving such directions as the Court thinks fit in order to ensure that the case progresses expeditiously (including directions for the list of witnesses to be called for trial, the appointment of a single joint expert where appropriate, the exchange and filing of Affidavits of Evidence-in-Chief and setting the matter down for trial);
 - (ii) fixing timelines to manage and control the progress of the case; and
 - (iii) taking such other action or making such other direction as the Court thinks appropriate in the circumstances including costs sanctions or unless orders.

Court Dispute Resolution sessions for all personal injury claims

- (e) *For all personal injury claims*, the Court will convene the first CDR session under Order 34A of the Rules of Court within 8 weeks after the filing of the memorandum of appearance. Solicitors shall comply with the relevant CDR

guidelines in Appendix C to these Practice Directions when preparing for and attending CDR sessions for personal injury claims.

- (f) During a CDR session, the Court may vary the automatic directions provided under Order 25, Rule 8 of the Rules of Court to facilitate settlement of the dispute, pursuant to its powers under O 34A, Rule 1(1) of the Rules of Court.

Court Indications on Liability and Quantum

- (g) In CDR sessions for personal injury claims, *except PIMA claims*, the Judge will provide indications on *both liability and quantum* of the claim. The solicitors for all the parties shall submit a “Quantum Indication Form” (see Form 9B) to the Judge at the first CDR session.
- (h) *For PIMA claims*, the Judge will provide an indication on liability if
 - (i) the factual matrix of the particular motor accident does not correspond substantially with any of the scenarios set out in the *Motor Accident Guide*; or
 - (ii) despite the parties’ reasonable efforts in resolving the question of liability through negotiation with reference to the *Motor Accident Guide* before the CDR session, no settlement has been reached.

The solicitors for all parties seeking an indication on liability shall submit a “Liability Indication Form” (see Form 9A) to the Judge at the first CDR session. Whether or not an indication on liability is given, the Judge may, at his own discretion in appropriate cases or at solicitors’ request, provide an indication on quantum. Solicitors requesting an indication on quantum should obtain each other’s consent before the CDR session, and submit the Quantum Indication Form (i.e. Form 9B) to the Judge at the first CDR session.

Recording of terms of settlement or judgment

- (i) If the parties settle the issue of liability or quantum or both, they shall submit Form 9I to the Court to record settlement terms or to enter a consent judgment.

Directions made after entering interlocutory judgment by consent or after trial on liability

- (j) Where solicitors record interlocutory judgment before the Court whether by consent or after trial on liability, they shall submit the “Form for Application for Directions under Order 37” (i.e. Form 9C). The Court shall give the necessary directions under Order 37 of the Rules of Court. Alternatively, pursuant to Paragraph 25E(3) of these Practice Directions, where solicitors wish to request for a fast track ADCDR session after recording an

interlocutory judgment, they shall file Form 9G in place of Form 9C.

- (k) The trial judge shall give the necessary directions for assessment of damages by the Registrar under Order 37 of the Rules of Court after giving interlocutory judgment on liability. Solicitors shall submit the “Form for Application for Directions under Order 37” (i.e. Form 9C) and submit it to the trial judge after interlocutory judgment on liability is given.
- (l) Where the CDR Judge has not given an indication on quantum earlier, the trial judge shall give an indication on quantum after delivery or recording of interlocutory judgment. Solicitors shall submit the Quantum Indication Form (i.e. Form 9B) to the trial judge.

Forms

- (m) Soft copies of the “Liability Indication Form” (Form 9A), “Quantum Indication Form” (Form 9B) and “Form for Application for Directions under Order 37” (Form 9C), “Fast Track ADCDR Application Form” (Form 9G) and “Recording Settlement/Entering Judgment by Consent” (Form 9I) may be downloaded at <http://www.statecourts.gov.sg>.

25D. Medical Negligence Claims

(1) Compliance with pre-action protocol

- (a) Claimants in medical negligence claims are to comply with the pre-action protocol at Appendix FA before commencing court proceedings. All parties are required to comply in substance and spirit with the terms of the protocol. A breach by one party will not exempt the other parties in the claim from following the protocol so far as they are able.
- (b) In exercising its discretion as to costs, the Court will consider compliance with the protocol. If non-compliance with the protocol has led to unnecessary costs, the Court may make the following orders:
 - (i) an order disallowing a defaulting party his costs, or some part of his costs, even if he succeeds;
 - (ii) an order that the defaulting party pay the other party or parties their costs of the proceedings, or part of those costs; and
 - (iii) an order that the defaulting party pay those costs on an indemnity basis.
- (c) The Court will consider compliance with the protocol in exercising its discretion when deciding the amount of interest payable and may make the following orders:
 - (i) an order awarding a successful party who has complied with the protocol interest from an earlier period; and
 - (ii) an order depriving a successful party who has not complied with the protocol interest in respect of such period as may be specified.

(2) Case management

Approximately 4 weeks after the filing of a writ for a medical negligence claim, the Court will convene a pre-trial conference at the State Courts Centre for Dispute Resolution to discuss and facilitate settlement of the claim.

25F. Mediation

Opening statements

- (1) Each party must submit to the State Courts Centre for Dispute Resolution, and serve on all other parties, a written opening statement *not less than 2 working days before the date of the first mediation session*. The opening statement shall be submitted in hard copy and not filed via the Electronic Filing Service.
- (2) The opening statement shall be in the format prescribed in Form 9J in Appendix B to these Practice Directions. A soft copy of this form may be downloaded at <http://www.statecourts.gov.sg>.
- (3) The opening statement shall be concise and not exceed 10 pages.

Attendance at mediation

- (4) All parties shall attend the mediation in person.
- (5) The solicitor who has primary conduct over the case shall be present throughout the mediation.
- (6) In the case of corporations and other entities, the representative who has the authority to settle shall attend the mediation. In the event that only a board or body has authority to settle on behalf of the entity, the entity shall send the person who is the most knowledgeable about the case and who is able to recommend a settlement to the representative's board or body.

Mediators

- (7) Mediation will be conducted by either a Judge or an Associate Mediator in the State Courts Centre for Dispute Resolution. Associate Mediators are volunteer mediators who have been accredited by both the State Courts and the Singapore Mediation Centre. The parties will be notified by letter if their case is to be mediated by an Associate Mediator.

Procedure at Mediation

- (8) Information on the mediation process is set out at the State Courts' website. at <http://www.statecourts.gov.sg>. Unlike a trial, the primary aim of mediation is not to determine who is at fault in the dispute. The mediator's role is to assist the parties in negotiating and agreeing on a possible settlement to their dispute. The parties will

attend the mediation with their solicitors, and have the opportunity to communicate with each other as well as the mediator.

- (9) The procedure for mediation is more informal than a trial. The mediator will exercise his or her discretion in structuring the mediation, with a view to guiding the parties in arriving at a joint solution.

25G. Neutral Evaluation

- (1) A brief form of Neutral Evaluation is used as a matter of practice in all motor accident and personal injury claims. The procedure for such CDR sessions is set out above in Paragraphs 25B and 25C, and Appendix C, of these Practice Directions.
- (2) The procedure in this paragraph applies only to civil cases other than motor accident cases or personal injury cases where parties have requested for Neutral Evaluation.

Procedure in Neutral Evaluation

- (3) Information on the Neutral Evaluation process is set out at the State Courts' website at <http://www.statecourts.gov.sg>. Neutral Evaluation involves the parties and their solicitors making presentations of their claims and defences, including the available evidence, followed by the Judge of the State Courts Centre for Dispute Resolution giving an assessment of the merits of the case. This process is also useful for helping parties to arrive at areas of agreement and to discuss methods of case management to save costs and time. The details of the structure and ambit of this process may be agreed between the parties at the preliminary conference referred to in sub-paragraph (4).

Preliminary conference with solicitors

- (4) When parties request a Neutral Evaluation, the Court will convene a preliminary conference with the solicitors alone to discuss and agree on several options regarding the process before the date for Neutral Evaluation is fixed, i.e. —
 - (a) whether the Neutral Evaluation is to be binding or non-binding;
 - (b) whether the witnesses are to attend and be assessed by the court; and
 - (c) whether affidavits of evidence-in-chief of witnesses are to be filed and used for the neutral evaluation, without witnesses' attendance.
- (5) If the option referred to in sub-paragraph (4)(b) above is chosen, the Judge may use the "witness conferencing" approach to adduce expert evidence. Witness Conferencing involves the concurrent hearing of all expert witnesses in the presence of one another. Each party's expert witness would be afforded the opportunity to question, clarify or probe any contending views proffered by the other expert.

Opening Statements

- (6) Each party must submit to the State Courts Centre for Dispute Resolution, and serve on all other parties, a written opening statement not less than 2 working days before the date of the Neutral Evaluation. The opening statement shall be submitted in hard copy and not filed via the Electronic Filing Service.
- (7) The opening statement shall be in the format prescribed in Form 9K in Appendix B to these Practice Directions. A soft copy of this form may be downloaded at <http://www.statecourts.gov.sg>.
- (8) The opening statement shall be concise and not exceed 10 pages.

Attendance at Neutral Evaluation

- (9) All parties shall attend the Neutral Evaluation session in person unless the Court dispenses with their attendance.
- (10) The solicitor who has primary conduct over the case shall be present throughout the Neutral Evaluation session.
- (11) In the case of corporations and other entities, the representative who has authority to settle shall attend the Neutral Evaluation session. In the event that only a board or body has authority to settle on behalf of the entity, the entity should send the person who is the most knowledgeable about the case and who is able to recommend a settlement to the representative's board or body.

39. Video-Conferencing using Skype

Introduction

- (1) The State Courts will allow solicitors to use Skype, a free and accessible service, to mention cases on the following hearing lists that satisfy the criteria set out opposite thereto:

Registry / Department	Hearing Lists	Criteria
Civil Registry	<ul style="list-style-type: none">• Ex-parte summons list (Wednesday mornings)• Garnishee list (Tuesday and Thursday afternoons)• Summons for Directions (Tuesdays and Thursdays)• Duty Registrar matters (every day)	Uncontested matters for selected hearing lists, where no documents will be tendered and the party attending via Skype is mentioning for all other parties (if applicable).
State Courts Centre for Dispute Resolution	<ul style="list-style-type: none">• Court Dispute Resolution sessions for non-injury motor accident claims and personal injury claims arising from motor vehicle accidents (Mondays, Wednesdays and Fridays)	Court Dispute Resolution sessions for non-injury motor accident claims and personal injury claims arising from motor vehicle accidents.

- (2) This will enable solicitors to mention their cases via Skype instead of personally attending Court for many short mentions which generally will not last beyond 10 minutes.

Guidelines and Procedures

- (3) Solicitors mentioning their cases via Skype must comply with the guidelines and procedures set out in the Annex to this Paragraph (see below).

Court etiquette

- (4) A solicitor mentioning a case via Skype must proceed with the hearing as if he or she were appearing before the Judge in person, and must comply with all Court rules of etiquette as prescribed in these Practice Directions and any relevant Registrar's Circular.

Adjournment of Skype hearing

- (5) If for any reason the presiding Judge or Registrar considers that it is not expedient for any hearing to continue via Skype, he or she may —
- (a) adjourn the matter and require parties to attend Court personally on an appointed date and time;
 - (b) conduct the hearing via telephone; or
 - (c) make any other direction that may be appropriate in the circumstances of the case.

Hearing Records

- (6) Hearings conducted via Skype shall not be recorded on video or audio tape or any other form.

Queries and Assistance

- (7) Any queries or requests for assistance pertaining to Skype hearings may be sent to the following email addresses:
- (a) for hearings at the Civil Registry:
Statecourts_Civil_Registry@statecourts.gov.sg
 - (b) for hearings at the State Courts Centre for Dispute Resolution:
Statecourts_CDR@statecourts.gov.sg

ANNEX

GUIDELINES AND PROCEDURES FOR HEARINGS VIA SKYPE

1. Log into your Skype account and set your status to 'available'.
2. You may access the relevant hearing list at <http://www.statecourts.gov.sg>.
3. Check the chambers assigned to hear your case.
4. **Then identify the corresponding Skype contact from amongst the following:**

Civil Registry	
Chambers C	StateCts_CivilReg_ChC
Chambers D	StateCts_CivilReg_ChD
Chambers J	StateCts_CivilReg_ChJ
Chambers N	StateCts_CivilReg_ChN
Chambers P	StateCts_CivilReg_ChP
Duty matters	StateCts_CivilReg_DutyReg
State Courts Centre for Dispute Resolution (SCCDR)	
SCCDR Chambers 1	StateCts_CDR_Ch_1
SCCDR Chambers 2	StateCts_CDR_Ch_2
SCCDR Chambers 3	StateCts_CDR_Ch_3
SCCDR Chambers 4	StateCts_CDR_Ch_4
SCCDR Chambers 5	StateCts_CDR_Ch_5
SCCDR Chambers 7	StateCts_CDR_Ch_7
SCCDR Chambers 8	StateCts_CDR_Ch_8

5. Send a request to add the Court's Skype ID as your contact. Once the request is accepted, send an instant message to the relevant Chambers using Skype to inform the judge that you are ready and state your name, law firm and case number. E.g., if your matter is fixed for hearing in Chambers J, you will send your message to 'StateCts_CivilReg_ChJ'. Your instant message will state "*John Tan, ABC Law*

Firm, ready at 3:15, MC 12345/20XX/A". **Note that the judge will not call you unless you have previously sent a message to indicate your readiness to proceed with the Skype hearing.**

6. When the judge is ready to deal with your matter, he/she will call you. Accept the *video call* and start the hearing. **Do not attempt to call the judge.**
7. If you encounter any problem, you may call the following numbers for assistance:
 - Civil Registry: 6435 5058
 - SCCDR: 6435 5882
8. If the problems cannot be resolved, you may be required to personally attend Court to mention your case.

171. Case management conference [CMC]

- (1) The provisions of this Paragraph apply to all cases begun on or after 1st November 2014 by writ in a Magistrate's Court, excluding –
 - (a) any non-injury motor accident [NIMA] claims ; and
 - (b) any personal injury [PI] claims, including any action where the pleadings contain an allegation of a negligent act or omission in the course of medical or dental treatment.
- (2) In accordance with Order 108 Rule 3(8) of the Rules of Court (Cap. 322, R 5), the cases in sub-paragraphs 1(a) and (b) will be dealt with following the pre-action protocols and practice directions issued by Registrar. Please refer to paragraphs 25, 25B, 25C and 25D of these Practice Directions for more information.
- (3) To facilitate the management of cases at an early stage and to encourage parties to consider how a case may be resolved without trial, including using negotiation or Alternative Dispute Resolution (ADR), a CMC as provided for by Order 108, Rule 3(1) shall be convened within 50 days after the Defence has been filed.
- (4) Parties shall be notified in writing of the CMC within 8 days of the filing of the Defence.
- (5) Where all parties in a case begun on or after 1st November 2014 by writ in a District Court file their consent in Form 233 for the simplified process in Order 108 to apply to cases in a District Court, parties shall file a Request via the Electronic Filing Service to request for a Case Management Conference.

Before the CMC

- (6) Parties should negotiate with a view to resolving the matter at the earliest opportunity once parties are notified of the CMC date.
- (7) Seven (7) days prior to the first CMC, parties shall —
 - (a) exchange proposals in writing using Form 62 of Appendix B to these Practice Directions, on a “without prejudice save as to costs” basis for the amicable resolution of the matter; and
 - (b) file through the Electronic Filing Service —
 - (i) Form 63 of Appendix B to these Practice Directions stating the list of issues in the dispute and the list of witnesses they intend to call in support of their case; and

- (ii) the ADR Form (Form 6A of Appendix B to these Practice Directions) in order to facilitate a considered decision on ADR options. The ADR Form must be read and completed by each party. If there is a solicitor acting for the party, the solicitor must also complete the form.
- (8) In order for the CMC to be effective and fruitful, the solicitor having conduct of the matter should take all necessary instructions from their clients (including exploring ADR options to achieve an amicable resolution of the matter) and comply with all directions, including those at sub-paragraph (7) above prior to attending the first CMC session.
- (9) Some of the ADR options available include:
 - (a) Mediation in the State Courts Centre for Dispute Resolution;
 - (b) Neutral Evaluation in the State Courts Centre for Dispute Resolution;
 - (c) Arbitration under the Law Society's Arbitration Scheme; or
 - (d) Mediation by private mediation service providers.
- (10) A party may file a Request via the Electronic Filing Service for an early CMC date prior to receiving the CMC notification mentioned in sub-paragraph (4). Parties shall comply with sub-paragraphs (6) and (7) before the CMC.

At the CMC

- (11) At the CMC, the Court may manage the case by, inter alia, —
 - (a) encouraging the parties to co-operate in the conduct of the proceedings;
 - (b) assisting parties to identify and narrow the issues at an early stage;
 - (c) dealing with any interlocutory applications and issues, including giving such directions for discovery as may be necessary;
 - (d) considering with the parties whether the likely benefits of any step proposed to be taken by a party justify the costs that will be incurred;
 - (e) encouraging the parties to negotiate to resolve the issues and/or case and/or use an ADR procedure if the Court considers it appropriate as well as facilitating

the use of such ADR procedure having regard to Order 108, Rule 3(3) of the Rules of Court;

- (f) helping the parties to settle the whole or part of the case;
 - (g) giving such directions as the Court thinks fit in order to ensure that the case progresses expeditiously (including directions for the list of witnesses to be called for trial, the appointment of a single joint expert where appropriate, the exchange and filing of Affidavits of Evidence in Chief and setting the matter down for trial);
 - (h) fixing timelines to manage and control the progress of the case; and
 - (j) taking such other action or making such other direction as the Court thinks appropriate in the circumstances including costs sanctions or unless orders.
- (12) The purpose of the CMC is for the court to consider all available options in the case jointly with the parties. It is therefore necessary that the solicitor in charge of the case for that party (i.e. the solicitor who has been handling the case for that party and who is familiar with it) attend the CMC. Solicitors for both parties shall attend the CMC.
- (13) The Court may require a party who is represented by solicitors to attend the CMC.
- (14) Where a party has filed a Summons for Direction (SFD), the Court may also deal with the SFD at the CMC.
- (15) In order that parties benefit fully from the process of the CMC, adjournment(s) of any CMC will not be granted without good reason. Consent of both parties to the adjournment, without more, is not considered sufficient reason for an adjournment.
- (16) Where interlocutory judgment has been entered on the issue of liability only, leaving the damages to be assessed, the Court shall convene a case management conference after the filing of the Notice of Appointment for Assessment of Damages (NAAD). Such a case management conference shall be known as the Assessment of Damages Case Management Conference (AD-CMC). Sub-paragraphs (10) to (15) above shall apply as far as possible with the necessary modifications to ensure that the matter progresses expeditiously. Where an amicable resolution on quantum is not possible, the assessment of damages hearing will proceed expeditiously. The directions in paragraph 25E of these Practice Directions on assessment of damages shall continue to apply. The ADR Form (Form 6A of Appendix B to these Practice Directions) is not required to be filed prior to the AD-CMC.

Form 6A

ALTERNATIVE DISPUTE RESOLUTION (ADR) FORM

*The State Courts regard Alternative Dispute Resolution (ADR) as the **first stop of a court process**. ADR is crucial 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 before the following hearings:*

- (i) *Case Management Conference, for MC writs filed on or after 1st November 2014 and by consent, DC writs (pursuant to Order 108 of the Rules of Court and paragraph 171 of these Practice Directions);*
- (ii) *Pre-Trial Conference called pursuant to paragraph 25A of these Practice Directions. This PTC will be called in respect of MC writs filed before 1st November 2014 and all DC writs filed on or after 1st April 2014; or*
- (iii) *Any Summons for Directions that is filed (pursuant to paragraph 18 of these Practice Directions).*

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

This section is to be completed by solicitors

Case details	MC/DC* _____ / ____ (year)		SUM _____ / _____ (year)	
Number of witnesses	Plaintiff		Defendant	
Nature of claim	Tort	Defamation / Medical Negligence*		
	Contract	Construction / Renovation / Supply of Goods & Services*		
	Others (Specify)			

Signature of solicitor

Name of solicitor for Plaintiff/Defendant*:

Law Firm:

Date:

**delete where inapplicable*

This section is to be read by your client

What are my ADR options?

The State Courts Centre for Dispute Resolution provides ADR services such as **mediation** and **neutral evaluation**. Mediation services are also provided by the Singapore Mediation Centre (<http://www.mediation.com.sg>). The Law Society of Singapore provides **arbitration** as an ADR service.

Mediation is a process in which a mediator (i.e. 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, he will help you and the other side discuss and reach a solution that will meet both of your concerns.

Neutral Evaluation (NE) involves an early assessment of the merits of the case by a judge in the State Courts Centre for Dispute Resolution. Parties' lawyers will present the case to the judge, 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 want.

More information on mediation and neutral evaluation may be found at <http://www.statecourts.gov.sg> under "Interested in Mediation/ADR".

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. The Law Society Arbitration Scheme (LSAS) is provided by the Law Society of Singapore for parties to resolve their dispute through arbitration in a speedy and cost-effective way. More information concerning fees and details of the scheme can be found at <http://www.lawsociety.org.sg/lzas>.

Which ADR option should I choose?

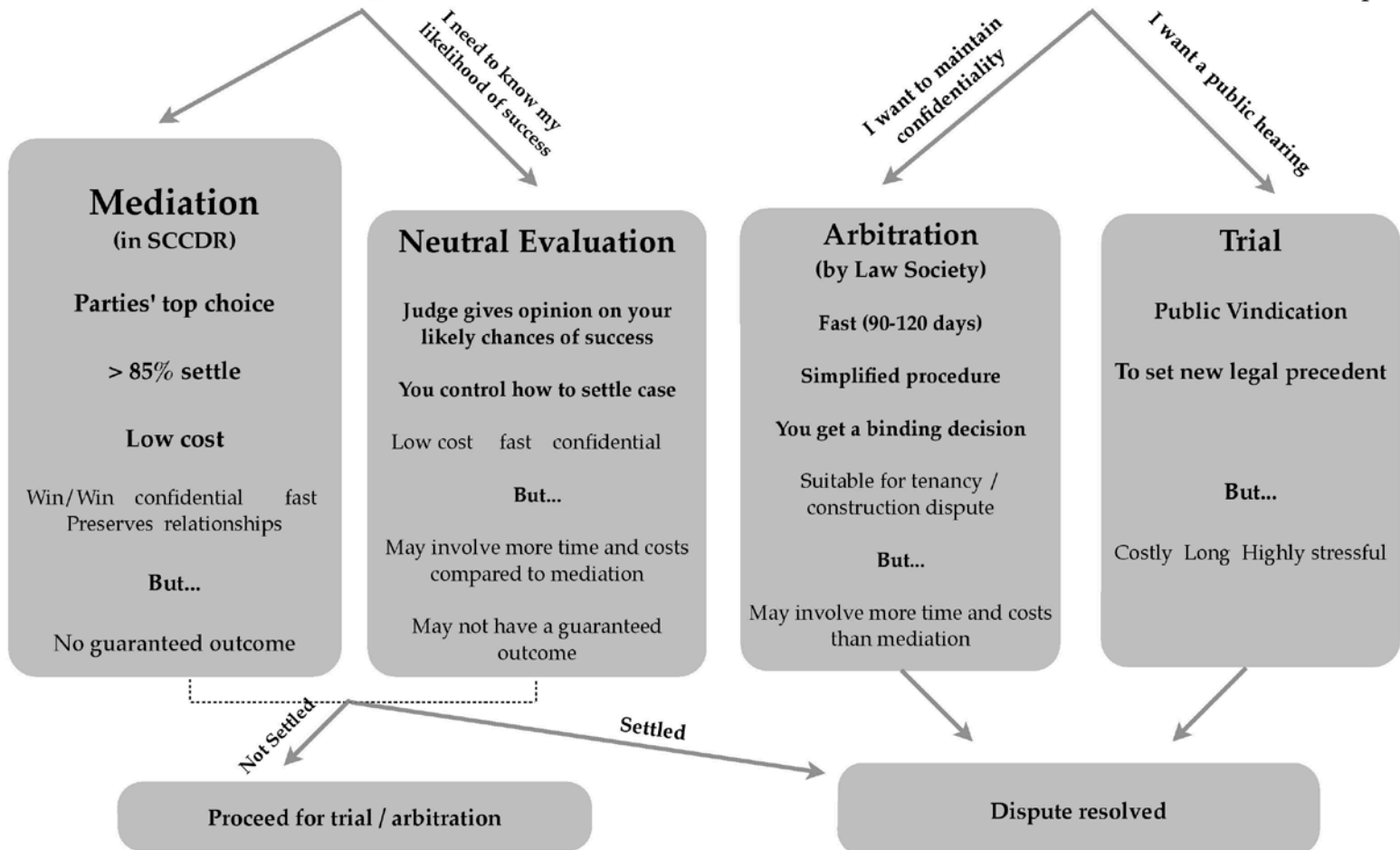
You should choose the ADR option that best addresses your needs. Most litigants are concerned about issues such as legal costs, duration of the litigation process, confidentiality and whether they have control over the outcome of the case. Some other concerns may include the desire to preserve the relationship with the other party, discomfort over the formal proceedings and a need to be vindicated. Generally, mediation is an ADR option that addresses most of these concerns.

However, you may consider other ADR options if you have unique considerations. To help you decide the best ADR option for you, we have provided a diagram on page (iii) 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



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 Alternative Dispute Resolution (ADR) services, and I am aware of the benefits of settling my case by ADR.
2. I have been advised and understand that the Judge may take the view that ADR is suitable for my case, and that any unreasonable refusal on my part to resolve this matter via mediation or other means of ADR may then expose me to adverse costs orders pursuant to Order 59 Rule 5(1)(c) of the Rules of Court as set out below:

Order 59 Rule 5(1)(c)

“The Court in exercising its discretion as to costs shall, to such extent, if any, as may be appropriate in the circumstances, take into account the parties' conduct in relation to any attempt at resolving the cause or matter by mediation or any other means of dispute resolution.”

3. For a case commenced by writ on or after 1st November 2014 before a Magistrate's Court:
I have been advised and understand that my case may be referred for ADR under Order 108 Rule 3(3) of the Rules of Court as set out below:

Order 108 Rule 3(3)

“The Court may make an order directing that a case be referred for resolution by an ADR process if —

- (a) the parties consent to the case being referred for resolution by the ADR process; or
- (b) the Court is of the view that doing so would facilitate the resolution of the dispute between the parties.”

4. My decision concerning ADR is as follows:-

(Tick the relevant boxes)

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

I have already attempted ADR i.e. _____

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

Other good reasons i.e. _____

(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 ADR service(s):-

- Mediation at State Courts Centre for Dispute Resolution
- Neutral Evaluation at State Courts Centre for Dispute Resolution
- Mediation at Singapore Mediation Centre
- Arbitration under LSAS
- Others: (Please specify)

(Note: you may tick more than one type of ADR service.)

Signature of Plaintiff/Defendant*

Name:

Date:

**Delete where inapplicable*

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 Alternative Dispute Resolution (ADR) services, and I am aware of the benefits of settling my case by ADR.
2. I have been advised and understand that my case will be referred for ADR unless any of the parties opt out of ADR.
3. I have been advised and understand that the Judge may take the view that ADR is suitable for my case, and that any unreasonable refusal on my part to resolve this matter via mediation or other means of ADR may then expose me to adverse costs orders pursuant to Order 59 Rule 5(1)(c) of the Rules of Court as set out below:

Order 59 Rule 5(1)(c)

“The Court in exercising its discretion as to costs shall, to such extent, if any, as may be appropriate in the circumstances, take into account the parties' conduct in relation to any attempt at resolving the cause or matter by mediation or any other means of dispute resolution.”

4. My decision concerning ADR is as follows:

(Tick the relevant boxes)

- I wish to opt out from ADR.

Reason(s): _____

- I would like to be referred for the following ADR service(s):-

- Mediation at State Courts Centre for Dispute Resolution
- Neutral Evaluation at State Courts Centre for Dispute Resolution
- Mediation at Singapore Mediation Centre
- Arbitration under LSAS
- Others: Please specify

(Note: you may tick more than one type of ADR service.)

Signature of Plaintiff / Defendant*

Name:

Date:

** Delete where inapplicable.*

APPENDIX C

GUIDELINES FOR COURT DISPUTE RESOLUTION FOR NON-INJURY MOTOR ACCIDENT CLAIMS AND PERSONAL INJURY CLAIMS

1. Introduction

- 1.1 The State Courts Centre for Dispute Resolution provides Court Dispute Resolution (CDR) services for all civil matters. Two main processes – mediation and neutral evaluation – are used.
- 1.2 According to Paragraphs 25B and 25C of the State Courts' Practice Directions, all non-injury motor accident claims and personal injury claims are to proceed for CDR within 8 weeks after the Memorandum of Appearance has been filed.
- 1.3 Neutral evaluation will be used in the CDR sessions for these cases. This appendix sets out the guidelines to be followed by solicitors.

2. Date of CDR

- 2.1 As stated in Paragraph 25B(3) and 25C(2) of the Practice Directions, solicitors in these cases will receive a notice from the Court fixing the first CDR session.
- 2.2 A request for an adjournment of a CDR session shall be made **only** by filing a "Request for Refixing / Vacation of Hearing Dates" via the Electronic Filing Service.
 - 2.2.1 The applicant must obtain the consent of the other parties to the adjournment, and list the dates that are unsuitable for all the parties.
 - 2.2.2 The request must be made *not less than 2 working days before the date of the CDR*.
 - 2.2.3 An adjournment of a CDR session will be granted only for good reason e.g. the solicitor is engaged in a trial or other hearing in the High Court or the State Courts, is away on in camp training, overseas, or on medical leave; or the party or his witness, if asked to attend, is out of the country or otherwise unavailable for good reason.
 - 2.2.4 A CDR session from which one or all parties are absent without good reason will be counted as one CDR session.

2.3 **Direct Adjournment Applications**

2.3.1 Solicitors need not attend before the Judge managing the case to seek by-consent adjournments if they satisfy the following conditions:

- (a) There are 3 or less CDRs prior to the application;
- (b) The Judge has not directed that there be no further adjournments or further direct adjournments;
- (c) The adjournment is not based on the grounds that parties are unable to obtain instructions; **and**
- (d) The adjournment is based on one of the following grounds:
 - (I) Parties require more time for negotiations. Solicitors must update on negotiations by stating the specific offer on the application form;
 - (II) Parties are awaiting the results of police action or medical or re-inspection reports or are checking on the outcome of related suits;
 - (III) Not all the parties have been added;
 - (IV) Solicitor is fixed for another court hearing;
 - (V) Solicitor is away on ICT / Overseas / Medical leave; or
 - (VI) Party / Witness is unable to attend.

2.3.2 Where the conditions in the preceding paragraph are satisfied, parties may submit a Direct Adjournment Form to the registry staff at the State Courts Centre for Dispute Resolution Administration Counter on the day of the CDR itself. The application will be vetted and handled administratively by the court staff. They will provide a tentative return date to solicitors whose applications fulfil the conditions in the preceding paragraph. If the conditions have not been met, the court staff will not give a tentative return date but direct the applicant to attend before the Judge personally.

2.3.3 The Court staff will collate the applications for final approval by the Judge. Where the Judge disapproves of the application, the State Courts Centre for Dispute Resolution registry will notify the parties by fax within 3 days of the Direct Adjournment Application, otherwise, the tentative return date is deemed approved.

3. **Attendance at CDR**

3.1 Only solicitors are required to attend CDR sessions. Their clients need not be present unless the Judge directs for their attendance.

3.2 In certain cases, the Judge may direct the parties to attend subsequent CDR sessions. For instance, the drivers of the vehicles involved in a motor accident and eyewitnesses may be asked to be present at a later CDR session for the

purpose of a more accurate neutral evaluation or to facilitate in negotiating a settlement.

4. Preparation for CDR

4.1 Documents to be exchanged prior to CDR:

4.1.1 For CDRs for **motor accident claims**, the following documents should be exchanged between solicitors before the first CDR session:

- (a) Full and complete GIA reports and police reports including the names, identity card numbers and addresses of all persons involved in the accident, together with type-written transcripts of their factual accounts of the accident;
- (b) sketch plan and if unavailable, the claimant's sketch of the accident;
- (c) Results of police investigations or outcome of prosecution for traffic offence(s);
- (d) Police vehicle damage reports;
- (e) Original, coloured copies or scanned photographs of damage to all vehicles;
- (f) Original, coloured copies or scanned photographs of the accident scene;
- (g) Video recording of the accident;
- (h) Repairer's bill and evidence of payment;
- (i) Surveyor's report;
- (j) Excess bill or receipt;
- (k) Vehicle registration card;
- (l) COE/PARF certificates;
- (m) Rental agreement, invoice and receipt for rental of alternative vehicle (if any);
- (n) Supporting documents for all other expenses claimed (if any).

4.1.2 Where **personal injury forms part of the motor accident claim**, the following documents should also be exchanged:

- (a) Medical reports and specialist reports;
- (b) Certificates for hospitalisation and medical leave;
- (c) Bills for medical treatment and evidence of payment;
- (d) Income tax notices of assessment and/or other evidence of income and loss thereof; and
- (e) Supporting documents for all other expenses claimed (if any).

4.1.3 For CDRs for **industrial workplace accidents**, the following documents should be exchanged between solicitors before the first CDR session:

- (a) The claimant's sketch of the accident;
- (b) Ministry of Manpower investigation reports;

- (c) Notice of Assessment from the Occupational Safety and Health Division, Ministry of Manpower (if any);
- (d) Original, coloured copies or scanned photographs of the accident scene;
- (e) Video recording of the accident;
- (f) Medical reports and specialist reports;
- (g) Certificates for hospitalisation and medical leave;
- (h) Bills for medical treatment and evidence of payment;
- (i) Income tax notices of assessment and/or other evidence of income and loss thereof; and
- (j) Supporting documents for all other expenses claimed (if any).

4.1.4 For CDRs for **any personal injury claim not involving motor accidents or industrial workplace accidents**, the following documents should be exchanged before the first CDR session:

- (a) The claimant's sketch of the accident;
- (b) Original, coloured copies or scanned photographs of the accident scene;
- (c) Video recording of the accident;
- (d) Medical reports and specialist reports;
- (e) Certificates for hospitalisation and medical leave;
- (f) Bills for medical treatment and evidence of payment;
- (g) Income tax notices of assessment and/or other evidence of income and loss thereof; and
- (h) Supporting documents for all other expenses claimed (if any).

4.2 To make the full use of CDR sessions, it is essential that solicitors be well prepared and familiar with their cases. This also applies to duty solicitors assigned by their firms to deal with the firm's cases on a particular day. Duty solicitors must receive their files in good time and with clear instructions from the solicitor in charge so that they can familiarise themselves with the cases, understand the basis of instructions (i.e. why a certain position is taken) and to act on them (e.g. to convey the clients' offer on quantum or liability to the opposing solicitor). Duty solicitors must after the CDR session, ensure that they convey to the solicitor in charge, the rationale for the Judge's indication, the discussion at CDR sessions, and the follow-up action to be taken before the date of the next CDR session.

5. CDR Session

Claims subject to the simplified process under Order 108 of the Rules of Court

5.1 All cases commenced by writ on or after 1st November 2014 in a Magistrate's Court and any case commenced by writ on or after 1st November 2014 in a

District Court (where parties have filed their consent in Form 233 of Appendix A of the Rules of Court for Order 108 to apply) will be subject to the simplified process under Order 108 of the Rules of Court (Cap 322, R 5).

- 5.2 The requirement for upfront discovery under Order 108 Rule 2(4) of the Rules of Court (Cap. 322, R 5) and paragraph 170 of these Practice Directions apply to such cases.
- 5.3 These claims will continue to be called for CDR within 8 weeks after the filing of the memorandum of appearance. There will be no case management conference convened. The rest of the guidelines in Appendix C also apply to CDRs for these claims.
- 5.4 Where parties are unable to resolve the case through CDR, the Court will manage the case, having regard to the provisions in Order 108 Rule 5 of the Rules of Court, by, inter alia, —
 - (a) giving such directions as the Court thinks fit in order to ensure that the case progresses expeditiously (including directions for the list of witnesses to be called for trial, the appointment of a single joint expert where appropriate, the exchange and filing of Affidavits of Evidence-in-Chief and setting the matter down for trial);
 - (b) fixing timelines to manage and control the progress of the case; and
 - (c) taking such other action or making such other direction as the Court thinks appropriate in the circumstances including costs sanctions or unless orders.

Indications on liability and quantum

- 5.5 For NIMA and PIMA cases, the Judge will provide an indication on liability at the first CDR session if —
 - (a) the factual matrix of the particular motor accident does not correspond substantially with any of the scenarios set out in the Motor Accident Guide; or
 - (b) despite the parties' reasonable efforts in resolving the question of liability through negotiation with reference to the Motor Accident Guide before the CDR session, no settlement has been reached.
- 5.6 Solicitors for all the parties seeking an indication on liability shall submit a "Liability Indication Form" (see Form 9A) to the Judge at the first CDR session. Except where

no corresponding scenario is provided in the *Motor Accident Guide*, solicitors must specify in the Liability Indication Form the scenario(s) in the *Motor Accident Guide* that is/are relevant to the parties' factual accounts of the accident and state their respective proposals on liability.

- 5.7 In CDR sessions for all personal injury claims, *except PIMA claims*, the Judge will provide an indication on *both liability and quantum* of the claim., Solicitors for all the parties shall submit a "Quantum Indication Form" (see Form 9B) to the Judge at the first CDR session.
- 5.8 In respect of PIMA cases, whether or not an indication on liability is given, the Judge may, at his own discretion in appropriate cases or at solicitors' request, provide an indication on quantum. Solicitors requesting for an indication on quantum shall obtain each other's consent before the CDR session, and be submit the Quantum Indication Form (i.e. Form 9B) to the Judge.

Follow-up action after CDR

- 5.9 To facilitate settlement, solicitors shall brief their clients thoroughly on all the relevant aspects of the case, inform their clients quickly on the outcome of the CDR session where indications of liability and/or quantum are given, get their clients' instructions and discuss options with the solicitors for the other parties before the next CDR session.

6. Help and Co-operation of Insurers in facilitating CDR

- 6.1 Insurers play a key role in the success of CDR. CDR sessions are intended for substantive discussion of the issues. A CDR is unproductive if:

- 6.1.1 parties have not —
- (a) exchanged the relevant documents listed in paragraph 4; or
 - (b) identified the scenario(s) in the *Motor Accident Guide* that is/are relevant to their respective factual accounts of the accident

well before the CDR session to facilitate assessment and discussion of options;

- 6.1.2 one or more of the solicitors for the parties have not received or are still taking client's instructions; or

6.1.3 parties are still negotiating or are awaiting instructions upon a counter-offer.

6.2 ***Documents***

Insurers shall endeavour to send all documents requested by their solicitors in good time for exchange between parties before CDR. Insurers should also check that all documents needed for consideration of their claim are ready. If any *additional* documents apart from those at paragraph 4 are required, this shall be made known to the other party well before the CDR date. If a re-survey is required, it shall be conducted and the report exchanged before the first CDR session.

6.3 ***Instructions***

It is *very* important that insurers give *full* and *complete* instructions before their solicitor attends the CDR. Solicitors must inform their clients of the outcome of a CDR session quickly and remind their clients to revert with their instructions well before the next CDR session. The instructions shall be given early to enable the other party to consider their position or proposal and respond before the next CDR date.

6.4 ***Practices to facilitate CDR***

6.4.1 The claims manager or executive shall be briefed by the insurer's solicitor on the facts, the insurer's case, and the other party's case before a CDR session.

6.4.2 After evaluation of the documents and reports and consideration of the relevant liability indication in the *Motor Accident Guide*, the claims manager or executive shall give a mandate to the insurer's solicitors. The mandate could be in a range – e.g. – ‘65-70%’, or ‘*to contribute 30-35% for the chain collision*’. Reasons shall be given for the position taken so that the solicitor can inform the Judge of the basis for the mandate. E.g. ‘*we are relying on the statements of the independent witnesses here*’, ‘*the plaintiff has been charged for inconsiderate driving*’ or ‘*the photographs suggest that this is a side-swipe*’.

6.5 Insurers sometimes insist on tying the issues of liability and quantum, i.e. that agreement on liability is *contingent* on quantum being settled at a particular sum. If parties are able to agree on the issue of liability but not quantum, parties shall consider allowing an *Interlocutory Judgment* to be recorded for liability and proceed for assessment of damages. A hearing to assess damages is far less costly than a full trial.