

# **SECOND MEETING OF THE INTERNATIONAL JUDICIAL DISPUTE RESOLUTION NETWORK**

## **Opening Remarks**

Monday, 22 May 2023

The Honourable the Chief Justice Sundaresh Menon  
Supreme Court of Singapore

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Chief Judge Swain

Fellow Judges, colleagues and friends, including those joining us  
virtually

1. Good morning, and let me first join Chief Judge Swain and Judge Halpern and their team in extending a warm welcome to the Second Meeting of the International Judicial Dispute Resolution Network, or “JDRN”. Almost exactly a year ago, the JDRN was launched at an Inaugural Meeting that was held entirely online, with participants dialling in across considerable distances and time zones. Today, I am delighted that so many of us are able to meet here in person, with many more joining us virtually. On behalf of all of us here today, let me first thank Chief Judge Swain and her entire team at the United States District Court for the Southern District of New York (or

“SDNY”) for hosting this event in this magnificent venue, and for their very generous hospitality.

2. In these opening remarks, let me just offer a brief perspective on the central importance of the JDRN’s aim of promoting judicial dispute resolution (or “JDR”) in our judicial systems. In these challenging times, a fundamental problem faced by public institutions, such as ours, is the deficit of trust. We should not make the mistake of thinking that courts are somehow immune to this corrosive reality.<sup>1</sup> We therefore need to take active steps to safeguard and secure trust in our judiciaries. I suggest this requires us to change our perspective of our role, from one that is strictly limited to adjudication, to a broader one that encompasses the aspiration to become *institutions that excel in the administration of justice*.<sup>2</sup> A central feature of this shift is the

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<sup>1</sup> See Sundaresh Menon, “The Role of the Judiciary in a Changing World”, Supreme Court of India Day Lecture Series, 1<sup>st</sup> Annual Lecture (4 February 2023), at <https://www.judiciary.gov.sg/news-and-resources/news/news-details/chief-justice-sundaresh-menon-speech-delivered-at-the-inaugural-supreme-court-of-india-day-lecture> (“Role of the Judiciary”) at paras 24–25.

<sup>2</sup> See Sundaresh Menon, “Securing Trust: The Project of Judicial Leadership”, welcome address at the opening of the Court Week of the Judicial Executive Programme (21 November 2022), at <https://www.judiciary.gov.sg/news-and-resources/news/news-details/chief-justice-sundaresh-menon-welcome-address-delivered-at-the-judicial-executive-programme> (“Securing Trust”) at paras 2 and 5; and Role of the Judiciary at paras 32 and 58.

recognition of the importance of developing a *user-centric* court system.<sup>3</sup>

3. One aspect of promoting user-centricity is making court processes easier to navigate, and providing more information and practical assistance to lay court users, who are a growing proportion of all our court systems.<sup>4</sup> But another key aspect of this endeavour involves implementing *mechanisms that are attuned to the interests of our users* so that we might help smoothen their pathways to justice. This is where judge-led case management strategies and Court Alternative Dispute Resolution (or “ADR”) modalities, which form the bedrock of the JDR process, can play an essential and vital role. Mediation, for example, is more accessible to lay litigants because it does not require issues to be framed in terms of legal arguments,<sup>5</sup> and instead allows, and indeed encourages, the parties to articulate *their* interests and concerns based on what matters to *them*. Meanwhile, Early Neutral Evaluation (or “ENE”) allows the judge (or

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<sup>3</sup> See Role of the Judiciary at para 37.

<sup>4</sup> See Role of the Judiciary at paras 38–41.

<sup>5</sup> See Sundaresh Menon, “Mediation: At the Dawn of a Golden Age”, speech at the Samadhan National Conference 2023 (15 April 2023), at <https://www.judiciary.gov.sg/news-and-resources/news/news-details/chief-justice-sundaresh-menon-speech-delivered-at-the-samadhan-national-conference-2023> at para 12.

evaluator) to provide a realistic, objective early assessment of the merits of the parties' cases, which helps to manage the parties' expectations and helps the parties focus on the real issues in dispute.<sup>6</sup> These modalities may also lay the groundwork for an amicable settlement that preserves the parties' relationship, in addition to offering considerable savings in costs and time. Ultimately, these benefits accrue to the users of these mechanisms – which is primarily the parties themselves. And, at a systemic level, this enhances access to justice by bridging the “justice gap”<sup>7</sup> that might be created by disparities in resources and legal literacy – particularly if we can harness the immense potential of technology.<sup>8</sup>

4. Achieving these aims will require visionary leaders to spearhead the establishment of JDR in each justice system.<sup>9</sup> But

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<sup>6</sup> See the Best Practice Guide for the Establishment, Implementation and Promotion of the Judicial Dispute Resolution (JDR) Process (1 January 2023) (“Best Practice Guide”), at <https://www.int-jdrn.org/resources/permalink/> at paras 34–35.

<sup>7</sup> See “Securing Trust” at para 10.

<sup>8</sup> See Sundaresh Menon, “The JDRN: Remoulding the Justice System”, opening address at the Inaugural Meeting of the JDRN (18 May 2022), at <https://www.judiciary.gov.sg/news-and-resources/news/news-details/chief-justice-sundaresh-menon-opening-address-at-the-inaugural-meeting-of-the-international-judicial-dispute-resolution-network> at para 13; and Sundaresh Menon, “Legal Systems in a Digital Age: Pursuing the Next Frontier”, keynote address at the 3rd Annual France-Singapore Symposium on Law and Business (11 May 2023), at <https://www.judiciary.gov.sg/news-and-resources/news/news-details/chief-justice-sundaresh-menon-speech-delivered-at-3rd-annual-france-singapore-symposium-on-law-and-business-in-paris-france> at paras 39–40.

<sup>9</sup> See the Best Practice Guide at para 44.

judicial leadership in this domain is not merely the province of the most senior or the Chief Judge. The proactive judge sits at the heart of the JDR's vision,<sup>10</sup> and *each* of us plays a key part in integrating JDR at every stage of the judicial process. It is the thoughtful and timely interventions of individual judges, who are alive to the needs of each case and each set of parties,<sup>11</sup> that will transform this vision of user-centricity into a reality.

5. I am therefore delighted that the JDRN has already made significant progress in providing practical guidance on implementing the JDR process. The Best Practice Guide<sup>12</sup> was published in January, and the development of Practice Guides on ENE and Mediation is well underway. These Guides not only draw on the collective wisdom of all contributors to provide roadmaps for the future, but they also reaffirm our shared commitment to delivering fair, proportionate and practical justice to the users of our justice systems.

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<sup>10</sup> See the Best Practice Guide at paras 30 and 38.

<sup>11</sup> See the Best Practice Guide at paras 17 and 52.

<sup>12</sup> This refers to the Best Practice Guide for the Establishment, Implementation and Promotion of the Judicial Dispute Resolution (JDR) Process published on 1 January 2023.

6. Let me close by expressing my deep gratitude once again to the organising team for their tremendous work in putting this event together, and to all of you for your participation. International judicial engagement, through networks like the JDRN, plays a vital role in allowing us to build on each other's experiences and insights, as we work together towards our common goal of promoting the administration of justice in the societies that we serve. I look forward to the extremely enriching discussions that I know will take place over the next two days. Thank you very much.