

THIRD MEETING OF THE INTERNATIONAL JUDICIAL DISPUTE
RESOLUTION NETWORK (JDRN)

Introductory Remarks by the Honourable Justice Vincent Hoong

Day 1

28 October 2024

Justice Tan Sri Datuk Abang Iskandar

Chief Judge Swain

Fellow Judges

Ladies and gentlemen

Introduction

1. Good morning. Let me begin by referring to the Chief Justice of Singapore's address at the plenary judicial session of the 19th Conference of the Chief Justices of Asia and the Pacific held just two weeks ago here in Kuala Lumpur, Malaysia.

“To maintain the effective functioning of the judiciary, namely that the justice system must be reasonably accessible to all. This is a challenge that will require a collective response from all stakeholders in the legal community. In particular, it will require courts to adopt a paradigm shift in relation to the nature of our work. The focus of that work should not be limited only to adjudication – instead, we should embrace a broader systemic role to develop and operate a justice system that is reasonably accessible to all and that meets the needs of our societies. This necessarily falls on us because we are the custodians and operators of our justice systems and we are best placed to identify pain points in the system and to develop solutions.”

2. It is against this backdrop that the JDR process plays a key role in Singapore's justice system by offering an efficient, cost-effective and less adversarial alternative to traditional litigation and adjudication.

3. In my remarks this morning, I will focus on two aspects. First, I will touch on planning and implementation. Next, I will outline a recent innovative approach to the JDR process in the State Courts of Singapore.

Planning

4. Strategic planning is essential for JDR to function effectively. It provides direction, sets priorities, and ensures all stakeholders work toward common goals. Let me elaborate.

5. **First**, there should be clear and measurable objectives. They should be:

- a. Specific;
 - b. Measurable;
 - c. Achievable;
 - d. Relevant; and
 - e. Time-bound
- or "SMART" for short.

6. Examples could include:

- a. Settlement rates for different types of cases;

- b. Average time from commencement of proceedings to final resolution or disposal; or
- c. Savings in court resources versus traditional litigation.

7. These objectives can provide concrete targets by which the JDR process' effectiveness and its progress can be measured. Areas which need improvement can also be identified.

8. **Second**, active stakeholder engagement. Key participants such as judges, lawyers, court administrators, members of the public, and possibly even frequent court users like insurers and banks should be involved. Such an inclusive approach ensures that their needs and concerns are addressed.

9. **Third**, resource allocation. This should include human, financial, and information technology resources to support the JDR process. For example, it can involve budgeting for staff and additional training, investing in new facilities, or developing new software systems.

10. **Fourth**, flexibility and adaptability. There should be regular reviews to evaluate effectiveness, identify emerging challenges, adjust and refresh plans to meet the evolving legal landscape.

11. **Fifth**, risk management. It is important to keep an eye on potential obstacles such as resistance from traditional litigators, budget constraints, or technological challenges. Strategies to mitigate these risks should be developed.

12. Such strategic planning sets the stage for successful implementation, ensuring that efforts to improve the JDR process are well-coordinated, efficient, and impactful.

Implementation

13. I now turn to implementation.

14. **First**, clear guidelines and protocols should be communicated to court users.

15. **Second**, adequate stakeholder education and engagement is necessary. Successful implementation requires buy-in from all stakeholders. This might involve engaging Bar representatives, developing educational materials, conducting outreach programmes, or leveraging on social media platforms to raise awareness and explain JDR's benefits.

16. **Third**, implementation should be phased. Start with a pilot programme for specific cases, gather feedback, analyse results and refine the processes before a wider rollout. This will allow adjustments early on and avoid problems downstream.

17. **Fourth**, integrate technology with the JDR process.

18. **Fifth**, provide and seek regular feedback from stakeholders' including formal surveys or through informal in-person feedback sessions.

State Courts CDR hearings – Enhancing the JDR process

19. Let me now touch on the JDR process in Singapore’s State Courts as it handles a large majority of civil cases. Its civil jurisdictional limit is SGD 250,000 (or about USD 190,000).

20. In the State Courts, the Court Dispute Resolution Cluster (“CDRC”) manages these disputes at the point of filing:

- a. All personal injury claims (including claims arising from motor accidents and industrial accidents).
- b. All property damages claims arising from motor accidents
- c. Medical negligence claims.
- d. All other negligence claims.

21. Once a claim is filed, a pre-trial hearing in private is fixed before a specialist CDRC judge for case management. It is referred to as a Court Dispute Resolution hearing or a “CDR hearing.” At the CDR hearing, the judge will give discovery directions, conduct early neutral evaluations and set timelines for parties to negotiate. If there is no resolution, the CDR judge will issue directions for parties to exchange affidavits of evidence-in-chief (or witness statements) before the case is eventually set down for trial.

22. Before March 2020, these hearings were conducted physically (i.e. face-to-face hearings). Given the large volume of cases, hearing lists were typically very long. It was not uncommon for each judge to handle more than 30 cases during each half-day session. The judge had to ensure that

he or she could see all parties and clear the cases before the session ended. This meant that cases were heard fairly quickly. Notes of the hearing were recorded on paper, and very often, the judge would not have sufficient time to access the entire case file during the hearing. The judge would have to rely on counsel to update on earlier court events.

23. All that changed in March 2020 with the onset of the COVID-19 pandemic. Singapore like many countries had to implement a nation-wide lockdown. Given the need to dispense with physical hearings, my colleagues at the CDRC had to quickly find a solution to ensure that cases could continue to be dealt with to avoid a creeping backlog of cases if we were to shut down operations entirely. This was the beginning of a momentous shift from physical to remote hearings through the use of emails. We called it asynchronous hearings or aCDR for short.

24. This was a significant improvement. It is more efficient since parties could send in their emails and submissions at a convenient time before the hearing. Counsel no longer have to set aside time to attend a physical hearing. Judges also have more time to review the case file. We have observed that this has also improved the quality of the lawyer's legal briefs as compared with oral submissions in the past. To maintain some flexibility, the judge has the discretion to conduct one or more hearings remotely or physically.

25. I should add here that we were careful to include these matters when we pivoted to asynchronous CDR hearings:

a. We engaged stakeholders early on. We had extensive discussions with representatives of the Personal Injury Bar, as they constitute CDRC's most frequent users.

b. We briefed the judges, court staff, and lawyers well in advance to prepare them for the change. We also prepared an internal document to guide our judges on how they could best convey and familiarise the lawyers with their directions.

c. We set up dedicated and individual email addresses and mailboxes for each judge to accommodate the expected high volume of emails.

d. We issued a Registrar's Circular to explain the rationale for the change and how the asynchronous hearings would be implemented, as well as what were expected from lawyers when writing to the judges for directions.

e. In the initial months, we conducted extensive feedback sessions with the Personal Injury Bar who had to grapple with the challenges of working from home during the lockdown and without their physical office files. We addressed some of their concerns by giving lawyers a wide berth for compliance with directions. Judges largely refrained from issuing peremptory or "unless orders" to strike

out the claim or record judgment for failure to comply with the court's directions.

26. While asynchronous hearings began as a pilot programme and born out of unique circumstances, it has become a permanent feature of our JDR process. We constantly seek feedback and identify areas for improvement.

Conclusion

27. To conclude, JDR processes must evolve with the changing legal landscape and users' ever-increasing expectations. While we have made much progress in our own JDR journey, my colleagues and I have much to learn from our colleagues in our JDRN community. We look forward very much to the discussions and presentations taking place over the course of today and tomorrow.

28. Thank you very much.