

**IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE**  
**PRACTICE DIRECTIONS**  
**AMENDMENT NO. 5 OF 2019**

It is hereby notified for general information that, with effect from 1 July 2019, the State Courts Practice Directions will be amended as follows:

- (a) the existing Practice Direction 20 (*Case management conference (CMC)*) will be deleted and replaced by the following practice direction:

[New Practice Direction 20](#)

- (b) the existing Practice Direction 35 (*Overview of Court Dispute Resolution (CDR) for civil cases*) will be deleted and replaced by the following practice direction:

[New Practice Direction 35](#)

- (c) the existing Practice Direction 36 (*Mode of referral to CDR/ADR and consideration of CDR/ADR options: Case Management Conference, Pre-trial Conference and Summons for Directions*) will be deleted and replaced by the following practice direction:

[New Practice Direction 36](#)

- (d) the following practice direction will be inserted immediately after the existing Practice Direction 39 (*Medical Negligence Claims*):

[New Practice Direction 39A](#)

- (e) the following form will be inserted immediately after the existing Form 7 (*Court Dispute Resolution (CDR)/Alternative Dispute Resolution (ADR) Form*) in Appendix A:

[New Form 7A](#)

2. These amendments seek to implement a Court Dispute Resolution (CDR) process for all negligence claims filed on or after 1 July 2019. This CDR process will be conducted at the State Courts Centre for Dispute Resolution (SCCDR). For a case to which the simplified process under Order 108 of the Rules of Court (Cap. 322, R 5) applies, the case management conference (CMC) will also be conducted at the SCCDR and the referral of the case for the CDR process will be made at the first or any subsequent CMC.

3. Practice Direction 20 is amended to include conciliation at the SCCDR and the new CDR process for claims in negligence (other than non-injury motor accident (NIMA) claims, personal injury claims or medical negligence claims) among the dispute resolution processes that parties may consider using to resolve their dispute. The new CDR process for claims in negligence will be governed by the new Practice Direction 39A. The main amendments to Practice Direction 20 occur at the existing paragraphs (7), (8) and (9) thereof. Some minor editorial amendments are also made to the Practice Direction.
4. Practice Direction 35 is amended so that the presumption of Court Dispute Resolution (CDR) will apply to claims in negligence, in addition to non-injury motor accident (NIMA) claims, personal injury claims and medical negligence claims. The main amendments occur at paragraphs (10), (14) and (21) of the Practice Direction. Some minor editorial amendments are also made to the Practice Direction.
5. Practice Direction 36 is amended to exclude from its application claims in negligence that are filed in the District Court. The amendments which occur in paragraphs (1) and (5) of the Practice Direction are consequential amendments arising from the amendments to Practice Direction 35. Some minor editorial amendments are also made to the Practice Direction.
6. The new Practice Direction 39A (*Claims in Negligence (Excluding Medical Negligence, Personal Injury and Non-Injury Motor Accident (NIMA) Claims)*) sets out the new Court Dispute Resolution (CDR) and case management processes applicable to claims in negligence filed on or after 1 July 2019 to facilitate an amicable resolution of the dispute between the parties and the expeditious disposal of the case. (Such claims in negligence include professional negligence claims but exclude medical negligence, personal injury and non-injury motor accident (NIMA) claims).
7. The new Form 7A in Appendix A formally incorporates into the Practice Directions the existing electronic form that is provided via the Electronic Filing Service (EFS) for parties to request an early CDR session. Consequential amendments are made to paragraphs (21), (22) and (24) of Practice Direction 35.

Dated this 25<sup>th</sup> day of June 2019.



JENNIFER MARIE  
REGISTRAR  
STATE COURTS



## **20. Case management conference (CMC)**

- (1) The provisions of this Practice Direction apply to all cases begun on or after 1 November 2014 by writ in a Magistrate's Court, except the following:
  - (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 referred to in paragraph (1)(a) and (b) will be dealt with following the pre-action protocols and practice directions issued by Registrar. Please refer to Practice Directions 35, 37, 38 and 39 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 through the use of negotiation, the Court Dispute Resolution (CDR) process or any appropriate Alternative Dispute Resolution (ADR) process), a case management conference (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 1 November 2014 by writ in a District Court file their consent in Form 233 of Appendix A of the Rules of Court for the simplified process in Order 108 to apply to their case, the parties shall file a Request via the Electronic Filing Service for a Case Management Conference to be convened.

### ***Before the CMC***

- (6) The parties should negotiate with a view to resolving the matter at the earliest opportunity once they are notified of the CMC date.
- (7) Seven (7) days prior to the first CMC, the parties shall
  - (a) exchange proposals in writing using Form 2 of Appendix A 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 3 of Appendix A 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 CDR/ADR Form (Form 7 of Appendix A to these Practice Directions) in order to facilitate a considered decision on the appropriate CDR/ADR options. The CDR/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 to achieve an amicable resolution of the matter (including exploring the use of any appropriate CDR or ADR process), and comply with all directions (including those at paragraph (7) above), prior to attending the first CMC session.
- (9) The CDR/ADR processes available include:
  - (a) Mediation in the State Courts Centre for Dispute Resolution;
  - (b) Conciliation in the State Courts Centre for Dispute Resolution;
  - (c) Neutral Evaluation in the State Courts Centre for Dispute Resolution;
  - (d) Court Dispute Resolution process in the State Courts Centre for Dispute Resolution under Practice Direction 39A for all claims in negligence;
  - (e) Arbitration under the Law Society's Arbitration Scheme; or
  - (f) 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 paragraph (4). All parties shall comply with 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 would justify the costs that will be incurred;
  - (e) encouraging the parties to negotiate to resolve the issues and/or case, and/or to undergo the appropriate CDR or ADR process, as well as facilitating the use of such CDR or ADR process 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
  - (i) 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). 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 provisions of Practice Direction 40 (Assessment of damages) on assessment of damages shall continue to apply. The CDR/ADR Form (Form 7 of Appendix A to these Practice Directions) is not required to be filed prior to the AD-CMC.

## **35. Overview of the Court Dispute Resolution (CDR) process for civil cases**

- (1) This Part of the Practice Directions focuses on the CDR process for civil disputes only.
- (2) The CDR process and other appropriate Alternative Dispute Resolution (ADR) processes should be considered at the earliest possible stage. The judge-driven CDR process gives the parties the opportunity to resolve their disputes faster and more economically compared to determination at trial. Mediation, conciliation and neutral evaluation are undertaken as part of the CDR process and, subject to the exception stated in paragraph (7), are provided by the Court without additional charges imposed. CDR sessions are —
  - (a) a type of pre-trial conferences convened under Order 34A of the Rules of Court (Cap. 322 R 5), which empowers the Court to convene pre-trial conferences for the purpose of the “just, expeditious and economical disposal of the cause or matter”; or
  - (b) conducted pursuant to a referral under Order 108 Rule 3 of the Rules of Court.
- (3) Aside from the CDR process undertaken by the Courts, the Courts also encourage parties to consider using other ADR processes, including the following:
  - (a) Mediation at the Singapore Mediation Centre or Singapore International Mediation Centre;
  - (b) Mediation under the Law Society Mediation Scheme and/or Arbitration under the Law Society Arbitration Scheme; and
  - (c) Mediation and/or Arbitration by private service providers.

### ***The Court Dispute Resolution process***

- (4) The CDR process pursuant to Order 34A of the Rules of Court is overseen by the State Courts Centre for Dispute Resolution (SCCDR). During the CDR process, the following dispute resolution mechanisms can be used, namely —
  - (a) Mediation;
  - (b) Conciliation; and
  - (c) Neutral Evaluation.



(Solicitors may refer to the State Courts' website at <http://www.statecourts.gov.sg> for more information on these mechanisms.)

### ***Confidentiality***

- (5) Pursuant to Order 34A Rule 7 of the Rules of Court, no communication made in the course of a CDR session shall be disclosed to the Court conducting the trial of the action or proceedings if such communication has been stated by any of the parties to be confidential or without prejudice, or has been marked by the Judge at the CDR session as being confidential or without prejudice. For the avoidance of doubt, all communications made in the course of a CDR session shall be marked by the Judge as being confidential or without prejudice, save for the following:
- (a) directions given by the Judge for the purpose of case management (including directions for the filing of pleadings, discovery, exchange of affidavits of evidence in chief, setting down for trial and filing of notice of discontinuance);
  - (b) terms of settlement (unless expressly agreed by all the parties to the settlement as being confidential), consent judgments and consent orders of court.
- (6) If the parties are unable to resolve their dispute during the CDR process, the Judge will give the necessary directions for the action to proceed to trial at the CDR session. The action will be tried by another Judge other than the Judge conducting the CDR session.

### ***Fees***

- (7) Hearing fees are not imposed for the CDR process carried out at the State Courts Centre for Dispute Resolution (SCCDR), with the following exception set out in Order 90A Rule 5A of the Rules of Court (Cap. 322 R 5):
- “(1) Subject to this Rule, a fee of \$250 is payable by each party in a case in a District Court (regardless of whether the case is commenced before, on or after 1 May 2015) for all Court ADR services that are provided in the case.*
  - (2) The Court ADR fee is payable when the first Court ADR service to be provided in the case, pursuant to either of the following, is fixed*
    - (a) a request made on or after 1 May 2015 for the Court ADR service by any party in the case;*
    - (b) a referral on or after 1 May 2015 by the Court or the Registrar.*
  - (3) No Court ADR fee is payable in any of the following actions:*

- (a) *any non-injury motor accident action (as defined in Order 59 Appendix 2 Part V);*
  - (b) *any action for damages for death or personal injuries;*
  - (c) *any action under the Protection from Harassment Act 2014 (Act 17 of 2014).*
- (4) *The Registrar may, in any case, waive or defer the payment of the whole or any part of the Court ADR fee on such terms and conditions as the Registrar deems fit.”*

- (8) Each party who has requested the CDR process or has been referred for the CDR process pursuant to Order 90A Rule 5A of the Rules of Court shall pay the fee of \$250 before proceeding for the scheduled CDR session. Details concerning the payment of these fees are provided in the relevant correspondence by the State Courts to the parties.

***Presumption of ADR for all cases***

- (9) A “presumption of Alternative Dispute Resolution” applies to all civil cases. For this purpose, the Court —
- (a) encourages parties to consider the appropriate CDR or ADR processes as a “first stop” for resolving the dispute, at the earliest possible stage; and
  - (b) will, as a matter of course, refer appropriate matters to the appropriate CDR or ADR process.

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

- (10) The CDR process will be used for the following cases:
- (a) all non-injury motor accident (NIMA), personal injury cases and actions arising out of an alleged negligent act or omission in the course of medical or dental treatment (“medical negligence claims”) that are filed in the Magistrate's Court and the District Court;
  - (b) all motor accident cases (whether or not involving any claim for personal injuries) and actions for personal injuries arising out of an industrial accident that are commenced in the High Court on or after 1 December 2016 and transferred to the District Court (references to NIMA and personal injury cases would hereinafter include these cases); and

- (c) all claims in negligence, including professional negligence claims that are filed in the District Court.
- (11) The Court will send a notice to the solicitors fixing the date of the first CDR session within 8 weeks of the filing of the memorandum of appearance.
- (12) The procedure and protocols set out in Practice Directions 37 (*Non-injury Motor Accident (NIMA) Claims*) and 38 (*Personal Injury Claims*) shall apply, as appropriate, to NIMA and personal injury claims, respectively.
- (13) The procedure and protocols set out in Practice Direction 39 (*Medical Negligence Claims*) shall apply, as appropriate, to medical negligence claims.
- (14) The procedure set out in Practice Direction 39A (*Claims in Negligence (Excluding Medical Negligence, Personal Injury and Non-Injury Motor Accident (NIMA) Claims)*) shall apply, as appropriate, to claims in negligence, including professional negligence claims.

***Presumption of CDR/ADR for other cases (excluding NIMA, personal injury, medical negligence cases and claims in negligence):***

- A. ***Cases that are subject to the simplified process under Order 108 of the Rules of Court (i.e. Magistrate's Court cases filed on or after 1 November 2014 and, by consent, District Court cases filed on or after 1 November 2014)***
  - (15) All cases commenced by writ on or after 1 November 2014 in a Magistrate's Court and any case commenced by writ on or after 1 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.
  - (16) 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 to undergo the appropriate CDR or ADR process, where —
    - (a) the parties consent to the case being referred for resolution by the CDR or ADR process; or
    - (b) the Court is of the view that doing so would facilitate the resolution of the dispute between the parties.

- (17) Practice Direction 20 (*Case management conference (CMC)*) sets out details of the case management conference.

**B. *Cases that are not subject to the simplified process***

- (18) In all other cases commenced in a Magistrate’s Court before 1 November 2014, and all cases commenced in a District Court on or after 1 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.
- (19) Such cases shall be automatically referred by the Court to undergo the appropriate CDR or ADR process during the PTC, unless the parties opt out of the CDR or ADR process.
- (20) The procedure for referral to the appropriate CDR or ADR process is set out in Practice Direction 36 (*Mode of referral to CDR/ADR etc.*).
- (21) Parties who wish to undergo the CDR process at an earlier stage must file a “Request for CDR” via the Electronic Filing Service. The “Request for CDR” is set out in Form 7A in Appendix A to these Practice Directions.
- (22) Parties are not required to file a “Request for CDR” in the following cases:
- (a) all NIMA, personal injury, medical negligence claims and claims in negligence, including professional negligence claims, as the parties are automatically notified by the Court to attend CDR sessions;
  - (b) all cases commenced by writ before 1 November 2014 in a Magistrate’s Court, and all cases commenced in a District Court, as the Court will refer the appropriate cases to undergo the CDR process during PTCs or summonses for directions; and
  - (c) all cases commenced by writ on or after 1 November 2014 in a Magistrate’s Court which are subject to the simplified process in Order 108 (excluding NIMA, personal injury and medical negligence claims), as the Court will deal with matters concerning CDR/ADR at the case management conference. (Further details are set out in Part III of these Practice Directions and in Practice

Direction 39A in relation to claims in negligence, including professional negligence claims.)

***Request for Skype Mediation***

- (23) Parties can request for mediation to be conducted in the State Courts Centre for Dispute Resolution (SCCDR) with one party appearing *via* Skype if the following requirements are satisfied:
- (a) the overseas party satisfies either of the following criteria:
    - (i) the overseas party (not being a corporation) is unable to travel to Singapore on certified medical grounds, or provides other evidence of inability to travel to Singapore for mediation; or
    - (ii) the overseas party is a foreign incorporated company with no local presence and/or representative;
  - (b) the party in Singapore consents to the application for mediation *via* Skype; and
  - (c) the overseas party is represented by solicitors in Singapore.
- (24) A request for Skype mediation must be made by —
- (a) filing a “Request for CDR” (Form 7A in Appendix A to these Practice Directions) via the Electronic Filing Service; and
  - (b) annexing thereto a Request for Skype Mediation (Form 8 in Appendix A to these Practice Directions) and the relevant supporting documents in PDF format via the “paper clip” feature embedded in the “Request for CDR”.
- (25) Both Part A and Part B of the Request for Skype Mediation have to be completed and endorsed by the relevant parties at the time of filing.
- (26) Skype mediation proceedings or any part thereof shall not be recorded on video, audio or other mechanical or electronic means.

***Request for adjournment of CDR session***

- (27) 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, personal injury claims and claims in negligence shall be made *not less than 2 working days* before the date of the CDR session; and
  - (b) for all other cases shall be made *not less than 7 working days* before the date of the CDR session.
- (28) 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 parties.

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

- (29) Where any party is absent without a 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*”.
- (30) 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.”*

### **36. Mode of referral to CDR/ADR and consideration of CDR/ADR options: Case Management Conference, Pre-Trial Conference and Summons for Directions**

- (1) This Practice Direction applies to all civil cases except —
  - (a) non-injury motor accident (NIMA) claims;
  - (b) personal injury claims;
  - (c) medical negligence claims; and
  - (d) claims in negligence, including professional negligence claims that are filed in the District Court.

#### ***Case management conference for cases subject to the simplified process in Order 108 of the Rules of Court***

- (2) All cases commenced by writ on or after 1 November 2014 in a Magistrate's Court and any case commenced by writ on or after 1 November 2014 in a District Court (where parties have filed their consent in Form 233 of Appendix A of the Rules of Court (Cap. 322, R 5) for Order 108 to apply) are subject to the simplified process set out under Order 108 of the Rules of Court (Cap. 322, R 5). 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. Practice Direction 20 (*Case management conference (CMC)*) sets out the procedure for the case management conference.
- (3) At the case management conference, the Court may refer the case for the Court Dispute Resolution (CDR) process or any other appropriate Alternative Dispute Resolution (ADR) process, where —
  - (a) the parties consent to such referral; or
  - (b) where the Court is of the view that doing so would facilitate the resolution of the dispute between the parties.
- (4) To facilitate the Court's decision as to the most appropriate CDR or ADR process for the case, all the parties and their solicitors must read and complete the CDR/ADR Form (Form 7 in Appendix A to these Practice Directions) prior to the case management conference. The CDR/ADR Form must be filed through the Electronic Filing Service not less than 7 working days before the Case Management Conference under the

document name “CDR/ADR Form”. No court fees will be charged for the filing of the CDR/ADR Form.

***Pre-trial conference and summons for directions for cases not subject to the simplified process***

- (5) Paragraphs (6) to (12) below apply to all cases that —
- (a) are commenced either in a Magistrate’s Court before 1 November 2014 or in a District Court on or after 1 April 2014;
  - (b) are not subject to the simplified process under Order 108 of the Rules of Court; and
  - (c) do not fall within any of the following class of cases:
    - (i) non-injury motor accident (NIMA) claims;
    - (ii) personal injury claims;
    - (iii) medical negligence claims; and
    - (iv) claims in negligence, including professional negligence claims that are filed in the District Court.
- (6) To encourage the use of the Court Dispute Resolution (CDR) or Alternative Dispute Resolution (ADR) process at an early stage, the Court will convene a Pre-Trial Conference (PTC) within 4 months after the writ is filed for every case where —
- (a) the Defence has been filed;
  - (b) no Summons for Directions (SFD) 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,
- except that the parties will not be asked to attend a PTC in the event that they have earlier filed an SFD application.
- (7) Parties may file an SFD application prior to the PTC and file a request to vacate the PTC. Practice Direction 26 (*Summonses for Directions*) applies accordingly.



- (8) The solicitors for all the parties shall be present at the PTC. The parties need not attend the PTC.
- (9) The Judge hearing the PTC will give the necessary directions to facilitate the management of the case. The Judge may also recommend the most appropriate CDR or ADR process. To facilitate a considered decision on the appropriate CDR or ADR process, the parties and their solicitors must read and complete the CDR/ADR Form (Form 7 in Appendix A to these Practice Directions) prior to the PTC. A party who is not represented shall also complete the relevant sections of the CDR/ADR Form.
- (10) The parties must file the CDR/ADR Form through the Electronic Filing Service not less than 7 working days before the PTC under the document name “CDR/ADR Form”. No court fees will be charged for the filing of the CDR/ADR Form.
- (11) All cases shall be automatically referred by the Court for the appropriate CDR or ADR process during the PTC unless any or all of the parties opt out of the CDR or ADR process. Any party who wishes to opt out should indicate his/her decision in the CDR/ADR Form or inform the PTC Judge of his/her wish to do so.
- (12) Where the Judge is of the view that the CDR or ADR process is suitable, and the party/parties have opted out of the CDR or ADR process for reasons deemed to be unsatisfactory, 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.”*

## **39A.Claims in Negligence (Excluding Medical Negligence, Personal Injury and Non-Injury Motor Accident (NIMA) Claims)**

- (1) This Practice Direction applies to all claims in negligence filed on or after 1 July 2019, including professional negligence claims (but excluding medical negligence, personal injury and NIMA claims) (“claims in negligence”).

### ***Using the Court Dispute Resolution process for all claims in negligence***

#### ***A. Cases that are subject to the simplified process under Order 108 of the Rules of Court***

- (2) For all negligence claims that are —
  - (a) filed in a Magistrate’s Court on or after 1 November 2014; or
  - (b) filed in a District Court on or after 1 November 2014 and in respect of which the parties thereto have consented to the application of the simplified process under Order 108 of the Rules of Court,

the Court will, pursuant to Order 108 Rule 3 of the Rules of Court and within 50 days of the filing of the Defence, convene the first case management conference (CMC) under Order 34A of the Rules of Court.

- (3) At the first CMC, the Court may make an order to direct that a case be referred for resolution through the Court Dispute Resolution (CDR) process if the Court is of the view that doing so would facilitate the resolution of the dispute between the parties.

#### ***B. Cases that are not subject to the simplified process***

- (4) For all claims in negligence, the Court will convene the first Court Dispute Resolution (CDR) session under Order 34A of the Rules of Court within 8 weeks of the filing of the Memorandum of Appearance.

### ***Notification from the Court***

- (5) Solicitors in all claims in negligence will receive a notice from the Court fixing the date of the first CMC or CDR session, as the case may be. Only solicitors are required to attend the first CMC or CDR session unless the party in question is acting in person. The Judge may, however, direct the attendance of the parties at subsequent sessions.

## ***Case Management Process***

### ***A. Court Dispute Resolution process to achieve amicable resolution of the case***

- (6) The CMC and CDR sessions will be conducted at the State Courts Centre for Dispute Resolution (SCCDR). Where the CDR process is to be used in a case to which the simplified process under Order 108 of the Rules of Court applies, the session(s) will be referred to as “CDR session(s)” in this Practice Direction.
- (7) The Judge hearing the CMC or CDR session will manage the case to achieve an early, cost effective and amicable resolution of the case. This may include giving the necessary directions for upfront discovery or further discovery and/or upfront exchange of affidavits of evidence-in-chief, as required by the circumstances of the case. For instance, the Judge may direct an exchange of the parties’ affidavits of evidence-in-chief early in the proceedings for the purpose of a closer examination on the issue of liability, or to facilitate in negotiating a settlement.
- (8) At the first or subsequent CMC or CDR session, the Judge may recommend the use of neutral evaluation, mediation or conciliation, as appropriate, to facilitate the amicable resolution of the case, having regard to factors such as the nature of the case, the factual matrix and the preference of the parties.
- (9) Where the appropriate dispute resolution mechanisms to be utilised in the particular case has been determined, the Judge shall give directions to convene a special CDR session to conduct the neutral evaluation, mediation or conciliation, as the case may be. Parties shall comply with the requirements set out in these Practice Directions for the relevant process. Practice Directions 41, 41A and 42 shall apply to cases proceeding for mediation, conciliation and neutral evaluation, respectively.
- (10) All parties should use their best endeavours to reach an amicable resolution of the case. Where parties are unable to resolve the case through a settlement agreement or a consent judgment, they should endeavour to set out their areas of agreement, and identify and narrow the issues with a view to saving time and costs at the trial.

### ***B. Directions for the expeditious disposal of the case***

- (11) In addition to managing the case through the CDR process, the Judge may, at a CMC or CDR session, give such directions as he thinks fit in order to ensure that the case progresses expeditiously, including directions for —
  - (a) the filing and service of lists of documents and affidavits verifying such lists;
  - (b) the inspection of documents;

- (c) the exchange and filing of affidavits of evidence-in-chief;
  - (d) the appointment of a single joint expert in cases to which Order 108 of the Rules of Court applies; and
  - (e) the setting down of the case for trial.
- (12) The Judge may also fix timelines to manage and control the progress of the case and take such other action or making such other directions as he thinks appropriate in the circumstances, including costs sanctions or unless orders.

**C. *Appointment of single joint expert***

- (13) For cases to which Order 108 of the Rules of Court applies, where any question requiring the evidence of an expert witness arises and parties are unable to agree on the expert to be appointed, the Judge may, having regard to the provisions in Order 108 Rule 5(3) of the Rules of Court, appoint the expert for the parties as part of the case management process. Each party is expected to furnish the following for the determination of the single joint expert for the case:
- (a) names and curriculum vitae of two experts the party considers suitable to appoint (for which purpose a party may nominate the expert who has conducted an inspection or survey for him);
  - (b) a quotation from each nominated expert of the fees he expects to charge for preparing the report and for giving evidence in Court; and
  - (c) the estimated time needed to prepare the report.
- (14) The Judge will appoint the single joint expert after hearing submissions on the suitability or unsuitability of the nominated experts to be appointed.

**Form 7A**

**REQUEST FOR CDR PROCESS**

**IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE**

Case No.: \_\_\_\_\_

Filed: \_\_\_\_\_

Between

\_\_\_\_\_ ...Plaintiff(s)

And

\_\_\_\_\_ ...Defendant(s)

**REQUEST FOR CDR**

The Plaintiff requests for a CDR to be fixed.

Other details:

- (a) Nature of Case: \_\_\_\_\_ \*\*
- (b) Type of CDR: \_\_\_\_\_ \*\*
- (c) Quantum of claim: \_\_\_\_\_
- (d) The stage of proceedings in this case: \_\_\_\_\_ \*\*
- (e) All relevant parties have joined in this action: \_\_\_\_\_ \*\*
- (f) Consent for CDR has been obtained from all relevant parties: \_\_\_\_\_ \*\*
- (g) Availability of parties for CDR: \_\_\_\_\_

S No.	Party Type and Party Name	Law Firm Name & Reference Number	Solicitor Name	Unavailable Dates

*\*Skype mediation is requested and the relevant forms are attached. No attachment is necessary if Skype mediation is not selected.*

*\*\*Input to be selected from the options available on the electronic form.*