

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

REGISTRAR'S CIRCULAR NO. 2 OF 2020

**ASYNCHRONOUS COURT DISPUTE RESOLUTION HEARINGS BY EMAIL (aCDR) FOR CASE
MANAGEMENT LISTS AT THE STATE COURTS
CENTRE FOR DISPUTE RESOLUTION (SCCDR)**

As part of our efforts to put in place measures to ensure the continuity of the courts' functions, to reduce the need for physical attendance in court, the State Courts Centre for Dispute Resolution ("**SCCDR**") will be introducing asynchronous Court Dispute Resolution hearings by email ("**aCDR**") for all hearings at the SCCDR except mediation sessions for civil cases and Magistrate's Complaints.

2. The aCDR pilot will take effect *from Monday, 16 March 2020* and apply to all CDR hearings fixed on or after 16 March 2020.
3. The detailed aCDR process, which is conducted pursuant to Order 34A of the Rules of Court (Cap. 322, R 5), is set out in the **Annex**.
4. It is expected that the new aCDR process will need to be refined and updated progressively during the pilot to enhance its efficacy and effectiveness.
5. Any feedback on the aCDR process may be sent to the SCCDR by email at STATECOURTS_CDR@statecourts.gov.sg.

Dated this 5th day of March 2020.



JENNIFER MARIE
REGISTRAR
STATE COURTS

Asynchronous Court Dispute Resolution Hearings by Email (aCDR)
(with effect from 16 March 2020)

Overview

Introduction.....	1
General aCDR process.....	2
Scope of aCDR process	2
Email accounts	2
Mentioning Counsel to send Email to Court not less than two working days before aCDR Date	3
Submissions and supporting evidence	4
Court’s response to Email on aCDR Date	5
Discretion of the Court to require personal attendance at CDR hearings.	5
aCDR Date (for fresh cases and pending cases).....	5
Adjournment of aCDR hearing.....	5
Case management directions	6
Early Neutral Evaluation (ENE)	7
Appointment of a Single Joint Expert (SJE).....	8
Recording of settlement.....	8
Setting down the action for trial	9
Clarifications on aCDR process	9

Introduction

1. SCCDR is piloting the conduct of asynchronous Court Dispute Resolution (“**CDR**”) hearings by email (“**aCDR**”) as part of our efforts to put in place measures to ensure the continuity of the courts’ functions in light of the COVID-19 situation. Through this, the aCDR process is to be conducted by email whereby parties will provide updates on the progress of the case and make applications to the Court for directions by email, and the Court will respond by email, giving the appropriate directions. This will reduce the need for physical attendance in court. Significantly, the Early Neutral Evaluation (“**ENE**”) process will be conducted by email, including the provision by the Court of indications on liability and/or quantum in the claim. Where necessary, however, the Court will require the personal attendance of counsel and parties at CDR hearings.
2. The main benefit of the aCDR process is that parties need not attend physically in court. Counsel will be able to send updates to the Court and receive the Court’s directions from anywhere and at

any time. Such is the advantage of the remote and asynchronous nature of email communication. At the same time, as the communication between parties and the Court during the aCDR process does not take place simultaneously, for the aCDR process to be efficient and effective, discipline and rigour will be required on the part of all involved. Email applications and updates by counsel will need to be sent in good time and with sufficient information and supporting documents in order for the Court to make a fully considered decision and give the appropriate directions promptly.

3. The key elements of the aCDR process are set out at paragraphs 6 to 21. Paragraphs 22 to 55 set out the processes that apply in specific contexts.

General aCDR process

Scope of aCDR process

4. The aCDR process pursuant to Order 34A of the Rules of Court applies to the following categories of cases scheduled for CDR hearings at the SCCDR:
 - (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.
5. For the avoidance of doubt, the mediation of civil cases and the mediation of Magistrate’s Complaints do not come within the scope of the aCDR process.

Email accounts

6. Parties in cases which fall within the scope of the aCDR process are to communicate with the Court by email.
7. All communication with the Court by Counsel for aCDR hearings must be through the Counsels’ official email account.
8. The aCDR Email Accounts of the SCCDR Judicial Officers (“**JO**”) are as follows:

aCDR Email Account	SCCDR JO
STATECOURTS_aCDR1@statecourts.gov.sg	DJ Thian Yee Sze
STATECOURTS_aCDR2@statecourts.gov.sg	DJ Kessler Soh
STATECOURTS_aCDR3@statecourts.gov.sg	DJ David Lim

aCDR Email Account	SCCDR JO
STATECOURTS_aCDR4@statecourts.gov.sg	DJ Loo Ngan Chor
STATECOURTS_aCDR5@statecourts.gov.sg	DJ Koh Juay Kherng
STATECOURTS_aCDR6@statecourts.gov.sg	DJ Janet Wang
STATECOURTS_aCDR7@statecourts.gov.sg	DJ Joseph Yeo
STATECOURTS_aCDR8@statecourts.gov.sg	DJ Carrie Chan
STATECOURTS_aCDR9@statecourts.gov.sg	DJ Carolyn Woo
STATECOURTS_aCDR10@statecourts.gov.sg	DJ Wong Choon Ning
STATECOURTS_aCDR11@statecourts.gov.sg	DJ Low Lih Jeng
STATECOURTS_aCDR12@statecourts.gov.sg	DJ Julian Chin

Mentioning Counsel to send Email to Court not less than two working days before aCDR Date

9. Not less than two working days before the date of the aCDR hearing (the “**aCDR Date**”), parties must send an email to the Court (the “**Email**”) to provide an update on the progress of the case, and to state any application or direction they seek from the Court.
10. Only one Email is to be sent to the Court on behalf of all parties for each aCDR hearing. The Email must be sent to the aCDR Email Account of the SCCDR JO in charge of the docket. (The Court’s aCDR Email Accounts are set out at paragraph 8.)
11. The Email is to be sent by the counsel mentioning the case for the other parties (the “**Mentioning Counsel**”). The Mentioning Counsel will by default be the plaintiff’s counsel (“**PC**”). However, if parties agree otherwise, the Mentioning Counsel may also be the defendant’s counsel (“**DC**”) or counsel for any other party. Where one or more litigants are unrepresented, the Mentioning Counsel may mention for the unrepresented litigant as well if the necessary consent is obtained.
12. The Mentioning Counsel must copy the Email to all other counsel or parties, as well as to any unrepresented party.
13. The Email must contain the following:
 - (a) The subject heading of the Email must identify the *case number* and the *aCDR Date*, using the following format:

<suit number> <aCDR Date>
Example: “DC 1234/2020 (aCDR on 2 Mar 20)”
 - (b) The Email must identify the capacity of the Mentioning Counsel.

Example: “*Mr XYZ (for Plaintiff), mentioning for Defendant/all other parties.*”

- (c) The Email must state, succinctly, the progress of the case, the application and/or directions sought, and the reasons therefor.
- (d) The Email must state whether the application is by consent. If one or more parties object to the application, the objection and the reasons for the objection must be stated in the Email.

Submissions and supporting evidence

- 14. Written submissions and supporting documents must be included as attachments to the Email where necessary.
 - (a) Each party’s written submissions and supporting documents must be in a separate attachment (“**Attachment**”).
 - (b) The documents in each Attachment must be compiled as a *single* file in the Portable Document Format (“**PDF file**”).
 - (c) Where a party has video or audio files to be included, the video and audio files, together with the PDF file, must be included in a zipped folder if possible, and these will form that party’s Attachment to the Email.
 - (d) In order to identify the Attachment of each party, each Attachment must be given a unique name using the following format:
 - <suit number> <aCDR Date> <Nature of document> <Party>Example:
 - “DC 1234/2020 (aCDR on 2 Mar 20) ENE Submission (Plaintiff)”
 - “DC 1234/2020 (aCDR on 2 Mar 20) SJE Submission (Defendant)”
- 15. Due to system limitations, the maximum size of each Email (including all the Attachments) must not exceed 30 MB. If the Email and Attachments exceed this limit, they can be sent by email in separate batches.
- 16. For each aCDR Date, a *new* Email must be sent (with the subject heading reflecting the new aCDR Date (using the format in paragraph 13(a)). Long email chains should be avoided (the only exception is where counsel are responding to queries or requests for further submissions or evidence from the Court, as set out in paragraph 19).
- 17. The Email must be sent to the Court not less than two working days before the aCDR Date. This is to allow sufficient time for the Court consider the matter and give appropriate directions on the aCDR Date.

Court's response to Email on aCDR Date

18. The Court will reply to the Mentioning Counsel's Email on the aCDR Date, giving the appropriate directions and fixing a further aCDR Date as necessary. This may include giving the necessary directions for parties to prepare for the ENE at the next aCDR Date, directing the negotiation process between parties, and giving case management directions to ensure the timely progress of the case to facilitate an early amicable resolution of the dispute.
19. Where the Court has a query, or requires further submissions or evidence, the Court may give directions in the reply email and adjourn the aCDR hearing for up to one week for these to be addressed. Counsel must respond *in the same email chain* not less than two working days before the next aCDR Date.
20. After receiving the reply of the Court, the Mentioning Counsel must ensure that counsel and parties who have no email account or who are unrepresented are informed of the Court's directions and of the next aCDR Date. Counsel and parties who are copied on the email chain are deemed to have been informed of the Court's directions and of the next aCDR Date.

Discretion of the Court to require personal attendance at CDR hearings.

21. The Court retains the discretion to direct the personal attendance of counsel and parties at CDR hearings where it is necessary in the circumstances of the case.

aCDR Date (for fresh cases and pending cases)

22. For fresh cases, after the plaintiff files the writ of summons, and the defendant files the memorandum of appearance, the SCCDR will send a notice stating the date of the first aCDR hearing. The notice will state, among other things, the aCDR Email Account (above, at paragraph 8) of the JO docketed to manage the case. This is the email account to which the Mentioning Counsel must send the Email.
23. For pending cases, the Email must likewise be sent to the aCDR Email Account of the JO docketed to manage the case not less than two working days before the aCDR date.
24. Where it is unclear which JO has been docketed to manage the case, clarification can be sought by sending an email to the following email account: STATECOURTS_CDR@statecourts.gov.sg.

Adjournment of aCDR hearing

25. Where an adjournment of the aCDR hearing is sought, the Email must state:
 - (a) the length of adjournment sought;

- (b) the reasons for the adjournment¹; and
 - (c) the progress of the case.
26. Generally, an ENE is to be taken “at the first CDR session”². If parties are not ready for the ENE at the first aCDR hearing and require an adjournment, the Email must state the reasons, including the steps parties will take and/or directions to be sought from the Court to ensure that parties will be ready for the ENE on the next aCDR Date.

Case management directions

27. Where case management directions are sought from the Court, the Email must state:
- (a) the progress of the case;
 - (b) the directions sought;
 - (c) the reasons for seeking those directions; and
 - (d) the proposed timelines.³
28. Where it is clear that parties are unable to achieve an early resolution of the matter (whether it is before or after the ENE process), the Court may give case management directions without delay to move the case forward.
29. Where an application is sought for an extension of time (“**EOT**”) to exchange Affidavits of the Evidence-In-Chief (“**AEICs**”) of witnesses, the Email must state:
- (a) the reasons why AEICs have not been exchanged;
 - (b) whether any party objects to the EOT, and the reasons for the objection;
 - (c) whether any party has complied with the AEIC directions and is ready to exchange AEICs.
30. In appropriate cases, the court may, in exercise of its discretion, grant an EOT and may impose an *Unless Order* if the circumstances so warrant.

¹ For example: pleadings are not filed; to add additional parties; parties are in the midst of negotiations; discovery process is not completed; parties have not exchanged indication forms; pending the filing or hearing of interlocutory applications.

² State Courts Practice Directions, Appendix B paragraphs 6.7 (for motor accident claims), 6.8 (for industrial accident cases), 6.9 (for other personal injury claims except PIMA claims) and Appendix D paragraph 8.2 (for medical negligence claims).

³ Case management directions include the following: directions for the filing of pleadings and the discovery process; preparation for the ENE; exchange of Affidavits of Evidence-in-Chief (AEICs), and extensions of time for the same; appointment of Single Joint Experts; timelines for negotiations; setting down for trial.

Early Neutral Evaluation (ENE)

31. Where parties seek an ENE (indication) on liability or quantum, or on both liability and quantum, *each party* to the ENE must prepare a submission with relevant supporting documents (the “**ENE Submission**”). The ENE Submission for each party must be sent by the Mentioning Counsel on behalf of all parties as Attachments to the Email not less than two working days *before* the aCDR Date (see paragraph 10).
32. Each ENE Submission must contain the information in (a) – (c), arranged in the following order:
 - (a) A submission stating the essential facts of the case, the party’s position on liability and/or quantum, and the basis for the position taken (This may be done using the applicable indication forms (State Courts Practice Directions Appendix A Forms 9A, 9A(A) and 9B) where appropriate);
 - (b) Relevant supporting documentary evidence, such as investigation reports, work procedures and manuals, photographs, sketch plans, medical reports, expert reports, witness statements, affidavits;
 - (c) Relevant authorities, including cases, statutes, extracts from the *Motor Accident Guide (“MAG”)*, extracts from the *Guidelines for the Assessment of General Damages in Personal Injury Cases (2010)*.
33. In preparing the ENE Submission as an Attachment, please see paragraphs 14 to 15.
34. The Email from the Mentioning Counsel must —
 - (a) state whether the ENE is on liability or quantum, or both;
 - (b) state what parties intend to do after seeking the ENE (for example, commence negotiations);
 - (c) have attached to it the ENE Submission of each party.
35. The Email, with the ENE Submission of each party, must be sent to the Court not less than two working days before the aCDR Date. This is to enable the Court to consider the parties’ submissions and to render a neutral evaluation on the aCDR Date.
36. The Court will reply by email on the aCDR Date, giving an evaluation on the liability and/or assessment of quantum, and the reasons thereof.
37. Where the Court has a query, or requires further submissions or evidence, the Court may give directions in the email on the aCDR Date and adjourn the aCDR hearing for up to one week for these to be addressed (see paragraph 19).

Appointment of a Single Joint Expert (SJE)

38. Where parties seek the directions of the Court to appoint a SJE, *each party* must prepare a submission with relevant supporting documents (the “**SJE Submission**”). The SJE Submission for each party must be sent by the Mentioning Counsel on behalf of all parties as Attachments to the Email not less than two working days *before* the aCDR Date (see paragraph 10).
39. Each SJE Submission must contain the following:
 - (a) the *Curriculum Vitae* of each proposed SJE;
 - (b) the potential costs of each SJE’s report and the costs of court attendance for half-day as well as full day hearings in court.
40. In preparing the SJE Submission as an Attachment, please see paragraphs 14 to 15.
41. The Email from the Mentioning Counsel must —
 - (a) state whether the SJE sought is for property damage or personal injuries;
 - (b) state whether pre-action protocols (where applicable) have been complied with;
 - (c) state the progress of the case, for example, whether the AEICS of all other witnesses have been completed, whether liability is agreed or not agreed, and whether parties intend to wait for the SJE report to be produced to negotiate further;
 - (d) have attached to it the SJE Submission of each party.
42. It is important that the Email, with the SJE Submission of each party, be sent to the Court not less than two working days before the aCDR Date. This is to enable the Court to consider the parties’ submissions and to render a decision on the aCDR Date.
43. The Court will reply by email on the aCDR Date, giving the necessary directions for the appointment of the SJE.
44. Where the Court has a query, or requires further submissions, the Court may give directions in the email and adjourn the aCDR hearing for up to one week for these to be addressed (see paragraph 19).

Recording of settlement

45. Where parties have reached a settlement and would like to record a settlement agreement or a consent judgment, the Email from the Mentioning Counsel must:
 - (a) state whether parties are entering into a settlement agreement, a consent interlocutory judgment or a consent final judgment; and

- (b) have attached to it a duly completed Form 9I⁴.
- 46. Where parties are seeking an indication on costs, the Email must state the costs quantum proposed by each party, and the basis thereof.
- 47. Where parties are seeking directions under Order 37 of the Rules of Court, the Email must state so, and a duly completed Form 9C or Form 9C(A)⁵ must be attached to the Email.
- 48. On the aCDR Date, the Court will reply by email to parties —
 - (a) to state that the settlement agreement or consent judgment has been recorded as per the terms in Form 9I if the terms of the settlement agreement or consent judgment are in order;
 - (b) to give an indication on costs if sought by parties; and
 - (c) to make the necessary directions under Order 37 pursuant to the prayers set out in Form 9C or Form 9C(A) if sought by parties.
- 49. The aCDR process is concluded upon the recording of settlement agreement or consent judgment by the Court.

Setting down the action for trial

- 50. The Mentioning Counsel may send the Email to the Court to request for directions for the plaintiff to set down the action for trial.
- 51. For motor accident claims, the Email must state whether it is a property damage claim, a personal injury claim or a mixed claim.
- 52. At any aCDR hearing, where it is clear that parties are unable to achieve a resolution of the matter, the Court may direct the plaintiff to set down the action for trial.
- 53. The aCDR process is concluded after the Court makes the direction for the setting down of the action for trial.

Clarifications on aCDR process

- 54. Where a situation arises that is not expressly provided for in this Registrar's Circular, parties should proceed in a manner that advances the timely and effective management of the case to facilitate an early resolution of the case.
- 55. Clarification can be sought by sending an email to: STATECOURTS_CDR@statecourts.gov.sg.

⁴ At State Courts Practice Directions Appendix A.

⁵ At State Courts Practice Directions Appendix A.