

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

REGISTRAR'S CIRCULAR NO. 4 OF 2023

UPDATES TO REGISTRAR'S CIRCULAR NO. 2 OF 2020

1. Registrar's Circular No. 2 of 2020 introduced, with effect from 16 March 2020, the asynchronous Court Dispute Resolution hearings by email ("aCDR") process for all hearings at the Court Dispute Resolution Cluster except mediation sessions for civil cases and Magistrate's Complaints.
2. With effect from 6 March 2023, Registrar's Circular No. 2 of 2020 applies as if:
  - (a) The references in the title and paragraph 1 of that Circular to "the State Courts Centre for Dispute Resolution" were references to the State Courts' Court Dispute Resolution Cluster.
  - (b) The references in the title, paragraph 1 and paragraph 5 of that Circular to "SCCDR" were references to CDRC.
  - (c) The reference in paragraph 3 of that Circular to "Order 34A of the Rules of Court (Cap. 322, R 5)" were a reference to Order 34A of the Rules of Court (Cap. 322, R 5, 2014 Ed.) and, in relation to proceedings commenced on or after 1 April 2022, a reference to Order 9 of the Rules of Court 2021 (G.N. No. S 914/2021).
  - (d) The reference in paragraph 5 of that Circular to [STATECOURTS\\_CDR@statecourts.gov.sg](mailto:STATECOURTS_CDR@statecourts.gov.sg) were a reference to [SC\\_CDR@judiciary.gov.sg](mailto:SC_CDR@judiciary.gov.sg).
3. It is also hereby notified that, with effect from 6 March 2023, the detailed aCDR process as set out in the Annex to the Registrar's Circular No. 2 of 2020 will be updated in the manner set out in the following new Annex

[New Annex](#)
4. The new Annex contains general updates relating to Court operations including nomenclature, as well as updates to the aCDR process.

Dated this 27<sup>th</sup> day of February 2023.



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**Asynchronous Court Dispute Resolution Hearings by Email (aCDR)**  
(with effect from 6 March 2023)

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**Introduction**

1. Asynchronous Court Dispute Resolution (“**CDR**”) hearings by email (“**aCDR**”) have been conducted by the State Courts’ Court Dispute Resolution Cluster (“**CDRC**”) since 16 March 2020. Pursuant to the aCDR process, the 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 54 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 2014 (for proceedings commenced before 1 April 2022) and Order 9 of the Rules of Court 2021 (for proceedings commenced on or after 1 April 2022), applies to the following categories of cases scheduled for CDR hearings at the CDRC:
  - (a) Non-injury motor accident claims;
  - (b) Personal injury claims;
  - (c) Medical negligence claims; and
  - (d) Claims in negligence, including professional negligence claims.
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 counsel's official email account and must be sent in the name of the counsel to the aCDR Email Account stated in the court notice.
8. The aCDR Email Accounts of the CDRC to which emails are to be sent are as follows, subject to change as advised by the CDRC from time to time:

<b>aCDR Email Account</b>
<a href="mailto:SC_aCDR1@judiciary.gov.sg">SC_aCDR1@judiciary.gov.sg</a>
<a href="mailto:SC_aCDR2@judiciary.gov.sg">SC_aCDR2@judiciary.gov.sg</a>

<b>aCDR Email Account</b>
<a href="mailto:SC_aCDR3@judiciary.gov.sg">SC_aCDR3@judiciary.gov.sg</a>
<a href="mailto:SC_aCDR4@judiciary.gov.sg">SC_aCDR4@judiciary.gov.sg</a>
<a href="mailto:SC_aCDR5@judiciary.gov.sg">SC_aCDR5@judiciary.gov.sg</a>
<a href="mailto:SC_aCDR6@judiciary.gov.sg">SC_aCDR6@judiciary.gov.sg</a>
<a href="mailto:SC_aCDR7@judiciary.gov.sg">SC_aCDR7@judiciary.gov.sg</a>
<a href="mailto:SC_aCDR8@judiciary.gov.sg">SC_aCDR8@judiciary.gov.sg</a>
<a href="mailto:SC_aCDR9@judiciary.gov.sg">SC_aCDR9@judiciary.gov.sg</a>
<a href="mailto:SC_aCDR10@judiciary.gov.sg">SC_aCDR10@judiciary.gov.sg</a>
<a href="mailto:SC_aCDR11@judiciary.gov.sg">SC_aCDR11@judiciary.gov.sg</a>
<a href="mailto:SC_aCDR12@judiciary.gov.sg">SC_aCDR12@judiciary.gov.sg</a>

*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. Save as provided in paragraph 14 below, 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 specified in the court notice (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/claimant’s counsel. However, if parties agree otherwise, the Mentioning Counsel may also be the defendant’s counsel 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/Claimant), 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. Counsel may use the templates issued by the Law Society of Singapore from time to time.
- (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. Where an ENE or the appointment of a Single Joint Expert (“SJE”) is sought, parties may send separate Emails, with written submissions and supporting documents included as attachments to the Email.

- (a) Where necessary, written submissions and supporting documents may be attached to the Email as separate attachments, as long as sub-paragraph (d) below is complied with.
- (b) Where possible, the documents attached should be in the Portable Document Format.
- (c) Where a party has video or audio files that are too large to be included as attachments, the video and audio files must be included in a folder or sent *via* a cloud storage or file hosting service as advised by the CDRC from time to time.
- (d) Each attachment is to 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/Claimant)”

“DC 1234/2020 (aCDR on 2 Mar 20) SJE Submission (Defendant)”

15. Due to system limitations, the maximum size of each Email (including all attachments) must not exceed 30 MB. If the Email and attachments exceed this limit, they can be sent by email in separate batches or the attachments may be sent *via* a cloud storage or file hosting service as advised by the CDRC from time to time.
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 is 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 to 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 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/claimant files the writ of summons/originating claim, and the defendant files the memorandum of appearance/notice of intention to contest or not contest, the CDRC 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). 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 to manage the case not less than two working days before the aCDR date.
24. Where it is unclear which aCDR Email Account the emails are to be sent to, clarification can be sought by sending an email to the following email account: [SC\\_CDR@judiciary.gov.sg](mailto:SC_CDR@judiciary.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 adjournment;<sup>1</sup> and
  - (c) the progress of the case.
26. Generally, an ENE is to be taken at the first CDR session. 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.<sup>2</sup>
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.

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<sup>1</sup> 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.

<sup>2</sup> Case management directions include the following: directions for the filing of pleadings and the discovery/production of documents 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.

30. In appropriate cases, the Court may, in exercise of its discretion, grant an EOT and may impose a peremptory order if the circumstances so warrant.

### **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 and send a submission with relevant supporting documents (the “**ENE Submission**”) not less than two working days *before* the aCDR Date (see paragraph 9).
32. Each ENE Submission must contain the information in (a) to (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 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 and the relevant legislation.
33. In preparing the ENE Submission as an attachment, please see paragraphs 14 to 15.
34. The Email from each counsel must:
  - (a) state whether the ENE is on liability or quantum, or both;
  - (b) have attached to it the ENE Submission.
35. The Email, with the ENE Submission, 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 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 and send a submission with relevant supporting documents (the “**SJE Submission**”). The



SJE Submission for each party must be sent not less than two working days *before* the aCDR Date (see paragraph 9). The SJE Submission must comply with the requirements set out in Annex B2 of Registrar’s Circular No. 11 of 2020 as extended by Registrar’s Circular No. 18 of 2020, Registrar’s Circular No. 5 of 2021 and Registrar’s Circular No. 10 of 2021.

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 each 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.
42. It is important that the Email, with the SJE Submission, 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 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/consent judgment on liability or a consent final judgment; and

- (b) have attached to it a duly completed Form 9I/Form 7.<sup>3</sup>
- 46. Where parties are seeking an indication on costs, the Email must state the costs quantum proposed by each party, and the basis thereof together with supporting documents, if any.
- 47. 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/Form 7 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 any other necessary directions.
- 48. The aCDR process is concluded upon the recording of settlement agreement or consent judgment by the Court.

### **Setting down the action for trial**

- 49. The Mentioning Counsel may send the Email to the Court to request for directions for the plaintiff/claimant to set down the action for trial.
- 50. For motor accident claims, the Email must state whether it is a property damage claim, a personal injury claim or a mixed claim.
- 51. At any aCDR hearing, where it is clear that parties are unable to achieve a resolution of the matter:
  - (a) For proceedings commenced before 1 April 2022, the Court may direct the plaintiff to set down the action for trial;
  - (b) For proceedings commenced on or after 1 April 2022, the Court may make any other necessary directions to bring the proceedings to trial.
- 52. The aCDR process is concluded after the Court makes any of the directions set out in paragraph 51.

### **Clarifications on aCDR process**

- 53. 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.

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<sup>3</sup> At State Courts Practice Directions 2014 Appendix A/State Courts Practice Directions 2021 Appendix A1.

54. Clarification can be sought by sending an email to: [SC\\_CDR@judiciary.gov.sg](mailto:SC_CDR@judiciary.gov.sg).

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