

# STATE COURTS WORKPLAN 2018

## “Shaping Tomorrow’s Justice”

9 March 2018 (Friday)

Keynote Address by the Honourable Justice See Kee Oon

Presiding Judge of the State Courts

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The Honourable the Chief Justice and colleagues,

### I. INTRODUCTION

1 Good morning, and welcome to the State Courts Workplan 2018.

2 Our Workplan theme this year is “Shaping Tomorrow’s Justice”. These three words embody four fundamental ideas. First, the process of “*Shaping Tomorrow’s Justice*” is a continuous one. The Courts’ operating environment is dynamic and becoming increasingly complex and challenging. It is imperative that we anticipate and respond appropriately to the changing contextual realities, and constantly reinvent ourselves to serve our court users effectively. This entails improving what we have presently and rethinking how we currently operate, even if everything appears to be working well. We should think ahead and effect change in good time, and in time for the future. The process of “*Shaping Tomorrow’s Justice*” must, therefore, be proactive, adaptive and iterative.

3 Second, the “shaping” process must be focused and coupled with at least three strategic sights: insight, cross-sight, and foresight.<sup>1</sup> We must have insight: to look *within* and leverage our strengths and work on our weaknesses. We must also have cross-sight: to look *across* the legal and judicial landscape, in Singapore and beyond, for complementarity and possibilities for improvement. We must additionally have foresight: to look *ahead* and sense changes and trends that may impact our delivery of justice. A fourth strategic sight is necessary: hindsight. Hindsight underscores the

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<sup>1</sup> Todd Zenger (June 2013). What is the theory of your firm? *Harvard Business Review*. Retrieved from: <https://hbr.org/2013/06/what-is-the-theory-of-your-firm> (last accessed on 8 March 2018). I have previously referred to the three strategic insights in my 2015 State Courts Workplan Address.

importance of understanding and learning from past experience so that we can better define the future.

4 Third, we cannot shape tomorrow's justice in isolation. The State Courts must work well as an organisation and also work closely together with the various stakeholders in the justice ecosystem, to deliver quality justice in a practical, holistic, and effective manner. We have been fortunate to have always enjoyed good working relationships with our stakeholders. This must continue and be strengthened.

5 Fourth, when "Shaping Tomorrow's Justice", we must always remain committed to facilitating access to meaningful, affordable, and effective justice to all who come into contact with our courts. There is little point in devising fancy initiatives that can benefit only those who are well-educated and savvy enough, or who have the financial means, to access them. We must always bear in mind that our courts deal with people from all walks of life.

6 As we visualise the shape of tomorrow's justice, we must accept the pervasiveness of technology. Technological forces today impact many aspects of how we live, work, learn, and communicate, and the changes and disruptions they bring about will only continue to accelerate and intensify with time. Understanding and embracing these inevitable forces will make it easier for us to remain on top of the coming wave of changes.<sup>2</sup>

7 We should therefore seek to leverage technology and Artificial Intelligence ("AI") to the fullest extent as key enablers. In doing so, we must, however, recognise that neither is a silver bullet or instant cure-all. A recent article in the *Harvard Business Review* on "Artificial Intelligence for the Real World" cautions against shooting for the moon with over ambitious and costly AI projects.<sup>3</sup> This observation was echoed by a recent Canadian publication in relation to the use of IT in court systems.<sup>4</sup> It noted that Ontario had spent CAD\$10 million over several years designing an online court management system, which the province then abandoned in 2013. It also observed that Quebec had invested about CAD\$60 million between 2010 and 2013 on a similar system but had little to show for it.

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<sup>2</sup> Kevin Kelly, *The Inevitable*, (New York: Viking Press, 2016), 8.

<sup>3</sup> Thomas H Davenport and Rajeev Ronanki (January-February 2018). Artificial Intelligence for the Real World *Harvard Business Review*. Retrieved from: <https://hbr.org/2018/01/artificial-intelligence-for-the-real-world> (last accessed on 8 March 2018).

<sup>4</sup> Paul Gallant (13 February 2018). How technology can help create a better justice system *The Walrus*. Retrieved from: <https://thewalrus.ca/how-technology-can-help-create-a-better-justice-system/> (last accessed on 8 March 2018).

8 The smart, timely and judicious use of technology is therefore critical. Every exploitation of technology we undertake must have a clear rationale and result in practical benefit to our judges and court administrators, as well as our stakeholders and court users. Put simply, we should not look towards using technology merely for its own sake.

9 We must also bear the digital divide in mind. Technology may seem ubiquitous to most of us, but not all court users are ready or will be able to navigate the digital highway. We must ensure that justice remains accessible to all who come before our courts, and help them with the means to obtain access if necessary. And if “AI” is an inevitable feature embedded within the courts of the future, we must ensure that it is also “Accessible” and “Inclusive”. We must continue to be mindful that high-tech does not replace high-touch, and that it is sometimes necessary to disconnect to connect.

## **II. TAKING STOCK: DEVELOPMENTS FROM 2017**

10 The process of “Shaping Tomorrow’s Justice” must build on all that has already been done. It is apt therefore, at this stage, to outline a few highlights from our efforts in the past year.

### **A. *Employment Claims Tribunals***

11 I begin with the Employment Claims Tribunals (“ECT”), which commenced operations in April 2017. The ECT adopts simple, expeditious, and affordable processes to resolve salary-related disputes. Since its launch, the ECT has facilitated the early and amicable resolution of a large number of cases. As of end February 2018, 865 of the 1,091 claims filed (nearly 80per cent) had been concluded. Amongst these concluded cases, 3 out of 4 concluded at the case management conference stage with no need for a full hearing.

12 Employees outside the scope of the Employment Act, such as professionals, managers, and executives (“PMEs”), are also turning to the ECT. They would previously have had to pursue their claims through the civil courts, which was not always the most cost-effective option. The ECT now hears claims from PMEs who earn more than S\$4,500 a month. As of end February 2018, 224 claims were filed by PMEs. The ECT’s jurisdiction will eventually also extend to cover wrongful dismissal claims.

## ***B. Integrated Criminal Case Filing and Management System***

13 The Integrated Criminal Case Filing and Management System (“ICMS”) is a good illustration of the proactive, adaptive and iterative approach we have taken in developing a major transformational IT system. Launched in February 2015, ICMS has moved traditional paper-based criminal proceedings into an end-to-end electronic environment. This has facilitated the expeditious and efficient management of cases.

14 In March 2017, Phase 2A of the ICMS was rolled out. This gives accused persons (whether represented or not) online access to their electronic case files. It also allows them to submit selected applications and upload relevant documents, without having to make a trip to the State Courts. As of end February 2018, there have been more than 4,000 logins by accused persons.

15 Phase 2B of the ICMS was launched in February 2018. The local media can now access selected parts of a case file. This will facilitate timely and accurate reporting in an era of “fake news”, where people exploit the anonymity of the Internet to manipulate public opinion.

## ***C. Sentencing Information and Research Repository***

16 At the second run of the Sentencing Conference organised by the State Courts and the Singapore Academy of Law in October 2017 centred on the theme of “Review, Rehabilitation, and Reintegration”, we announced plans to enhance the Sentencing Information and Research Repository (“SIR”) to improve access to sentencing information for more criminal justice stakeholders. Launched in 2015, this repository of sentencing factors and outcomes promotes research and transparency by identifying sentencing patterns and trends through statistical analysis. The SIR, currently accessible by LawNet Premium subscribers only, will be made available to all LawNet Basic subscribers from 1 April 2018. Steps are also underway to boost the content of the SIR with case summaries for selected categories of cases. This will optimise searches for information, and help users make more informed decisions on sentencing.

## ***D. Community Justice and Tribunals System***

17 On 10 July 2017, Phase 1 of the Community Justice and Tribunals System (“CJTS”) was launched for Small Claims Tribunals (“SCT”) matters, allowing litigants to conveniently file and manage their claims online. Using its “eAssessment” function, potential claimants can further evaluate the suitability of their intended claims at the SCT before filing a claim. As of end February 2018, 6,443 claims have been filed.

18 The CJTS also incorporates an “eNegotiation” function, which is essentially an Online Dispute Resolution (“ODR”) platform that allows parties to negotiate with a view to settling their disputes in a secure online environment. The early indicators are encouraging – as of end February 2018, 121 SCT claims have been negotiated and settled online.

19 Phase 2 of the CJTS extending to cases before the Community Disputes Resolution Tribunals (“CDRT”) was launched in February 2018. This phase introduces “eMediation” and “Case Search”.

20 With “eMediation”, which extends our ODR capabilities on the CJTS, parties can request a court mediator for a mediation session in a secure online environment, without having to physically attend at a mediation centre.

21 In respect of claims filed *via* the CJTS from 10 July 2017, the “Case Search” function allows users to: (a) check if there is a pending claim or order against them; and (b) search for cases filed at the SCT or CDRT against a particular supplier or landlord, so that they can arrive at an informed decision before contracting with these parties.

22 The next phase of the CJTS will see enhancements to allow employment claims to be filed online.

### ***E. Short Mediation and Hearing at the Small Claims Tribunals***

23 Like the CJTS, the Short Mediation and Hearing process at the SCT was launched on 10 July 2017. Factually simple cases with no complex legal issues are now identified and placed on an expedited track. When parties attend before a Duty Assistant Registrar (“Duty AR”), he will, where appropriate, direct the matter to a short mediation that will take place immediately. If the matter is settled, a consent order will be recorded. If the parties are unable to settle, but are ready to proceed for hearing, the Duty AR will arrange for a hearing before an SCT Referee on the same day or the next working day.

24 Since the launch of this process, the number of court attendances for an SCT case<sup>5</sup> has been reduced, on average, from three to two. It has also been announced in Parliament that the

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<sup>5</sup> From the time a case is filed at the SCT until its conclusion.

SCT Act will be amended and the SCT's jurisdictional limit will soon be raised from its current S\$10,000. We can therefore expect the SCT to play a bigger role in resolving disputes between consumers and suppliers.

***F. Guidebooks for Accused-In-Person and neighbour disputes***

25 In January 2018, the State Courts and the Community Justice Centre ("CJC") officially launched a guidebook to help accused-in-person ("AIPs") navigate the criminal justice system. The guidebook covers a range of topics, from bail to the appeal process. Drafted in plain language, the information is presented in an easy-to-read format and supplemented with diagrams and flowcharts.

26 Earlier this week, we also launched the "Guide to Neighbour Dispute Claims" to assist litigants who wish to bring claims before the CDRT. This guidebook contains helpful information for potential litigants, such as how to file a claim or enforce a CDRT order, as well as summaries of concluded cases and various sample consent orders recorded upon settlement of common CDRT claims.

**III. MOVING FORWARD: WORKPLAN 2018 INITIATIVES**

27 I turn now to highlight a number of our main Workplan initiatives for this year. They are underpinned by three broad themes: (a) staying responsive in an evolving landscape; (b) refining court processes; and (c) enhancing user experience.

28 Through these initiatives, we aim to fortify the building blocks we already have in place so as to create a strong, adaptive and sustainable foundation for the justice system of tomorrow. We have sought to depict this notion in our Workplan logo, which also portrays our transition from this building to the State Courts Towers in 2020.

29 You may liken the building blocks in our Workplan logo to the plastic bricks produced by the LEGO Group. Interestingly, the story of this world-famous toy manufacturer provides useful lessons relevant to our Workplan themes.

***A. Staying responsive in an evolving landscape***

30 I begin with the first theme: staying responsive in an evolving landscape.

31 Had the founder of LEGO ignored the importance of this, we would probably not see these toys at all. The LEGO story began in 1916 in Denmark, when master carpenter, Ole Kirk Kristiansen, bought a workshop in the little town of Billund and set up a business building houses and furniture. In 1932, with the worldwide Great Depression threatening to close his carpentry shop for good, he turned his skills to creating a range of wooden toys for children. The company had great success with its range of wooden toys during the 1930s and 1940s. Instead of resting on its laurels, in 1946, the company became the first toy manufacturer in Denmark to purchase a plastic injection-moulding machine. “Automatic Binding Bricks”, the earliest predecessor to the plastic bricks we see today, were produced with this machine. This also illustrates the point I made at the outset, that the process of “*Shaping Tomorrow’s Justice*” must be proactive, adaptive and iterative.

32 I will now highlight four key initiatives which have evolved from our continued focus on staying responsive in an evolving landscape.

*i. Pre-action protocols for Town Council prosecutions*

33 The first is the implementation of two pre-action protocols that will prescribe steps a Town Council must take before initiating criminal prosecution for certain regulatory offences under the Town Councils Act<sup>6</sup>. These low-level offences – punishable with fines only – account for over 95 per cent of all the Town Council cases filed in the State Courts in 2017. However, nearly 86 per cent of these cases were resolved by composition or settlement. The charges were then withdrawn, but a considerable amount of time and public resources would have been expended by this time.

34 The bulk of Town Council prosecutions concern unpaid service and conservancy charges. Notably, the Town Councils Act allows for such unpaid charges to be recovered in a *civil* action or through an SCT claim.<sup>7</sup> There is therefore a viable alternative to criminal prosecution to achieve what is essentially a debt recovery and settlement objective. The same purpose can be met just as, if not more, quickly and effectively, and probably at a lower cost as well. Some Town Councils have already begun to appreciate this, particularly since the CJTS enables claims to be conveniently filed and managed online.

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<sup>6</sup> (Cap 329A, 2000 Rev Ed). These offences generally relate to: (a) unlawfully parking a vehicle on common property; (b) obstruction of common property; and (c) the non-payment of service and conservancy charges. The State Courts have since engaged the Town Councils to implement the pre-action protocols that will set out the steps they must take to resolve a case before initiating criminal prosecution for certain regulatory **offences**. These steps can include engaging the resident-offender on a mutually agreeable solution, such as an instalment plan – which will allow early settlement of claims at a lower cost – before initiating any criminal proceedings. The diversion of such offenders away from the criminal justice system will also mean that valuable court time and resources can be channelled elsewhere.

<sup>7</sup> See s 51 of the Town Council Act (Cap 329A, 2000 Rev Ed).

35 All the Town Councils the State Courts have engaged have indicated that they are agreeable in principle to this initiative, and the pre-action protocols are targeted for implementation in April 2018.

*ii. FRiends ENgaging and Supporting (“FRENS”) scheme*

36 The Community Court was established in 2006. Since its inception, it has rolled out a number of initiatives in collaboration with its stakeholders.

37 Like the Progress Accountability Court and the Pre-sentence Protocol, both recent Community Court initiatives, our second initiative seeks to help break the cycle of reoffending. Some offenders have significant problems staying away from criminal activity because they lack family and/or community support. Such lack of support may stem from a variety of factors which may include the offender’s continued unemployment, estrangement from family, and/or continued association with negative peers. As a result, such offenders are at high risk of reoffending. There may be little impetus for them to reform, or to address underlying addictions and behavioural issues.

38 As these offenders tend to be sentenced to fines or short imprisonment terms, the current in-care and aftercare befriender schemes are not accessible to them. As such, a dedicated befriender programme may well be a critical intervention to assist them in identifying the root causes of offending and forming an alternative pro-social network.

39 To this end, the State Courts in collaboration with the Singapore Prisons Service, the Community Justice Centre and its stakeholders will implement the FRiends ENgaging and Supporting or “FRENS” scheme – for offenders sentenced to imprisonment terms of less than 12 months – in the second quarter of 2018. The FRENS scheme aims to link offenders with volunteer befrienders, who will accompany them in their rehabilitation journey after they have served their imprisonment term. A befriender will be assigned to an offender in a suitable case at the pre-sentence or post-sentence stage. Amongst other things, the befriender will provide the offender with emotional support and practical assistance, to encourage him to persevere in his rehabilitation journey, to seek employment and to facilitate his re-entry into society.

*iii. Consolidated management of volunteer mediators*

40 To synergise and streamline the management of the different groups of volunteer mediators in the State Courts Centre for Dispute Resolution (“SCCDR”) and the Community Justice and



Tribunals Division (“CJTD”), our third initiative is to consolidate all volunteer mediators appointed by the State Courts under the SCCDR’s management. With effect from 1 April 2018, the SCCDR will oversee the appointment and re-appointment of volunteers, map their progression pathways (including their training requirements), and provide opportunities for volunteer engagement and recognition.

41 This consolidation will enhance parity in terms of the volunteers’ contributions, fulfilment requirements, awards and recognition. The possibility of volunteers mediating in both the SCCDR as well as the CJTD will also be explored, to diversify the experience of our volunteers. We will also re-designate our volunteers as “Court Volunteer Mediators” from next month, to distinguish them from private mediators and provide greater recognition for their contributions to the work of the State Courts.

*iv. Capacity-building for Judicial Officers and Court Administrators*

42 Multi-disciplinary thinking is required in an increasingly complex legal world.<sup>8</sup> Just as lawyers these days need to be multi-disciplinary, so too do our judges and court administrators. Our fourth initiative aims to enhance competencies and build capacity among our Judicial Officers (“JOs”) and Court Administrators (“CAs”).

43 As part of our ongoing efforts to develop broad-based legal knowledge in our JOs, we intend to introduce a structured framework to enable them to perform judicial work outside their primary divisions. The main objective of this framework is to enhance bench skills and to foster a culture of adaptiveness.

44 The proposed framework currently envisages two schemes. The first scheme caters primarily for officers at Superscale grades. It will see JOs placed on a one-year attachment to another division identified by State Courts senior management to be part of that officer’s career development. The second scheme caters for Timescale officers. Under this scheme, a JO can apply to perform work at a secondary division over a six-month period on specific dates. The JO should generally not be hearing cases at the secondary division for more than one working day a week.

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<sup>8</sup> Kenneth Grady (8 December 2016). Retrieved from: <https://www.seytlines.com/2016/12/multidisciplinary-thinking-in-a-complex-legal-world/> (last accessed on 8 March 2018).

45 Over the next few months, more details of the proposed framework will be circulated. JOs will be consulted on this proposed framework and we welcome any feedback and ideas. We plan to implement this framework before the end of this year.

46 This cross-divisional framework is part of our suite of talent development programmes, which includes the Leadership Development Framework for CAs as well. Similar arrangements for cross-divisional capacity-building among our CAs have been implemented to widen their exposure across the range of court administration work and sharpen their skill sets.

47 Our CAs form the crucial backbone of the State Courts. Without them, many of our operations whether at the backend or frontline will not be able to function. It is therefore vital to ensure that we constantly work towards raising the calibre and enhancing the professional development of our CAs. They must be adaptable and well-trained to perform their roles competently, professionally and responsibly.

48 To better manage the increasing scope, jurisdiction and complexity of SCT and ECT cases, we have recruited legally-qualified officers as Assistant Registrars. Concurrently, we will continue to tap on the experience and skills of our non-legally qualified CAs and provide opportunities for officers to acquire new skill sets. CAs who are presently performing counter and administrative duties have, with the appropriate training, taken on other challenging duties such as serving as pre-filing assessors for tribunal matters and interpreters for chamber hearings for tribunals.

49 We also roll out an array of Learning and Development initiatives every year to inspire officers at all levels to constantly engage in learning under the 3 “U”s slogan: i.e. “Upgrade, Upskill, and Upscale”. We implemented a SkillsFuture Sponsorship Scheme last year to financially support and proactively nudge officers to upgrade their skills.

50 Many of our court officers have upgraded and upskilled themselves over the years. One notable example is Madam G Tamilselvi. Selvi joined us in 1984 as an Office Attendant handling document printing functions. Over the years, she upgraded herself by attending various NITEC courses. Today, she assists with procurement-related work, including raising Purchase Orders (POs) in GeBIZ, a task that is typically performed by MSOs. Ms Siti Aishah is another good example. Aishah joined us as an Office Attendant in 1994, and about 9 years ago she assisted in implementing a filing system in the then Centralised PTC Court (Court 17). Today, she helps the Court 26 Judge collate statistics for Court 26 cases.

51 Selvi and Aishah are indeed excellent role models who exemplify a growth mindset. They demonstrate that with appropriate training and a positive attitude, our officers are able to undertake more challenging and rewarding work. I would therefore like to encourage all our JOs and CAs, regardless of seniority or age, to continue to Upgrade, Upskill and Upscale.

## **B. Refining court processes**

52 I now come to our second theme: refining court processes. As we strive to dispense effective and meaningful justice, our court processes cannot remain static. We must always seek to improve what we have at present.

53 I had earlier mentioned how LEGO used its injection-moulding machine to produce “Automatic Binding Bricks” in 1946. Although these bricks were stackable, they were not sturdy once stacked. Retailers therefore returned many unsold sets to LEGO. Undaunted, the company persevered and continued to refine its bricks over the next decade. After years of experimentation, it hit on the existing stud-and-tube coupling system, where the knobs that top one brick fit between the round hollow tubes and side walls underneath another brick.<sup>9</sup> The patented bricks locked together firmly to make stable models, but were also flexible to come apart easily. It became a favourite with generations of children and remains so to this day.

54 The building blocks in our justice system should be similar. They should lock together firmly for a stable system. But they should also be adaptable and flexible enough to accommodate new possibilities, synergies and services. Like the LEGO Group, we should always refine what we have at present to create a better system. On this note, our second theme motivated six initiatives.

### *i. “Documents-only” civil trials and assessments of damages*

55 Our first initiative was inspired by arbitration proceedings which can be conducted and determined solely on the basis of evidence tendered by way of documents, witness statements, and/or written submissions.

56 In December 2017, a six-month pilot programme was launched for the conduct of “documents-only” civil trials and assessments of damages. In such hearings, the final determination of designated cases will be conducted entirely on the basis of: (a) evidence tendered by way of

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<sup>9</sup> David C Robertson and Bill Breen, *Brick by Brick – How LEGO rewrote the rules of innovation and conquered the global toy industry* (Crown Business, 2013) at p 20.

Affidavit of Evidence-in-Chief; (b) documents; and/or (c) written submissions. As in arbitration, parties can request to make oral submissions in support of their respective cases.

57 The “documents-only” mode of proceedings is intended to be an additional adjudication option for parties who consent to its use. This supplementary mode of conducting trials or assessments of damages will, ideally, lead to time and costs savings for all parties as witnesses do not need to attend hearings. It may be especially useful for low-value disputes, and facilitate their effective resolution in a manner proportionate to the value of the claim. It may also shorten the time frame needed for the determination and resolution of cases. Court resources will, additionally, be optimised.

*ii. Defamation-related initiatives*

58 Our second and third initiatives relate to defamation actions. Between 2013 and 2017, the total number of defamation writs filed in the civil courts numbered at least 50 each year and peaked at 79 in 2016. This trend may be largely due to the growth of social media and instant messaging platforms, which provide an easy and unrestrained forum for views to be expressed on a vast array of issues that can potentially form the subject matter of defamation actions. These platforms also facilitate repeated publication.

59 Defamation actions are, by nature, personal. Claimants come to court with heightened emotions and a need for vindication. The desired remedy is often non-monetary. Defamation law is, however, technical, and it is not uncommon to see pleadings that are not well-drafted and numerous interlocutory applications. The trial itself is frequently protracted by factual disputes. Defamation proceedings can therefore be time-consuming and costly for the parties involved.

*a. Pre-action protocol*

60 Our second initiative is hence a pre-action protocol that seeks to: (a) guide parties on the technicalities in defamation actions from the outset; (b) improve the quality of pleadings; (c) facilitate the early exchange of information; (d) encourage constructive negotiations towards consensual outcomes and settlement; and (e) narrow the issues for trial.

61 The protocol will require parties to use standard forms for claims and responses, which will guide them to address key issues such as the elements, defences, and remedies in relation to the tort of defamation. The protocol will also require the exchange of documents and offers to settle as

well as the exploration of alternative dispute resolution before the writ is filed. This will assist the parties to better appreciate the relative strengths and weaknesses of their cases, and focus on amicable resolution. This protocol is targeted for implementation by the end of this year.

b. Practitioner's guide to damages

62 If liability is established, the damages awarded for defamation claims are based largely on precedents. The awards are, often, disproportionate to the time and costs expended. Our third initiative is thus a publication that tracks past awards in reported and unreported defamation cases in the Supreme Court and the State Courts from 2006. With this information, a potential litigant will be better-placed to conduct a cost-benefit analysis at an early stage to assess if a case should be pursued all the way in court proceedings.

iii. *Additional dispute resolution tool – Conciliation*

63 Moving now into Alternative Dispute Resolution (“ADR”), a new initiative involving the use of conciliation as a further mode of ADR will soon be rolled out by the SCCDR. This is our fourth initiative under the “refining” theme.

64 The SCCDR handles both civil and criminal ADR. Two main modes of ADR are currently employed: mediation and neutral evaluation. In mediation, the mediator, as a neutral party, facilitates and guides the parties in negotiating a mutually acceptable settlement to their dispute. The mediator does not determine who is at fault. Instead, he helps the parties focus on finding solutions that address their competing and common interests. The parties must find their own optimal solution to resolve the dispute.

65 In neutral evaluation, a Judge will evaluate the case and provide an indication of the likely case outcome based on the available evidence and the law, should the case proceed to trial. It is then for the parties to negotiate directly on the basis of the evaluation. The Judge's indications are ordinarily not binding, unless the parties agree so.

66 Against this backdrop, there is scope for a process between mediation and neutral evaluation – especially where parties are unable to find an optimal solution or require guidance from the Judge.

67 In conciliation, the Judge-conciliator is a neutral party who will direct parties towards a satisfactory agreement by developing and proposing solutions to resolve the matter. Conciliation may be useful where the parties: (a) need help to reach an agreement on technical or legal issues;

or (b) have attempted mediation but reached an impasse in negotiating a settlement. The process is common in some civil law countries<sup>10</sup> and it is also available in common law jurisdictions, such as Australia.

68 The SCCDR will identify appropriate cases which may benefit from adoption of the conciliation process in a pilot programme this year. We will consider deploying conciliation more widely after assessing the outcome of the pilot.

*iv. Using ADR to facilitate resolution of criminal cases*

69 Minor regulatory offences currently do not fall within the ambit of existing schemes to facilitate the effective and efficient resolution of criminal cases, such as: (a) the Criminal Case Disclosure process, prescribed in the Criminal Procedure Code<sup>11</sup>; (b) the Criminal Case Resolution Scheme; and (c) the Criminal Case Management Scheme.

70 To optimise the use of judicial resources, we will, as our fifth initiative, explore the possibility of extending judge-led mediation and neutral evaluation (including giving sentencing indications) to minor regulatory cases that involve straightforward or less complex issues of law. Even if these ADR processes do not result in an early resolution, they may assist in narrowing the issues for trial. The ADR sessions can also be a means for parties to exchange documents and any other relevant information. We are in the midst of exploring this initiative with other criminal justice stakeholders.

*v. Streamlining the Magistrate's Complaint process*

71 The Community Justice and Tribunals Division or "CJTD" was set up in April 2015, and now comprises the Employment Claims Tribunals, the Small Claims Tribunals, and the Community Disputes Resolution Tribunals. It also hears matters under the Protection from Harassment Act ("POHA")<sup>12</sup>. Bringing community justice disputes under a common venue, managed by judges and court administrators with experience and expertise in dealing with such disputes, has enabled these disputes to be dealt with more appropriately and effectively.

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<sup>10</sup> Gregory Vijayendran Singapore Law Gazette (July 2017), *Considering Conciliation*

<sup>11</sup> (Cap 68, 2012 Rev Ed).

<sup>12</sup> (Cap 256A, 2015 Rev Ed).

72 In January 2018, all Magistrate’s Complaints filed by members of the public were relocated from our Criminal Justice Division to the CJTD. This is our sixth initiative under the “refining” theme. This was done because a number of Complaints involve allegations of harassment and/or disputes between neighbours – where remedies are also available under POHA and the Community Disputes Resolution Act 2015<sup>13</sup>. The CJTD is therefore ideally-positioned to be a one-stop centre to deal with such Complaints, where the full range of civil remedies and criminal sanctions are available. The complainant can also access the resources of the CJTD in pre-filing assessments, conciliatory dispute management, on-site psychological services, counselling, and mediation.

73 In addition, an interactive online self-assessment tool is being developed to guide potential complainants in assessing if the Magistrate’s Complaint process is the appropriate means to address their grievances. This pre-filing self-assessment tool will also provide brief explanations and suggest alternatives to filing a Magistrate’s Complaint. We expect to pilot this tool in the second half of this year.

74 We are also exploring the feasibility of having lawyers provide basic legal services to assist parties with Magistrate’s Complaint matters under the auspices of the Primary Justice Project administered by the CJC.

### **C. *Enhancing user experience***

75 Just as LEGO has continually adapted and innovated to cater to its range of customers, so too must we when serving the needs of our court users. The importance of doing this is underscored by the fact that the State Courts deal with about 90 per cent of the judicial caseload in Singapore.

76 In preparing for our transition to the State Courts Towers, we embarked on the State Courts Conversation 2020 last year. This seeks to engage both internal and external stakeholders in discussions to identify what the State Courts of the future should stand for and how we can better serve our court users’ needs. The State Courts Conversation 2020 was accorded “Special Recognition” under the “Best Change Management Strategies” category at the HRM Awards 2018 held on 2 March 2018.

77 In this connection, foreshadowing the ongoing whole-of-government drive towards public sector transformation, we formed a Process Transformation Committee last year to identify and

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<sup>13</sup> (No. 7 of 2015).

review intra-divisional, cross-divisional and cross-agency processes in relevant areas, so that our court users can continue to benefit from seamless and excellent court services in the State Courts Towers. We have also piloted various operational modalities which we hope to adopt in future, such as the establishment of the Central Registry Directorate on 1 January 2017 to streamline processes and optimise resources by bringing together common registry functions, such as appeals for criminal, civil and CJTD cases. By engaging stakeholders and tapping on technology, the Directorate's Appeals Section has reduced the time taken to prepare records for criminal appeals from one day to 15 minutes.

78 I now wish to highlight two new initiatives which arose this year from our continual quest to enhance court user experience. Both of these are test-beds for what we hope to see in the near future in the State Courts Towers.

*i. i-connect @ State Courts*

79 The family-connect @ State Courts initiative is a collaboration between the State Courts and the Singapore After-Care Association ("SACA"). Under this scheme, which commenced operation on 29 January 2018, SACA staff and trained volunteers are stationed at an information counter at the State Courts every Monday and Wednesday from 10:00am to 2:00pm to provide counselling and emotional support to family members of offenders sent to prison. They will also provide family members with basic information on prison procedures and other matters related to prison life and processes. In addition, referrals to social services are available for families in need of: (a) financial assistance, (b) support for young, school-going children, and (c) assistance with elderly dependants.

80 Family members often face anxiety and stress because they do not know what to expect when a loved one is sent to prison. It is hence vital to provide on-site support for them as soon as possible after the sentence is pronounced. The stability of the home during an offender's incarceration is important in the offender's reintegration upon release from prison.

81 The family-connect @ State Courts information counter is housed in a larger business centre, *i-connect @ State Courts*, which has meeting pods, Internet kiosks, and kiosks with scanning, printing, and photocopying services. There are also vending machines to provide our court users convenient access to a drink or meal.



*ii. Speech Transcription System*

82 Our second initiative under the third theme involves the development of a Speech Transcription System in collaboration with the Institute for Infocomm Research (or I<sup>2</sup>R)<sup>14</sup>. This system will recognise human voice and transcribe speech and oral evidence into text in real time.

83 Currently, all criminal court proceedings, save for mention cases, are digitally recorded. Transcription by an external service provider takes about seven days. To have immediate access to transcripts, parties have to engage private vendors.

84 The use of speech transcription technology will potentially redefine the recording of evidence in the State Courts. Real-time transcription will be available without having to rely on transcribers and will permit clarification to be sought from the witness immediately.

85 If this technology proves to be viable, the Speech Transcription System will be considered for implementation in all the courtrooms in the State Courts Towers.

#### **IV THE STATE COURTS TOWERS**

86 In the past few days, many of you would have visited the Mock-Up Courtroom of the State Courts Towers. The core wall construction is currently up to the 21<sup>st</sup> level for both the office tower and the court tower. The team led by Ms Papinder Kaur and Ms Daphne Quek has worked tirelessly with our contractors and consultants and I truly appreciate the efforts they have made to coordinate and ensure the timely completion of the project. We recently received the good news that the building has been awarded the BCA Green Mark (Platinum) Award.

87 In many ways, the process of constructing the State Courts Towers is like putting together a LEGO model. It is almost a labour of love, which takes discipline and perseverance. If we remain focused and absolutely committed to achieving the end result, the end-product will be well worth all the time and effort. We can see the progress of the construction work right before us. I am happy to note that the superstructure is likely to be completed before the end of this year, allowing us to focus on fitting out the building in 2019.

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<sup>14</sup> The I<sup>2</sup>R is a member of the Agency for Science, Technology and Research (or A\*STAR) family and is the largest information and communications technology research institute in Singapore: (last accessed on 26 February 2018).

## **V. CONCLUDING REMARKS**

88 Before I conclude, I wish to express my sincere gratitude to the team led by DJ Wong Li Tein and Ms Maureen Tee. They have done an excellent job in planning, organising, and ensuring the smooth running of this year's Workplan.

89 I am deeply grateful to The Honourable the Chief Justice for his visionary leadership and constant encouragement and guidance. I had, at the outset, remarked that we cannot shape tomorrow's justice in isolation. We must work well as a team and together with our stakeholders. I am indeed fortunate to have a highly-committed and capable team comprising all of you as colleagues. In particular, I am immensely grateful for the sterling work done by Dy PJSC Jennifer Marie and the various members of the Leadership Team who have served with distinction, ably leading and managing the various Divisions over the years.

90 We bade farewell recently to PDJ Tan Puay Boon. On behalf of all of us here, I wish to thank him for his contributions and to congratulate him once again on his imminent appointment to the Supreme Court Bench. In turn, we also extend our congratulations to PDJ James Leong and PDJ Thian Yee Sze on their respective appointments at the helm of the Civil Justice Division and the State Courts Centre for Dispute Resolution. With these changes in our Leadership Team, we are laying a firm foundation for the sustained growth and continued development of the State Courts.

91 The process of "Shaping Tomorrow's Justice" cannot be done without you – our people, the lifeblood of the State Courts. We are where we are only because of your hard work and dedication to our vision and our mission, as well as your unwavering commitment to our core values of FAIR<sup>15</sup>. We will continue to focus on developing you to your fullest potential through a range of training, exposure and learning opportunities to enrich your personal development and ensure your wellbeing.

92 I remain confident, as always, that each and every one of you will continue to do your best. We are entrusted with a huge responsibility, and we owe it to our community to always do our best as we discharge our duties serving at the heart of the administration of justice in Singapore.

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<sup>15</sup> Fairness, Accessibility, Independence, Integrity, Impartiality and Responsiveness.

93 I wish each of you a healthy, engaging, and fruitful year ahead. Let us come together in building and shaping tomorrow's justice.