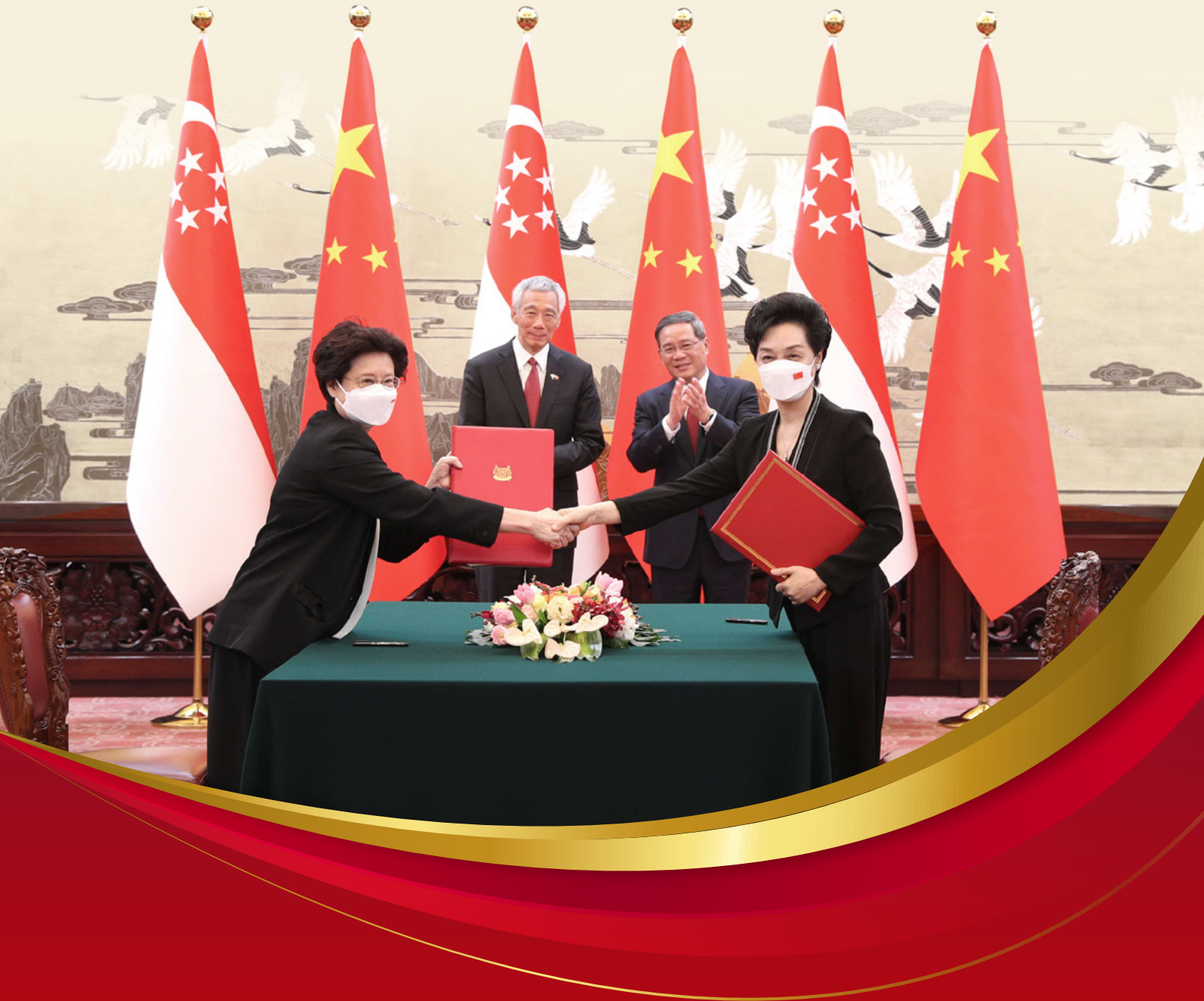


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## Strengthening Cooperation on the Management of International Commercial Disputes

On 1 April, Justice of the Court of Appeal Justice Belinda Ang represented the Singapore Courts to sign a Memorandum of Understanding (MOU) on cooperation on the management of international commercial disputes in the context of the Belt and Road Initiative (BRI) through a Litigation-Mediation-Litigation (LML) framework with the Supreme People’s Court of the People’s Republic of China (PRC) in Beijing. The signing took place during the high-level visit by Prime Minister (PM) Lee Hsien Loong to the PRC and was witnessed by PM Lee and PRC Premier Li Qiang.

With the increasing complexity of disputes relating to international trade and commerce, the MOU aims to strengthen cooperation on the management of international commercial disputes arising from BRI projects. This is in recognition of the flexible, creative and efficient ways that mediation may offer to resolve such disputes, which not only save the parties time and costs, but also preserve their business relationships and provide them with greater control over the outcome of the dispute resolution process.

Under this MOU, each Court will develop and implement the LML framework to manage BRI disputes, facilitated by a domestic or foreign mediation expert, and domestic, foreign or international mediation institution.

Both Courts also agree to share information on its LML framework and other dispute management practices relating to the Singapore International Commercial Court and the China International Commercial Court, as well as promote the LML framework by recommending the appropriate adoption of the LML Model Clauses.

The MOU is one of four MOUs and Memorandum of Guidance (MOG) signed between the two judiciaries since 2017. The signing reaffirms the close working relationship between both Courts and demonstrates the strong commitment to enhance access to justice in both jurisdictions.



▲ Signing of the LML MOU between Justice Belinda Ang and Justice Tao Kaiyuan (Photo: Ministry of Communications and Information)

### Features of the LML Framework



Case management conferences may be convened for the court to determine the procedural steps and to give directions for the timely and cost-efficient management and resolution of the dispute



The court may grant a stay of court proceedings for a specific period for the parties to reach a settlement through mediation, and any party may apply for an extension



Every mediation is conducted on a “without prejudice” basis, and is private and confidential



Should the parties reach a settlement from mediation, the court may give a judgment, or issue a statement having the effect of a judgment, to facilitate the recognition and enforcement of the mediated settlement



The parties are entitled to have a mediation conducted in accordance with the mediation rules of a mediation institution chosen by those parties, or the rules agreed or submitted to by those parties in accordance with the applicable law

### Past MOUs and MOG signed between the two judiciaries



MOU on cooperation to further deepen pragmatic cooperation on judicial issues



MOG on recognition and enforcement of money judgments in commercial cases to facilitate and promote mutual understanding of the laws and judicial processes between the two Courts



MOU on advancing continuing judicial education between the Singapore Judicial College and the National Judges College of the PRC



MOU on cooperation on information on foreign law to establish a mechanism between the two Courts to determine questions of law of the other jurisdiction in international civil and commercial cases



# Opening of the Legal Year 2023: Our Progress and Reflections



on three broad areas: the impact of these changes on the legal profession, the need to reimagine our legal landscape, and the critical issue of access to justice.

The Chief Justice said that there is a need for solutions to deal with the fundamental shift of how and where people work, highlighting that the values that define the legal profession must never change.

The Chief Justice also emphasised that access to justice must be the core of Singapore's legal system. This requires a multi-pronged approach involving both public and private forms of legal aid, and the Judiciary's Access to Justice Framework. In conclusion, the Chief Justice recognised that while change can be unsettling, it can be managed by acknowledging its necessity, recognising its imminence and ensuring sufficient avenues for constructive feedback.



**Scan QR code for the Chief Justice's full Response**

[go.gov.sg/cj-oly2023-speech](https://go.gov.sg/cj-oly2023-speech)



**Scan QR code for the OLY 2023 Highlights video**

[go.gov.sg/cj-oly2023-video](https://go.gov.sg/cj-oly2023-video)

Chief Justice Sundaresh Menon delivering his response at the Opening of the Legal Year 2023

After two years of online and hybrid formats, the Opening of the Legal Year (OLY) 2023 reverted to an in-person court proceeding on 9 January. About 300 members of the legal community attended the annual event held at the Supreme Court auditorium to hear The Honourable the Chief Justice Sundaresh Menon, Attorney-General Lucien Wong, and President of the Law Society Adrian Tan, deliver their customary speeches.

Change was the central theme of the Chief Justice's response. The Chief Justice reflected on the changes that have taken place over the past few years, focusing

The Supreme Court Bench taking a group photo at Parliament Green to mark the Opening of the Legal Year 2023



# OPENING OF THE LEGAL YEAR 2023

Response by Chief Justice Sundaresh Menon

## 1. OUR PROGRESS

### Supreme Court

- *Rules of Courts 2021* and *Singapore International Commercial Court Rules 2021* came into effect in Apr 2022. The *Supreme Court Practice Directions 2021* were issued and the *Courts (Civil and Criminal Justice) Reform Act 2021* came into effect.
- The Judiciary's *Commercial Practice Panel* was established to identify and consider adopting best practices in commercial litigation that are suited to resolving the various types of commercial disputes, as well as identify emerging trends, developments and likely challenges.



### Family Justice Courts

- *Family Neutral Evaluation (FNE)* pilot to complement mediation to resolve contested issues involving maintenance and division of matrimonial assets without a contested hearing. Three of the four cases that completed the *FNE* pilot resulted in consent orders.
- Collaborated with Law Society and Singapore Academy of Law to develop the *Family Therapeutic Justice Certification Programme* to equip lawyers with inter-disciplinary knowledge and skillsets needed to practise in a landscape oriented towards therapeutic justice.

### State Courts

- *Guidebook for Accused in Person* is now available in the four official languages.
- Implemented the *Early Engagement of Youth Under 21* initiative to better address the needs of young offenders from first mention until sentencing.
- Working with Law Society to develop costs guidelines for civil proceedings in the District Courts.



### Singapore Academy of Law

- Established subsidiary LawNet Technology Services to develop bold and innovative products to better serve needs of its members.
- Launching a new online series of law reports to highlight selected judgments from the State Courts, Family Courts and Youth Courts.

### Singapore International Commercial Court

- Legislative changes to clarify the SICC's jurisdiction to deal with cross border corporate insolvency, restructuring and dissolution matters came into effect on 1 Oct 2022.
- Continued contributions to the development of a transnational system of commercial justice through membership in the Standing International Forum of Commercial Courts.



## 2. REFLECTIONS

### Impact on the Profession

- The practice of law is a calling to participate in the administration of justice. The values of honesty, integrity and service that define the legal profession must never change.
- The practice of law and its values must be transmitted through sustained mentorship.
- Innovative solutions to deal with fundamental shift in the basic modalities of how and where we work should be found so that an optimal balance can be struck.
- To address concerns relating to ethics and professional standards, a team comprising representatives from the Bench and Bar will collaborate to develop a strategy aimed at re-establishing the moral centre and the values of the legal profession for existing practitioners and new entrants to the profession.



### Reimagining the Landscape

- Globalisation and technology are reshaping the emerging legal landscape.
- There will be a need for lawyers who are familiar with and able to deal with issues such as technology, big data, artificial intelligence and privacy.
- A Working Group comprising various stakeholders in the legal industry was formed in 2021 to conduct a holistic review of our legal education system. Their work is underway.
- The Singapore Judicial College, which was set up in 2015 to serve as the central institute for higher judicial learning, will look at issues such as leadership, judge-craft, legal knowledge, research, pedagogy and systems to equip the Judiciary to meet future challenges.



### Access to Justice

- Access to justice must be the core of our justice system. In the global context of rising inflation and sharpening inequality, we must ensure that justice is accessible to those in our community at risk of being shut out. The rule of law is supported by public trust in our institutions.
- The task will require a multi-pronged approach:
  - Public legal aid e.g. Legal Aid Bureau, Public Defender's Office
  - Private forms of legal aid e.g. Law Society's Pro Bono Services Office and Criminal Legal Aid Scheme
  - Initiatives to develop the Judiciary's Access to Justice Framework to better serve court users
- Revamp the way digital tools are used to improve access to justice such as use of chatbots and by enhancing e-services.
- Improve other aspects of access to justice:
  - Use of plain language in our communications, rules and directions
  - Make available guides in print and video media prepared with lay users in mind
  - Development of service hubs at each Court and service centres located in the community to enable user to easily access our services







## The Family Justice Courts Workplan 2023: Keep It Up!

The Family Justice Courts (FJC) held their ninth annual Workplan event themed “Keep It Up!” on 2 March. The Workplan was attended by staff and invited guests from the Judiciary, with Chief Justice Sundaresh Menon as Guest-of-Honour.

In her address, Presiding Judge of the FJC, Justice Debbie Ong shared that the theme for 2023’s Workplan was to convey her gratitude to all working in the family justice system. She thanked the judges, court staff, lawyers and partnering agencies for the hard work that they had put in to transform the family justice system and encouraged them to keep up their dedication and hard work.



▲ Justice Ong delivering her Workplan 2023 address

### FJC Workplan 2023 at a glance

#### Statistical Highlights from 2020 to 2022

- Caseload for 2022 had risen slightly, mainly due to an increase in the total number of probate cases
- Disposition rates in 2022 had overall increased slightly
- Number of divorces filed in 2022 had remained stable

#### Three strategic thrusts

- Furthering Therapeutic Justice (TJ) in a Multi-Disciplinary Environment
- Facilitating Court Processes, Settlement and Enforcement and thereby enhancing Access to Justice
- Fortifying Judges’ and Lawyers’ Capacity and Capability

#### Furthering TJ in a Multi-Disciplinary Environment

To further the cause of TJ, Justice Ong shared that a Multi-Disciplinary TJ team-based approach (MDT) had been piloted with high needs/high conflict cases. This MDT had involved judges, mediators, counsellors, psychologists and psychiatrists. A Panel of Financial Experts and a Panel of Therapeutic Specialists were also formed to enlist private sector professionals in helping distressed families resolve the complex needs and issues that underlined legal disputes.



An Advisory and Research Council (ARC) had since been set up to draw on the expertise of international thought-leaders in the area of TJ. These members provided training to the family judges and helped develop a common TJ language, including a TJ Code of Conduct and Best Practice Guide.

Justice Ong shared that the FJC would continue to strengthen the integration of community services and referral channels so that the needs of families could be adequately supported. The FJC would be studying the viability of locating such services in its new premises at the Octagon.

TJ would also be further extended to Youth Court cases involving children and young persons. This would be undertaken in partnership with the Ministry of Social and Family Development and other stakeholders.

#### Facilitating Court Processes, Settlement and Enforcement

To promote procedural access to justice, Justice Ong updated that the FJC would be permanently implementing Electronic Template Statements (ETS) for maintenance order applications and variations. Piloted in 2022, these ETS will assist parties on the necessary information and documents required for maintenance applications and variations. Digital forms that further streamline the existing process would also be explored.

Justice Ong also shared that an updated Family Orders guide had been published to promote substantive access to justice. This guide included updated terminology as well as an additional set of commonly used orders relating to probate, adoption and the Mental Capacity

Act. The FJC is also developing a Family Case Book which aims to provide overviews and summaries of key facts and holdings in significant law decisions.

#### Fortifying Judges’ and Lawyers’ Capacity and Capability

Justice Ong shared that the FJC is working with the Singapore Academy of Law to offer a second run of the Family Therapeutic Justice Certification Programme for lawyers in the later part of 2023.

In the closing segment of her Workplan address, Justice Ong reminded FJC staff on the positive impact of their work and expressed appreciation to Chief Justice Sundaresh Menon for his leadership and support.

Two videos – one that outlined the FJC’s initiatives and the profile of its court users, and another that demonstrated the journey of a court user and how the FJC will be introducing initiatives to improve access to justice – were screened. This was followed by a candid dialogue session with Chief Justice Menon, Justice Ong and FJC staff. The event concluded with a closing address by Deputy Presiding Judge of the FJC, Mr Chia Wee Kiat.



▲ The dialogue session with Chief Justice Menon and Justice Ong



## Singapore International Commercial Court Conference 2023

The annual Singapore International Commercial Court (SICC) Conference was held on 10 and 11 January. The two-day conference was held in a hybrid format with participants attending in-person at the Supreme Court and by live video-link.

The Conference was attended by the Supreme Court bench and the SICC International Judges. Joining the Conference for the first time were the newly appointed Justice Christopher Sontchi from the United States and Justice Zhang Yongjian from China.

Members of the Supreme Court senior management and the Supreme Court Registry were also in attendance. This was the first in-person meeting of the Judges and International Judges since the COVID-19 pandemic.

Following the opening address delivered by the Chief Justice Sundaresh Menon, a line-up of speakers and panelists shared their views and perspectives around the theme of "Forging Ahead in International Commercial Dispute Management".

The conference included in-depth panel discussions and expert sharing sessions on how costs are to be assessed in the SICC, the implementation of the SICC's corporate insolvency, restructuring and dissolution jurisdiction, and the use of Alternative Dispute Resolution in the SICC, among others.



▲ Chief Justice Sundaresh Menon speaking at the conference



▲ President of the SICC, Justice Philip Jeyaretnam moderating a session at the conference

The Supreme Court Bench and SICC International Judges gathering for a group photo — the first in three years



▲ PDJ Thian Yee Sze (fourth from right), Dr Sudha Nair (second from right), PAVE officers and State Courts staff taking a group photo at State Courts

## Training for PAVE Officers at State Courts

In March, the State Courts' Community Courts and Tribunals Cluster (CCTC), and the Centre for Specialist Services (CSS) conducted two practical training sessions for more than 20 officers from PAVE, an integrated service for family violence and child protection. The training sessions are part of the ongoing collaboration between State Courts and PAVE following the Workshop on Familial and Partner Violence for State Courts' Judicial Officers held in March 2022.

The training sessions aimed to equip PAVE officers with a better understanding of the legal process for claims filed under the Protection from Harassment Act (POHA) and heard by the Protection from Harassment Court (PHC). This will enable PAVE officers to provide better informational assistance to victims of intimate partner violence in need of protection.

PAVE officers were briefed on the simplified proceedings and the legal remedies that a claimant may seek under the POHA, as well as the support services provided by the CSS. PAVE officers were also given practical training on the front-end functionalities of the Community Justice and Tribunals System (CJTS), the e-case management and filing system for PHC claims that allows court users to file their claims, manage their cases and conduct their court proceedings online. The training ended

with a tour of the facilities and services available to court users in the State Courts.

In her opening remarks, Principal District Judge (PDJ) Thian Yee Sze welcomed Executive Director of PAVE Dr Sudha Nair, and her officers and thanked PAVE for partnering with the State Courts to assist victims of intimate partner violence. Dr Nair in turn expressed her appreciation for the training sessions and looked forward to developing further partnerships with the Judiciary.

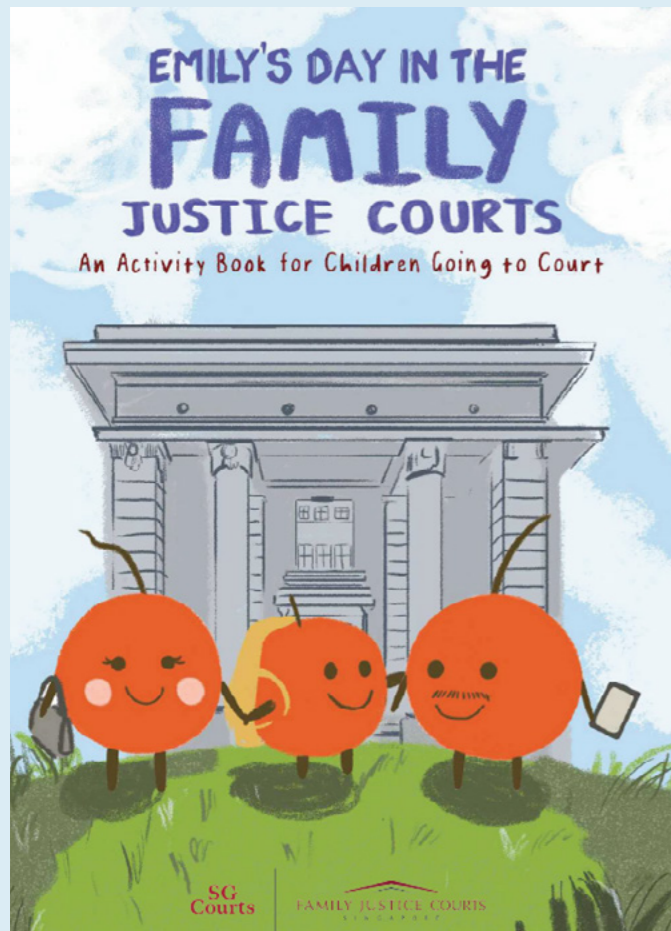
Overall, PAVE officers found the training sessions meaningful as they provided an insight into what their clients may experience when filing for an order in the PHC.



▲ Senior court social worker, Ms Nurhafidzah Kamal briefing PAVE officers on the work of the CSS



## Helping Children Understand Court Processes

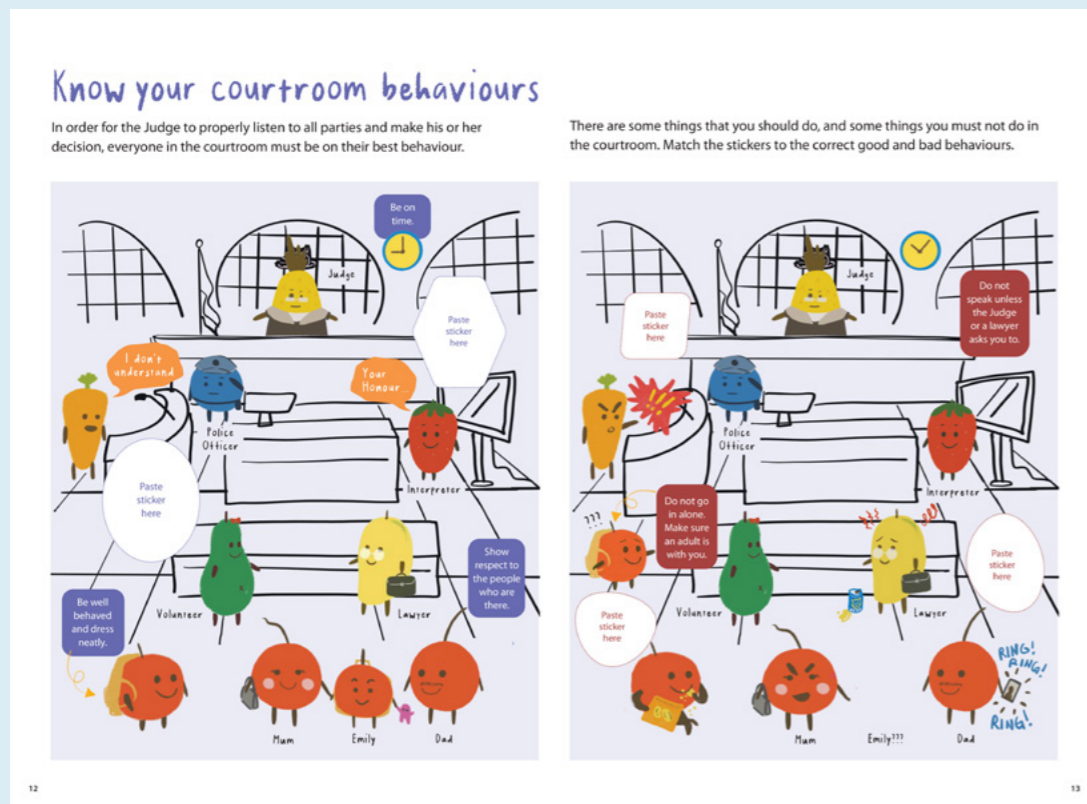


Following the animated video “Emily’s Day in the Family Justice Courts” rolled out in 2021, a children’s activity book was produced to help young court users understand the different processes within the Family Justice Courts (FJC) that they may be involved in, what to expect and where to seek help.

Targeted at children aged seven to 12, the book will be used for onboarding young court users, in the presence of their parents, lawyer or court family specialists, in the event they need to attend court.

Chock full of colourful illustrations, the book continues from the characters of the video and introduces several fun and educational activities such as a word search, colouring of a counselling room and pasting stickers to match correct and good behaviours in the courtroom.

In addition to FJC, the books will be distributed to the Law Society of Singapore’s Family Law Practice Committee and community partners such as Strengthening Families Programme@ Family Service Centres (FAM@FSCs) and Family Service Centres.



## The Sixth Singapore-China Legal and Judicial Roundtable

The sixth Singapore-China Legal and Judicial Roundtable (the Roundtable) was held on 7 February, co-chaired by Chief Justice Sundaresh Menon and the President and Chief Justice of the Supreme People’s Court (SPC), His Excellency Zhou Qiang.

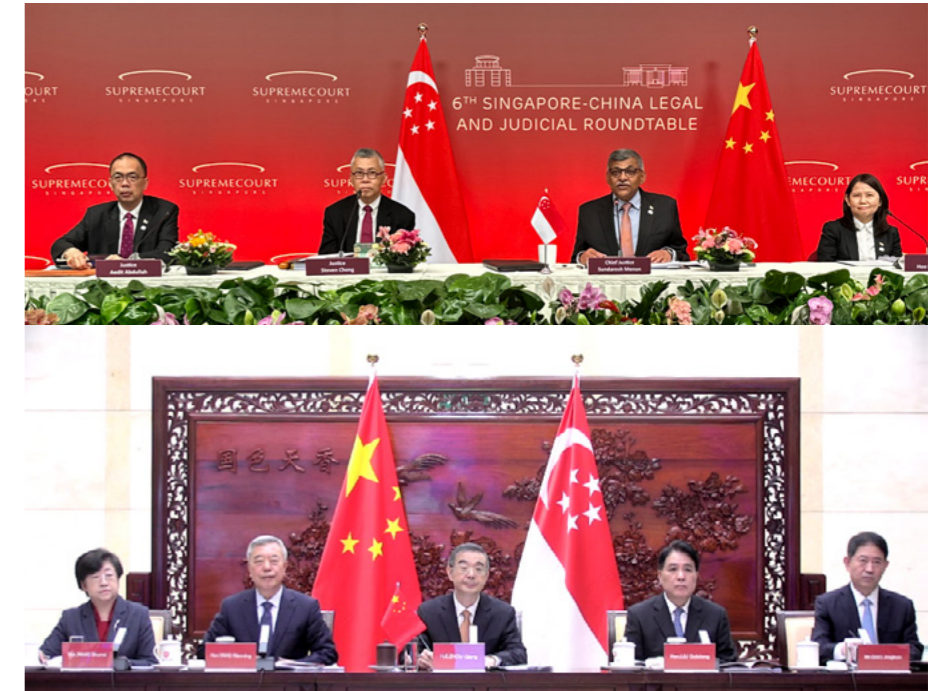
One key deliverable of the Roundtable was the Strategic Roadmap on Singapore-China Judicial Cooperation, anchored on five key strategic areas of mutual interest with five pillars of partnership.

Each pillar features the previously discussed workstreams at the past editions of the Roundtable and Working Group meeting, encapsulating the years of hard work and collective efforts by both courts.

The Roadmap will serve a two-fold purpose – to take stock and record the milestones achieved at each successive Roundtable and Working Group meeting as well as serve as a planning guidance for future Roundtables and Working Group meetings.

Since 2017, the Singapore-China Roundtable has been held annually, and is a signature event of the Supreme Court of Singapore and the SPC.

In looking ahead, Chief Justice Menon and Chief Justice Zhou emphasised the continued importance of bilateral judicial cooperation in the context of today’s society. They also



The two judiciaries exchanging insights at the Roundtable

reaffirmed the strong bilateral ties and longstanding friendship between the two countries and renewed their commitment to enhance access to justice in their respective jurisdictions.

**Topics discussed during the Roundtable**

- Measures and Mechanisms to Promote Unified Application of Law**
- Best Practices in Managing Complex Litigation**
- Application of International Treaties and Customs in Cross-Border Commercial Litigation**
- Cross-Border Insolvency**



## Chief Justice Visits India for the Inaugural Supreme Court of India Day



▲ Chief Justice Sundaresh Menon receiving a token of appreciation from Dr Justice Dhananjaya Y. Chandrachud

From 2 to 5 February, Chief Justice Sundaresh Menon led a delegation to the Supreme Court of India, at the invitation of the Honourable Chief Justice of India, Dr Justice Dhananjaya Y. Chandrachud.

Chief Justice Menon delivered the inaugural Supreme Court of India Day Lecture titled "The Role of the Judiciary in a Changing World" on 4 February, to commemorate the 73rd anniversary of the establishment of the Indian Supreme Court.

In his lecture, the Chief Justice spoke about the "perfect long storm" of challenges facing judiciaries around the world, such as the increasing complexity of disputes, obstacles against access to justice, and the polarisation of societies.

The Chief Justice said that judiciaries had a duty to respond to these challenges by refining the judicial role to include the tasks of building user-centric court systems, enhancing judicial competencies and promoting international judicial engagement.

During the trip, Chief Justice Menon also called on the President of India, Her Excellency Droupadi Murmu and on the Judges of the Delhi High Court.

“

The Supreme Court of India has dispensed justice in India with great distinction over the course of more than seven decades and there is a tremendous amount we can learn from deepening our exchanges with this vital institution. I am greatly honoured to have been asked to deliver the inaugural lecture and look forward to institutionalising this relationship.”

Chief Justice Sundaresh Menon



Scan QR code for the Chief Justice's full speech

[go.gov.sg/cj-india-annual-lecture](https://go.gov.sg/cj-india-annual-lecture)



▲ The Singapore delegation with senior leadership of the Supreme Court of Indonesia

## Enhancing Singapore-Indonesia Bilateral Relations and Strengthening Partnerships within ASEAN

On 13 and 14 March, Chief Justice Sundaresh Menon led a delegation to Jakarta, Indonesia. Chief Justice Menon called on the Chief Justice of the Supreme Court of Indonesia, Prof Dr Muhammad Syarifuddin, where they spoke about the development of frameworks for international commercial dispute resolution and the deepening of bilateral judicial cooperation, especially in the areas of court-to-court communications, cross border insolvency and commercial courts.

Following the courtesy call, Chief Justice Menon addressed the Justices and Judges of the Supreme Court of Indonesia's Civil Chamber, its Working Group on the Ease of Doing Business, and its Working Group on Insolvency.

He talked about the important role that commercial courts play in developing a system of international commercial dispute

resolution, and how they should work harmoniously with their counterparts in other jurisdictions to resolve conflicts in an orderly and systematic manner.

In his capacity as President of the ASEAN Law Association,

Chief Justice Menon also met with ASEAN Secretary-General Dr. Kao Kim Hourn to discuss the existing proposals for collaboration between the ASEAN Secretariat and ASEAN Law Association, as well as capacity building within ASEAN.



▲ Chief Justice Sundaresh Menon and Secretary-General of ASEAN Dr. Kao Kim Hourn (Photo: ASEAN Secretariat/Fitriana Valencia)



## Chief Justice Delivers Speeches at Conferences on Dispute Resolution and Mediation



▲ Chief Justice Sundaresh Menon delivering his address at the IBA APAC Regional Forum Biennial Conference (Photo: International Bar Association)

Chief Justice Sundaresh Menon was invited to deliver speeches at various conferences in early 2023.

### Seventh IBA Asia Pacific Regional Forum Biennial Conference

On 23 February, Chief Justice Sundaresh Menon delivered the keynote address titled "Dispute Resolution at the Intersection of Domestic and Transnational Justice Systems: The Case for International Commercial Courts" at the seventh International Bar Association (IBA) Asia Pacific Regional Forum Biennial Conference.

In his speech, he emphasised that the Singapore International Commercial Court (SICC) is intended to stand on the foundation of a well-functioning, forward-looking domestic court

system. Likewise, the SICC allows the Singapore courts to benefit from the expertise of international judges and the judicial exchange this brings. It gives parties the option of instructing foreign lawyers to act for them in offshore cases, and it has its own set of specialised procedural rules tailored to the resolution of complex international commercial disputes.

### Ninth Annual Conference of The International Academy of Construction Lawyers

In April, Chief Justice Menon delivered a speech titled

"Constructing Collaboration: Remoulding the Resolution of Construction Disputes" at the ninth Annual Conference of The International Academy of Construction Lawyers.

He spoke about the challenges that construction disputes present and to address these problems, we should enhance and expand collaboration, both between the parties to construction projects and disputes, and also between the dispute resolution bodies that handle such disputes.

### Samadhan National Conference 2023

In April, Chief Justice Menon was invited back to India after his trip to the Supreme Court of India in February, to deliver the speech titled "'Mediation: At the Dawn of a Golden Age" at the Samadhan National Conference 2023.

He highlighted that mediation should be seen as an equally valid and valuable mode of dispute resolution as it is usually much cheaper and more efficient than litigation or arbitration. Mediation also translates to a higher likelihood of compliance and of preserving the parties' relationship.



Scan QR code to read the speeches in full

[go.gov.sg/cj-speeches-2023](https://go.gov.sg/cj-speeches-2023)

## Justice Kannan Ramesh Inducted as a Fellow of the American College of Bankruptcy

Justice Kannan Ramesh has been inducted as one of 39 new Fellows in the 34th Class of the American College of Bankruptcy (ACB) on 24 March. Justice Ramesh, whose areas of specialisation are in company law, insolvency and trusts, is the first Singapore Judge to be invited to become an International Fellow of the ACB. This honour is testament to Justice Ramesh's leadership, professional excellence and outstanding contributions to judicial insolvency practice.

On Justice Ramesh's induction as a Fellow of the ACB, Chief Justice Sundaresh Menon said, "On behalf of the Singapore Judiciary, I extend my warmest congratulations to Justice Ramesh on this excellent and very well-deserved achievement. Justice Ramesh's selection to join the illustrious ranks of the ACB is not only testimony to his exceptional work and the invaluable contributions he has made in the field of insolvency, but



▲ Justice Ramesh with Ms Patricia Redmond, Chair of the ACB Board of Regents at the induction ceremony held on 24 March in Washington, D.C. (Photo: American College of Bankruptcy)

it is also a tribute to the richness of Singapore's legal talent."

Singapore has earned a burgeoning reputation as a hub for debt restructuring and insolvency in Asia, with our judicial expertise and robust legal system. Singapore has, in recent years, introduced

groundbreaking reforms to its insolvency and restructuring laws to keep pace with the needs of the international debt restructuring landscape. Justice Ramesh's induction into the ACB will significantly add to Singapore's status as a restructuring and insolvency centre.

### About the ACB

Founded in 1989, the ACB is an honorary public service association of international insolvency professionals. These professionals are invited to join as Fellows based on a proven record of the highest standards of expertise, leadership, integrity, professionalism and service to the bankruptcy and insolvency practice and to their communities, as well as having demonstrated a commitment to elevating knowledge and understanding of the profession.

Fellows are nominated and selected on an invitation-only basis, with each qualified candidate going through a rigorous selection process by the ACB's Board of Regents, and Judicial and International Fellows Nominating Committees.



## SICC Launches Initiatives to Advance Singapore as a Leading Dispute Resolution Hub

On 12 January, a seminar titled “Appropriate Dispute Resolution – The Singapore Way” was organised by the Singapore International Commercial Court (SICC) at the Supreme Court, with the Singapore International Arbitration Centre (SIAC) and Singapore International Mediation Centre (SIMC) as supporting partners.

The seminar provided the backdrop for the launch of two initiatives - the Model Clause for International Arbitration Act 1994 (IAA)-related matters and the Litigation-Mediation-Litigation (LML) Protocol.

The event was attended by Second Minister for Law Edwin Tong SC, President of the SICC, Justice Philip Jeyaretnam, Chief Executive Officers of the SIAC and SIMC, as well as other leading figures in the arbitration community.



▲ Justice Philip Jeyaretnam delivering the keynote address



**Scan QR code for Justice Philip Jeyaretnam's keynote address**

[go.gov.sg/sicc-speech-2023](https://go.gov.sg/sicc-speech-2023)

## Model Clause for IAA-related matters



▲ Justice Philip Jeyaretnam with members of the SICC Working Group

The SICC and SIAC jointly introduced a jurisdiction model clause to aid parties who wish to designate the SICC as the supervisory court to hear IAA-related applications. This follows an increasing number of matters heard by the SICC on international arbitrations seated in Singapore under the IAA.

Parties may incorporate this new model clause into their contracts, or at any other time such as after a dispute has arisen. The SIAC will also be including the clause as one of the options in its Model Clause, where the international arbitration is Singapore-seated.

A joint effort of an SICC Working Group chaired by Justice Jeyaretnam and comprising lawyers from Singapore and foreign law practices, the model clause aims to further enhance SICC's growing reputation for effective adjudication of IAA-related applications.

International arbitration users will benefit from the quick turnaround of applications as observed from the SICC judgments that have been released, as well as from the costs awards that are reflective of actual costs involved in the application.

## Litigation-Mediation-Litigation Framework

The SICC and SIMC established a mediation-friendly protocol to advance Singapore as an Asian hub for dispute resolution.

US\$3 billion total dispute value for the previous six years (2014-2020). In 2022, total dispute value further rose to US\$4.84 billion.

This framework, which went into effect on 12 January, aims to promote the amicable resolution of international commercial disputes.

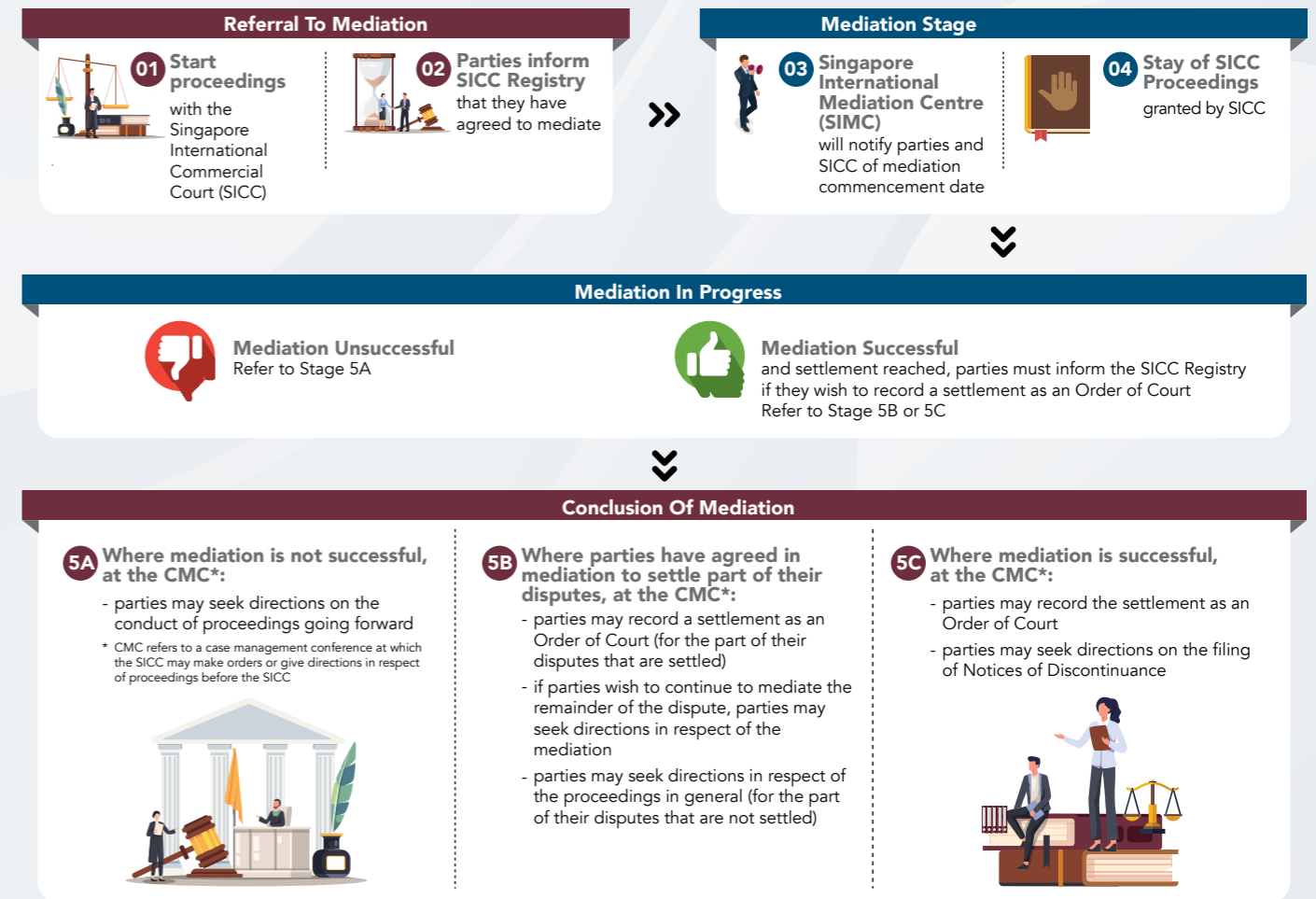
Parties may choose to adopt the LML Protocol when contracts are being negotiated by incorporating the model LML Clause into their agreements. Alternatively, parties may by a separate agreement adopt the LML Protocol at a later stage.

Mediation is a powerful method of resolving a wide range of disputes. In 2021, the total value of cases filed for mediation at SIMC rose substantially, equalling the

“Establishing the LML Protocol with SIMC provides clear guidance to parties on how they may attempt settlement through mediation for disputes before the SICC. They have the flexibility to incorporate the model LML Clause into their contracts, or at any other time such as after a dispute has arisen.”

**Justice Philip Jeyaretnam**  
President of the SICC

### How the LML Protocol works





## Highlights of Study Trips by Foreign Judiciaries

### Supreme Court of Japan



▲ Judge Ono gifting a token of appreciation to Supreme Court's Director of Strategic Planning, Policy and International Relations, Ms Shirlynn Loo

On 19 and 20 January, a delegation from the Digital Transformation Office of the Supreme Court of Japan visited the Supreme Court and State Courts as part of a survey study on digitalisation efforts of various judiciaries. The delegation was led by Staff Attorney for Digital Transformation Office, General Secretariat, Judge Keisuke Ono.

They were briefed by Chief Transformation and Innovation Officer, Mr Tan Ken Hwee and Principal District Judge Toh Yung Cheong from the State Courts. They learned about the digital transformation of Singapore Courts as well as the various integrated court systems which facilitated access to justice, including learning points gained from the pandemic.

### Supreme People's Prosecutor of Lao PDR

A delegation led by the Supreme People's Prosecutor (SPP) of Lao People's Democratic Republic His Excellency Xaysana Khotphouthone visited the Supreme Court on 8 February to learn more on digital transformation of Singapore Courts. SPP Knotphouthone also had a lively discussion with Chief Transformation and Innovation Officer, Mr Tan Ken Hwee on Singapore's experience with the infrastructure and funding needed to digitalise the courts.



▲ The Laoian delegation with Supreme Court's Director of Strategic Planning, Policy and International Relations, Ms Shirlynn Loo (fifth from left) at the Supreme Court

## Technology Dialogues with the Singapore Academy of Law



▲ Chief Transformation and Innovation Officer Mr Tan Ken Hwee presenting the Singapore Courts' latest tech offerings

On 22 and 23 March, the Judiciary's Office of Transformation and Innovation (OTI), together with the Singapore Academy of Law's Young Members' Working Group (YMWG), jointly conducted the Technology Dialogues 2023.

The event was moderated by Co-Chairperson of the YMWG, Mr Raza Ibrahim, with the Judiciary's Chief Transformation and Innovation Officer Mr Tan Ken Hwee as the guest speaker. Mr Tan shared with over 60 attendees the latest initiatives of Singapore Courts and gave a preview of upcoming ones.

The dialogues saw overwhelming positive feedback, including the Courts' professionalism and the efficiency of procedures. Attendees also shared how new products such as the ability to effect substituted service via the Singpass app Inbox was a helpful gamechanger. There were also areas of improvement highlighted,

for example in the duration to complete certain procedures and how some technical systems required an upgrade to run faster and smoother.

The dialogue highlights the importance of giving lawyers and legal professionals a platform to share their thoughts and opinions in a safe and confidential setting. It also gave OTI the opportunity to see how views may vary between legal professionals of differing seniority, with some being less receptive to technology adoption than others.

Launched last year as an annual event, the technology dialogue is one of Singapore Courts' initiatives to engage stakeholders to understand their needs and gather constructive feedback. This will help OTI make informed decisions and implement better tools that benefit everyone.

### Technology products introduced by the Judiciary



#### Probate eService (New!)

Allows self-represented persons to make probate applications online without the need to engage multiple touchpoints from different public agencies



#### Asynchronous Hearings (In Beta Testing)

Allows parties to participate in the proceedings through a messaging functionality anytime, anywhere



#### Document Signing Service

Allows different types of documents to be signed digitally using "Sign with Singpass" from within eLitigation



#### Substituted Service

Allows electronic substituted service to parties to be done through the Singpass app Inbox



## Behind the Scenes with Knowledge Management Officers



**ONG LUAN TZE**

Deputy Chief  
Knowledge Management Officer

Knowledge Management (KM) officers work to deepen the Judiciary's knowledge base, strengthen its infrastructure and develop a dynamic KM culture in support of the One Judiciary Integration and a culture of excellence for Singapore Courts. In this issue, we interviewed Ms Ong Luan Tze and Ms Thasreen Refaya from the Knowledge Management Office. Luan Tze joined the then Singapore Legal Service in 2004 and was posted to the State Courts as a District Judge in 2017. She was appointed Deputy Chief Knowledge Management Officer in March 2021. Thasreen joined Singapore Courts as Manager, Knowledge Management Office in May 2021.

### What are your responsibilities?

**LT:** I assist the Chief Knowledge Management Officer to lead the Knowledge Management Office (KMO) to provide strategic leadership for knowledge matters across the Judiciary, in order to advance the vision and mission of Singapore Courts.

**TR:** I help run the day-to-day operations of the KMO and support the implementation of KM projects and initiatives charted in our KM Strategy and Roadmap 2022-2026.

### Describe a typical day at work.

**LT:** There is no typical schedule to my days at KMO. At any one time, the KMO runs several projects and initiatives, and we work with many different stakeholders such as our KM subgroup members, Singapore Judicial College, and court representatives. A typical day in KMO could involve meetings (both virtual and physical) with our stakeholders, strategy planning sessions, drafting proposal papers, and even creating knowledge resources in the form of Standard Operating Procedures and bench guides. Anything goes, as long as it is for the greater good of enhancing our knowledge database and strengthening our KM practices!



**THASREEN REFAYA**

Manager  
Knowledge Management Office

**TR:** I begin my day by reviewing the status of ongoing KM projects and planning ahead. Some days, I am busy preparing presentation materials for meetings with various stakeholders, responding to emails and messages, and managing the KM intranet page. It is my habit to wrap up the day by checking my to-do list for pending work to complete, and to update and re-prioritise my tasks based on urgency.

### Are there any misconceptions about the work you do?

**LT:** Some may think of KMO as the knowledge repository or record management in Singapore Courts. However, KMO is not the main content creator or owner of Singapore Courts' knowledge assets.

We are more concerned with the processes, playing the role of a facilitator among different knowledge experts and users, linking relevant parties and encouraging the strengthening and harmonisation of processes and frameworks within which we create, store and share knowledge in the judiciary.

To dispel these misconceptions, we started sharing more about what we do via the bi annual publication "KM Spotlight" and the KM Fest in 2022. We hope to do more of such outreach to raise awareness of KM.

**TR:** Many tend to associate KM with an IT programme. Technology is undoubtedly a critical enabler for KM efforts, and we are working to develop an integrated Singapore Courts intranet to replace the existing portals used by the three courts. That said, the new intranet will only be valuable if users utilise and generate content on the platform. Hence, knowledge, people, processes and policies are equally, if not more important than technology as enablers for a strong KM ecosystem.

### What are the critical qualities a Knowledge Management Officer should have?

**LT:** I think the most important quality is a passion for helping people get to the knowledge they need for their work, as efficiently as possible. Apart from having a strategic mindset and the courage to push for change, a KM officer should also be strong in communication and inter-personal skills as much of

the work involves coordinating between stakeholders who come from varied working backgrounds with different considerations.

**TR:** It is important to be meticulous to ensure that the KM projects, initiatives and processes are carried out properly, efficiently and within the targeted periods. A KM officer should also commit to continuous learning by expanding his or her knowledge and skill sets and staying abreast of latest developments in KM.

### What are some of the challenges that you face?

**LT:** It is not easy trying to change a culture, and that is essentially what KMO is trying to do – break down the silos mindset between courts and help to nurture a culture of responsible knowledge sharing while also raising awareness of the importance of KM. This will take time and effort, but so far, we have been encouraged by many stakeholders who see the importance of this endeavour and who try their best to support us in our work. This has made our journey much easier.

**TR:** Coming from a non-legal background, it was difficult to familiarise myself with legal jargon and processes, especially in the early days. Happily, hands-on experience and support from colleagues from across the three courts proved very helpful in gradually improving my legal knowledge and deepening my appreciation of the work done in the Judiciary.

### What keeps you going?

**LT:** I personally believe in the importance of KM and the exponential benefits that a good KM system and framework can bring to Singapore Courts and the work that we do. Keeping that big picture in mind keeps me grounded and focused on what I have to do every day in KMO, even when the going gets tough. Some battles are worth fighting for!

**TR:** The dynamic aspect of my work excites me, and I am grateful to have found a career that aligns with my current interests and goals. I also enjoy working with my team, both within and outside the KMO, who are not only supportive and collaborative, but also a source of inspiration for me to do my best at work.



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