

SMC 20TH ANNIVERSARY DINNER

ADDRESS BY SMC CHAIRPERSON JUSTICE BELINDA ANG

24 AUGUST 2017, THURSDAY

Welcome

- 1 Chief Justice Sundaresh Menon, Judge of Appeal Chao Hick Tin, Senior Judge Chan Sek Keong, Judges, Judicial Commissioners, distinguished guests, ladies and gentlemen, good evening and a warm welcome to SMC's 20th Anniversary Dinner. I am delighted to see many familiar faces and I thank all of you for being here to make this occasion even more meaningful.

Genesis of SMC

- 2 I would like to begin by paying tribute to the person who planted the idea of mediation that took root 20 years ago. This is none other than Senior Judge Chan Sek Keong. As Attorney-General at the Opening of the Legal Year in 1996, he outlined a bold vision for mediation to be the "first line of prevention" in disputes. I take the liberty to read you the pivotal passages from his address, which incidentally uses the familiar language of mediation. You will also appreciate the prescience of his call, looking back from where we started.

Quote

"In the area of civil disputes, there is a better form of dispute resolution. Litigation is a contest of claims to legal rights and interests within a regulated and formal environment. It is a contest of wills under the law.

Adversarial justice, however quick and efficient, invariably leaves in its wake losers and perhaps some degree of animosity. It is a zero-sum game which, absent a compromise before judgment, leaves no feasible way to save face. Litigation, by its nature, affects harmonious social relationships. We should therefore encourage our citizens to resolve their domestic, social and even financial disputes amicably. In the past when there were fewer local lawyers, many trade disputes among local merchants were settled through mediation by their clan associations. Mediation is part of Asian tradition and culture. Litigation should therefore be the last and not the first resort to resolving legal disputes.”¹

Unquote

- 3 It is significant that Attorney-General Chan set the bar high for mediation right from the start. Rather than suggesting that it could be an additional way in how legal disputes are resolved, he saw a world where mediation was simply and clearly, the first resort to resolving disputes. Today, private mediation has truly become part of our justice system, and it has become an option for parties before any court proceeding has been started, and even after judgment has been rendered and before a hearing at the Court of Appeal.
- 4 I would also like to pay homage to former Chief Justice Yong Pung How who enthusiastically acted on this aspiration. Soon after the Opening of the Legal Year, he assigned a Supreme Court Judge to chair a Sub-Committee to look into the setting up of a specialist mediation centre, and lent a dynamic young Assistant Registrar to pilot a Commercial Mediation

¹ Speech by the Honourable Attorney-General Chan Sek Keong at the Opening of Legal Year 1996.

Service project. After a year-long effort, Chief Justice Yong inaugurated SMC as a subsidiary of the Singapore Academy of Law on 16 August 1997 and reaffirmed the Judiciary's support, setting a new direction for the culture of dispute resolution².

Mandate for SMC

- 5 I am immensely proud to say that SMC has steadfastly worked to develop mediation as a dispute resolution tool for the past 20 years. My own involvement in this journey began in September 2011 when former President of the Singapore Academy of Law, Chief Justice Chan appointed me the Chairperson of SMC. At a function we attended, he came up to me. He had assumed that I had heard about the appointment and said three things to me. The first thing he said, no doubt as a sweetener, was that there would be many opportunities to travel. I am not sure where he got that idea, because I have not been overseas on SMC work even once in the past 6 years!
- 6 The sweetener to the sweetener, he said, was that there would be nothing to do as Chairperson of SMC. Those of you who have been associated with SMC in the past few years will know that the changes in the legal landscape have necessitated anything but resting on the tremendous work put in by my predecessors. I can only say that it has been a fulfilling passage to continue to shape SMC.
- 7 As Chief Justice Chan started to walk away, he turned around with a parting reminder: "Make sure you don't lose money!" That was obviously a

² Address by Chief Justice Yong Pung How at the launch of the Singapore Mediation Centre, 16 August 1997.

serious directive. Connecting all he had said, I questioned myself: “How do I not lose money and do nothing!” They seemed like opposing tasks to me. I am fortunate and I owe it to the SMC team for keeping me out of trouble with my bosses since I took up the Chair.

Achievements of SMC

- 8 The first indicator that SMC has come of age is of course, our caseload, which has grown steadily over the past 20 years. We recorded our highest ever caseload last year, with a total of 499 mediation matters lodged at the end of 2016. I am pleased to report that the caseload has grown a further 20% in mediation matters lodged in the first half of 2017, compared to the same period in the previous year.
- 9 The other sign of SMC’s maturity is the international recognition for our mediation training. We are now a go-to training provider, with clients from Austria to Qatar, and from Dubai to China. Within the region, we have conducted training in every ASEAN country. We have also carved out a niche in mediation training for judicial officers in countries such as Myanmar and Jordan, amongst many others. I would particularly like to highlight our work in Fiji, led by SMC Board Member, Mr George Lim *Senior Counsel*, where we have conducted mediation training almost annually since 2006. Our work in Fiji also culminated in the launch of the Fiji Mediation Centre in 2015.
- 10 It is really fortuitous that SMC’s advancement in the arena of dispute resolution coincided with a much renewed responsiveness of the justice system to dispute resolution. The amendments to the Supreme Court

Practice Directions to introduce “ADR Offers” in 2014, and then a further amendment in 2016 that reminds all lawyers to inform their clients on the use of ADR are testimony to this new wind. Strengthening this, the Legal Profession (Professional Conduct) Rules 2015 were also amended in 2017, introducing prescribed duties of legal practitioners relating to evaluating the use of ADR and to the conduct of ADR. And heralding a new dawn, the much anticipated Mediation Act was also passed earlier this year, which among other provisions, provides for the recording of mediated settlement agreements as an order of court. Adding to the vibrancy of the alternative dispute resolution scene in recent years is the establishment of the Singapore International Mediation Centre, the Singapore International Mediation Institute and the Singapore International Dispute Resolution Academy.

- 11 SMC has led and will continue to step up the pace to take dispute resolution in Singapore to greater heights. SMC will also continue to push to transform mindsets towards creating a metropolis for mediation in Singapore.

Acknowledgements

- 12 Many persons have been instrumental in making SMC what it is today. First, I would like to personally thank my Board of Directors for their selfless time, and tireless service. Each of you has been a key player in forging the strategic direction that has brought SMC to new and greater heights. SMC is also fortunate to be able to turn to a Board of Advisors for guidance from time to time, and to them, I also express my appreciation.

- 13 Second, I would like to acknowledge the contributions of SMC's Construction Adjudicator Accreditation Committee. Several dauntless stalwarts in the construction industry, led by SMC Board Member, Mr Chow Kok Fong, took up the gauntlet when SMC was appointed the Authorised Nominating Body under the Securities of Payment Act in 2005 to form this Committee. They trained our adjudicators and have played a major role in developing SMC's adjudication service. To each and every member of the Committee, my heartfelt appreciation.
- 14 Next, I owe my gratitude to our hardworking staff of SMC. The operationalisation and delivery of SMC's functions rest with you, and you have produced exemplary results within the constraints of limited resources. I owe my debt of thanks to all of you.
- 15 To the Supreme Court, the State Courts, the Family Justice Courts and the Ministry of Law, thank you for having played a strong role in supporting SMC's development.
- 16 Last but not least, to all of you, our Mediators and Training Faculty, in particular the pioneers who have been with us since 1997. Thank you for your passion for mediation and journeying with SMC.

Future of SMC

- 17 Looking to the future, at SMC's Appreciation Lunch in 2012, I first spoke of the need to professionalize mediation. SMC's goal is to make mediation a sustainable profession. The sprouts of the seedlings are emerging and I am extremely heartened by the remarks of encouragement made by Chief Justice Menon to all our mediators. SMC will continue its commitment to

nurture our mediators by working to expand the market for mediation in Singapore, and through supporting the up-skilling of mediators with advanced mediation training.

18 That is not all. It is imperative that SMC evolves to engage the new generation of users in a constantly changing world. SMC's next enterprise must be to embrace technological solutions and adapt them to complement and enlarge our existing services. It is a known fact that Online Dispute Resolution or ODR is already making waves as a popular and effective solution for e-Commerce and other low value disputes in other parts of the world. ODR will form a natural complement to SMC's suite of dispute resolution services and I am pleased to announce today that SMC has signed a Memorandum of Understanding with Tyler Incorporated, a US-based technology company, to co-operate to lead SMC's ODR initiative in Singapore. The presence of Tyler's representative at tonight's dinner is significant to mark the start of this new venture.

19 In driving this vision, I am extremely grateful to Chief Justice Menon for his appreciation of SMC's challenges to preserve its identity and space, and for the need for SMC to differentiate itself. Chief Justice, thank you for your presence here tonight and what it represents for SMC's vision, and all our mediators and partners.

Commemoration of SMC's 20 Years

20 To celebrate 20 years of mediation, I would like to end my address this evening by announcing the establishment of the Singapore Mediation Centre Prize that will be awarded to the top students for the module

“Mediation” at the National University of Singapore Faculty of Law and for “Professional Mediation Skills” at the School of Law, Singapore Management University. The prizes will be first awarded in the Academic Year 2017-2018, and over a period of 10 years. By this, SMC will play a larger part in encouraging a new culture in legal education and equipping lawyers entering the profession with fresh perspectives in dealing with disputes.

- 21 On this note, I thank you all once again for gracing our 20th Anniversary celebrations. I wish you an enjoyable evening.

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