

Restoring Community Relations in a Digital Age – the Community Justice and Tribunals System

Presented by: Principal District Judge Bala Reddy

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- 1 The Community Justice and Tribunals Division (“the Division”) of the State Courts of Singapore is committed to delivering high-quality justice to the community through the timely resolution of community disputes. In addition to resolving the case at hand, the Division seeks to restore community relations that have become fragmented or have broken down over time. The Division houses three specialised tribunals: the Small Claims Tribunals (“SCT”), the Community Disputes Resolution Tribunals (“CDRT”) and the Employment Claims Tribunals (“ECT”); each focused on meeting the needs of litigants in a specific subject area.

- 2 To keep the costs of proceedings affordable, legal representation is limited in the tribunals, and the majority of claimants and respondents therefore act in person. With that in mind, it is essential that litigants are given access to the services provided by the tribunals conveniently and are also able to resolve their disputes in the shortest time frame possible so as to keep costs to a minimum. However, given that the filing and processing of claims had to be done manually, and alternative dispute resolution processes such as mediation and negotiation had to be carried out in the physical court premises, litigants were required to make multiple trips to the State Courts for their case to be resolved, leading to increased costs and wastage of time. For example, previously in the SCT, a non-complex case generally required three to four court attendances before it was finally adjudicated upon. It became clear that these manual processes were in need of radical reform.

- 3 In response to that need, the Community Justice and Tribunals System (“CJTS”) was developed to enhance the services provided to litigants. After more than 24 months of brainstorming, designing, and back-end testing, the CJTS was launched on 10 July 2017 and has completely revamped the processes of the Division. The CJTS leverages on state-of-the-art technology to transform a paper-based filing and management system into a comprehensive online filing and case management system with an innovative online dispute resolution (“ODR”) platform. Bearing in mind the need to keep processes simple,

easy to understand, and yet effective, the CJTS online platform and its navigation system have been designed wholly with the end-user in mind and centres on transforming his experiences at every stage of the process from the commencement of a case to its conclusion.

- 4 The CJTS empowers litigants by putting the court services online at their fingertips. From the moment the claim is filed to the conclusion of a case whereby an e-Order is extracted, every step may be performed online. Dispute resolution platforms have also been made available online which allows for disputing parties to resolve their dispute at an early stage without the intervention of any third party. Resolving disputes at an early stage is crucial in preserving the relationship between parties. The delay in the resolution of a case not only increases costs for parties but often results in increased friction and hostility, leading to further fragmentation of relationships which can, oftentimes, be irreversible. With the ODR platforms in CJTS, parties are able use functions such as e-Negotiation and e-Mediation to resolve their dispute in a speedy and inexpensive manner, allowing for relationships in the community to be maintained and even restored. With CJTS, the Division has also been able to streamline its processes and manage its resources more efficiently. The cessation of the public-facing counters used to check and process manual submissions since the launch of CJTS has allowed for staff to be redeployed to perform other tasks, and to focus on meeting the needs of litigants in other areas.
- 5 This digital transformation had its inception in the SCT. The SCT seeks to provide a fast and inexpensive process to resolve disputes between consumers and suppliers, and landlords and tenants, with a jurisdictional claim limit of \$10,000 or \$20,000 with the consent of both parties. It sees a high volume of around 10,000 cases per year with each case involving two or more parties. The wave of transformation spread to the CDRT on 5 February 2018. The CDRT hears cases involving intractable disputes between neighbours after alternative dispute resolution measures such as mediation have been exhausted, and processes a smaller number of less than 100 cases per year. Going forward, there are further plans to implement CJTS to replace the manual case processing in the ECT and enhance the services provided to ECT litigants.
- 6 The CJTS is designed in such way that it is easy for users to navigate the system without the need to engage a legal professional or service bureau. It levels the playing field and

empowers users to settle their cases with the other party, without having to travel to the court premises, or engage a professional. This new approach is a first in the tribunals, providing an innovative platform for the timely resolution of disputes. The CJTS offers tribunal users a whole array of online services.

E-Filing

- 7 For many existing e-filing platforms, self-represented litigants without a lawyer are unable to access the court system directly. They would have to visit a specified service bureau during its operating hours to e-file or retrieve information on their case. The CJTS removes the need to visit a service bureau or to engage a legal professional. Litigants may use any internet-enabled computer, tablet, hand phone or mobile device to e-file their claims and documents, and view documents submitted by the other party, at their own time and convenience.

E-Assessment

- 8 To assist litigants in filing their claims, the CJTS provides all litigants with a pre-filing checklist to alert litigants to potential issues in their case, and further use to validate that their claim is within a tribunal's jurisdiction. Litigants in person often experience great difficulty in filing a claim or preparing documents for their case given that they are usually unfamiliar with both the procedural and substantive legal issues in their case. The CJTS is transformative in that it provides specific legal information based on the litigant's answers to the questions posed through the pre-filing assessment checklist. The information helps litigants to understand their situation and become aware of any potential issues that may arise in their case before they decide to file a claim. It also prompts litigants to gather the necessary evidence before filing a claim so that hearing slots will not have to be subsequently vacated due to a lack of preparation on the part of litigants. To reduce potential filing errors, litigants are further guided by short explanatory notes when filling up the form, and can choose from a standard list of options when answering certain questions.

E-Negotiation and E-Mediation

- 9 The CJTS goes beyond preparing parties for adjudication by empowering litigants to e-negotiate a settlement. Most ODR tools require an administrator. The e-Negotiation function in CJTS, however, allows the parties to negotiate directly without requiring the

intervention of a third party. Communications between the parties are sent, received and stored within a fast, simple and secured system. When a party makes a counter-offer, the other party is notified by email or phone messaging to log on to accept the offer or provide a further counter offer. Depending on the nature of the dispute and the counter-proposals that have been made, the CJTS will prompt a suggested quantum for parties to consider for settlement. A summary of the negotiations and settlement proposals will be stored in the system for the user's ease of reference. If an amicable settlement has been reached, the parties may even apply online for and obtain an e-Order of the tribunal without having to travel to the physical court premises.

10 If negotiations fall through and the parties require the assistance of a third party to resolve their dispute, they may use the online chat room provided by CJTS to resolve a dispute with the assistance of a State Courts volunteer mediator. The entire mediation process from start to finish takes place online. The CJTS displays key information to both the mediator and parties for their ease of reference to assist in the mediation process. For example, parties are able to view the documents uploaded by the other party while the mediation is ongoing without having to toggle between screens. The mediator may also personalise their own mediator toolkit so that they can use their best methods to break any impasse that may arise or even draft standard settlement templates for the parties to use in resolving their disputes. The CJTS further ensures that the mediator retains control over the entire process to avoid a free-for-all exchange. For example, when the mediator chooses a private caucus, the other party will not be able to see the conversation in CJTS. Instead, CJTS allows the other party to 'buzz' the mediator to get the attention of the mediator. The mediator is therefore able to employ a vast range of tools to use during the online mediation so as to give parties the best possible chance of success in coming to a settlement agreement and resolving the dispute at hand.

11 All of the abovementioned processes and functions are used within a secured network. The CJTS allows litigants secured access using SingPass and CorpPass¹. By leveraging on the

¹ The Singapore Personal Access (or SingPass) is an online account management for access to Singapore Governmental Services. The SingPass allows users to transact with over 60 governmental agencies online easily and securely. CorpPass is a corporate digital identity for businesses and other entities (such as non-profit organisations and associations) to transact with Government agencies online.

national authentication platform, it removes the need to establish a separate authentication platform and delivers a more seamless experience for users.

- 12 Finally, the CJTS also allows the tribunals to better understand trends in the filing and eventual resolution of cases that come to the tribunals by allowing the Division to archive cases electronically and generate statistical reports periodically. Having an efficient method of data collection is vital for the purposes of conducting in-depth data analysis so as to formulate more effective policies to handle future cases filed by litigants in person in the respective specialised tribunals.

- 13 In conclusion, the CJTS has revolutionised the dispute resolution process for both litigants in person and the tribunals. The ODR concept in CJTS is new to the judiciary, both locally and worldwide. With its success in enabling litigants to file their claims and resolve their disputes online, the CJTS has given the Singapore judiciary greater confidence to adapt CJTS services to other types of disputes and forums, and to embark on future technological endeavours to achieve even greater heights of innovation with the aim of ensuring that justice remains accessible to all.