

PART 8: FREQUENTLY ASKED QUESTIONS

Q1 What is the difference between mediation under the LSMS and going to court to resolve my dispute?

- A.** Mediation is a private process where parties agree to refer their disputes to a mediator(s) whose role will be to assist the parties in arriving at a mutually acceptable resolution of the disputes in question. Unlike litigation or arbitration, the resolution of the disputes is not dependant on a third party imposing a decision on the parties. It is for the parties to arrive at an amicable resolution of their disputes with the assistance of the mediator(s). Unlike court proceedings, mediation proceedings are private and confidential.

Q2 What type of disputes are suitable for mediation through the LSMS?

- A.** All types of civil disputes are suitable for LSMS mediation.

Q3 Can I refer my dispute to the LSMS if there is no LSMS mediation clause in my contract?

- A.** If all parties are agreeable to mediate the dispute under the Law Society Mediation Rules, the parties can sign the Agreement to Mediate found in Part 4 of this Handbook. Parties can then jointly submit a Request for Mediation as found in Annex A of the Rules to the President of the Law Society.

If the parties have not indicated that they agree to mediate the dispute, you can submit a Request for Mediation as set out in Annex A to the President of the Law Society, and send a copy to the other party or parties for them to indicate if they agree to the mediation of the dispute. If the other party or parties do not within 14 days of receiving the Request, inform the President as to whether they agree to the mediation of the dispute, there shall be no mediation.

Q4 Is there any monetary limit to a dispute before the LSMS can apply?

- A.** No. There is no monetary limit.

Q5 What are the advantages of using the LSMS?

- A.** The procedure set out in the rules for mediation makes it convenient for parties to submit to mediation under LSMS. The LSMS allows for quick resolution of disputes between parties, thus saving costs. The administrative charges of the Law Society are set out in the Fees Schedule at Part 3 of this Handbook.

Q6 What must I do to commence mediation under the LSMS?

- A. You should comply with the terms in your agreement. Check if the agreement provides for a procedure for the commencement of mediation. If there are no terms governing the procedure for commencement of mediation, you should consult your lawyer on the procedure to follow. Typically this would involve notification to the other party of your intention to submit your dispute to mediation under the LSMS and securing the consent of the other party. This can be done by submitting a Request for Mediation as found in Annex A of the Rules. A registration fee of S\$100 will be payable to the Law Society on the filing of the request for mediation.

Q7 Is there a panel of mediators of the LSMS?

- A. Yes, there is a Panel of Mediators comprising Senior Mediators and Associate Mediators. The members of the Panel are experienced lawyers practicing in various areas of law and who are qualified mediators. For disputes where the claim amount is up to S\$60,000, two Associate Mediators will conduct the mediation. For disputes where the claim amount is more than S\$60,000, a Senior Mediator as well as an Associate Mediator will conduct the mediation. The role of the Associate Mediator is to assist the Senior Mediator in the conduct of the mediation. The Law Society will provide the list of the Panel of Mediators on the Law Society of Singapore's website.

Q8 Are parties restricted to mediators from the Panel of Mediators?

- A. Yes, parties can only choose mediators from the Panel of Mediators.

Q9 Is a settlement agreement made under the LSMS binding on the parties?

- A. Yes, a settlement agreement made between parties is binding, if it is in writing and signed by the parties.

Q10 How much will it cost to mediate under the LSMS?

- A. The Law Society prescribes the mediators' fees. The Fees Schedule at Part 3 of this Handbook sets out the current fees payable. The Law Society may from time to time revise the fees and this will be set out on the Law Society of Singapore's website.

Q11 Approximately how long will mediation take under the LSMS?

- A. Mediation proceedings will usually take about half a day to a whole day, but may be longer if the matter is more complex. It is up to the parties to decide for how long the mediation is to proceed. Parties may, if they so desire, terminate the mediation proceedings if they form the view in the course of the mediation that parties are unlikely to arrive at a settlement agreement.

Q12 What happens if there is no settlement after the mediation under LSMS?

- A.** Parties are at liberty to consider other forms of dispute resolution and may choose to refer the dispute to arbitration under the Law Society Arbitration Scheme.

Instead of commencing mediation under LSMS, parties may also consider submitting the dispute for resolution under the Law Society Arb-Med-Arb Practice Directions. This provides a streamlined process for parties to commence arbitration under the Law Society Arbitration Scheme, and then stay the arbitration for a defined period to attempt mediation. Parties may choose their preferred mode of mediation, including the LSMS. If mediation fails, your dispute will continue to be resolved by way of arbitration under the Law Society Arbitration Scheme.

You can provide for this in your agreement before any dispute arises. If your agreement does not provide for this, consult your lawyer on the procedure to follow. You will need to secure the other party's consent.