

PART 10

Frequently Asked Questions

Q1 What is the difference between neutral evaluation and neutral determination under The Law Society Neutral Evaluation and Determination Scheme and going to court to resolve my dispute?

A. Neutral evaluation and neutral determination are private processes where parties agree to refer their disputes to a Neutral whose role will be to provide a summary evaluation of the dispute or temporary determination for the matter. These processes are generally speedier and less costly than litigation and arbitration, and they allow parties to have a temporary resolution to their dispute before the dispute is ultimately determined by an arbitrator or a court or other body of competent jurisdiction.

Q2 What type of disputes are suitable for neutral evaluation and neutral determination under The Law Society Neutral Evaluation and Determination Scheme?

A. All types of civil disputes are suitable.

Q3 Can I refer my dispute to The Law Society Neutral Evaluation and Determination Scheme if there is no clause providing for neutral evaluation or neutral determination in my contract?

A. If all parties are agreeable to have their dispute evaluated or determined under the LawSoc Neutral Evaluation and Determination Rules, the parties can sign the Agreement for Neutral Evaluation or Neutral Determination found in this Handbook. An Applicant may then apply for a neutral evaluation or neutral determination of a dispute as agreed in the Agreement.

Q4 Is there any monetary limit to a dispute before The Law Society Neutral Evaluation and Determination Scheme can apply?

A. No. There is no monetary limit.

Q5 What are the advantages of using The Law Society Neutral Evaluation and Determination Scheme?

A. The scheme allows for quick resolution of disputes between parties, thus saving costs. In addition, The Law Society of Singapore can provide facilities for the conduct of the neutral evaluation and neutral determination, subject to availability. The administrative charges of The Law Society of Singapore are set out in the fees schedule in Part 7 of this Handbook.

Q6 What must I do to commence neutral evaluation or neutral determination under The Law Society Neutral Evaluation and Determination Scheme?

A. To commence a Neutral Proceeding, the Applicant must deliver an Application in accordance with Rule 5 of the LawSoc Neutral Evaluation and Determination Rules to the Respondent. A copy of the Application together with a non-refundable administration fee (as set out in the fees schedule in Part 7 of this Handbook) shall be delivered to the main premises of The Law Society of Singapore (39 South Bridge Road, Singapore 058673) and be marked for the attention of the President. For more information, please refer to Rule 5 of the LawSoc Neutral Evaluation and Determination Rules.

Q7 Is there a Panel of Neutrals for The Law Society Neutral Evaluation and Determination Scheme?

A. Yes, there is a Panel of Neutrals comprising experienced legal practitioners practising in various areas of law. The Law Society of Singapore will provide the list of Neutrals on its website at www.lawsociety.org.sg

Q8 Are parties restricted to Neutrals from the Panel of Neutrals?

A. Yes, parties can only choose their Neutrals from the Panel of Neutrals.

Q9 Is the decision by the Neutral binding on the parties?

A. An evaluation is advisory only. A determination or a Costs Decision, on the other hand, is binding until the dispute is ultimately determined by an arbitrator or a court or other body of competent jurisdiction.

Q10 How much will it cost to seek a neutral evaluation or neutral determination under The Law Society Neutral Evaluation and Determination Scheme?

A. The Law Society of Singapore prescribes the Neutral's fees. Part 6 of this Handbook sets out the current fees payable. The Law Society of Singapore may from time to time revise the fees and this will be set out on its website at www.lawsociety.org.sg

Q11 Approximately how long will the Neutral take to deliver an Evaluation or Determination under The Law Society Neutral Evaluation and Determination Scheme?

A. Rule 16.1 of the Lawsoc Neutral Evaluation and Determination Rules provides that the Neutral will give the Evaluation or Determination to the parties within fourteen (14) days after the date of the Neutral's receipt of the Response or the date for giving the Response, whichever is earlier. However, depending on the complexity of the matter, more time may be required by the Neutral to consider adequately the legal issues and provide his or her Evaluation or Determination.