

SINGAPORE MEDIATION CENTRE
Neutral Evaluation Service

Frequently Asked Questions

1. What is the difference between mediation and neutral evaluation?

In mediation, the Mediator acts as a facilitator to enable the parties to reach a settlement through their own negotiations. The Mediator does not provide an opinion on the strengths and/or weaknesses of each party's position nor does the Mediator impose a solution on the parties. In a neutral evaluation process, the Neutral will assess the merits of the case and provide a reasoned opinion. Parties may choose whether to have the opinion binding or not for their case. This assessment may be used as a basis to resolve the dispute amicably in a follow up mediation session or through the parties own negotiation.

2. What types of cases are suitable for neutral evaluation?

Generally, all types of civil disputes are suitable so long as parties are committed to the prompt and cost effective resolution of the dispute, and participate in the process in good faith. Neutral evaluation may be best suited for disputes that would be filed in the High Court of Singapore.

Specifically, neutral evaluation would be suited for the resolution of specific issues which will streamline litigation or facilitate amicable settlement. These may include preliminary issues which can be disposed of early, allowing for time and costs to be saved if the matter proceeds to trial. The resolution of specific issues could also act as a reality check and facilitate amicable settlement.

Neutral evaluation is also suited to the disposal of technical or specialised subject matters, for example, in areas such as intellectual property, medical negligence, defamation, shipping, banking and finance, construction or where the case may turn on expert opinion. A specialist Neutral can be appointed in such cases.

3. What are the benefits of neutral evaluation?

- **Streamlines Issues.** Assists in identifying, clarifying and focusing on the key issues and supporting evidence required to prove one's case.
- **Reality Check.** Provides objective, independent and unbiased evaluation of the merits of the case by a respected, independent Neutral. This serves as an indication for parties of a probable outcome and its costs should the dispute be heard by a court.
- **Speed and Economy.** Resolves disputes faster and more economically. This avoids the destructive effect and the delay of on-going litigation in resolving a dispute. Corporate resources are freed up to focus on the parties' core business.
- **Facilitates Settlement Negotiations.** When the Neutral's opinion is rendered, parties are in a better position to negotiate solutions.

- **Confidentiality.** The Neutral's opinion is confidential and the information disclosed during the process is on a without prejudice basis.

4. Why spend for yet another professional?

In our adversarial legal system, both sides often get so firmly entrenched in their positions when trying to secure the best result in a legal case. As such, actual time, cost and effort spent on the law suit may end up being grossly disproportionate to the end result.

An ideal solution would be one that achieves the most at the least cost, time and risk. This is where it would be useful to have a Neutral step in at any stage of the legal case, to provide a 'reality check' allowing parties to examine the strengths and weaknesses of their case. In some cases, parties may reconsider investing their valuable and limited resources of time and money going to court.

The Neutral is independent; a professional with the right skill set to give the parties an advance indication of the possible outcome if parties wish to have the matter heard before a Judge. Neutral evaluation is a tool that can facilitate settlement which in itself is the greatest cost saver. After an impartial and objective evaluation, parties can have a better understanding of the facets of the dispute, thereby paving the way for the parties to consider an amicable settlement.

5. Why 'lay my cards on the table' so early?

With Discovery and Interrogatories as a compulsory process under the court procedure, evidence will have to be disclosed. While strategically, a wait-and-see attitude may seem advisable, sometimes this can drag on and, the perceived strategic benefit of holding out may have fizzled out.

6. What is the costs benefit of neutral evaluation?

Compared to the costs incurred through the life of a law suit, the costs of neutral evaluation would be lower. A successful party to a judicial or arbitral determined outcome has still to bear a portion of his costs burden. In resolving or narrowing disputes through neutral evaluation, parties save time, energy, and money. Parties are also spared the emotional stress associated with conflict and protracted litigation