

ReSolution: In Brief

Singapore: Draft Mediation Bill

A public consultation on the draft Mediation Bill (the Bill) in Singapore was launched in March 2016. Key features of the Bill include providing a statutory basis for parties to apply to court to stay proceedings while mediation occurs, allowing the Court to make interim orders to preserve parties' rights pending mediation outcomes, and codification of the duty of confidentiality in mediation.

The Bill also allows parties, by agreement, to apply to court to record a written and signed mediated settlement agreement as an order of court in certain circumstances. If the Bill is introduced it will strengthen the framework for mediation in Singapore, according legislative recognition of its place as a recognised form of dispute resolution.

Acting District Court Judges Appointed

Attorney-General Christopher Finlayson QC has announced the appointment of three Acting District Court Judges. Kevin Kelly of Wellington has been appointed an Acting District Court Judge in Wellington, and has also been appointed as chairperson of the Alcohol Regulatory and Licensing Authority. Whanganui Crown Solicitor Lance Rowe has been appointed an Acting District Court Judge with a jury warrant in Palmerston North. Auckland barrister Alan Goodwin has been appointed an Acting District Court Judge with a Family Court warrant in Manukau.

e-Discovery: Use of Predictive Coding Endorsed

Following the rapid uptake of technology assisted review in disclosure by courts in America, a recent decision of the English High Court expressly approved the use of predictive coding software (technology assisted review) for large disclosure exercises, confirming its benefits in appropriate cases (*Pyrrho Investments Limited & Anr v MWB Property Limited and Others* [2016] EWHC 256

(Ch)). The decision is likely to see a similar rise in its use in future English cases. Predictive coding applies algorithms during document review to prioritise and suggest documents which it believes are most likely to be relevant and reduce inclusion of irrelevant documents, and in doing so reduces the time and cost of review.

Singapore Choice of Court Agreements Act

In April 2016 Singapore ratified its treaty obligations under the 2005 Hague Convention on Choice of Court Agreements (the Hague Convention) through the enactment of the Choice of Court Agreements Act (the CCAA). Under the Hague Convention, contracting states are obliged to uphold exclusive choice of court agreements, and recognise and enforce, subject to certain exceptions, judgments of the courts from other contracting states designated in choice of court agreements. The CCAA applies to international civil and commercial disputes, and means that where a Singapore court is designated as the chosen court under a choice of court agreement, courts of other contracting states to the Hague Convention are obliged to suspend or dismiss corresponding proceedings in their jurisdiction, subject to certain exceptions. Singapore will be obliged to recognise reciprocal obligations pursuant to choice of court agreements nominating foreign courts of other contracting states to the Hague Convention