

What is Litigation?

Courts in Singapore

Litigation refers to the enforcing of one's rights through the Courts. In deciding which Court has jurisdiction (i.e. powers to deal with or the claims), parties have to assess the value of their claims. Table 7 shows a range of claim values and the Courts in which they may be heard.

Table 7. Value of claims and the Courts in which they may be heard

Singapore Courts	Value of claims that can be heard
Small Claims Tribunal	< S\$10,000 (or up to \$20,000 where both parties to the dispute agree)
Magistrate Courts	< S\$60,000
District Courts	< S\$250,000
High Court	> S\$250,000

Legal proceedings start with a plaintiff's lawyer sending a letter of demand requesting a certain action by a given period of time, to a defendant. Upon non-compliance by the defendant, the plaintiff may commence Court proceedings.

Any party who is not satisfied with the decision or order made by a District Judge or Magistrate in a civil action in the State Courts (which consists of the Small Claims Tribunal, Magistrate Courts and District Courts), may file an appeal to the High Court.

Litigation process

1. Pleadings

Proceedings are commenced most often by the service by the plaintiff on the defendant of a document called the Writ of Summons.

A statement of claim is served with the writ. This sets out a summary of the material facts supporting the claim, and the remedies being asked for. A defence may be filed in response to the statement of claim. Sometimes, if the defendant has a claim against the plaintiff on the same subject matter of the dispute, the defendant may file a counterclaim.

Throughout the litigation process, parties are bound by the rules of Court. In addition, lawyers (or litigants-in-person who act for themselves) have to attend pre-trial conferences that are fixed once every six (6) weeks. The pretrial conference is a proactive

case management mechanism that allows the Court to monitor the progress of cases and give the directions necessary in order to facilitate the just, expeditious and economical disposal of the various action.



“Yes, I suppose you could characterize the Discovery process as ‘I’ll show you mine if you show me yours’.”

2. *Discovery*

Parties are required to voluntarily disclose and produce copies of all relevant documents, both in support of and even those contradicting their own case, to the other party.

This stage is potentially time-consuming and extremely tedious especially for matters involving voluminous documentation. It should be highlighted that since lawyers typically charge by the hour, a lengthy discovery process would result in extremely hefty legal fees.

3. *Affidavits of evidence-in-chief*

The main body of the parties’ evidence is to be reduced into written form, in a document called the affidavit of evidence-in-chief (“AEIC”). Every relevant and material fact and document in

support of the claim, or to refute opposing arguments should be contained in the AEIC, for each and every one of the witnesses relied upon.

4. *Trial*

Parties attend an open Court hearing presided over by the Judge. At trial, parties are cross-examined, chiefly by way of leading questions – which are questions where the answers are often suggested within the questions themselves), by the opponent’s lawyer on the contents of their AEICs. This is a process designed to extract admissions or to gather concessions, in a bid to illicit the truth.

After the cross-examination ends, the parties may be re-examined by their own lawyer to clarify certain answers given during cross-examination. As a general rule, no leading questions may be asked during re-examination.

Leading vs Non-leading Questions

- Leading questions generally contain in themselves the answers that the lawyer asking such questions hopes to get. It is usually a yes-no question.
 - E.g. Were you at the dance studio on the night of 1 January 2017?
- Non-leading questions are usually open-ended, such as “Who”, “What”, “Where”, “Why”, “When” type of questions.
 - E.g. Where were you on the night of 1 January 2017?

Trials are stressful times for witnesses whereby the level of stress generally increases as the trials drag on, as lawyers may ask them a series of difficult questions, designed to make them appear to be untrustworthy. This is something you should be prepared for, if you are required to act as a witness in a trial.

The judgment in a trial is delivered by a Judge. If one or more parties are dissatisfied with the judgment, such parties may then proceed to file an appeal in the Court of Appeal. An appeal process is costly and the judgment may not always satisfy parties.