Rebalancing the scales to enhance access to justice for the layman

Some questions to consider as Singapore continues to lift the barriers, including making it easier for people to represent themselves in legal proceedings.

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In a recent parliamentary speech, Dr Tan Wei Meng (Punggol GRC) highlighted the need for a “deep dive” into the continuing obstacles facing those wanting to represent themselves in family proceedings. He said this should include the need for more streamlined processes and additional provisions which would ensure that more people are able to represent themselves in legal proceedings.

In response, Minister for Culture, Community and Youth and Second Minister for Law Edward Tang said that family proceedings could be challenging for litigants in person, as they are not as familiar with legal terminology. He mentioned that efforts had been made to implement simplified divorce tracks, and to streamline processes and make maintenance orders, though more work needs to be done to ensure that it is fair and just for litigants.

Like in other countries, data shows that there is a high proportion of litigants in person in the courts in Singapore. Almost all complainants (98 per cent) and respondents (80 per cent) in family maintenance applications were not represented. Based on data from the Family Justice Council between 2015 and 2018, divorce cases, a high number of petitioners (20%) more than 90% of parties were unrepresented or even fewer respondents were represented in civil cases. The proportion of litigants in person is lower in family cases from both the State Court and the Supreme Court show that they remain a significant presence.

In a legal system, every party to a lawsuit must have the right to present their case and argue it carefully considered. But, in a legal system like ours in Singapore, the right to access justice is unbalanced in favour of lawyers. As Chief Justice Sundaresh Menon observed in a 2014 speech, our adversarial system means that party x represents themselves or with the help of their lawyers. Accordingly, the lawyer’s role is more of a referee than a “director of the proceedings”.

In this context, how can we ensure that the positions of those who represent themselves are heard? The law is clear that everyone has the right to do so. But it is not difficult to imagine that when one or more parties are not represented by legal counsel, the legal process is not effectively managed. This is where the role of the lawyer as the advocate comes into play.

Navigating a legal Labyrinth

Most litigants are unaware of the law, and if they proceed without a lawyer, they find court processes, rules of procedure, and substantive law daunting. Our research, which included in-depth interviews with litigants in person in family proceedings, revealed that navigating court processes can be a highly stressful experience. An unrepresented litigant is not as good as he or she can be. Someone who is not fully versed in law, can easily make mistakes.

Singapore has made numerous advances to support litigants in person. Several tribunals have been established, providing in-house legal advice. Small Claims Tribunals (established in 1989), to the more recent Community Justice Tribunal and the Employment Claims Tribunal. These are able to use simplified processes which allow litigants to represent themselves to resolve their legal issues. Furthermore, the Courts (Civil and Criminal Justice) Reform Act (2002) reduced legal aid in Singapore to about 3% of civil cases, and has made it possible for a layperson to represent themselves. For example, the term “claimant” was replaced with the word “litigant”, and “subpoena” with “order to attend court”. These changes were made to ensure that all persons are given the opportunity to represent themselves.

In Singapore, 6% of litigation is in person, and the proportion is expected to increase in the coming years. As the proportion of litigants in person increases, the need for legal representation becomes even more evident. The Supreme Court in Singapore has been a leader in this area, in terms of providing services to the public.

The Supreme Court in Singapore has made significant strides in providing services to the public, particularly in terms of providing legal assistance and advice. This has been particularly true in the area of small claims, where the Small Claims Tribunal (established in 1985) has been successful in providing mediation and adjudication services to the public. The Supreme Court has also been successful in providing services to the public through its Community Justice Tribunal, which provides mediation and dispute resolution services to the public.

The role of the lawyer in this context is to ensure that the litigants in person are properly represented. This can be done by providing legal advice, representing the litigants in person, and by ensuring that the litigants in person understand the legal system and the rules of procedure. This can be achieved through the use of simplified processes, and by providing legal assistance and advice to the public.

Implications of the Reform

The changes bring about by the reforms in the legal system have implications for the way in which litigants in person are represented in the legal system. The reforms have made it easier for litigants in person to access justice, and have also made it easier for the public to understand the legal system. However, the reforms also bring about new challenges, such as the need to ensure that the litigants in person understand the legal system and the rules of procedure.

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In conclusion, the reforms in the legal system have brought about significant changes in the way in which litigants in person are represented in the legal system. The reforms have made it easier for litigants in person to access justice, and have also made it easier for the public to understand the legal system. However, the reforms also bring about new challenges, such as the need to ensure that the litigants in person understand the legal system and the rules of procedure.