

GOING TO COURT?

1) What happens when I get sued?

If you are being sued, this is a civil claim against you and you will be usually be served with what is called a Writ of Summons. This is a Court document which contains a Statement of Claim which sets out the cause of action against you, be it breach of contract, outstanding credit card debts, negligence in a car accident etc. If you wish to fight the claim against you, you should not ignore the Writ but to consult a lawyer quickly as there are repercussions for ignoring it such as Judgment being entered against you.

2) Are there other ways where other civil claims can be made against me?

There are other claims that can be issued under what is called Originating Summons, Divorce Petitions and Probate, but to name a few. The most common of these would be the Divorce Petition. This, as the name suggests is when your spouse decides to file for a divorce against you. In doing so, A Petition is filed and served on you and you can either agree to the divorce or contest it. Even if you agree to the divorce, you can still dispute on issues such as the matrimonial home, custody of children and the issue of maintenance. These are called ancillary matters. It is advisable that you engage a lawyer if you wish to contest the divorce or ancillary matters as you will receive proper advice as against hearsay from your friends who tell you that in their friend's divorce matter, for eg, the spouse was successful in "getting the house". No two cases are similar and as such, different considerations apply when a Judge decides a matter. And really, in matters such as this, a lawyer, as much as you may loathe them, they really can help, the good ones that is.

3) Can I be summoned to attend Court?

You can be summoned to Court for both civil and criminal matters. For civil matters, you can be summoned to attend Court as a witness or in a family matter, your spouse can take out an application against you for failing to maintain her or for abusing her physically. You will received a summons to attend Court and if you fail to attend, a Warrant of Arrest can be issued to compel you to attend to answer her claim. In criminal matters, in the more serious ones like theft, assault, drugs, CBT etc, usually the police will seek your cooperation and take statements from you before deciding whether to charge you. if they do, you will be told to go to the police station where you will be informed and thereafter charged on a separate day.

However, in the other more common minor cases such as forgetting to pay your parking fine, failing to submit Returns on you Pte Ltd company, income tax and HDB matters, you can be summoned to attend what is called Night Court. This starts at 6pm in the Subordinate Courts and Company matters are heard on Thursdays and Income tax and HDB matters on Fridays etc. You do not really have to engage a lawyer but if you are not represented, be prepared to queue till around 8pm if you are unlucky to either adjourn the matter or otherwise. If you engage a lawyer, you can be in and out within 5 minutes, depending on the crowd.

4) Do I really need a lawyer to act for me in the above matters?

The first difference is that you will receive proper advice. Secondly, sad but true, if you are represented by a lawyer, you get to go before those who are not represented and thus save on waiting time. Then, if you wish to say something to the Judge, say if you want to mitigate after you have pleaded guilty to drink driving, a lawyer can help you to present your mitigation plea across to the Judge. Some may say that you will still get the same fine whether you have a lawyer or not but on the contrary, having a lawyer can make the difference between whether you go to jail or not or whether your disqualification from driving is longer than 12 months etc The reason is because case law evolves daily and with it, the lawyer can use this to "persuade" the Judge that perhaps you fall into the category of exceptional cases that do not deserve a custodial sentence.