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A NEW PERSPECTIVE ON CLIMATE DISPUTES: LESSONS FROM THERAPEUTIC JUSTICE

Climate disputes – which form a distinct and increasingly important category of disputes – have particular needs and give rise to particular challenges. Traditional adversarial models of adjudication will often not be best suited to providing the most suitable or meaningful resolution of these disputes, or to addressing the real problems that underlie them. This article suggests that a bespoke model of justice – informed by the concept of *therapeutic justice* – should be developed for climate disputes, to ensure that they are managed and resolved in a way that meaningfully addresses the wider interests and the deeper issues at stake. Such a model should be restorative, holistic, interest-based and forward-looking, and would mark a shift from a singular focus on the adjudication of rights and wrongs to the *facilitated resolution of conflict*.

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I. Introduction

1 The intersection between climate change, environmental protection and the law is a topic of ever-increasing importance to us all. The looming climate crisis is a global threat that affects all of humanity, and while it is by no means a new problem, it now seems to be closing in on us at an alarming rate. In 2023, the UN's Intergovernmental Panel on Climate Change (or "IPCC") warned that there is "a rapidly closing window of opportunity to secure a liveable and sustainable future for all".[2] Subsequently, in 2024, a report on the state of the climate noted that "[w]e are on the brink of an irreversible climate disaster" and that we are "stepping into a critical and unpredictable new phase of the climate crisis".[3]

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1 This article is based on a keynote speech delivered in Bogor, Indonesia on 2 December 2024, at the Asia Pacific Judicial Convening on Environment and Climate Law Adjudication. The author is deeply grateful to Magistrate (formerly Justices' Law Clerk) Eliza Chee, and Assistant Registrars Wee Yen Jean and Bryan Ching, for all their assistance in the research for and preparation of this article.

2 *Climate Change 2023: Synthesis Report* (The Core Writing Team, Hoesung Lee & José Romero eds) (Intergovernmental Panel on Climate Change, 2023) at p 24.

3 William J Ripple *et al*, "The 2024 State of the Climate Report: Perilous Times on Planet Earth" (2024) 74(12) *BioScience* 812 at 812.

2 Against this backdrop, climate *litigation* has assumed increasing importance, especially where efforts to address the climate crisis in the political spheres are felt to have been inadequate. Climate litigation has grown in its volume and reach: the cumulative number of climate litigation cases across the world has more than doubled between 2017 and 2022,[4] and these cases appear to be coming from a broader range of jurisdictions.[5] At the same time, the impact of climate litigation appears to be on the rise. In 2023, the IPCC recognised – for the first time[6] – that climate litigation has, in some cases, influenced the outcome and ambition of climate governance.[7]

3 As people around the world turn to the legal process to try to hold public and private entities accountable for their contributions to climate damage, or for their failure to mitigate it, courts around the world must recognise the reality that the legal issues pertaining to environmental protection and climate change *will* need to be confronted – if this has not already begun.[8] The courts must therefore ensure that they are ready to deal with these kinds of cases, and deal with them well. As we navigate these new and evolving realities, one fundamental question that will have to be grappled with is whether the conventional models of justice and dispute resolution are best suited to climate disputes.[9]

4 This is the fundamental question that this article seeks to answer: would a different adjudicative model help to facilitate more broad-based engagement, between the affected communities and experts familiar with the impacts of climate change, and thus contribute more effectively towards shaping climate governance? Its central thesis is that a *bespoke*

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4 *Global Climate Litigation Report: 2023 Status Review* (United Nations Environment Programme, 2023) at p 12 (noting that the total number of climate change cases had increased from 884 as at 2017, to 2,180 as at 2022).

5 *Global Climate Litigation Report: 2023 Status Review* (United Nations Environment Programme, 2023) at p 15 (noting that the 2017 edition of the report had included cases from 24 jurisdictions, the 2020 edition of the report had included cases from 39 jurisdictions, and this edition of the report included cases from 65 jurisdictions).

6 *Global Climate Litigation Report: 2023 Status Review* (United Nations Environment Programme, 2023) at p 7.

7 *Climate Change 2023: Synthesis Report* (The Core Writing Team, Hoesung Lee & José Romero eds) (Intergovernmental Panel on Climate Change, 2023) at p 52.

8 Chief Justice Sundaresh Menon, Supreme Court of Singapore, "The Changing Face of Commercial Law: New Frontiers in an Asian Century", keynote address at the Masterclass Programme for Commercial Judges in Asia (9 September 2024) at para 7; Chief Justice Sundaresh Menon, Supreme Court of Singapore, "Reimagining the Rule of Law: A Renewed Conception", address at the final session of the Singapore Courts – Conversations with the Community (20 September 2024) at para 42.

9 Chief Justice Sundaresh Menon, Supreme Court of Singapore, "Reimagining the Rule of Law: A Renewed Conception", address at the final session of the Singapore Courts – Conversations with the Community (20 September 2024) at para 42.

model of justice – informed by the concept of *therapeutic justice* – should be developed for climate disputes, in order to meet the particular challenges that such disputes give rise to, and to ensure that they are managed and resolved in a way that meaningfully addresses the wider interests and the deeper issues at stake in these cases. This article will first explain why a bespoke model of justice should be developed for climate disputes, before setting out a vision of what that might look like, and elaborating on why and how it might be informed by the framework of therapeutic justice in particular.

II. The case for a bespoke model of justice for climate disputes

5 This article will first outline the features which (as this author suggests) make climate disputes a distinct category of disputes, and then consider the limitations of existing adversarial models in dealing with such disputes.

A. Climate disputes as a distinct category of disputes

6 This article starts from the premise that certain categories of disputes are quite different from ordinary civil disputes and should therefore be managed differently. This flows from the importance of what this author refers to as *contextuality*, which is the idea that dispute resolution processes should be tailored to the size, nature and complexity of the disputes they are meant to resolve, and to the circumstances and interests of the parties and stakeholders in different areas of the law, so that they can better serve the needs of users in these different contexts.[10]

7 In Singapore, this idea has, so far, manifested itself most clearly in the field of family justice. Over the past few decades, it has been recognised that a fundamentally different paradigm had to be adopted

10 Chief Justice Sundaresh Menon, Supreme Court of Singapore, "Gateway to Justice: The Centrality of Procedure in the Pursuit of Justice", speech at the 36th Annual Lecture of the School of International Arbitration in Dispute Resolution (30 November 2021) at paras 19 and 39; Chief Justice Sundaresh Menon, Supreme Court of Singapore, "Constructing Collaboration: Remoulding the Resolution of Construction Disputes", keynote address at the 9th Annual Conference of the International Academy of Construction Lawyers (14 April 2023) at para 14; Chief Justice Sundaresh Menon, Supreme Court of Singapore, "Reimagining the Rule of Law: A Renewed Conception", address at the final session of the Singapore Courts – Conversations with the Community (20 September 2024) at paras 26(a) and 42.

for the resolution of family disputes.[11] Family justice is a unique field in the administration of justice for at least three reasons:[12]

> (a) First, family disputes arise in the context of enduring human relationships that the parties cannot simply "walk away" from, and which our family justice systems should proactively endeavour to preserve to the extent possible.
>
> (b) Second, unlike commercial cases that generally affect only the immediate parties' rights and obligations, family disputes often engage the interests and well-being of non-parties – most importantly, those of the children caught up in divorces. Our family justice systems should therefore pay close attention to the distinct needs and interests of these non-parties, and strive to minimise the adverse consequences that the breakdown of their family units may have on them.
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> (c) Third, family disputes involve issues of a unique character. These issues are deeply personal, and often result from and give rise to a complex web of interrelated issues, such as financial or social problems. They cannot be solved by a one-off remedy like monetary damages; instead, they require sustainable solutions that address the deeper interests of the parties and other affected persons over the longer term.

8 These features of family disputes mean that the traditional adversarial approach that is generally adopted in civil justice, which focuses on the adjudication of rights and wrongs, is simply not well-suited to delivering *family* justice. Family disputes should not be seen as a zero-sum battle between adversaries where the litigation outcomes are to be "won" or "lost".[13] Instead, the unique nature of family disputes calls for a *differentiated model of justice*.

9 But family justice is not the only area where a different approach is called for. Indeed, for example, some of the distinct features of family disputes can also be found, in a different form, in what might be a surprising quarter – namely, construction disputes. While these may seem very disparate fields, and there are of course significant differences

11 Chief Justice Sundaresh Menon, Supreme Court of Singapore, "The Family Justice Courts: Our Journey Over the Past Decade", opening remarks at the 10th Anniversary of the Family Justice Courts (21 October 2024) at para 2.

12 Chief Justice Sundaresh Menon, Supreme Court of Singapore, "Transformation of the Family Justice System in Singapore", special address at the 4th Asian Family Conference (7 November 2024) at paras 4–7.

13 Chief Justice Sundaresh Menon, Supreme Court of Singapore, "Transformation of the Family Justice System in Singapore", special address at the 4th Asian Family Conference (7 November 2024) at para 9.

between them, there are also important similarities. Construction projects are typically complex, long-term enterprises involving multiple parties acting under conditions of uncertainty. An adversarial approach to construction disputes can be particularly undesirable because the successful completion of a project depends on the preservation of the parties' longer-term relationships and the sustenance of goodwill between them. Zero-sum outcomes based on the parties' strict legal entitlements will therefore often be neither necessary nor desired by the parties. Further, unlike other civil disputes where liability turns on fault and a binary win-loss result may be unavoidable, many construction disputes cannot be neatly determined by applying a fault-based standard, because their underlying causes can arise from unforeseen or exogenous events – such as delays due to inclement weather.[14] Instead, the effective resolution of the dispute often calls for a focus on the shared *interests* of the parties, the holistic resolution of the underlying issues, and the preservation of the relationships that will continue long after the specific dispute has been determined.

10 This article suggests that climate disputes form yet another category of disputes where such a distinct approach is needed. These disputes share some important common features with family and even construction disputes.

11 First, because of their very nature, climate disputes will almost invariably arise in the context of multi-faceted and longer-term relationships within communities which may have to continue long beyond the duration of a specific dispute, and they will typically involve multiple parties who may be affected in different ways by the dispute. In climate disputes, these might be relationships between governments and their people, or between communities and corporations, and the activities of these corporations may also generate jobs and economic growth for those very same communities.

12 Second, climate disputes often cannot be fully resolved by applying a rights-based or fault-centric approach to dispute resolution. The causes and effects of climate change are polycentric, and causal links are typically indirect. There will often also be a mismatch between the prevailing understanding of the obligations of different actors and the environmental impact of their actions *at the time those actions are carried out*, and the understanding of the situation at the time a legal claim is

14 Chief Justice Sundaresh Menon, Supreme Court of Singapore, "Constructing Collaboration: Remoulding the Resolution of Construction Disputes", keynote address at the 9th Annual Conference of the International Academy of Construction Lawyers (14 April 2023) at paras 4 and 15–16.

made in respect of those actions. In addition, zero-sum outcomes are usually neither necessary nor desirable, especially where it may be possible – and indeed, more sustainable – *both* to protect environmental features and also to promote commercial activity.[15] A focus on fault and blame can lead to deadlocks and stalemates, and may also exacerbate the polarisation of public discourse, undermining efforts to build consensus, which is so essential to climate action.[16]

13 Third, climate disputes tend to be forward-looking in their object and purpose, as they are aimed at tackling ongoing environmental damage and the exacerbation of the climate crisis. They tend to be geared towards promoting and securing longer-term changes in the parties' future relationships or in the approaches that public and private actors have taken to climate issues. As such, they call for a forward-looking focus on developing solutions that protect the broader and longer-term interests of those affected. By the time such disputes crystallise, some degree of environmental harm will usually already have occurred. In these circumstances, it may be more meaningful to focus on how the parties can move forward in a way that is more sustainable for all of them, instead of what one party should or should not have done in the past. A remedy like damages might compensate for specific harms that have already been suffered, but it cannot arrest or reverse the effects of climate change and environmental damage.[17] The issues involved in climate disputes often also play out over long periods of time, and demand sustained monitoring, forecasting, and adaptation and adjustment where necessary.[18]

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15 On the problems with a zero-sum mentality in the context of environmental law and environmental protection, see Shalanda Baker *et al*, "Beyond Zero-sum Environmentalism" (2017) 47(4) *Environmental Law Reporter* 10328 (*eg*, at 10330: "In land conservation, for example, we do not simply decide that land is to be set aside for pure conservation in a reserve-like setting or to be actively exploited to generate wealth. Instead, the potential arrangements and uses of the land are numerous. Indeed, *we can often both protect environmental features and promote economic returns for the landowners*" [emphasis added]; and at 10334: "[we should move] away from dualistic zero-sum thinking about environmental problems and lead us to *more holistic, equitable visions of a shared future on a sustainable planet*" [emphasis added]).

16 *Climate Litigation in Europe Unleashed: Catalysing Action Against States and Corporations* (Ekaterina Aristova & Justin Lim eds) (Bonavero Institute of Human Rights, 5 March 2024) at p 14.

17 Justice Philip Jeyaretnam, Supreme Court of Singapore, "Courts in the Climate Crisis: Accountability and Action", keynote speech at Towards Net Zero: Legal Aspects of Corporate Climate Action in Asia (17 October 2024) at para 19.

18 Justice Philip Jeyaretnam, Supreme Court of Singapore, "Courts in the Climate Crisis: Accountability and Action", keynote speech at Towards Net Zero: Legal Aspects of Corporate Climate Action in Asia (17 October 2024) at para 20.

B. Limitations of existing models

14 These features mean that traditional adversarial models of adjudication, which are typically claims-oriented and backward-looking, will often not be best suited to providing the most suitable or meaningful resolution of climate disputes, or to addressing the real problems that underlie such disputes. Beyond the differences in philosophy and approach that have been outlined, there are also several limitations of existing adjudicative models that might make them inapposite for climate disputes. This article will elaborate on four such limitations.

(1) Difficulty of establishing standing

15 First, prospective claimants in climate disputes often encounter difficulties in establishing the requisite standing to bring their claims before the courts. The rules on standing in many jurisdictions require litigants to show that their personal interests have been (or will imminently be) directly affected by the act or omission being challenged. While there may be important reasons for the adoption of such restrictions in other types of disputes, the "indirect, intergenerational and community-wide nature of climate change" does not sit comfortably with many versions of these rules. There may thus be a mismatch between the kinds of interests that the traditional models are designed for, and the kinds of interests that are engaged in climate disputes.[19]

16 This is especially problematic because those likely to be most affected by the impacts of climate change – such as children and future generations – will often not be in a position to act, and might not *yet* have suffered any provable harm or be able to show that such harm is *imminent*.[20] But this does not mean that their longer-term stake in preserving a liveable future for themselves and their descendants is any less real; and by the time the full impacts of climate change are felt, it will likely be too late for the necessary preventive and mitigating measures to be taken.

19 Elizabeth Fisher, Eloise Scotford & Emily Barritt, "The Legally Disruptive Nature of Climate Change" (2017) 80(2) *Modern Law Review* 173 at pp 185–186.

20 Victoria Adelmant, Philip Alston & Matthew Blainey, "Human Rights and Climate Change Litigation: One Step Forward, Two Steps Backwards in the Irish Supreme Court" (2021) *Journal of Human Rights Practice* 1 at 7–8; Kumaravadivel Guruparan & Harriet Moynihan, *Climate Change and Human Rights-based Strategic Litigation* (Chatham House, November 2021) at p 10.

(2) Challenges in proving causation

17 Another limitation of existing models is that the highly polycentric nature of the causes and consequences of climate change can make it difficult to prove the requisite causal links between a particular defendant's acts or omissions on the one hand, and climate change impacts on the other. As one group of academics has observed, anthropogenic climate change is caused by "the cumulative and indirect impacts of human activities across a range of sectors, at various scales, across different countries", and its impacts are "similarly indirect, multi-scalar and differentiated", such that "the relationship between cause and effect cannot always be linked in a linear way".[21]

18 Some of these difficulties have been ameliorated by advances in climate change attribution science, which – broadly speaking[22] – examines the causal links between human activities, climate change and the impacts of climate change.[23] This scientific evidence has gone some way in helping claimants to establish the necessary causal links between the actions being challenged and their alleged effects.[24] But often, scientific uncertainty as to the *future* impacts of climate change will persist to a significant degree, and this can pose a real problem because these future

21 Elizabeth Fisher, Eloise Scotford & Emily Barritt, "The Legally Disruptive Nature of Climate Change" (2017) 80(2) *Modern Law Review* 173 at 178–179.

22 There are various branches of climate change attribution science. One such branch is source attribution, which seeks to identify the relative contributions of different sectors, activities and entities to climate change: "Climate Attribution Database" *Climate Attribution* <https://climateattribution.org> (accessed 1 February 2025); and Michael Burger, Jessica Wentz & Radley Horton, "The Law and Science of Climate Change Attribution" (2020) 45(1) *Columbia Journal of Environmental Law* 57 at 66–67, 76 and 128.

23 See, *eg*, "Climate Attribution Database" *Climate Attribution* <https://climateattribution.org> (accessed 1 February 2025); Michael Burger, Jessica Wentz & Radley Horton, "The Law and Science of Climate Change Attribution" (2020) 45(1) *Columbia Journal of Environmental Law* 57; and Petra Minnerop, "Climate Causality: From Causation to Attribution" in *Cambridge Handbook on Climate Change Litigation* (Margaretha Wewerinke-Singh & Sarah Mead eds) (Cambridge University Press, forthcoming, July 2025) at p 8 (the manuscript is found at <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4819409> (accessed 1 February 2025)).

24 Kumaravadivel Guruparan & Harriet Moynihan, *Climate Change and Human Rights-based Strategic Litigation* (Chatham House, November 2021) at pp 10–11; Petra Minnerop, "Climate Causality: From Causation to Attribution" in *Cambridge Handbook on Climate Change Litigation* (Margaretha Wewerinke-Singh & Sarah Mead eds) (Cambridge University Press, forthcoming, July 2025) at p 5 (the manuscript is found at <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4819409> (accessed 1 February 2025)).

impacts will sometimes need to be controlled if the existential threat of climate change is to be addressed effectively.[25]

(3) Reductionism in framing climate issues

19 These challenges in establishing standing and causation contribute to a third limitation of existing models, which is that the legal process – with its narrower focus on specific kinds of harm and specific legal claims and remedies, instead of on broader environmental effects and deeper systemic concerns – can be particularly reductive for climate disputes. Existing models tend to reduce the complexity of factual situations in order to shoehorn them within a framework of legal rules and principles. In the context of climate litigation, this can flatten the real and essential complexity of climate issues, and sideline environmental, social and other kinds of impacts that do not fit neatly into established legal and factual frameworks, yet which are no less real to those affected by them, and which clearly need to be borne in mind if meaningful responses and solutions are to be developed.[26]

20 This point can be illustrated with two examples:

(a) The first is *Verein KlimaSeniorinnen Schweiz v Switzerland*,[27] where the European Court of Human Rights held that Switzerland had breached its obligations under Art 8 of the European Convention on Human Rights by not doing enough to mitigate climate change. While this was hailed by some as a landmark victory, the successful claim was ultimately one brought by an association on behalf of a limited demographic – elderly women who argued that heat waves exacerbated by climate change posed a particular health risk to them.

(b) Another perhaps even more striking example is from Nicaragua, where hundreds of people suffered from pesticide poisoning caused by exposure to a particular pesticide used in banana plantations. This had long-term effects on plantation workers and their children, including cancer, miscarriages, congenital malformations, visual problems and skin diseases. But the claim that was accepted when the matter went to court

25 See, *eg*, Elizabeth Fisher, Eloise Scotford & Emily Barritt, "The Legally Disruptive Nature of Climate Change" (2017) 80(2) *Modern Law Review* 173 at 179.

26 Marta Conde *et al*, "Slow Justice and Other Unexpected Consequences of Litigation in Environmental Conflicts" (2023) 83 *Global Environmental Change* 1 at 6–8.

27 [2024] ECHR 304.

focused on a single health effect in a single social group – male infertility.[28]

(4) Practical obstacles to accessing justice

21 An even greater limitation of existing models may be the time and cost of the litigation process, which pose significant practical obstacles to accessing climate justice, and may deter or prevent meritorious claims from being brought at all.

22 First, litigation can be – and usually is – very time-consuming, and this tends to sit in tension with the need for prompt action to tackle environmental harms, to such an extent that it can even render any victories merely pyrrhic. One example is a series of cases in Spain involving waste piles arising from phosphate mining operations that had polluted the Llobregat River basin. The first criminal complaint against the company running the mine was filed in 1997, followed by three other administrative complaints in the 2000s. Eventually, the High Court of Justice of Catalonia ordered the company to stop dumping waste in the biggest of the waste piles – but this came *27 years* after the first complaint.[29] Another example might be *Lliuya v RWE AG*,[30] which centres around damage caused by the melting of glaciers in the Andes and consequent flood risks. Although the claimant in that case has won some significant victories, the proceedings have been ongoing for *nearly a decade*.[31] This feature of the litigation process can thus be weaponised by defendants with deep pockets, who may adopt deliberate strategies to prolong legal proceedings so that they can continue their activities and avoid accountability while environmental damage and risks continue to mount.[32]

23 On top of this, litigation can be very costly. This may pose a particular barrier to accessing justice in this context given the power and resource asymmetries that are likely to exist between prospective claimants and defendants, the latter of which are typically governments or corporations. While climate change affects everyone, it may not affect

28 Marta Conde *et al*, "Slow Justice and Other Unexpected Consequences of Litigation in Environmental Conflicts" (2023) 83 *Global Environmental Change* 1 at 4 and 6.

29 Marta Conde *et al*, "Slow Justice and Other Unexpected Consequences of Litigation in Environmental Conflicts" (2023) 83 *Global Environmental Change* 1 at 4.

30 Case No 2 O 285/15, filed in the Essen Regional Court (Germany) in 2015.

31 "8 Years of Climate Lawsuit Against RWE" *Germanwatch* (24 November 2023) <https://www.germanwatch.org/en/node/89817> (accessed 1 February 2025).

32 This phenomenon has been referred to as "slow justice": Marta Conde *et al*, "Slow Justice and Other Unexpected Consequences of Litigation in Environmental Conflicts" (2023) 83 *Global Environmental Change* 1 at 5 and 8.

everyone *equally*. It has been observed that power and wealth inequalities have tended to direct environmental harms and risk towards groups that are already marginalised along lines of ethnicity, gender and class,[33] such as indigenous peoples.[34] Yet, the justice gap is likely to be the widest for these vulnerable groups, who may face particular difficulties in pursing legal proceedings to safeguard their interests.

C. The need for a differentiated model of justice for climate disputes

24 The upshot of all this is the incongruity between the nature and needs of climate disputes on the one hand, and what most existing adversarial models of adjudication and dispute resolution can offer, on the other hand. How, then, might a model of justice be developed that is better suited to the particular needs of climate disputes, and the circumstances and interests of the parties involved in such disputes?

25 To be sure, this article is not endorsing any particular *substantive approach* that the courts should take in deciding climate disputes. The nature and extent of judicial intervention in this space will inevitably differ based on each jurisdiction's constitutional, institutional and legislative frameworks.[35] Indeed, given that climate action engages far-reaching public interest and public policy considerations, the Executive and Legislature are typically and presumptively best placed to take the lead. This is because these branches are democratically accountable to the electorate and they are, or should be, institutionally equipped to make

33 *Global Climate Litigation Report: 2023 Status Review* (United Nations Environment Programme, 2023) at p 68; Marta Conde *et al*, "Slow Justice and Other Unexpected Consequences of Litigation in Environmental Conflicts" (2023) 83 *Global Environmental Change* 1 at 2.

34 It has been noted that indigenous groups are disproportionately affected by climate change due to the fact that many indigenous peoples live in areas at greater risk of becoming uninhabitable (such as island and coastal areas, and fragile polar and forest ecosystems); their connection to the land; and their specific vulnerability to marginalisation on other frontiers (such as economic well-being and food security): *Global Climate Litigation Report: 2023 Status Review* (United Nations Environment Programme, 2023) at p 68.

35 In Singapore, it is unlikely in the foreseeable future that our courts will need to take an interventionist approach in the *public law* space, because of the strong and proactive leadership of our executive branch in mitigating and adapting to climate change: Chief Justice Sundaresh Menon, Supreme Court of Singapore, "Reimagining the Rule of Law: A Renewed Conception", address at the final session of the Singapore Courts – Conversations with the Community (20 September 2024) at para 43. For example, the multi-ministry Singapore Green Plan 2030 charts ambitious and concrete targets over the next ten years for Singapore to be a low-carbon leader in the region, and to achieve its long-term net zero emissions aspiration by 2050: <https://www.greenplan.gov.sg> (accessed 1 February 2025).

complex policy decisions that accommodate the interests of a wide variety of different stakeholders, as well as financial and resource considerations. This article also does not propose to venture into questions of whether and how specific *legal doctrines*, including rules on standing and causation, should be modified. These doctrines have evolved over time to meet the needs of different jurisdictions, which may have legitimate reasons for taking a particular approach to them.

26 But it seems inevitable that some portion of the many cries for climate action and justice will come before the courts, as seen in the rising tide of climate litigation, and so courts around the world *will* need to be prepared when called upon to administer justice in specific cases. Judges should therefore be actively thinking about how their courts can best go about the *procedural* dimensions of the task of *managing* these kinds of disputes when they do come before the courts. What do these disputes really need, and what sort of approach would be able to best meet those needs?

III. A new perspective: lessons from therapeutic justice

27 This brings this article to its central thesis, which is that therapeutic justice can usefully inform the development of a bespoke model of justice for climate disputes.

A. Why therapeutic justice?

28 But first: *why* therapeutic justice? The concept of therapeutic justice was developed in the late 1980s by two mental health and disability law professors. Its core idea is that the law is a social force that may – intentionally or otherwise – produce therapeutic or anti-therapeutic consequences. The short point is that traditional adversarial legal systems and processes can sometimes do more harm than good to those involved. Legal systems should therefore strive, as far as possible, to enhance the therapeutic potential of the law not only in their substantive laws, rules and procedures, but also through the behaviour of participants such as judges, lawyers and parties. Thus, contrary to traditional perspectives of the law which emphasise its dispassionate and detached nature, therapeutic justice seeks to engage with the deeper human elements and the social, psychological and emotional aspects of the dispute, with a view to using the therapeutic potential of the law to maximise beneficial outcomes for its users.[36]

36 Chief Justice Sundaresh Menon, Supreme Court of Singapore, "Through the Eyes of a Child", keynote address at the 8th Family Law & Children's Rights Conference:
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29 While therapeutic justice has its origins in mental health law, its broader relevance to other areas of law has become apparent,[37] and it has been particularly influential in Singapore's approach to family justice. It was adopted as the overarching philosophy of the family justice system in 2020,[38] and the "Therapeutic Justice Model" – which was launched at the tenth anniversary of the Family Justice Courts in 2024 – gives concrete expression to how therapeutic justice is to be applied in this context.[39]

30 The adoption of therapeutic justice has perhaps been the most significant and consequential change in Singapore's family justice system. Therapeutic justice has enabled a paradigm shift in our approach to the resolution of family disputes, from one that was fundamentally adversarial to one that focuses on delivering justice that heals and brings hope to distressed families.[40] Borrowing the words of Justice Debbie Ong, the former Presiding Judge of the Family Justice Courts: a therapeutic justice system "puts in place the essential legal structure and resources that will ensure therapeutic, helpful effects for the family, and support it in moving forward positively"; and in this system, "the [c]ourt will be a place for problem-solving and resolution, rather than a battlefield".[41] This is borne out by the very high proportion of matters that are resolved without trials or even contested hearings.

31 Like the approach to family disputes in Singapore, a refreshed approach towards climate disputes – informed by therapeutic justice principles – could be driven by three key objectives:[42]

World Congress 2021 (12 July 2021) at para 5; Chief Justice Sundaresh Menon, Supreme Court of Singapore, "Transformation of the Family Justice System in Singapore", special address at the 4th Asian Family Conference (7 November 2024) at para 10.

37 David B Wexler, "Creating a Therapeutic Justice Culture" [2021] SAL Prac 20 at paras 8–14.

38 Chief Justice Sundaresh Menon, Supreme Court of Singapore, "From Family Law to Family Justice", keynote address at the Law Society's Family Conference 2020 (14 September 2020) at para 33.

39 "Family Justice Courts Therapeutic Justice Model (TJ Model)" *SG Courts* <https://www.judiciary.gov.sg/who-we-are/therapeutic-justice> (accessed 1 February 2025).

40 Chief Justice Sundaresh Menon, Supreme Court of Singapore, "The Family Justice Courts: Our Journey over the Past Decade", opening remarks at the 10th Anniversary of the Family Justice Courts (21 October 2024) at paras 2 and 13; Chief Justice Sundaresh Menon, Supreme Court of Singapore, "Transformation of the Family Justice System in Singapore", special address at the 4th Asian Family Conference (7 November 2024) at para 11.

41 Justice Debbie Ong, Supreme Court of Singapore, "Therapeutic Justice – A Fresh Approach to Family Justice", speech at the Singapore Courts – Conversations with the Community (16 November 2023) at para 22.

42 Chief Justice Sundaresh Menon, Supreme Court of Singapore, "From Family Law to Family Justice", keynote address at the Law Society's Family Conference 2020

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(a) First, it should be *restorative*, in that it should endeavour to aid the parties to repair their relationships at least to a minimally functioning state. In the context of climate disputes, it should also seek, as far as possible, to restore a state of health and well-being to the places and communities affected by climate damage.

(b) Second, it should be *holistic*, in that it should seek to address not only the visible and apparent legal issues, but also – to the extent possible – their underlying non-legal causes, drawing on expertise and experience from a range of disciplines.

(c) Third, and perhaps most importantly, it should be *interest-based* rather than rights-based, and *forward-looking* rather than backward-looking. It should help the parties create sustainable and mutually acceptable solutions by encouraging them to look ahead with a focus on their shared interests, instead of leaving them preoccupied by grievances past. Such shared interests might be in the promotion of environmentally sustainable practices, or in the formulation of protective measures, or even in agreeing on useful procedural devices such as the exchange of information and voluntary disclosure obligations.

32 Importantly, therapeutic justice operates *within* the framework of the law.[43] It signifies a novel *approach* towards the use of the law that emphasises the importance of identifying and acknowledging the reality that the parties face a real problem that is harming them; and that requires the parties to adopt a constructive problem-solving approach in order to find a way forward. This inevitably requires the parties to move away from a zero-sum mentality and think instead of the best possible compromises and solutions to address their issues.[44] A therapeutic justice-informed model would therefore mark a shift from a singular focus on the adjudication of rights and wrongs, to the *facilitated resolution of conflict* through a focus on how the parties can best move forward in their shared

(14 September 2020) at para 33; Chief Justice Sundaresh Menon, Supreme Court of Singapore, "International Family Justice as Collaborative Justice", paper presented at the 18th Conference of Chief Justices of Asia and the Pacific (18 November 2022) at para 44; Chief Justice Sundaresh Menon, Supreme Court of Singapore, "Transformation of the Family Justice System in Singapore", special address at the 4th Asian Family Conference (7 November 2024) at para 9.

43 *VVB v VVA* [2022] 4 SLR 1181 at [28].

44 Chief Justice Sundaresh Menon, Supreme Court of Singapore, "Procedure, Practice and the Pursuit of Justice", keynote address at the Litigation Conference 2022 (5 May 2022) at para 32.

interest.[45] To put it another way, the model would offer a framework that allows and encourages the parties to move from an adversarial stance to one that is more collaborative and very much focused on their *shared* future. To sustain such a stance, the parties are encouraged to develop conflict resolution skills so that, as they contemplate the future with a better understanding of each other's difficulties and aspirations, they can also imagine working *together* to solve any problems that may continue to arise.

33 In this way, such a model could also address some of the constraints that would otherwise be faced by the *courts* in dealing with climate disputes. As this article has noted, the Executive and Legislature are presumptively best placed to take the lead on climate action not least because, in the traditional model, they are institutionally better equipped to make complex, polycentric policy decisions. The judicial process is typically and necessarily more limited in scope. The adjudicative role of the courts is to interpret and apply the law to decide each individual dispute that the parties place before them, on the basis of a specific set of facts that the court must find in the light of the evidence that is led before it.[46] This process is therefore typically reactive or backward-looking in nature.[47] All this reflects the reality that the courts are institutions of law, not primarily institutions of governance.[48] But a shift in focus to how the courts, as institutions that develop and operate systems for the administration of justice, can *facilitate the resolution* of climate disputes, will help illuminate the potential of therapeutic justice to shape a new approach to the role of the courts in this sphere.

B. What might a therapeutic justice model for climate disputes look like?

34 What, then, might a therapeutic justice-informed model for climate disputes look like? This article suggests, as a start, three specific

45 Chief Justice Sundaresh Menon, Supreme Court of Singapore, "From Family Law to Family Justice", keynote address at the Law Society's Family Conference 2020 (14 September 2020) at para 35.

46 Chief Justice Sundaresh Menon, Supreme Court of Singapore, "The Role of the Courts in Our Society – Safeguarding Society", opening address at the Singapore Courts – Conversations with the Community (21 September 2023) at paras 3–4.

47 Justice Philip Jeyaretnam, Supreme Court of Singapore, "Courts in the Climate Crisis: Accountability and Action", keynote speech at Towards Net Zero: Legal Aspects of Corporate Climate Action in Asia (17 October 2024) at para 20.

48 Justice Philip Jeyaretnam, Supreme Court of Singapore, "Courts in the Climate Crisis: Accountability and Action", keynote speech at Towards Net Zero: Legal Aspects of Corporate Climate Action in Asia (17 October 2024) at para 21.

procedural features that should be considered to give effect to such a model.

(1) Judge-led approach (including early intervention and triaging)

35 First, the adoption of a judge-led approach to the court process, under which judges would be empowered to take a more proactive role in managing the proceedings from the time a climate dispute is commenced in the courts. A judge-led approach, rather than the party-led approach typically adopted in civil proceedings, is important because the parties to climate disputes are unlikely to be proactive in stepping back from their respective positions to consider what might be the best way forward in overall terms. Indeed, this is precisely why a judge-led approach features so prominently in Singapore's "Therapeutic Justice Model" for family justice.[49]

36 In line with this, a triage process could be introduced to identify the particular needs of each case once it is filed, based on factors such as severity and urgency. This would help ensure that climate disputes are channelled to the most suitable case management pathways from the start of the proceedings.[50] Case conferences could also be convened to consider potential referrals to relevant support services and programmes, and to explore alternative dispute resolution with the parties.[51] The

49 Singapore's "Therapeutic Justice Model" for family justice states that therapeutic justice in the Family Justice Courts "involves a judge-led process" and that the court is to have regard to the aims of therapeutic justice when exercising its judge-led powers under the applicable Family Justice Rules: Family Justice Courts of Singapore, "Family Justice Courts Therapeutic Justice Model" (21 October 2024) at paras 2 and 15 <https://www.judiciary.gov.sg/docs/default-source/family-docs/fjc_tj_full.pdf?sfvrsn=6d5426b0_2> (accessed 1 February 2025).

50 Such a process has been introduced in Singapore's Family Justice Courts: Justice Teh Hwee Hwee, Supreme Court of Singapore, "From Confrontation to Collaboration: A Decade in Transforming the Family Justice Paradigm", keynote address at the Law Society of Singapore's Family Conference 2024 and C J Koh Lecture 2024 (3 September 2024) at para 21.

51 These might be modelled after the Family Dispute Resolution Conferences and Therapeutic Justice Cooperative Conferences conducted in Singapore's Family Justice Courts, on which see para 11(11) of the Family Justice Courts Practice Directions 2015; "Mediation at the Family Dispute Resolution Division" *SG Courts* <https://www.judiciary.gov.sg/family/mediation-at-family-dispute-resolution-division> (accessed 1 February 2025); and Justice Teh Hwee Hwee, Supreme Court of Singapore, "From Confrontation to Collaboration: A Decade in Transforming the Family Justice Paradigm", keynote address at the Law Society of Singapore's Family Conference 2024 and C J Koh Lecture 2024 (3 September 2024) at para 21. See also Family Justice Courts of Singapore, "Family Justice Courts Therapeutic Justice Model" (21 October 2024) at para 6, Annex A and Annex B <https://www.judiciary.gov.sg/docs/default-source/family-docs/fjc_tj_full.pdf?sfvrsn=6d5426b0_2> (accessed 1 February 2025).

combination of a neutral party taking the lead in framing the issues that need to be resolved, intervening early and proactively to understand these issues and the parties' positions, and framing the processes by which these issues can best be addressed and resolved, is an important feature of the therapeutic justice model because it can be especially effective in de-escalating conflict, and consequently also in preventing matters from becoming further complicated or positions from becoming further entrenched.

(2) Multidisciplinary expertise

37 The second feature is the integration of multidisciplinary expertise into court processes. Climate disputes often involve technically and scientifically complex issues and evidence, and tend to have economic, social, psychological and even emotional dimensions. The legal aspects of the dispute may be just the tip of the iceberg. It will therefore be sensible to adopt a *holistic* approach, in line with the objectives of therapeutic justice, and to harness expertise from the relevant non-legal fields, if the issues involved are to be properly understood and managed by the courts.

38 This might be achieved through, for example, the assignment of cases to multidisciplinary teams in which judges could work with social workers, mediators, and even court-appointed climate and environmental experts[52] to manage the various aspects of a case in a way that is customised to the needs of that case.[53] This is a feature of Singapore's family justice system, and it has been particularly effective. Specific mechanisms for managing expert evidence could also be developed. For example, the courts could be empowered to call for independent expert evidence,

52 Some environmental courts and tribunals (such as the Land and Environment Court of New South Wales ("LECNSW") and the New Zealand Environmental Court) have appointed specially qualified persons to provide expert assistance to judges: Justice Brian J Preston SC, Chief Judge of the LECNSW, "Characteristics of Successful Environmental Courts and Tribunals", paper presented at the 27th LAWASIA Conference (5 October 2014) at p 19.

53 These might be modelled after the Therapeutic Justice Teams introduced in Singapore's Family Justice Courts, on which see Justice Debbie Ong, Supreme Court of Singapore, "Therapeutic Justice – A Fresh Approach to Family Justice", speech delivered at the Singapore Courts – Conversations with the Community (16 November 2023) at para 44; and Justice Teh Hwee Hwee, Supreme Court of Singapore, "From Confrontation to Collaboration: A Decade in Transforming the Family Justice Paradigm", keynote address at the Law Society of Singapore's Family Conference 2024 and C J Koh Lecture 2024 (3 September 2024) at paras 21–22. See also Family Justice Courts of Singapore, "Family Justice Courts Therapeutic Justice Model" (21 October 2024) at paras 3(b)(ii) and 6–8 <https://www.judiciary.gov.sg/docs/default-source/family-docs/fjc_tj_full.pdf?sfvrsn=6d5426b0_2> (accessed 1 February 2025).

instead of or in addition to the evidence adduced by the parties;[54] or to call for special case conferences where expert witnesses can explain technical issues and scientific evidence and answer the judge's questions in the presence of the parties and counsel.[55]

(3) Alternative dispute resolution

39 The third, and perhaps most important, feature is the prominent role of alternative dispute resolution. Parties to climate disputes should be actively channelled towards alternative dispute resolution processes, such as mediation and conciliation. These can offer particularly significant advantages for climate disputes:[56]

> (a) First, such processes are less adversarial, less formal, more flexible, and generally faster and cheaper.
>
> (b) Second, these processes focus attention on the parties' real interests and allow them to articulate and seek to address a broader range of concerns, without requiring these to be framed in terms of legal issues and arguments.
>
> (c) Third, these processes can generate innovative solutions that strive to address the real interests and needs of a range of affected parties, including those who may not be immediate parties to the legal dispute. They also support an emphasis on restoration and rehabilitation. For example, the solutions arrived at might include requiring defendants to contribute to ecological restoration projects; to provide assistance or compensation to

54 This might be modelled after what is done in the Land and Environment Court of New South Wales ("LECNSW") (on which see Justice Brian J Preston SC, Chief Judge of the LECNSW, "Characteristics of Successful Environmental Courts and Tribunals", paper presented at the 27th LAWASIA Conference (5 October 2014) at p 23) and in the Environment and Land Use Appeal Tribunal in Mauritius (on which see Linda Yanti Sulistiawati *et al*, *Environmental Courts and Tribunals 2021: A Guide for Policymakers* (United Nations Environment Programme, 2022) at p 39).

55 This might be modelled after the three-day "technology tutorial" convened by the Singapore Court of Appeal (albeit in the context of an intellectual property dispute), on which see *IIa Technologies Pte Ltd v Element Six Technologies Ltd* [2023] 1 SLR 987 at [8]; and Chief Justice Sundaresh Menon, Supreme Court of Singapore, "The Complexification of Disputes in the Digital Age", speech delivered at the Goff Lecture 2021 (9 November 2021) at para 13.

56 Linda Yanti Sulistiawati *et al*, *Environmental Courts and Tribunals 2021: A Guide for Policymakers* (United Nations Environment Programme, 2022) at pp 30–31; Justice Brian J Preston SC, Chief Judge of the Land and Environment Court of New South Wales, "Characteristics of Successful Environmental Courts and Tribunals", paper presented at the 27th LAWASIA Conference (5 October 2014) at pp 20–21; Chief Justice Sundaresh Menon, Supreme Court of Singapore, "Mediation: At the Dawn of a Golden Age", address at the Samadhan National Conference 2023 (15 April 2023) at paras 12–13.

affected communities; or to adopt or contribute to protective or preventive measures to reduce future harm.

(d) Fourth, the collaborative nature of these processes promises a higher likelihood of compliance with the solutions generated, and thus more durable and meaningful outcomes.

40 Some specialist environmental courts have already recognised the value of integrating alternative dispute resolution mechanisms within the court system. For example, the Land and Environment Court of New South Wales and the Environment Court of New Zealand adopt a "multi-door courthouse" approach, offering various alternative dispute resolution processes – such as conciliation and mediation – and personnel trained in these processes.[57]

41 Importantly, it is not suggested that *all* climate disputes should be resolved *only* through alternative dispute resolution processes. A therapeutic justice-informed model does not start and end with alternative dispute resolution; on the contrary, it brings together a suite of dispute resolution options to enable the court to dispose of the matter in the best way possible. It should also be emphasised that the courts do not surrender their adjudicative control over the matter at hand. On the contrary, these alternative dispute resolution processes take place in the shadow of the law and the prospect of judicial intervention through mandatory orders that will cut through any intransigence on the part of the parties. In the context of Singapore's family justice system, for instance, issues that cannot be resolved at mediation will proceed to formal adjudication by the court;[58] in addition, the courts are also empowered to institute independent fact-finding processes to inquire into issues and to take their results into account in considering how best to proceed. Further, in making costs orders, the court will take into consideration whether the parties have conducted themselves in line with the aims of therapeutic justice.[59] This overarching adjudicative control, in *combination* with the ability of alternative dispute resolution processes to

57 Linda Yanti Sulistiawati *et al*, *Environmental Courts and Tribunals 2021: A Guide for Policymakers* (United Nations Environment Programme, 2022) at p 31; Justice Brian J Preston SC, Chief Judge of the Land and Environment Court of New South Wales, "The Role of the Courts in Delivering Environmental Justice", speech delivered at the 2023 Sir Ninian Stephen Lecture (4 August 2023) at p 17.

58 Family Justice Courts of Singapore, "Family Justice Courts Therapeutic Justice Model" (21 October 2024) at pp 5–6 <https://www.judiciary.gov.sg/docs/default-source/family-docs/fjc_tj_full.pdf?sfvrsn=6d5426b0_2> (accessed 1 February 2025).

59 Family Justice Courts of Singapore, "Family Justice Courts Therapeutic Justice Model" (21 October 2024) at paras 17–19 <https://www.judiciary.gov.sg/docs/default-source/family-docs/fjc_tj_full.pdf?sfvrsn=6d5426b0_2> (accessed 1 February 2025).

allow the parties to take greater ownership over resolving the issues they face, is what makes a therapeutic justice-informed model such a powerful tool for the *facilitated resolution of conflict*.

42 To be sure, the model that has been proposed in this article is not one that we have as yet implemented in Singapore in the area of climate change litigation. But this is an area that is ripe for discussion and for the exploration of new possibilities. Adopting some or all of the procedural features that have been outlined might help to better equip our court systems to meet the challenges that climate disputes raise, and ensure that such disputes are managed and resolved in a way that addresses the broader issues and interests at stake in a more effective and enduring manner.

C. What else might be needed?

43 Looking beyond these specific procedural features, this article suggests that three broader forms of action and support will be needed to more fully realise the vision of a therapeutic justice-informed model for climate disputes.

44 As a first step, it would be beneficial – and indeed *essential* – for each jurisdiction to engage in focused dialogues with the relevant stakeholders to flesh out the details of how a therapeutic justice model might be implemented for climate disputes in that jurisdiction. By way of illustration, Singapore's "Therapeutic Justice Model" for family justice was co-created by the Family Justice Courts with external stakeholders, after several consultation sessions with members of the Bar and social science practitioners.[60] Through such a process, a consensus can be forged as to an adjudicative model that is accepted by the key stakeholders within each jurisdiction, and which is capable of working effectively.

45 Second, legislative support would be critical in establishing specialised procedural frameworks and rules for climate disputes. This would enable a therapeutic justice-informed model to be implemented more robustly, in a manner that is appropriate for the needs and circumstances of each jurisdiction. Such frameworks could, for example, mandate participation in processes that are designed to help achieve the objectives of therapeutic justice, such as mediation and

60 Family Justice Courts of Singapore, "Family Justice Courts Therapeutic Justice Model" (21 October 2024) at para 23 <https://www.judiciary.gov.sg/docs/default-source/family-docs/fjc_tj_full.pdf?sfvrsn=6d5426b0_2> (accessed 1 February 2025).

conciliation, at least in certain types of cases;[61] and, to the extent necessary, establish mechanisms for judicial monitoring to ensure the parties' compliance with orders that need to be implemented over a period of time. They could also empower the courts to issue a wider range of orders and remedies, including interim orders to prevent further environmental harm while court proceedings are ongoing. For example, the Philippines' Rules of Procedure for Environmental Cases empower the courts to make Environmental Protection Orders directing any person or government agency to perform, or desist from performing, an act in order to protect, preserve or rehabilitate the environment.[62]

46 Finally, training and capacity-building will be essential to educate judges, lawyers and other groups who may be involved in climate disputes on what a therapeutic justice model for such disputes entails, and why they should embrace it. This will help to ensure that all participants involved are familiar with therapeutic justice principles and processes, and turn to them in the right spirit. These efforts build up the therapeutic justice "software" that will complement the "hardware" of rules, procedures and processes.[63]

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61 Just as mediation has been made mandatory in Singapore in divorce cases involving minor children, and might also become mandatory in some neighbour disputes under proposed amendments to the Community Disputes Resolution Act (under which authorised agencies would be empowered to direct disputing neighbours to attend community mediation): "Building More Gracious and Harmonious Communities: Facilitating Effective Resolution of Neighbour Disputes" *Ministry of Law Singapore* (12 August 2024) <https://www.mlaw.gov.sg/building-more-gracious-and-harmonious-communities-effective-resolution-of-neighbour-disputes> (accessed 1 February 2025).

In the environmental law context, the courts in Vermont (US) mandate alternative dispute resolution in all environmental disputes, as do some environmental courts and tribunals in Tasmania (Australia): Linda Yanti Sulistiawati *et al*, *Environmental Courts and Tribunals 2021: A Guide for Policymakers* (United Nations Environment Programme, 2022) at p 31.

62 Supreme Court of the Republic of the Philippines, Rules of Procedure for Environmental Cases (A M No 09-6-8-SC), Pt I, r 1, s 4(d); "Southeast Asian Region: Judicial Dialogue Considers How to Make Courts More Effective in Environmental Cases" *International Commission of Jurists* (30 September 2024) <www.icj.org/southeast-asian-region-judicial-dialogue-considers-how-to-make-courts-more-effective-in-environmental-cases> (accessed 1 February 2025).

63 Chief Justice Sundaresh Menon, Supreme Court of Singapore, "Constructing Collaboration: Remoulding the Resolution of Construction Disputes", keynote address at the 9th Annual Conference of the International Academy of Construction Lawyers (14 April 2023) at para 27(d).

IV. Conclusion

47 This article has argued that a bespoke model of justice, informed by therapeutic justice, could be developed for climate disputes because such a model may be more suitable for this unique species of disputes. This article will conclude with why this author suggests that the *courts* have a particular role to play in developing this bespoke model of justice. This lies in the fact that the courts are the institutions responsible for the administration and delivery of justice,[64] within the framework of the law. Beyond dispensing justice in each case that comes before them, it is suggested that this responsibility should also entail an ongoing duty to think about *how court systems and processes could be designed and operated in ways that would better deliver justice in particular contexts* – including in the context of climate disputes, which are an increasingly important category of disputes.

48 These are challenging issues in a dynamic and difficult area of law and adjudication. While this article cannot possibly offer all the answers, it is hoped that the vision outlined above might be able to guide us in *asking the right questions*, as we strive to ensure that our justice systems are ready to weather the storms that the climate crisis will bring to our shores in the years to come.

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64 Chief Justice Sundaresh Menon, Supreme Court of Singapore, "The Role of the Courts in Our Society – Safeguarding Society", opening address at the Singapore Courts – Conversations with the Community (21 September 2023) at paras 32 and 47; Chief Justice Sundaresh Menon, Supreme Court of Singapore, "Judicial Excellence in a Challenging World: The Centrality of Trust", keynote address at the International Association for Court Administration Conference 2024 (12 November 2024) at para 3.