



Legal Procedure and the Role of Mediators

Background

In order for mediators to handle better the legal cases referred to them, many mediators have found the need have a good understanding of the civil litigation procedure, as well as the time/cost/liability implications of the parties' strategies.

This course provides mediators with basic understanding of the principles and practices in civil procedures, especially in relation to mediation and the role of mediators in the proceedings. While the course is in legal procedure, the emphasis is on what are the implications of particular legal procedures on the role of mediators.

Cases also are incorporated into the course contents. Participants can have hand-on thinking about what steps a mediator should take in order to avoid adverse legal implications, and to facilitate mediation which is realistic and legally feasible.

A certificate of completion will be presented to participants with attendance for all the sessions.

Target Audience

HKMC Panel Members

Language

Cantonese (with English teaching materials and legal terms)

Course Fee

HK\$2,380 (included course materials)

Seat

40 max

Date and Time

Total 4 Sessions (16 hours)

Session 1: 3 Nov 2013, Sunday (2:30p.m. – 6:30p.m.)

Session 2: 10 Nov 2013, Sunday (2:30p.m. – 6:30p.m.)

Session 3: 17 Nov 2013, Sunday (2:30p.m. – 6:30p.m.)

Session 4: 24 Nov 2013, Sunday (2:30p.m. – 6:30p.m.)

Venue

Hong Kong Mediation Centre (21/F, Success Commercial Building, 245-251 Hennessy Road, Wan Chai)

Registration period

On or before 28 Oct 2013



Course Lecturers and Program Team

Gary Soo

Gary is a barrister and civil engineer. From 2008 to 2010 he was the Secretary General of the Hong Kong International Arbitration Centre. From 2006 to 2008 he was the President of the Hong Kong Institute of Arbitrators. He is a CEDR Accredited Mediator, Fellow of Chartered Institute of Arbitrator and Hong Kong Institute of Arbitrators. He is also on the panel of arbitrators of the World Trade Center Macau Arbitration Center and a number of arbitration commissions in mainland China. Gary is an Adjunct Professor of the Civil Engineering Department of the University of Hong Kong teaching construction law and dispute resolution. He is a co-author of leading text "Construction Law and Practice in Hong Kong"

Damon So

Damon is a Partner of the Hong Kong office of Hogan Lovells, an international law firm. He initially qualified as a Chartered Civil and Structural Engineer and is a Member of various professional engineering institutions (namely MHKIE, MICE and MStructE). He is also a Fellow of the Chartered Institute of Arbitrators and the Hong Kong Institute of Arbitrators. He is the Honorary Legal Advisor to the American Society of Civil Engineers and the Hong Kong Institute of Construction Managers. Damon has spoken widely on topics relating to construction legal issues. He is a co-author of leading textbooks on arbitration namely "The Annotated Ordinances of Hong Kong – Arbitration Ordinance (Cap. 609)" and "Butterworths Hong Kong Arbitration Law Handbook" both published in 2012.

IU Ting Kwok

Mr. IU is a Fellow of The Chartered Institute of Arbitrators) is a practising solicitor with "Kwok, Ng & Chan". He is also a practising mediator (General & Family). TK has been invited by most of the mediation trainers in Hong Kong to coach mediation in their mediation training courses. He is also a mediation assessor and speaker at numerous mediation workshops and seminars. In addition, he has authored publications in journals including the Asian Dispute Review, Hong Kong Lawyer and Mediation. TK is a member of the Regulatory Framework Sub- Group of the Secretary for Justice's Steering Committee on Mediation. TK is also an Adjunct Assistant Professor of a major university in Hong Kong.

Richard Leung,

Mr. Richard Leung is a practicing barrister specialized in company law, commercial law, construction and arbitration litigations and other civil matters. He is also a qualified accountant and chartered secretary. He has over 20 years of working experience first in the accounting field and then in the legal profession. Since 1996 onwards he has been working in the legal profession practising as a barrister. Richard sits a member in various statutory tribunals in Hong Kong including the Board of Review, the Registration of Persons Tribunal, the Guardianship Board, the Appeal Board for the Hotel and Guesthouse Accommodation and so on. He was a former President of the Hong Kong Institute of Chartered Secretaries and is now a Vice Chairman of the Chartered Institute of Arbitrators (East Asia Branch). He is now a director of JMHO representing CI Arb(EAB). He has spoken at conferences/seminars on various topics covering arbitration and mediation practices.

Vincent Chan

Vincent Chan is a practising barrister and a Chartered Surveyor (MRICS). For over 15 years Vincent has been a lecturer at the School of Professional and Continuing Education of University of Hong Kong, teaching courses in law and property management. He is also a Visiting Lecturer of the Department of Building and Real Estate at the Hong Kong Polytechnic University teaching development control law. Vincent is an enthusiast in serving the mediation community. He is an elected Council Member of the Hong Kong Mediation Centre. He is also an Alternate Director of Hong Kong Mediation Accreditation Association Ltd (HKMAAL) representing the Hong Kong Mediation Centre. Vincent is the course coordinator for this course.

Bowie Yip

Mr. Bowie Yip is practicing as a barrister and was a former lecturer of the Open University of Hong Kong. He is accredited mediator of the Hong Kong International Arbitration Centre (General and Family) and a Mediation Consultant of the JMHO and a mediator in the list of Financial Dispute Resolution Centre. Mr. Yip has co-mediated with Mr. Chan Bing Woon, SBS, JP in a High Court civil cases and District Court cases. He has also mediated in District Court, High Court and Financial Dispute Resolution Centre Limited cases. Mr. Yip has delivered talks on mediation to the Chartered Institute of Housing, Asian Pacific Branch and City University of Hong Kong, the Law Reform Commission of the Macau Special Administrative Region, Town Planning Department, Hospital Authority, Joint Mediation Helpline Office Limited, United Christian Hospital and the Hong Kong Association of Property Management Companies. Bowie provides the support and consultancy for this course.

Course Outline

Session 1 (3 Nov 2013)

Time: 2:30pm – 6:30pm

Lecturer: Mr. Gary Soo

The overall picture of legal (civil) procedure

- The jurisdiction of the courts
- Overall time frame of civil procedure
- Parties
- The role of pleadings including statement of claims, defence, counterclaims
- Civil justice reform and the changes brought about on alternative dispute resolutions

Session 2 (10 Nov 2013)

Time: 2:30pm – 6:30pm

Lecturer: Mr. Damon So

Interlocutory procedures and applications

- Case management in civil proceedings
- Interlocutory applications
- Interim injunctions
- Summary judgments
- Discovery
- Cost implications for interlocutory applications

Session 3 (17 Nov 2013)

Time: 2:30pm – 6:30pm

Lecturer: Mr. IU Ting Kwok

The role of mediators and means of early settlement

- Issue of confidentiality
- Without prejudice communications
- Impartiality of mediators
- Sanctioned payments and sanctioned offers

Session 4 (24 Nov 2013)

Time: 2:30pm – 6:30pm

Lecturer: Mr. Vincent Chan

Costs, settlements and the trial

- Costs in civil proceedings
- Settlements

Lecturer: Mr. Richard Leung

- Expert evidence
- The trial

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