



Legal Procedure and the Role of Mediators

Background

In order for mediators to be competent in handling the cases referred to them, mediators should have good understanding of the civil litigation procedure, as well as the time/cost/liability implications of the parties' strategies. Due to the overwhelming favorable response from the first intake organized in November 2013 and second intake in August 2014, Hong Kong Mediation Centre ("HKMC") will organize a third intake of this course in September 2015.

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.

The objective is to provide mediators who are without legal background to understand the basic principles and procedures in the legal proceedings of civil litigation. While the course is in legal proceedings, the emphasis is on what are the implications of a particular legal procedure on the role of mediators.

Cases are incorporated into the course contents so that participants can have hand-on thinking about what steps a mediator should take in order to avoid adverse legal implications of their actions.

Target Audience

- Panel and Associate Members of Hong Kong Mediation Centre or
- Interested parties who have completed 40-hour General Mediator Training Course

Medium

Cantonese (with English teaching materials and legal terms)

Course Fee

HK\$2,380 (HKMC Panel and Associate Member)

HK\$2,880 (Non-HKMC Member)

Seat

40

Duration

16 hours (4 sessions)

Date and Time

Session 1: 6 September 2015, Sunday (2:00p.m. – 6:00p.m.)

Session 2: 13 September 2015, Sunday (2:00p.m. – 6:00p.m.)

Session 3: 20 September 2015, Sunday (2:00p.m. – 6:00p.m.)

Session 4: 27 September 2015, Sunday (2:00p.m. – 6:00p.m.)

Certificate & CPD points

A Certificate of Completion will be presented to participants with 100% attendance for all the sessions.

A Certificate of Attendance will be presented to participants with 70% attendance for all the sessions.

Participants will be awarded 10 CPD points and 16 CPD points from HKMC and HKMAAL respectively upon the completion of the course.

Venue

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



Registration Method

Please submit (i) the enrolment form, (ii) course fee and (iii) copies of certificate of 40-hour General Mediator Training Course (only applicable to Non-HKMC member) to HKMC (21/F, Success Commercial Building, 245-251 Hennessy Road, Wan Chai, Hong Kong) in person or by mail.

Payment Method

1) Cheque

Cheque should be made payable to "Hong Kong Mediation Centre Limited". Please write your name, contact no. and course name on the back of your cheque.

2) Bank Transfer

Please transfer your course fee to HSBC 162-242226-001 and write your name, contact no. and course name on the back of your bank slip.

Registration Period

On or before 26 August 2015 (Wednesday)

Course Lecturers

Mr. Gary Soo

Gary is a Barrister and civil engineers. He has been practicing in areas of civil and commercial litigation. 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. He is the first President of the Guangdong Hong Kong and Macau Mediation Alliance. He is also the Chairman of the Alternative Dispute Resolution Committee of the Hong Kong Bar Association. Gary is a listed panelist for domain name disputes of HKIAC, the China Economic Trade and Arbitration Commission, and the Asian Domain Name Dispute Resolution Centre. Gary is an Adjunct Professor of the Civil Engineering Department of the University of Hong Kong teaching construction law and dispute resolution.

Mr. Iu Ting Kwok

Mr. Iu Ting Kwok (Bachelor of Arts (Hons), Master (with credit) in Arbitration & Dispute Resolution, Fellow of The Chartered Institute of Arbitrators) is a practicing solicitor with "Kwok, Ng & Chan". Besides, he is a HKMAAL mediator (general & family), a HKMAAL family mediation supervisor, a HKMAAL coach, assessor and assistant trainer. TK sat as a Deputy Presiding Officer at the Labour Tribunal between 2002 and 2003. He assisted many employment disputants to reach settlements before the trial hearings. As a practising mediator, he has mediated over 250 cases since April 2010. TK speaks frequently at mediation workshops, seminars and conferences including the 3rd AMA Conference organised by the Hong Kong Mediation Centre. He has authored publications in journals including Tan Pan, Asian Dispute Review, Hong Kong Lawyer and Mediation. TK is a member of the Regulatory Framework Sub-Committee of the Secretary for Justice's Steering Committee on Mediation. Academically, TK is an Adjunct Assistant Professor of JC School of Public Health and Primary Care of the Faculty of Medicine, Chinese University of Hong Kong.

Mr. Richard Leung,

Mr. Richard Leung is a practicing barrister with Des Voeux Chambers 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. He had occupied senior positions with various entities including KPMG and Hutchison Paging Limited. Since 1996 onwards he has been working in the legal profession practicing as a barrister. Currently he sits a member in various statutory tribunals in Hong Kong including the Board of Review, the Obscene Articles Tribunal, the Appeal Board for the Hotel and Guesthouse Accommodation and so on. He was the 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 been involved in many mediation cases covering shareholders' disputes, commercial disputes, land disputes, probate disputes, building management disputes, construction disputes and so on and has spoken at conferences/seminars on various topics covering arbitration and mediation practices.

Course Outline

6 September 2015 (Sun)

Session 1

The overall picture of legal (civil) procedure

Time: 2:00p.m. – 6:00p.m.

Lecturer: Mr. Gary Soo

- 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

13 September 2015 (Sun)

Session 2

Interlocutory procedures and applications

Time: 2:00p.m. – 6:00p.m.

Lecturer: Mr. Iu Ting Kwok

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

20 September 2015 (Sun)

Session 3

The role of mediators and means of early settlement

Time: 2:00p.m. – 6:00p.m.

Lecturer: Mr. Iu Ting Kwok

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

27 September 2015 (Sun)

Session 4

Costs, settlements and the trial

Time: 2:00p.m. – 6:00p.m.

Lecturer: Mr. Richard Leung

- Costs in civil proceedings
- Settlements
- Admission
- Expert evidence
- The trial