



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, Hong Kong Mediation Centre will organize a second intake of this course in August 2014.

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

HKMC Panel and Associate Members and interested parties who have completed 40-hour Mediation Course

Language

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 max

Date and Time

Total 4 Sessions (16 hours)

Session 1: 2 August 2014, Saturday (9:00a.m. – 1:00p.m.)

Session 2: 2 August 2014, Saturday (2:00p.m. – 6:00p.m.)

Session 3: 9 August 2014, Saturday (9:00a.m. – 1:00p.m.)

Session 4: 9 August 2014, Saturday (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 from HKMC on a pro rata basis with one session per unit (i.e. 2.5 CPD points per session)*

Participants will be awarded 16 CPD points from HKMAAL**

Venue

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

Registration period

On or before 18 July 2014 (Friday)

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. Damon So

Damon is a Partner of the Hong Kong office of Hogan Lovells, an international law firm, specialising in construction law. 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. Since qualification as a solicitor Damon has undertaken a wide range of both contentious and non-contentious construction work and has had occasion to consider many of the issues which typically arise in respect of various construction projects. His contentious work includes a large amount of litigation and arbitration involving numerous expert issues, acting for employers, contractors, statutory bodies, consultants and insurers, in respect of building and civil projects. His non-contentious work includes advising and drafting construction, consultancy and other related contracts for employers, contractors and consultants in respect of a number of building and civil projects using various standard forms of contract. As a Chartered Civil and Structural Engineer, Damon was involved in activities from the whole construction project cycle, including design work, preparing tender and contract documents, cost estimating, site supervision and claims assessment. Damon has spoken widely on topics relating to construction legal issues for various professional institutes and construction companies. 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.

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

2 August 2014 (Sat)

Session 1

The overall picture of legal (civil) procedure

Time: 9:00a.m. – 1:00p.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

Session 2

Interlocutory procedures and applications

Time: 2:00p.m. – 6:00p.m.

Lecturer: Mr. Damon So

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

9 August 2014 (Sat)

Session 3

The role of mediators and means of early settlement

Time: 9:00a.m. – 1:00p.m.

Lecturer: Mr. Iu Ting Kwok

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

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

Remarks:

*For HKMC, participants who are absent (either late or early departure) for more than 30 minutes will not be granted with any CPD points for that session.

**For the details / requirements of attendance policy for CPD of HKMAAL, please refer to HKMAAL's webpage or contact them directly for enquiry.



For HKMC use only		
<input type="checkbox"/> Admitted	<input type="checkbox"/> Rejected	<input type="checkbox"/> Waiting list
<input type="checkbox"/> Paid by cheque no.: _____		
<input type="checkbox"/> Paid by bank transfer		
<input type="checkbox"/> Receipt Date: _____		

Legal Procedure and the Role of Mediators Application Form

Name in English: _____

Name in Chinese: _____

(Both Chinese and English name must be the same as shown on HKID card)

Membership No.: Panel Member _____ Associate Member _____ Non-HKMC Member

Contact No.: _____

E-mail: _____

Correspondence Address: _____

*Please complete and send this application form together with a cheque made payable to "Hong Kong Mediation Centre Ltd." to:
Hong Kong Mediation Centre: 21/F, Success Commercial Building, 245-251 Hennessy Road, Wan Chai*

Important Notes:

1. Regardless of whether applicants have attended classes or not, fees paid are not refundable unless the enrolled course is full or cancelled.
2. HKMC reserves the right to cancel the course due to insufficient enrolment or other unforeseen reasons, and make alteration regarding trainers, class locations and class schedules if necessary.
3. Confirmation will be notified by email upon successful registration. If you have not received an email confirmation on your registration from the Secretariat on or before **22 July 2014**, you have not been assigned a place to the course.
4. If typhoon signal no.8 or black rainstorm warning signal is hoisted and not lowered by 2 hours before the class start, the class will be postponed. Rescheduled date/time/venue will be announced in due course.
5. In case of disputes, Hong Kong Mediation Centre reserves the right to make final decision.

Personal Information Collection Statement

1. Personal data provided in this application form will solely be used for the admission process. However, failure to provide such data may take it impossible to process your registration and communicate with you. All such data will be destroyed within 3 months should the application be unsuccessful.
 2. The personal data provided in this form will be used by HKMC staff for delivering information including any events and functions to be held, courses to be organized, discount, benefit and services offers. This personal data will not be transferred to other external parties for purposes as stated above.
 3. Under the provisions of the Personal Data (Privacy) Ordinance, applicants have the right to request access to and correction of their personal data. Applicants wishing to access or make corrections to their data should submit written requests to Hong Kong Mediation Centre.
- If you do not wish to receive information as stated in point 2 of this statement, please indicate your objection by ticking the box.

Applicant's Declaration

I declare that all information provided in this enrolment form is accurate. I have noted, understood and agreed to the contents of the Personal Data Collection Statement and "Important Notes"

Signature: _____

Date: _____