

## *Letter from the Chairman*

*CEDR Mediation Talk & Theatre – September 2007  
CEDR Mediation Accreditation Course – October 2007*

---

*Dear Fellow Members,*

*Mediation as a form of “alternative dispute resolution” (“ADR”) hardly requires elaboration. In other jurisdictions, the trend has developed to such a stage that people query whether the use of the word “alternative” remains appropriate and advocate a broader concept of “dispute resolution” under which conflict management and different means of dispute resolution such as conciliation, mediation and arbitration each play different role side by side with court litigation.*

*Hong Kong has been a renowned centre for dispute resolution in the Asian region. Parties have confidence in conducting litigation and arbitration in Hong Kong. In view of the international trend, our dispute resolution system cannot be complete without a reliable infrastructure for mediation. Singapore’s Mediation Centre and similar service providers in other jurisdictions are pushing for extra-territorial development and are eyeing Hong Kong as one of its targets. Unless Hong Kong catches up, the adverse effects on Hong Kong and the legal profession will be felt in the not distant future.*

*Currently, mediation is admittedly less popular in Hong Kong than in other jurisdictions. However, there are every signs that mediation is gathering momentum in Hong Kong. Following the introduction in the matrimonial and construction contexts, the next in the pipe line will be building management disputes. As matters progress, it will not be surprising to see mediation being extended to areas such as personal injuries and fatal accidents claims, employment cases, shareholders disputes and other forms of commercial disputes.*

*Faced with these international and domestic trends, the Bar should make a move and do it quick, both in terms of acquiring skills relating to mediation (whether as accredited mediators or mediation advocates) AND in taking the lead in developing mediation as a means of dispute resolution in Hong Kong. If the Bar does not move in this direction, others will and we will soon find ourselves lagging behind with unpleasant consequences.*

*With the above in mind, I have the pleasure of informing members that the Bar and the Centre for Effective Dispute Resolution ("CEDR") will be jointly organizing two programmes in September and October this year. CEDR is one of the leaders in dispute resolution and an internationally acclaimed trainer in mediation and conflict management skills. Its mediation provider, CEDR Solve, is well-known both in the United Kingdom and Europe<sup>1</sup>.*

*The September programme comprises a Mediation Talk and a Mediation Theatre on two evenings. The aims are to introduce mediation to our members and to share information with those who are interested in developing a mediation practice.*

### **Mediation Talk**

*Date: 19<sup>th</sup> September 2007 (Wednesday)*

*Time: 5:30 p.m. to 7:00 p.m.*

*Venue: To be confirmed*

*Format: A talk will be given by Ms. Frances Maynard, Mr. Danny McFadden and Mr. James South of CEDR on mediation, followed by a video show.*

*(Ms. Frances Maynard is the former Director of Training at CEDR and a leading mediator in the UK with a huge reputation in the employment field. Mr. Danny McFadden is a commercial and property lawyer from Australia and an experienced mediator at CEDR Solve. Mr. James South, a barrister and solicitor from New Zealand, is the current Director of Training at CEDR. Not only does he teach and write extensively, he assisted in the development of mediation programme in various jurisdictions.)*

*Fee: Free of charge*

### **Mediation Theatre**

*Date: 20<sup>th</sup> September 2007 (Thursday)*

*Time: 5:30 p.m. to 7:00 p.m. (with drinks thereafter)*

*Venue: To be confirmed*

*Format: This is a mock mediation with a view to demonstrating how mediation is conducted. The case study concerns a dispute arising from a fast foods franchise. One of the above-named CEDR's representatives will act as the mediator, and another will be explaining the various stages of mediation and the different skills involved.*

---

<sup>1</sup> Further information can be obtained from the website at [www.cedr.co.uk](http://www.cedr.co.uk).

*Fee: Free of charge*

*The October programme is a 5-day Mediator Skills Training Course which can lead to CEDR accreditation. Training and assessment will be provided by experienced trainers from CEDR, with course materials devised by CEDR.*

### **Mediator Skills Training Course**

*Date: 26<sup>th</sup>, 27<sup>th</sup>, 29<sup>th</sup>, 30<sup>th</sup> and 31<sup>st</sup> October 2007*

*Time: 8:30 a.m. to 6:00 p.m. (with a lunch break of around 45 minutes)*

*Venue: To be confirmed*

*Format: Days 1 & 2: Participants will be taught the requisite knowledge and skills through talk, demonstration and practice. Case studies, based on actual mediations, are used throughout and participants will experience the role of mediator, adviser and mediation party.*

*Day 3: This is a "practice" day of shared learning in preparation for the assessment days. The whole day will be devoted to a single detailed case study and participants will practise the skills required at each stage of a mediation. The trainers from CEDR will coach small group of participants through the case study and provide feedback.*

*Days 4 & 5: Each participants will mediate one simulated case on each day whilst trainers from CEDR will assess the participants' performance.*

*Post Course Assignments: Each participant is required to complete 3 written assignments within a period of two weeks after the course.*

*CEDR Accreditation:*

*Accreditation is based on the assessments on Days 4 and 5 and the post course assignments handed in by the participants. Assessment result is likely to be available in late December 2007. The Certificate of Accreditation will be awarded to participants who demonstrate the required level of competence to achieve the status of CEDR Accredited Mediator.*

*Fee: £2,800 per participant plus a share of the actual expenses incurred including: (a) air-tickets and hotel accommodation for the trainers from CEDR; and (b) venue rental. The actual fees will depend on the number of participants and is likely to be in the region of approximately HK\$55,000 per participant.*

*In-take: 24 participants in total. (Due to the format of the course, the number of participants has to be divisible by 6. Besides, because of logistical reasons, the maximum in-take cannot exceed 24 participants.)*

*This is the first time CEDR comes to Hong Kong to provide such accreditation course and I would urge those who are interested in developing a mediation practice not to miss this opportunity.*

*The fees are substantial. However, when compared with the costs involved in attending similar CEDR accreditation courses in London or other parts of Europe (course fees starting from £4,025 + VAT, plus one's own flight and hotel accommodation expenses), the costs of receiving training in Hong Kong are clearly more favourable.*

*The September and October programmes are part of the immediate steps taken by the Bar. It is hoped that CEDR Mediator Skills Training and Accreditation Course can be organized in Hong Kong on a regular basis. On the other hand, the Bar is also in contact with other training providers with a view to facilitating mediation training by different providers so as to cater for different needs. The objective is to establish a pool of qualified mediators as well as introduce the skills of mediation advocacy. Unless and until the Bar succeed in doing so, we will not be in a position to venture into mediation practice nor to promote mediation as a means of dispute resolution in Hong Kong. In the long run, the Bar should explore the possibility of establishing its own dispute resolution scheme so that end-users may approach the Bar for nomination of qualified mediators. Not only can such a scheme provide services to the community, it will also open the window for more work opportunities. This is not a new idea. The Victorian Bar in Australia, for instance, has a similar scheme. There is no reason why we should not keep this as an option for future consideration.*

*Look forward to seeing you at the September and October programmes and Wishing you a refreshing summer vacation.*

*Yours sincerely,*

*Rimsky Yuen, S.C.  
Chairman  
30<sup>th</sup> July 2007*

*Encl. (registration forms)*

**Registration Form**  
**CEDR Mediation Talk & Mediation Theatre**  
**(19<sup>th</sup> & 20<sup>th</sup> September 2007)**

Name: \_\_\_\_\_

Chambers address: \_\_\_\_\_

Tel. No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Email address: \_\_\_\_\_ Year of Call: \_\_\_\_\_

\_\_\_\_\_  
Signature

*Please deliver or fax this form to Mr. Ka Wong, Director of ALE at 2869 0189.*

\*\*\*\*\*

**Registration Form**  
**CEDR Mediator Skills Training & Accreditation Course**  
**(26<sup>th</sup>, 27<sup>th</sup>, 29<sup>th</sup>, 30<sup>th</sup> & 31<sup>st</sup> October 2007)**

Name: \_\_\_\_\_

Chambers address: \_\_\_\_\_

Tel. No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Email address: \_\_\_\_\_ Year of Call: \_\_\_\_\_

I agree to pay, upon delivery of invoice(s) by the Hong Kong Bar Association, the course fee of £2,800 plus an equal share of the actual expenses to be incurred including: (a) air-tickets and hotel accommodation for the trainers from CEDR; and (b) venue rental.

\_\_\_\_\_  
Signature

*Please deliver or fax this form to Mr. Ka Wong, Director of ALE at 2869 0189.*