

# HONG KONG BAR ASSOCIATION

## Circular No. 094/08

TO : All members and pupils of the Bar Association  
FROM : Wong Ka-Chun, Director of Advanced Legal Education  
DATE : 16 September 2008

### **ICC Mediation Five-Day Training Course (International Trade)**

**Trainers:** Helena De Backer (*Belgium*)  
Dana Haviland (*U.S.A.*)  
David Miles (*U.K.*)  
Alan Limbury (*Australia*)  
Mercedes Tarrazón (*Spain*)  
Colin Wall - Coach Manager (*Hong Kong*)

**Dates:** Monday 17 – Friday 21 November 2008

**Time:** 8.30a.m. – 6.30p.m. daily

**Venue:** Joint Professional Centre, Unit 1, G/F, The Center, 99 Queen's Road Central, HK

**Course Fee:** HK\$15,000

**Places:** 30 – allocated on a first-come-first-served basis upon full payment of the course fee

The Hong Kong Bar Association, the Law Society of Hong Kong and the International Chamber of Commerce (“ICC”) are jointly organizing a five-day Mediation Training Course, to be delivered by the ICC.

#### **Course Objective:**

This training course will meet the practical needs of those involved in international trade and will allow participants to learn about the different techniques of mediation taking into account cross-cultural awareness and international/domestic legal considerations. The participants will have the opportunity to learn from experienced international mediators with simulated mediation cases.

## **About the Course:**

The course programme lasts a total of 40 hours comprising of:  
22.5 hours of lectures (hereinafter “theoretical courses”)  
17.5 hours of simulations (hereinafter “practical exercises”)

Role-plays will be monitored by course trainers and coaches and the methods used will be inter alia:

- Short briefing of the participants by the course trainer on the dos and don'ts;
- Simulation of cases in small groups (5 participants);
- Technique of freezing the simulation of the case by the course trainer when necessary to provide guidelines or feedback;
- Testing skills in difficult situations;
- Training by watching DVDs;
- Recording video of the participants simulating as mediator.

After each practical exercise, coaches will provide feedback to the participants.

Some preparatory reading will be required before the course begins.

## **Course outline:**

### **Day 1**

#### Key knowledge on mediation

- Concept of ADR and Mediation
- ADR Clauses
- Practical Exercises

#### Before the mediation starts

- What to know? What to do?

#### Meeting with the parties

- Opening statement
- Skills for the opening statement
- Practical Exercises

### **Day 3**

#### Process Strategy

- Caucuses
- Deadlocks / impasse - Techniques to break them
- Practical Exercises

#### Conclusion phase

- Without agreement
- With an agreement
- Recognition and enforcement of the agreement
- Practical Exercises

### **Day 5**

#### Financial aspect / Status of the parties

- Practical Exercises

#### Nature of the case

- Commercial disputes
- IP dispute
- Family dispute
- Personal injury
- Practical Exercises

### **Day 2**

#### Meeting with the parties

- Parties' opening presentation
- Opening the channels of discussion
- Understanding phase
- Practical Exercises
- Negotiation phase
- Mediating techniques (skills and styles)
- Practical Exercises

### **Day 4**

#### Counsel and Experts in Mediation

- Practical Exercises

#### Individuals' awareness in Mediation

- Mediation with emotions
- Cross-cultural Awareness
- Practical Exercises

**Application has been made to the Hong Kong International Arbitration Centre (“HKIAC”) for recognition of this training course so that participants who have successfully completed this course can apply to obtain the HKIAC Mediation Stage 1 Accreditation.**

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REPLY SLIP

Bar Circular No. 094/08

To: Wong Ka-Chun, Director of ALE, Hong Kong Bar Association, LG2, High Court, 38 Queensway, HK

**ICC MEDIATION FIVE-DAY TRAINING COURSE (INTERNATIONAL TRADE)**  
**Monday 17<sup>th</sup> – Friday 21<sup>st</sup> November 2008**

I wish to register for the above Training Course.

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

Name of Pupil-Master: \_\_\_\_\_ Date of pupillage: From: \_\_\_\_\_ to: \_\_\_\_\_  
(if applicable) (if applicable)

Address.: \_\_\_\_\_  
\_\_\_\_\_

Tel no.: \_\_\_\_\_ Fax no.: \_\_\_\_\_  
(please indicate if it is a *chambers / private* fax no.)\*

E-mail: \_\_\_\_\_ Date: \_\_\_\_\_  
(email address is a MUST, for confirmation purposes)

[ Pupil-Barrister:  1<sup>st</sup> 6-month  2<sup>nd</sup> 6-month  Limited Practice  DOJ ]\*

[ Member: Year of Call (H.K.): 19\_\_ / 200\_\_ ]\*

*\*(delete as appropriate)*

I enclose a cheque for HK\$15,000 payable to the “Hong Kong Bar Association”.

NOTES:

- (1) Enrolments will be accepted on a first-come-first-served basis.
- (2) Registration forms will only be deemed complete if accompanied by a cheque in payment of the disbursement fee. Cash payment will not be accepted.
- (3) The cheque in payment of the course fee will only be banked if a registrant’s application for enrolment is successful.
- (4) The course fee paid by successful registrants is NON-REFUNDABLE and NON-TRANSFERABLE.
- (5) If a registrant’s application for enrolment is unsuccessful, the cheque in payment of the fee will be returned.
- (6) The result of your application for enrolment will be confirmed by EMAIL.