

For information

Mediation Information Office of the Judiciary

Purpose

The purpose of this paper is to inform Members of the establishment of the Mediation Information Office (“MIO”) within the Judiciary with effect from 4 January 2010.

Background

2. One of the initiatives under the Civil Justice Reform (“CJR”) is to promote the wider use of mediation to facilitate early and satisfactory settlement of disputes. A new Practice Direction on Mediation (“PD 31”) applicable to all relevant civil cases in the Court of First Instance and the District Court, will come into effect on 1 January 2010. A copy of the PD 31 is attached.

3. Upon the implementation of the PD 31, the Court has the duty, as an integral part of active case management, to encourage the parties to use an alternative dispute resolution procedure (“ADR”) if the Court considers that appropriate and to facilitate its use. Mediation is one of the common modes of ADR and a cost-effective means of resolving the parties’ disputes. All legal representatives have the duty to advise their clients of the need to explore mediation as well as the possibility of the Court applying costs sanctions against a party who is found to have unreasonably rejected the use of mediation. For cases with one or more parties who are not legally represented, the Court may, at a suitable stage when mediation is considered appropriate, give direction to the parties to consider mediation.

Objective and Operation of the Mediation Information Office

4. In support of the implementation of the PD 31, the MIO will be set up to provide litigants with relevant information on mediation, so as to assist them in considering whether they should attempt mediation in resolving their disputes; and if so, how.

5. The target users of the MIO are the parties who have commenced or are about to commence civil proceedings in the High Court or the District Court. The primary function of the MIO is to provide relevant information by conducting information sessions on mediation for the parties. It will also provide relevant materials to court users as well as members of the public.

6. Since the Judiciary has to maintain its independent and impartial position, mediation will not be provided by any staff of the Judiciary. The actual mediation will be provided by accredited mediators outside the Judiciary to be appointed by the parties themselves.

7. The MIO is located on the Lower Ground First Floor of the High Court Building, adjacent to the Resource Centre for Unrepresented Litigants (“Resource Centre”). The two offices, though separately manned and operated, will work in close liaison with each other. It is expected that the MIO will handle enquiries relating to mediation from unrepresented litigants.

Facilities and Services

8. The MIO will provide the following facilities and services :

(a) Reception and General Enquiries Counter

The MIO serves as a focal point of enquiry for all court-related mediation. As the first point of contact with users, the counter will be manned by properly trained staff.

(b) Videos

Three thematic videos on mediation have been produced and will be shown to court users for their reference.

(c) Leaflets

A series of leaflets, including the leaflet on the MIO, the General Guide to Practice Direction 31 - Mediation and the leaflet on “What is Mediation” will be made available for collection.

(d) Information Sessions

The MIO will conduct information sessions on mediation for parties before or after they commence proceedings in court.

(e) Dedicated Webpage

A newly developed mediation webpage will be launched in January 2010 on the Judiciary’s website. The contents of the videos and leaflets, related judgments and publications will be uploaded onto the dedicated mediation webpage. The links to other related professional bodies are also placed in this mediation webpage.

(f) Frequently Asked Questions (“FAQs”)

A database on FAQs concerning court-related mediation will be also uploaded on the dedicated webpage.

(g) Computer Facilities

Computer terminals with access to the Judiciary website, interlinked with the websites of professional bodies of mediation, are installed in MIO.

PUBLICITY

9. The two legal professional bodies and related mediation organizations have been kept informed of the establishment of the MIO and the services and facilities to be provided by such office.

10. A press briefing will be held and a press release will be issued in the normal way to inform the public of the establishment of the MIO.

CONCLUSION

11. Members are invited to note the contents of this paper.

Judiciary Administration
December 2009