



## Supportive Services by the Judiciary in Family Mediation

April Lam

Senior Mediation Affairs Officer

Judiciary

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## The Pilot Scheme of Family Mediation in Hong Kong

- In May 2000, the Judiciary formally launched a three-year Pilot Scheme on Family Mediation to make mediation an optional service in family law litigation. To tie in with this development, the Chief Justice appointed a Steering Committee to oversee the Scheme.
- A Mediation Co-ordinator's Office was set up and monitored by Judiciary in the Family Court's building to implement the Pilot Scheme and co-ordinate the provision of the service in 2000.

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## Result of the Pilot Scheme on Family Mediation

Period from 2.5.2000 to 14.5.2003

Success Rate: **79.2%**

Total Cases completed Mediation: 933

Mediated cases: 807      Not mediated cases: 126

- ❖ Full agreement reached: 561 (69.5%)
- ❖ Partial agreement reached: 78 ( 9.7%)
- ❖ No agreement reached: 168 (20.8%)
- ❖ Total: (100%)

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## Result of the Pilot Scheme on Family Mediation

Users' Satisfaction Results:

- ✓ Respondents were 'satisfied' or 'very much satisfied' with the mediation service : **81%**
- ✓ Respondents considered mediators had been neutral and impartial : **80%**
- ✓ Respondents considered mediators had never made decision for them: **95%**

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## Users' views on Family Mediation

- Avoid tension and conflict in litigation
- Save litigation costs and time
- Provide good educational experience on how to proceed constructively with their divorce
- Improve communication skills
- Enhance co-parenting
- More satisfying process to resolve disputes



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## Development after the Pilot Scheme

- In view of the proven record of helping separating / divorcing couples resolve their disputes, it was decided to maintain Family Mediation Co-ordinator's Office to assist couples in seeking family mediation.

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## Change after Civil Justice Reform and Practice Direction 31

- The civil justice system serves as a means for the fair resolution of dispute between parties
- As specified in our new Order 1A, the objectives of our procedures include the achievement of procedural economy in the process and the facilitation of settlement
- Lawyers and parties are required to assist the court in furtherance of these objectives

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## Case Management Duty of the Court

- Order 1A Rule 4(2)
- Active case management includes
  - (e) encouraging the parties to use an ADR procedure if the Court considers that appropriate, and facilitating the use of such a procedure
  - (f) helping the parties to settle the whole or part of the case

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## Main features of New Version of Practice Direction 15.10

- Duty of Lawyers
- Adverse costs order
- Application for Court's direction
- Interim stay

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## Main features of PD 15.10 (cont'd)

- Mediation Certificates
  - Petitioner's / Respondent's Certificate
  - Joint Applicants' Certificate
  - Other Respondent's / Intervening Party's Certificate
  - Application for Family Mediation

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## Consideration of mediation during the course of litigation

- The Court can form its independent opinion on appropriateness of mediation in view of Mediation Certificates
- The view of the Court can assist litigants in assessing viability of mediation
- The Court can refer litigants to attend information sessions at Family Mediation Co-ordinator's Office

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## Family Mediation Co-ordinator's Office



Location: 1st Floor, Wanchai Tower,  
12 Harbour Road, Hong Kong

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## Roles of the Family Mediation Co-ordinator's Office (**Information Provider & Educator**)

- Conduct information sessions
- Alert the parties the impact of persistent disputes
- Achieve win-win situation
- Explain the advantages of mediation
- Introduce the role of the mediator



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## Content of an Information Session

- Mediation Video
- Mini lecture delivered by Mediation  
Co-ordinator / Mediation Affairs Officer
- Q & A

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## Roles of the Family Mediation Co-ordinator's Office (Resource Person)

- Leaflets & materials on mediation
- Resource Corner
- Videos on Mediation
- Webpage of Mediation in the Judiciary website

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## The Referring Mechanism Family Mediation Co-ordinator's Office



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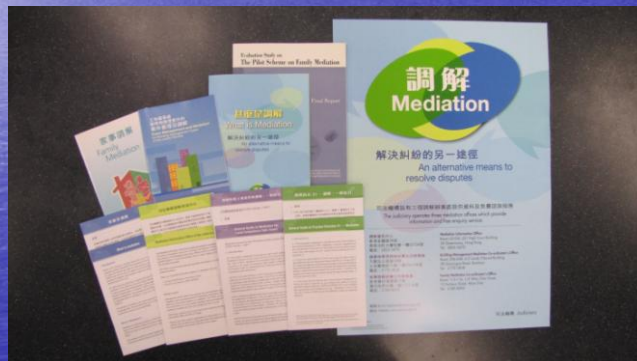
## The Referring Mechanism Family Mediation Co-ordinator's Office

- Pre-mediation Consultation / Intake interview after Information Session for each party
- Panel list of mediators for parties' consideration
- Assisting parties to agree on the choice of a mediator
- Liaising with proposed mediators about their availability
- Referring case to mediator for mediation service
- Collecting the mediation results from appointed mediators

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## Publications on Mediation



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## Mediation Webpage

- Website: [mediation.judiciary.gov.hk](http://mediation.judiciary.gov.hk)
- Email: [mediation@judiciary.gov.hk](mailto:mediation@judiciary.gov.hk)



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Thank You

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