

Mediation for Personal Injuries & Employee Compensation Claims Disputes

by

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Jacky has been a barrister-at-law (HK) in private practice since 2007. He practices in civil and criminal litigation as well as mediation.

Jacky obtained his HKIAC Accreditation as General Mediator in 2009 and Family Mediator in 2012. He has been a member of the HKIAC Users' Council since 2009 and he is currently also a member of the HKIAC General Mediation Interest Group (GIG) and the HKIAC Family Mediation Interest Group (FMIG).

Jacky is fluent in Cantonese, Mandarin and English.

Introduction

- Conflicts and Dispute resolution
- ADR Approaches
- Mediation Theories

EC and PI Mediation Cases

- Practical aspects regarding Personal Injuries and Employee Compensation Cases, common law and Cap.282 claims
- Liability, Causation, Quantum, Costs, Legal Aid
- Advance payments, sanctioned offers and payments, WP offers
- Medical Reports
- Surveillance Reports
- The injured person, the family, the significant others & the insurance companies
- Emotions Management
- Caretaking, counseling and mediating

The People

- Power dynamics of parties
- The various stages and purpose
- Problem solving techniques
- Parties' concerns and advocacy in mediation
- Ground rules
- Parties' presentation and mediator' roles and taboos
- Identifying areas of agreement
- Use of the White Board
- Common Grounds, Issues and Agenda-setting
- Option generation
- Negotiation and decision making
- Who is Who and the Pecking Order
- Parties' diversified needs and interests
- Caucus
- Reasons and guidelines for the private session
- Recording the decision
- Termination of the session
- Reality Tests

The Skills

- Direction sense
- Fundamentals of a contract
- Writing Settlement Agreement
- Tomlin Order
- The Exceptional Mediator
- Skills and strategies
- Functions of a mediator
- Appropriate interventions
- Constructive communications
- Problem solving
- Ensure equality of arms and empowering
- Negotiation Process
- Directing the Flow
- Pre-empting and confrontation
- Metaphoric Paraphrasing
- Task Prescription

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- Positive connotation & Future-focusing
- Segregating complex issues into simpler chunks
- Position and interest based bargaining
- Information giving
- Managing power imbalance
- Impasse handling
- Dilemmas
- Communication Skills
- Verbal vs. non-verbal

The Rules

- Professional Standard
- Mediation Code
- Mediation Ordinance

The Garnish

- Strategy
- Conflict Analysis
- Mediation as a inter- and trans-disciplinary subject
- The Mediation Process (Christopher Moore)
- A specific key for a specific lock versus panacea
- The Mental Process
- BATNA, WATNA and PATNA
- Closing the last gap
- Conciliation and mediation
- Rhetoric - an art of persuasive discourse. Sharing and Stories.
- Ethos (personality and stance); pathos (emotional engagement) and logos (modeling and judging arguments)
- Understanding powers: necessity, dependency, and building power through coalitions; the law of reciprocity
- Exercising Influences: spheres of influence, "currencies of exchange"
- Use of Tactics
- Framing the issue
- Using information to influence thinking and outcome
- Growing complexity and technical experts' edge
- The Elements of Persuasion (CURSE)
- Credibility
- Understanding of audience
- Realpolitik

- Read the lines, between the lines, beyond the lines
- Active Listening skills
- Toolbox of the mediator
- Reframing an issue
- Perception check
- Summarizing
- Questioning techniques
- Anger management
- Facilitation skills

- Practice Direction 31
- Fairness of procedures
- Other Negotiation Techniques

- Solid argument
- Effective communication
- Focus on the Head: structure, evidence and value
- Focus on the Mouth: select the right words; speaking things right and speaking the right things
- Focus on the Heart: a vivid picture, metaphor, analogy and stories
- Overcoming resistance
- Ethical exercise of your persuasive power
- Establish conceptual goals
- Think systematically
- Learn from experience
- Engage others
- Provide feedback
- The Elements of negotiation (parties and interests; interdependency; common goals; flexibility; decision-making ability)
- Distributive bargaining versus Integrative bargaining
- How to become an accredited mediator
- Closing the deal
- Civil Justice Reform
- Sample Writings
 1. Agreement to Mediate
 2. Opening Statement
 3. Settlement Agreement
- Evaluation

Scan to Calendar



Code:	EVT000000052	Level:	Intermediate
Date:	27 January 2015 (Tuesday)	Language:	English
Time:	14:30 - 17:45 (Reception starts at 14:00)	Accreditation(s):	LSHK 3.0 CPD Points (LSHK Allocated Number: 20144714) HKMAAL 3.0 CPD Points HKIAC 3.0 CPD Points for Accredited Mediators
Venue:	Kornerstone Institute 15/F, Hip Shing Hong Centre 55 Des Voeux Road Central Central, Hong Kong	Request for Rerun:	Please Contact Us for Details



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