

The Arts and Science of Negotiation & Mediation

by
MsVivian Chih,
Barrister-at-Law,
Justice Chambers



Ms Chih is a practicing barrister-at law in HK since 1986. She holds a Bachelor degree in Law, a Master degree in International Law, a Diploma in International Arbitration and a Master Degree in Counseling.

Ms Vivian Chih is qualified as a HKMAAL general and family mediator in HK and is a very experienced and seasoned mediator having participated in nearly 300 mediation cases since 2009, covering area of personal injury, insurance, commercial, family, land, probate, employment and contractual matters, etc.



With respect to mediation/negotiation training, Ms Chih has received mediation training from the Accord Group as early as 2004 as part 1 of the Professional Mediation training of HKIAC, the accredited mediator training by CEDR of London (the Centre for Effective Dispute Resolution) in 2009, the part II Professional Mediation training of HKIAC in 2011, the Master of Negotiation programme by CEDR in Nov, 2013, the training programme for HKIAC panel of mediation assessor in 2014, the mediation training by the Hong Kong Family Welfare Society in 2013/14, and recently, the Programme on Negotiation at the University of Oxford in Oct, 2014, and the Programme on Negotiation at Harvard Law School in Nov, 2014 and April, 2015 respectively.

Ms Chih is a passionate and dynamic mediator. She has the firsthand experience in working out the difference between the technique used in mediation/negotiation as opposed to that used in litigation. She is eager to share her personal insight in the mediation/negotiation techniques applicable in the Hong Kong context.

This CPD talk will be a heartfelt sharing of Ms Chih's experience in negotiation/mediation. It is suitable for all legal practitioners, mediators, businessmen, executives/administrators who have to engage in business or legal negotiation/mediation to attend.

The talk will capture the gist of insight of many renowned international negotiators, mediation practitioners, academic, writers and speakers, and there will be sharing of various intellectual concepts and techniques taught in overseas Universities concerning mediation and negotiation.

There will also be interactive games and exercises to enhance the understanding of some intellectual concepts to be discussed. This talk will sure be an eye-opening and inspiring learning experience, empowering each participant with dynamic, pragmatic and creative negotiation/mediation technique, with lots of joy and fun to be shared!

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The Science of Negotiation/Mediation

■ Preparation

1. Preparation by negotiators/mediator

- Research on background fact, legal issues and relationship
- Make preliminary assessment on ZOPA, BATNA
- Design a negotiation/mediation framework

2. Negotiable internally on whether and how to negotiate/mediate

- Briefing of colleagues/superior on result of research
- Discuss ZOPA, BATNA, negotiation/mediation framework

3. Negotiate with the other side or the mediator on which process framework to follow

■ Execution

1. Explore factual background, interests of parties, relationship

- **Apply techniques of communication** - Attentive listening, respect, acknowledgement, summarizing, re-phrasing, neutralizing, personal sharing, education by analogy, stories... etc.

2. Explore options/solutions- Acceptable, feasible and implementable

3. Drafting settlement agreement

- Practical things to note (e.g. authorization, confidentiality, feasibility)

■ Follow Up

- Crafting Consent Orders, implementation, maintain relationship, continuation of negotiation/resumption of mediation

The Arts of Negotiation/Mediation

■ Management of Bias

- Cultural bias, self-interest bias, confirmatory bias, saliency bias, anchoring bias... etc.

■ Management of Emotion

- How to remain calm, objective, compassionate and passionate?
- How to break through emotional impasse or overcome emotive moments?
- Emotional appeal - unconditional regard, appreciation, status, autonomy... etc.

■ Management of Tension

- Creation of value vs. Distributive concept
- Assertiveness vs. Empathy
- Principal vs. Agent

■ Management of the Game



- Change the atmosphere
- Change the persona, venue or timing of negotiation
- Change the focus of discussion

■ Development of Charisma

- Sincerity, respect, honesty, fairness, integrity, expertise, insight, vision, compassion, good willingness, friendliness, humour...
- Develop trust, fondness and belief in the negotiator/mediator

Scan to Calendar



Code:	EVT000000073	Level:	Intermediate
Date:	11 July 2015 (Saturday)	Language:	English
Time:	09:30 - 12:45 (Reception starts at 09:00)	Accreditation(s):	LSHK 3.0 CPD Points (LSHK Allocated Number: 20151715) 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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