

Intriguing Issues in Probate Matter and Its Mediation Concerns

by
Ms Vivian Chih,
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Ms Chih has been practicing law since 1986, with a Master degree in International Law, a Diploma in International Arbitration and a Master Degree in Counselling.

Ms Chih is qualified as a HKMAAL general and family mediator in Hong Kong and is a very seasoned mediator having participated in over 500 mediation cases, covering area of personal injury, insurance, commercial, family, land, probate employment and contractual matters, etc.

Ms Chih has received extensive training experience in mediation locally and overseas, including the training by the Australian Accord Group as early as 2004, the HKIAC 2011, the Master of Negotiation programme by CEDR London 2013, the Negotiation training at the University of Oxford 2014, and the Master Negotiation training at the Harvard Law School 2014 and 2015.

Testate situation:

- Legal consideration in **'drafting of will'**
- Contentious issues concerning the **'authenticity of will'**
- What factors may **invalidate** a will?
- Issues arising from **capacities and duties of an executor**
- What constitute **breach of trust** by an executor

Intestate situation:

- Priority in **ranking of potential beneficiaries** - the statutory ranking and related issues
- Application of pre-1971 **'Chinese customary law'**
 - What rituals constitute a **valid Chinese customary marriage**?
 - What elements constitute a **valid concubinage**?
- Implication of **'conflict of law'** arising from domiciles of the partners in a customary marriage
- Issues arising from **capacities and duties of an administrator**
- What constitute **breach of trust** by an administrator?

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Concerns in mediation of probate matters

- Relational tension and complex emotions of mediation parties
 - Tactics to ease the tension and soften up relationship
 - Problems arising from the issue of trust
- Variety of legal issues that may be involved:
 - Land, trust, contract, company, family, criminal matters, etc.
 - Preparation and handling of these related issues
- Economic and costs implication in probate disputes

Code: **EVT000000210**

Date: **16 December 2017 (Saturday)**

Time: **09:30 - 12:45**
(Reception starts at 09:00)

Venue: **Kornerstone Institute**
15/F, Hip Shing Hong Centre
55 Des Voeux Road Central
Central, Hong Kong



Level: **Intermediate**

Language: **English**

Accreditation(s): **LSHK 3.0 CPD Points**
HKMAAL 3.0 CPD Points
HKIAC 3.0 CPD Points
for Accredited Mediators
HKMC 3.0 CPD Points

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