Obtaining and Setting Aside Default Judgments - The Laws, Procedures and Pitfalls

by
Dr. Roger So,
Barrister-at-Law, Chartered Engineer,
Accredited Mediator, Arbitrator

Dr. Roger So is a Barrister-at-Law, a Chartered Engineer, an experienced accredited mediator and an arbitrator. He is on the List of Mediators and List of Arbitrators administered by the Hong Kong Bar Association, and the List of Arbitrators and Mediators maintained by the Hong Kong Institution of Engineers. He is also a Fellow member of the Hong Kong Institute of Arbitrators and a Corporate member of the Hong Kong Institution of Engineers.

His academic credentials include Doctor of Business Administration (The University of Newcastle, Australia), PCLL, JD, MA in Arbitration & Disputes Resolution, and BSc (Hon) Engineering. Apart from acting as the mediator, Dr. So has also served as mediation coach to mediation courses offered by the Shue Yan University, and has provided mediation training to the Shantou University Law School.

Dr. So has delivered a number of 2-hour or 3-hour CPD seminars accredited by the Law Society of Hong Kong and/or the HKMAAL. Besides, he has also published two journal articles on property in human tissues, several engineering articles on various topics and is a regular contributor to the Building Management Journal.

Dr. So has a broad civil and criminal practice, including general commercial disputes, property disputes, matrimonial and family disputes, personal injuries disputes, construction disputes, etc. Prior to becoming a barrister, he has over 20 years of engineering and project management experience specialising in the design and construction of railway extensions in Hong Kong and overseas.

A default judgment can be regarded as a windfall to the plaintiff and such encounter is not uncommon. Default Judgments can be easily obtained. But if it is not performed with the necessary rigour, it may be refused or even if granted liable to set aside, incurring unnecessary costs and delay in the main suit.

On the other hand, faced with a default judgment the defendant is akin to having the Sword of Damocles hanging over his head and would be keen to have it set aside as soon as possible. Yet to set aside a default judgment the defendant has to fulfil certain procedural and legal requirements, failing which the consequence would be detrimental - default judgment remains in force, or set aside on harsh conditions such as requiring him to pay the claimed amount into court.

This course is intended to provide a concise and yet comprehensive coverage of the laws and procedures in this area, supplement with some practical guidelines against the pitfalls in obtaining and setting aside a default judgment.

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At the end of the course, participants should be able to:

- Understand the legal principles and procedures governing the granting of default judgments;
- Understand the legal principles and procedures governing the setting aside of default judgments;
- Appreciate the lessons learnt from selected case studies; and
- Assess the likely issues in setting aside a default judgment and resisting such application.

This course will cover the followings:

- Introduction
- Legal principles and procedures on obtaining a default judgment
- Irregular vs. Regular Default Judgments
- Legal principles and procedures on setting aside an irregular default judgment
- Legal principles and procedures on setting aside a regular default judgment
- The criteria on whether to impose conditions on setting aside a default judgment
- Illustration
- Pitfalls and Guidelines to avoid them
- Questions and answers

Scan to Calendar

Code:	**EVT000000284**	Level:	**Intermediate**
Date:	**25 October 2019 (Friday)**	Language:	**English**
Time:	**14:30 - 17:45** (Reception starts at 14:00)	Accreditation(s):	**LSHK 3.5 CPD Points**
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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