



Solicitor Mediators – Your Best Choice

1. What is Mediation?

Broadly speaking, mediation is a voluntary process in which a trained and impartial third person, the mediator, helps the parties to reach a settlement that meets and accommodates their mutual needs.

If you are to engage in mediation, you and the other party will have a private and confidential meeting(s) with each other and with the mediator. You will have the opportunity of putting forward your point of view and listening to what the other party has to say. The mediator will not impose a decision on you or the other party. The mediator will:

- identify the issues in dispute;
- explore each party's genuine needs and interests;
- discuss and explore settlement options and assess the most suitable solution acceptable to the parties;
- prepare the settlement agreement if and when agreement is reached.

In the course of mediation:

- discussion is on a “without prejudice” basis;
- the process is confidential;
- if the dispute is settled, an agreement is drawn up and signed by both parties. The agreement is legally binding as a matter of contract. The parties may further agree to embody the agreement terms in a court order.

2. Solicitor-Mediators

Solicitor-mediators are practising solicitors who have received mediation training and been accredited. Their skills and their experience in identifying and resolving issues, coupled with their legal knowledge on court procedures, make them your best choice for a mediator.

Some solicitor-mediators have in addition extensive expertise in particular practice areas, e.g. personal injuries or family disputes. Their technical skills and legal knowledge would be particularly helpful to your mediation to resolve your disputes in an efficient, effective and economical manner.

3. Confidentiality

Under the Mediation Ordinance, mediation communications are confidential, subject to specific exceptions.

4. What are the Advantages of Mediation?

Apart from confidentiality, mediation has the following advantages:

- mediation can be arranged after a dispute arises, and before or at any stage of litigation;
- the stress and risk of the adversarial court system can be avoided;
- with an early settlement, time and money are saved;
- the settlement terms can include matters which the court cannot as a matter of law order;
- the agreement which the parties voluntarily enter into is more likely to be complied with;
- parties could maintain or even improve their relationship thereafter.

5. Who Pays for the Mediation Services?

This is by mutual agreement of the parties. You can, for example, agree to share the costs of the mediation with the other party equally.

6. How do I Find a Solicitor-Mediator?

- Contact The Law Society of Hong Kong at mediation@hklawsoc.org.hk or telephone 2846 0500.
- Visit the Law Society's website at www.hklawsoc.org.hk.
- Visit the Law Society Secretariat at 3/F, Wing On House, 71 Des Voeux Road Central, Hong Kong to obtain information

Note that solicitor-mediators are **not** your legal advisors of the subject matter in dispute. They only assist you and the other party to try to reach a mutually acceptable resolution of some or all of those disputed issues.

*The information contained in this leaflet is for reference only.
It should not be regarded as legal advice for any individual cases. If you have any queries, please consult a solicitor.*

Copyright © The Law Society of Hong Kong – All rights reserved
(October 2019)



THE LAW SOCIETY OF HONG KONG

3/F., Wing On House, 71 Des Voeux Road, Central, Hong Kong

Telephone: (852) 2846 0500

Facsimile: (852) 2845 0387

E-mail: mediation@hklawsoc.org.hk

Website: <http://www.hklawsoc.org.hk>