

**The Chartered Institute of Arbitrators East Asia Branch**

**Comments on Mediation for Legco Panel meeting of 23 April 2013**

1 The mediation process

- a. Mediators – Inconsistency remains with how mediators approach the mediation process and the quality of mediators varies substantially. It is one thing having a central accrediting body but it needs to address experience and continue to assess quality.
- b. Appointment of mediators can be slow, whether by agreement or default appointment.
- c. There remains resistance within certain quarters of the legal profession as to the desire to see mediation succeed. Education is also required for solicitors: There is still confusion within the legal profession as to what mediation is and what the process requires. Many come unprepared or force an unrealistically short programme upon the mediator.

2 Administration of Mediation:

There needs to be more cohesion in how mediation is administered. Since the CJR there has been an explosion of organizations and companies offering mediation services such as:

- a. Membership to mediators;
- b. Appointment of mediators;
- c. Accreditation;
- d. Training;
- e. Room hire etc

This is leading to confusion within the profession, the solicitors and the public. There now exists the HKMAAL which focuses on accreditation but the above aspects really need to be brought under the same, single umbrella. The Singapore model is worth viewing as a comparison.