

中國委托公証人協會有限公司
〈通告第 416 號〉

與〈423〉相關

致全體會員：

有關「調解及另行爭議處理模式」培訓研討會
Mediation & ADR Training Workshop

本會正研究在本年 10 月 29 日至 11 月 2 日舉辦一個為期 5 天的「調解及另行爭議處理模式」培訓研討課程的可能性。該課程邀得加拿大 Trillium Group 的 ADR 國際顧問 Mr. Allan Stitt 及來自澳洲的著名學者 Mr. Sephen Lancken 主講。他們將透過模擬劇本為各會員講解「協商」Negotiation 及「調解」Mediation。

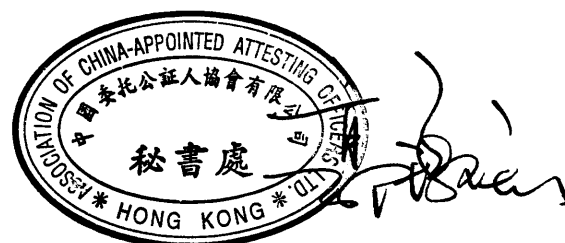
Trillium Group 曾在全球多個地區培訓過 15,000 位以上的調解員，其培訓者更不乏為英國最高法院法官及上訴院法官。本次雖以厚酬邀得他們來港，但對會員來說是物超所值。又應本會要求協調各會員的寶貴時間，把原本等同於在英國為期 8 天的課程，濃縮為 5 天在港完成，這也大大減少會員的費用。

有關課程「協商」部分主要是按美國哈佛大學 Harvard University 法律學院作本義，而「調解」部分乃香港仲裁中心認可，等同完成 HKIAC Accredited Mediator「認可調解員」培訓的第一及第二部分。因此各會員完成完本培訓課程後，便即時符合香港仲裁中心的要求，直接進入「認可調解員」的第三部分(模擬調解)及第四部分(面試)。完成本課程的會員更獲 Notre Dame University Law School (Indiana, USA) 發出証書，另獲香港律師會 40 CPD 分。

香港建築業及家事調解計劃現已採用「另行爭議處理模式」作調解。又律政司已著手推動本港成為國際仲裁、調解及「另行爭議處理模式」中心。在民事司法制度改革、中國加世界貿易組織(WTO)、中港簽署更緊密經貿關係安排(CEPA)的大氣候下，香港逐成為發展中外文化及商業的開拓鑰匙。我們更應把握這專業商機，向外資、中資及港資提供各類的爭議調解及「另行爭議處理模式」等協助。

本會希望透過舉辦是次課程，能協助會員在各範疇內提高專業，有效地在處理「協商」、「爭議」、「調解」等執業內取得實踐，獲得裨益。

- 附件：(1) Mr. Allan Stitt 簡介
(2) Mr. Sephen Lancken 簡介
(3) 課程綱目



中國委托公証人協會秘書處
二零零三年九月六日

「調解及另行爭議處理模式」培訓研討會
Mediation & ADR Training Workshop

2003年10月29日至11月2日

- 日期：2003年10月29日(星期三)至至11月2日(星期日)
- 時間：上午8:00至下午5:30
- 地點：本會會址(香港中環夏慤道12號美國銀行中心2603室)
- 主講：Allan Stitt 及 Stephen Lancken
- 助教：Norris Yang 楊洪鈞律師(香港調解中心主席)
Helena Yuen 阮陳淑儀律師(香港調解中心副主席)
Lilian Yue 余文端小姐(香港調解中心秘書長)
Jody Sin 洗加好律師(香港調解中心會員)
- 語言：英語
- 費用：本會會員每位 HK\$ 12,000，非會員每位 HK\$ 12,800
- 名額：24人
- CPD：共40分(在申請中)：2003年10月31日16CPD分，下年度24CPD分。
- 報名：敬請在9月15日前填寫下列回條寄回協會或傳真2845 0478，若有任何查詢請聯絡楊洪鈞律師(Mr. Norris Yang)，電話：2526 8191，傳真：2869 0862，電郵：norris@bpya.com.hk。

傳真：2845 0478

回條

本人打算 / 不打算 參加「調解及另行爭議處理模式」培訓研討會。

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日期：

Allan Jeffrey Stitt

Education, and Academic Awards and Activities

- 1992 **Master of Laws**, Harvard Law School.
- 1990 **Bar Admission Course**, Law Society of Upper Canada, Toronto.
- 1988 **Doctor of Jurisprudence**, University of Detroit Law School.
- Graduated *summa cum laude* with the highest grade point average.
- 1988 **Bachelor of Laws**, University of Windsor Law School.
- Gold Medalist, with the highest grade point average.
 - Awarded University of Windsor President's Medal "for outstanding contributions to campus activities while maintaining a superior academic record".
 - Editor of the *Windsor Review of Legal and Social Issues* (the student Law Review), 1986-1988.
- 1984 **Bachelor of Commerce**, University of Toronto, St. George Campus.

Selected Work Experience

- 1994-
Present **President** of the Stitt Feld Handy Group, and **Partner** in the law firm of Stitt Feld Handy Houston, Toronto.
- ADR consultant (for systems design)
 - Trainer for Negotiation and ADR courses in Canada, the United States, Europe, Australia, Asia, and Africa.
- 1990 - 94 **Lawyer**, Osler, Hoskin & Harcourt, Toronto.
- 1992 -
Present **Adjunct Professor**, University of Toronto Faculty of Law.
- Teaching courses in Negotiation and Alternative Dispute Resolution.
- 1998 -
Present **Sessional Lecturer**, University of Windsor Faculty of Law.
- Teaching courses in Alternative Dispute Resolution.
- 2001 Lecturer, University of Lisbon (Portugal)
- Teaching a course in Alternative Dispute Resolution
- 2000 Lecturer, University Philippines
- Teaching a seminar in Alternative Dispute Resolution
- 2000 **Assistant Adjunct Professor**, Notre Dame Law School
- Teaching a course in Negotiation.
- 1988-89 **Law Clerk to the Justices**, Ontario Court of Appeal.

Selected Publications

Books

Mediation, Cavendish (U.K.), to be published in 2004.

Mediating Commercial Disputes (Canada Law Book), January, 2003. Number one on National Post Business Books bestseller list, July, 2003.

ADR For Organizations: How To Design A System For Effective Conflict Management (John Wiley & Sons), 1998. Number one on Globe and Mail Business Books bestseller list, October, 1998.

Understanding the Income Tax Act, (2nd ed.) (Toronto: Carswell, 1991). (Textbook co authored with C. Rand).

Other

ADR Practice Manual, (editor), (Toronto: CCH Canadian Ltd., 1996 to present). Author of “Mediation” chapter in *ADR Practice Manual*.

“*The Role of A.D.R. in the Civil Justice System*” (1996) Rethinking Civil Justice: Research Studies for the Civil Justice Review, Volume 2, page 449, (co-authored with Francis J.F. Handy and Peter Simm), commissioned by the Ontario Law Reform Commission.

Professional Activities and Appointments

1996 - Present	Chartered Mediator: National Board of Accreditation and National Board of Directors of the ADR Institute of Canada.
2000 - Present	Chartered Arbitrator: National Board of Accreditation and National Board of Directors of the ADR Institute of Canada.
2000 - 2001	President of ADR Institute of Canada.
1999 - 2000	President of the Arbitration and Mediation Institute of Canada.
1995 - 2000	Board of Directors of the Canadian Foundation for Dispute Resolution.
1998 - Present	Member of International Panel of Mediators: American Arbitration Association.
1997 - 1999	President of the Arbitration and Mediation Institute of Ontario.
1996 - 1997	Chairman: Alternative Dispute Resolution Section, Canadian Bar Association (Ontario).
1994 and 1995	Teaching Assistant to Professor Roger Fisher at Harvard Law School for the Negotiation Workshop at the Program of Instruction for Lawyers.

Workshops Designed and Taught

Designer and instructor of customized workshops in ADR and Negotiation for such organizations as:

- Law Society of Upper Canada;
- Petro Canada;
- Caribbean Development Bank, Barbados;
- Ontario Human Rights Commission, Ministry of Health;
- Human Resources Development Canada;
- Farm Products Marketing Commission;
- Lang, Michener, Barristers and Solicitors;
- Ontario Public Service;
- Workers’ Compensation Appeals Tribunal;
- Consulting and Audit Canada;
- Royal Canadian Mounted Police;
- BDO Dunwoody, Chartered Accountants;
- McCarthy, Tétrault, Barristers and Solicitors;
- Member of teaching team for Canadian Bar Association Mission to Uganda and Kenya, teaching A.D.R. to Ugandan and Kenyan bar;
- British Dental Association;
- Australian Industrial Relations Commission;
- ADR Chambers (UK) Ltd.;
- Osler, Hoskin & Harcourt;
- Ontario Power Generation;
- 4 Pump Court (Barristers Chambers, U.K.);
- East Anglian Chambers (U.K.);
- Native Title Services and Native Title Tribunal (Australia).

Stephen Lancken

Stephan Lancken has been practicing as a Commercial Lawyer and Mediator for over 18 years. He is an experienced Arbitrator and Accredited Specialist Mediator.

His training include courses conducted by Harvard University, The Trillium Group, Australian Commercial Dispute Centre, Institute of Arbitrators and Mediators Australia, LEADR and The Accord Group.

He is a Councilor of the Law Society of New South Wales.

Qualifications:

- Bachelor of Arts and Laws, *University of NSW*, 1981
- Accredited Specialist, Mediation and Commercial Litigation
- Grade 2 Arbitrator and Accredited Mediator, *Institute of Arbitrators and Mediators Australia*
- Arbitrator, *District Court of NSW & Local Court of NSW*
- Mediator, *Supreme Court, Land and Environment Court, District Court and Local Court (NSW)*
- Costs Assessor, *Supreme Court of NSW*
- Accredited Mediator, *ACDC/LEADR/Retail Tenancy Tribunal*
- Accredited Farm Debt Mediator
- Accredited Mediator, *Hong Kong International Arbitration Centre*
- Arbitrator and Mediator *Workers Compensation Commission of NSW*

Professional Associations:

- Associate Member *Chartered Institute of Arbitrators*
- Associate Member, *Institute of Arbitrators and Mediators Australia*
- Member, *LEADR (Lawyers Engaged in Alternative Dispute Resolution)*
- Member, *Law Society of NSW*
- Member, Dispute Resolution Committee of *Law Society of NSW*, 2000,2001
- Member, Litigation Law and Practice Committee of the *Law Society of NSW*, 1998 & 1999
- Member, *Corporate Lawyers Association*
- Member, *Australian and New Zealand Sports Law Association (ANZSLA)*
- Member, *Insolvency Practitioners Association of Australia*
- Member, *Hong Kong International Arbitration Centre*, Mediation Group
- Fellow, *Australian Institute of Company Directors*
- Chair, *Settlement Week Steering Committee*, *Law Society of NSW*

Training Courses Conducted:

- Five-day Personal Injury Mediation Course for Hong Kong Law Society
- Coaching and Assessing of Mediators for Construction Industry Development Board Malaysia (three courses) and Hong Kong International Arbitration Centre, Mediation Group
- Training and Assessing of Mediators for The Accord Group, Law Society of NSW and Global Mediation Services
- Representing Clients in Mediation course for College of Law and Coudert Bros Lawyers
- ADR and Advanced ADR Workshops, The Trillium Group, Toronto, Canada, Sydney, Perth, Brisbane and Melbourne
- Conflict Management Course, Master of Business Administration, Australian Graduate School of Management, 2002

Selected Publications:

- "AS 4608: Standard for the prevention, management and resolution of disputes", **Australasian Dispute Resolution Journal**
- "ADR for Insolvency Practitioners", **The Insolvency Bulletin**
- "The Preliminary Conference: Option or Necessity", **Australasian Dispute Resolution Journal**
- "The Benefits of Mandatory Mediation" **Lawyers Weekly**
- "Compulsory Mediation in Asia" **Asian Dispute Review**

The Association of China Appointed Attesting Officers Limited & ADR Chambers (HK) Limited

Mediation and ADR Training Workshop

October 29 – November 2, 2003

THE TRAINERS

Allan Stitt (Toronto, Canada) and Stephen Lancken (New south Wales, Australia) will be the trainers. They are from the Trillium Group and the Stitt Feld Handy Group. They offer ADR Workshops in North America, Europe, Asia, Africa, and Australia. In addition to being trainers, Allan Stitt and Steve Lancken are professional negotiators, mediators, and facilitators. Both have been involved in ADR in Canada and Australia respectively for many years. They were pioneers in their own country when ADR was just taking hold in Australia and Canada more than a decade ago. They are both renowned experts and internationally recognized.

The Coaches will be Norris Yang, Helena Yuen, Lilian Yue and Jody Sin. They are HKIAC Accredited Mediators. They are the respectively Chairman, Vice-Chairman, Hon. Secretary and Council Member of the Hong Kong Mediation Council (a division of the Hong Kong International Arbitration Centre, a charity institution limited by guarantee).

OUR TRAINING

Two of the core ADR processes that we teach are principled negotiation and interest-based mediation. Experience has taught us that the best way for people to develop ADR skills is through practice and interactive exercises, rather than lectures. Our ADR Workshops involve role-plays, exercises, videos, and demonstrations.

ADR MEDIATION & NEGOTIATION WORKSHOP

At the 5-day ADR Workshop, you will learn how to use Principled Negotiation, developed at Harvard, and develop the practical skills and techniques you need to resolve conflicts effectively and with confidence. You will also learn how to mediate and gain experience mediating difficult and complex disputes, and disputes with obstructionist parties.

Participants will receive a copy of the best-selling book, *Getting to Yes*, written by Harvard Professor Roger Fisher, William Ury and Bruce Patton. Participants will also watch a video of Professor Fisher negotiating a difficult business dispute, and a video of Allan Stitt mediating the break-up of a family business.

The workshop will provide you with 40 hours of training in mediation.

At the ADR Workshop, participants will learn how to:

- handle difficult issues and difficult problems
- deal with emotional people
- resolve disputes while preserving relationships
- mediate complex disputes with power imbalances
- deal with people who lie in mediations

COURSE OUTLINE:

Day 1

Conflict: its cause and effect
Avoiding negotiation pitfalls
The 7 Elements of Principled negotiation
Dealing with difficult situations
Cases: oil pricing (Harvard) and salary negotiation

Day 2

Preparing for negotiation
Dealing with strong emotions
Video of Harvard Professor Roger Fisher negotiating
Demonstration of a mediation
Cases: partnership (Harvard) and parent/teacher dispute

Day 3

The process of mediation: stages and techniques
How to conduct a mediation
Cases: mediations involving landlord/tenant, customer dispute, and workplace conflict

Day 4

Framing issues to promote resolution
Dealing with lying in mediation
Getting to closure: how to wrap up a mediation
Cases: mediations involving neighbourhood disputes, personal injury claims, and contract disputes

Day 5

Dealing with difficult situations in mediation
Co-mediation
Video of Allan Stitt mediating an family-business dispute
Cases: mediations involving a family business, employment issues, lease issues

Here are some good quotes from selected participants:

Lord Goff of Cheveley, ADR Chambers, London
"Teachers were very experienced, competent, and well prepared. Excellent materials. Practical advice. Course both interesting and enjoyable. Very effective instructors."

Cherie Booth Q.C., Matrix Chambers, London, England
"I found it really helpful and very informative. The instructors were both helpful, approachable and knowledgeable."

Kenneth M. Forrester, The Anglican Church of Trinidad & Tobago, Tobago
"I am empowered to do more in this field of endeavour - this VOCATION!"

Edward Hobson, London Maritime Arbitrators' Association, London, England
"I felt that the workshop opened my eyes to how mediation actually works in practice. I enjoyed the workshop and learned a great deal."