



**CASE SETTLEMENT CONFERENCE &  
MEDIATOR ASSISTED CASE SETTLEMENT  
CONFERENCE**

**5 MAY 2023**

**HER HONOUR JUDGE ELAINE LIU,  
FAMILY COURT JUDGE**

# Case Settlement Conference & Mediator Assisted Case Settlement Conference

- Which mechanism or combination of mechanisms may resolve your dispute more costs effectively?
- How will you make best use of these mechanisms ?

# Case Settlement Conference & Mediator Assisted Case Settlement Conference

- Case Settlement Conference (CSC)
- Mediator assisted Case Settlement Conference (MCSC)

GUIDANCE NOTE FOR CASE SETTLEMENT CONFERENCE IN CIVIL  
CASES IN THE DISTRICT COURT ([judiciary.hk](http://judiciary.hk))

區域法院民事案件和解會議指引 ([judiciary.hk](http://judiciary.hk))

(dated 16.12.2022, effective on 3.1.2023)

# Key Features of CSC and MCSC

- Aim: settle dispute OR narrow down issues of dispute
- An opportunity for all parties to focus on settlement

# Key Features of CSC and MCSC

- The court, in an impartial and authoritative role, could assist the parties to face the options they could pursue realistically
- Parties are more receptive to having meaningful settlement discussions

# Key Features of CSC and MCSC

- Not to replace mediation
- Can be complementary with mediation

# Key Features of CSC and MCSC

- Held in court
- Chaired by MCSC Judge / CSC Master

# Key Features of CSC and MCSC

CSC Master assists the parties to achieve a settlement by, for example:

- assisting all parties to focus on the core issues
- facilitating the expression of parties' real concerns and the listening of the other party's real concerns



# Key Features of CSC and MCSC

CSC Master assists the parties to achieve a settlement by, for example:

- reviewing the process of any without prejudice negotiation (including any sanctioned offers and payments) between the parties, and with the consent of the parties, any unsuccessful mediation to identify obstacles for impasses

# Key Features of CSC and MCSC

MCSC Judge assists the parties to achieve a settlement by, for example:

- providing authoritative views on disputed issues and, if appropriate, direction for discussion
- through the process, maximizing the synergy with the mediator

Mediator can continue the mediation with the parties

# Key Features of CSC and MCSC

- Will NOT deal with contested case management issues
- NO interlocutory applications will be entertained unless they are taken out for the purpose of settlement

# Key Features of CSC and MCSC

- Chambers hearing not open to public
- Without prejudice
- Note – communication between the mediator and a MCSC Judge
- CSC Master / MCSC Judge will have no further involvement in the case if no settlement is reached.

# How to start

- Party driven
- Court's direction
- Consent of all parties required for a MCSC

# Who to attend

- The parties themselves
- If the party is a corporation – a representative who is familiar with the case and have the full authority to settle the dispute
- If the corporation is acting in person, the representative should be a director authorised under Order 5A of RDC

# Who to attend

- The legal representatives, if any
- In the case of MCSC – the mediator

# What and how to prepare

Before the CSC / MCSC:

- Identify the interest of the party
- Pragmatic analysis of risks in litigation
- Costs effectiveness analysis
- Legally aided party – inform DLA



# What and how to prepare

- Submit a paginated CSC / MCSC bundle not later than 7 days before the CSC / MCSC

# What and how to prepare

- CSC bundle shall contain:
  - a one-page summary of each party's case;
  - a list of issues;
  - copies of key documents;
  - a statement of the parties' latest offer and counter-offer; and
  - a copy of the mediation report (if any)

# What and how to prepare

- MCSC bundle shall contain:
  - the Mediator's note
  - a one-page summary of each party's case;
  - copies of key documents; and
  - a statement of the parties' latest offer and counter-offer.

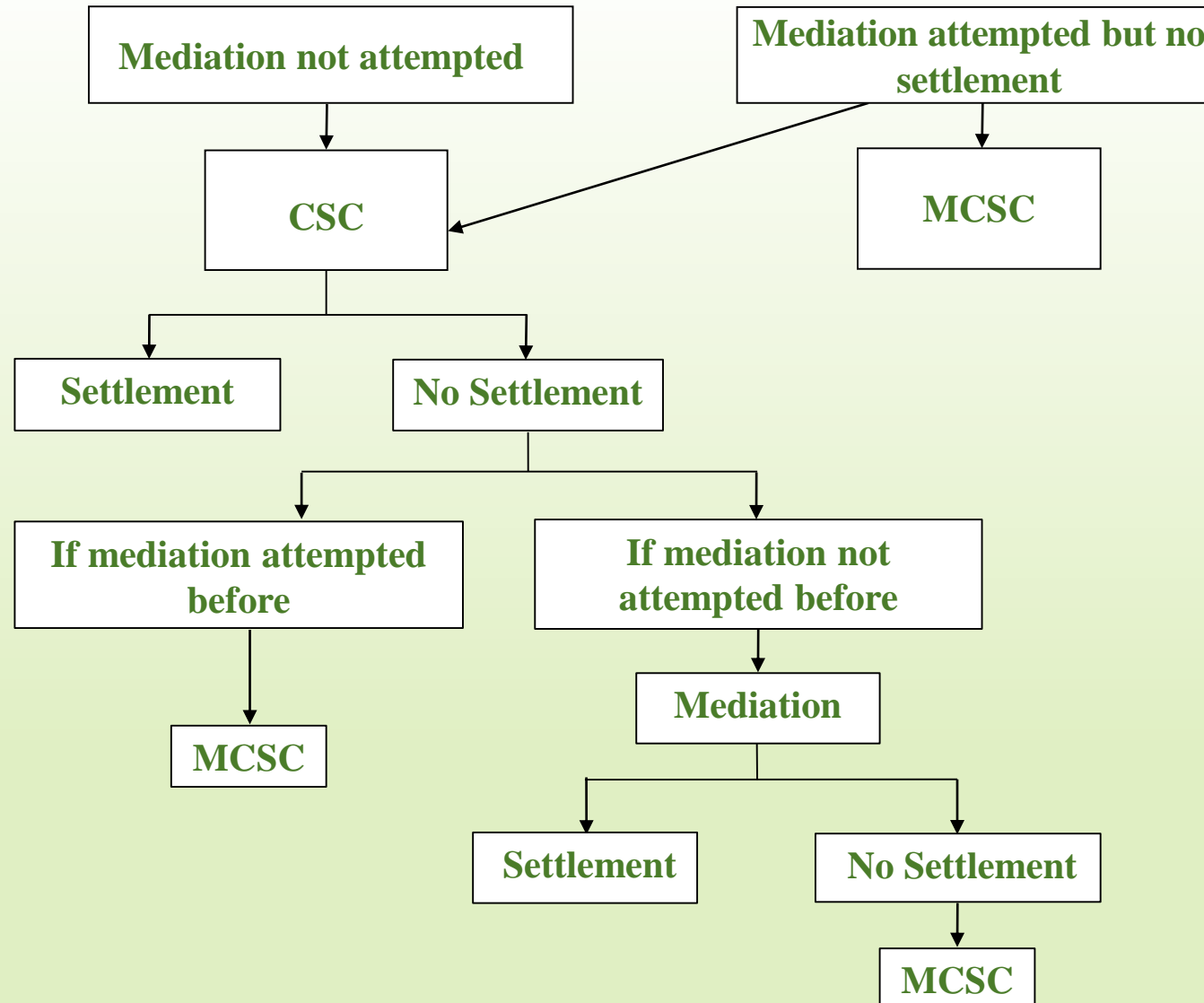
# What and how to prepare

- Mediator's note shall contain:
  - The common grounds agreed by the parties
  - The remaining issue in dispute
  - In relation to each disputed issue, the concerns and the latest proposal of each party

# What and how to prepare

- Submit statement of costs that include:
  - The costs incurred up to CSC / MCSC
  - The estimated costs from CSC / MCSC up to and including trial

# When



*Note: this chart indicates the stages a CSC/MCSC may take place*

Thank You