

以協作解紛之法 為解決爭議之方

陳國維

香港“協作解紛”工作組

協作法的歷史

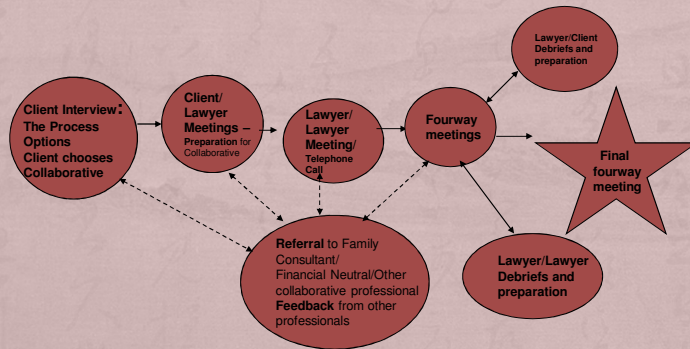
- + Stu Webb (late 1980s):
- + The spread to San Mateo County, California: 1993
- + Interdisciplinary Collaborative Practice Concept: 1992
- + Spread to England, Continental Europe, Australia and Hong Kong (2010)

協作法在香港

- + Keith Hotten's Article in Hong Kong Lawyer in 2009
- + Report of the Working Group on Mediation published by the Department of Justice in 2010
- + First training course held by Hong Kong Family Law Association in 2010
- + Setting up of HKCPG in 2010 and beyond

- + 香港現時有70多位協作解紛專業人員。
- + 自2013年至現時為止，全港已有大約15宗案件以協作解紛處理。
- + 實務指示15.13排解子女糾紛試驗計劃。
- + 大學課程

協作法是甚麼？



QUESTIONS TO IDENTIFY ANCHOR STATEMENTS

When you look back at this time ten years from now, what are the key memories you'd like to have?

What is the best possible outcome you could hope for, for the whole family?

What do you want to avoid?

What really matters to you?

At the end of this process, what's really important ?

ANCHOR STATEMENTS

I want our family to remain intact.

The children need to see that their Dad and I are working together for them.

I want to be able to go to our children's weddings.

It is very important for us both to come out of this okay.

I don't want this to go to court – we need to be able to sort this out ourselves.

My job is to ensure that the children are damaged as little as possible by this process.

PARTICIPATION AGREEMENT

+ In essence:

- The Solicitors and all experts engaged will play no part in any subsequent legal proceedings!

第一次四方會議

- Open the meeting, introducing the principles and process of collaborative
- Review and sign four way participation agreement
- Anchor statements
- Establish agenda
- Throughout the process, keep in mind constructive and sensitive approach, the client's voice, pacing and timing

第一次四方會議

- Discuss what is happening for the children
- Discuss how financial information will be shared
- What other information/input is needed?
- Plan and confirm agenda for second fourway
- Assign tasks before next fourway
- Schedule future fourway meetings (best to do this well ahead now)
- Practicalities – agree location, who prepares post fourway minutes
- Recap: review and highlight successes

THINGS WE HAVE LEARNED:

- + No case too big - £38 million
- + International capability
- + Popular for prenuptial/postnuptial & cohabitation agreements
- + Strength is in the team – all work together to assist clients

對未來的展望

- + 2014及 2015年的訓練班
- + The HKCPG Database
- + IACP support and vision

鳴謝

- Suzanne Kingston
- Suzy Power
- Keith Hotten
- Hong Kong Collaborative Practice Group
- The International Academy of Collaborative Professionals

