



Alternative Dispute Resolution (ADR)



Dr. Sam C. M. Hui
Department of Mechanical Engineering
The University of Hong Kong
E-mail: cmhui@hku.hk

ADR



- Terminology
 - Litigation (訴訟) – the conduct of a lawsuit
 - Trial (審判)
 - Arbitration (仲裁)
 - Arbitrator (仲裁人)
 - Mediation (斡旋；調停)
 - Conciliation (調解)
 - Adjudication (裁定)



ADR



- Arbitration (仲裁)
 - Arbitration agreement: Clause 35 of HK Standard Form of Building Contract
 - Appointment of an Arbitrator
 - Disqualification of an Arbitrator: Interest & Bias
 - Time at which arbitration may be opened
 - Arbitration procedure
 - Preliminary meeting, procedure at the hearing, awards, appeal, costs

ADR



- Arbitration
 - Advantages and disadvantages
- Alternative Dispute Resolution (ADR)
 - Strengths of ADR
 - Weaknesses of ADR
 - Appropriateness of ADR
 - Misconceptions surrounding the use of ADR
 - Litigation/Arbitration procedures and ADR

ADR



- ADR Techniques Examined and Compared
 - Mediation (斡旋；調停)
 - Conciliation (調解)
 - Adjudication (裁定)
 - Executive tribunal (mini-trial)
 - Expert appraisal
- FIDIC's Amicable Settlement Clause
 - For civil engineering work

ADR

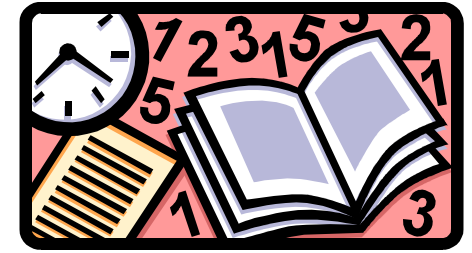


- Videos:
 - Alternative Dispute Resolution (2:03),
www.youtube.com/watch?v=TSGcTqmdSZc
 - How to Settle a Business Dispute: Negotiation, Mediation, Arbitration, Litigation (12:13),
<http://youtu.be/8ygOibCEwfM>

ADR



- Video presentation & discussions:
 - ADR and the Role of Mediation [videocassettes, 20 min.]. [AV 347.4209 A46 VHS]
 - Explains that unlike litigation which inhibits litigation, ADR by skilled mediators actually facilitates negotiation
 - Alternative Dispute Resolution [videocassettes, 19 min.]. [KN398.6 A4C]
 - Explains the benefits of dispute avoidance and mediation over the more traditional approaches to dispute resolution



Further Reading

- Causes of construction disputes,
 - www.designingbuildings.co.uk/wiki/Causes_of_construction_disputes
- Arbitration,
 - www.designingbuildings.co.uk/wiki/Arbitration
- Alternative dispute resolution,
 - www.designingbuildings.co.uk/wiki/Alternative_Dispute_Resolution