

Mediation in Insurance Industry

(Zoom Webinar)

2 Law Society CPD Points applied for



Introduction:

Mediation is more widely known as a tool of conflict engagement. Mediation is defined as a process whereby an independent and impartial dispute resolution practitioner called the mediator assists conflicted parties to engage in their dispute in a constructive manner and work towards an agreed outcome for the future. To this end mediators generally conduct a process which supports and encourages parties to (i) identify their respective interests; (ii) identify common ground and areas of difference; (iii) formulate the issues they need to talk through; (iv) discuss and negotiate their differences; (v) generate options for agreement; and (vi) make decisions about a way to move forward.

Insurance companies are constantly dealing with new regulations and restrictions placed upon them by the government and governing bodies, and disputes constantly arise concerning pay-out of claims. In fact, when a company or policyholder is unhappy with an insurance company's decision regarding a claim, or the insurance company is accused of not holding up its

end of the contractual bargain, often the insurance company and policyholder will attempt to use mediation to avoid taking the matter to court. Not only is mediation less costly and more effective than litigation, it also generally provides settlement agreements that balance the interests of both parties, unlike court orders which are limited to particular legal remedies. Above all, anything said or done or any documents created for the purpose of the mediation are 'without prejudice' cannot be relied upon in subsequent litigation or arbitration except in very limited circumstances.

This webinar provides a platform for participants to understand how mediation in the insurance industry is conducted. Speakers will share their experience and knowledge gained with the view of identifying some of the advantages and precautions one needs to beware of when using mediation in resolving insurance related disputes.

Highlights:

The webinar will focus on mediation within the Insurance Industry. Experts within the industry will each share their hands on experience and draw to the audience some of the areas that one needs to be aware of when preparing for and using mediation to resolve insurance related disputes. The session is moderated by Dr. Christopher To.

Speakers will cover:

- ✓ Insurance disputes resolved through litigation can be handled more effectively through mediation, with much savings in time and costs. Speakers will share some practical examples within the personal injuries sector to illustrate how resolutions can be achieved in the early stages of litigation;
- ✓ Looking from the Insurer's perspective: Why injured workers are not returning to work as expected? How the case manager can facilitate injured workers in returning to work. The speakers will illustrate some practical examples in the area of employee compensation claims to put matters into perspective;
- ✓ A step by step approach from an initial dispute towards a mediated settlement will provide the audience with a complete picture of the benefits and pitfalls of using mediation at the early stages of the dispute;

- ✓ How does one define the negotiation strategy to adopt within the mediation process;
- ✓ As a party to a dispute, are we compelled to attempt mediation?
- ✓ What are the challenges one needs to be aware of when using mediation to resolve one's dispute?
- ✓ What role does the legal advisor play in the mediation process?
- ✓ Practical tips on the preparation of and during a mediation process for a successful mediation. Does one need to develop an appropriate risk assessment strategy before one considers the use of mediation?
- ✓ At what stage in a dispute can you use mediation?
- ✓ How is the mediator selected?

Who should attend?

- ✓ Insurance agents, brokers, claims managers, personnel within the insurance industry;
- ✓ Insurance claims consultant, claims adjusters;
- ✓ Human resources managers in charge of staff grievances and workman compensation issues;
- ✓ Lawyers, mediators, in house counsels, risk management and compliance officers in the insurance field;

Speakers Profile:

Dr. Wilson Cheung

Founder

Technic Essential Insurance Claims Consultant



Wilson used to work for insurance companies handling claims with hands-on experience in mediation. He now focuses more on insured to make claims against insurance companies.

Mr. Stephen Chu

Chair

ARIAS Asia



Stephen was previously a practicing barrister. He has hands-on experience in assisting disputants in using mediation to resolve insurance related disputes and now focuses on advising a leading insurance company in handling personal injury claims. He is the current Chair of ARIAS Asia promoting improvement of the insurance and reinsurance arbitration and mediation process for the international and domestic markets.

Dr. Sun Lai PhD

Managing Director, Admin.

Total Rehabilitation Management (HK) Limited



Dr. Lai is the Managing Director of TRM (HK) Limited. He specializes in work injury management and has been working within the Employees' Compensation field for more than 20 years. He finds that some injured workers cannot return to work after rehabilitation as such mediation would be one of the ways to resolve the dispute before it proceeds to the long and expensive litigation process.

Dr. Christopher To

Gilt Chambers

(Moderator)



Christopher is a practicing barrister, mediator, adjudicator and arbitrator. He is the current Chairperson of the Hong Kong Mediation Council, a division of the Hong Kong International Arbitration Centre (HKIAC) and Programme Director of the LLM in Arbitration and Dispute Resolution at City University of Hong Kong. He previously was the Secretary-General of the HKIAC and was Executive Director of the Construction Industry Council.

Event Details:

Date:	11 October 2022 (Tuesday)
Time:	6.30 pm - 7.30 pm
Medium:	English
Fee:	HK\$100 (regular) HK\$80 (<i>ARIAS Asia members and HKMC members</i>)
Registration:	Please fill in the registration form attached and return to us by date . Successful registrants will receive a link and password confirming their attendance by email.
Zoom:	You may attend the session through computer, iPad or mobile phone AFTER sign-in your Zoom account. (Suggest using computer for better connection).
CPD:	HKMAAL CPD points being applied for
Confirmation:	Participants of Zoom are limited and confirmation is based on receipt of payment on a first come, first served basis.
Cancellation:	There will be no refund for cancellation of booking initiated by the applicant. However, the registration may be transferred to another person from the same company or organization at no extra charge, subject to the prior consent of ICC-HK.

The Hong Kong Mediation Council Profile

The Hong Kong Mediation Council (HKMC) was set up within the Hong Kong International Arbitration Centre (HKIAC) in January 1994 to promote the development and use of mediation as a method of resolving disputes. The HKMC is a division of the HKIAC and was previously known as the Mediation Interest Group.

ARIAS Asia Profile

ARIAS stands for AIDA AIDA (Association Internationale de Droit Droit des Assurances) Reinsurance and Insurance Arbitration Association. Thus it falls under the umbrella association of AIDA. ARIAS Asia is a not-for-profit organization that promotes improvement of the insurance and reinsurance arbitration and mediation process for the international and domestic markets. There are ARIAS chapters in several countries including the UK, US, Germany, South America, and France. This is therefore the first ARIAS chapter in Asia. ARIAS Asia encourages current and retired market practitioners to become part of a panel of independent arbitrators and mediators who have been suitably trained in arbitration and mediation procedures but will provide training for (re)insurance arbitrators and mediators and the (re)insurance industry and consumers who are not yet suitably trained.

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