



Centre for  
Judicial Education and Research  
司法教育與研究中心

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# An insight into judicial mediation in the Republic of Korea

Thursday, February 27, 2014, 7:00 p.m. – 8:30 p.m.

Video Seminar Room G5353 / Academic Building 1 / 5<sup>th</sup> floor  
City University of Hong Kong

This lecture will introduce the law and practice of judicial mediation in the Republic of Korea. It will review and critically analyze some recent developments of judicial mediation in the Republic of Korea. It will explain that how judicial mediation by judges fits into the overall litigation process and some of the advantages and disadvantages of the judicial mediation process. For example, the claimant can file an application for judicial mediation, and these judicial mediation cases shall be dealt with by the judicial mediation judges. Judicial mediation judges have three options to handle judicial mediation cases. Judicial mediation judges may directly mediate those cases, or have the Standing Mediators or the Council of Mediation mediate those cases.

Alternately, even after the normal litigations have commenced, judges of normal litigations, if deemed necessary, may refer cases pending therein to judicial mediation by ruling at any time before the completion of appellate procedure of those cases. These judges also have power to try judicial mediation directly before sending cases to judicial mediation judges. If the parties of judicial mediation reach agreement, the terms of agreement shall be written in the court record, and this court record is final and binding on the parties. If the judicial mediation fails, the case returns to the normal litigation procedure, and statements made by parties of judicial mediation or by any person involved in judicial mediation shall not be used as evidence in the normal litigation following.

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