

Course Flyer

Title of Course: **Dealing with Vexatious Litigants in Civil and Administrative Proceedings**

Course Objective:

This webinar will provide a comprehensive introduction to litigation involving vexatious litigants. As the name suggests, vexatious litigants are argumentative and difficult to deal with. As observed by the then Chief Justice Li sitting in the Court of Final Appeal in *Ng Yat Chi v Max Share Ltd And Another* [2005] 1 HKLRD 473 at paragraph 2, it is “not difficult to recognise the activities of the vexatious litigant”, which commonly include acting in person, instituting abusive proceedings that may re-litigate the same matters, and filing of “irrelevant, incoherent or scandalous” materials.

Whilst this means that there are common ways of handling vexatious litigants, there are also specific points and unique features of each vexatious litigant that must be handled with great care. This webinar explores ways to deal with vexatious litigation in a timely and cost efficient manner for your client.

Course Outline:

1. Common features of vexatious litigants
 - a. Nature of claims
 - i. Breach of privacy
 - ii. Defamation
 - iii. Unfair dismissal
 - iv. Conspiracy alleging abusing of power
 - b. Inability to obtain legal representation
 - i. Applying for legal aid
2. Strategies/Conduct of vexatious litigants
 - a. Repeated arguments
 - b. Non-compliance with procedure, e.g. last minute presentation of evidence, delay/non-compliance with deadlines
 - c. Appeals and using parallel appeal routes
 - d. Service issues
3. Quickly disposing of vexatious litigants in court proceedings
 - a. Injunctions and contempt proceedings
 - b. Summary Judgment
 - c. Strike out
 - d. Unless orders
 - e. Order to prohibit publication
 - f. Anonymity Order
4. Points to note outside of court proceedings
 - a. Keep correspondence to a minimum
 - b. Observe rules of court strictly to prevent claims of procedural impropriety / claims of “unfair” treatment of a lay litigant
 - c. Expect repeated service of documents
 - d. Effect service in a way that is beyond reproach
 - e. Substituted service
 - f. Correspondence with third parties/publication of litigation proceedings
 - g. Complaints

Presenter:

Eunice Chiu, Partner, Oldham Li & Nie

Eunice is a partner with the firm's Dispute Resolution Group. She is qualified to practise in Hong Kong and Canada with extensive experience advising financial institutions, corporations and high net-worth individuals in multi-jurisdictional disputes including:

- bankruptcy and insolvency proceedings and related litigation arising from such proceedings
- multi-party, cross-border shareholders' disputes
- contractual disputes
- white collar crime including financial regulatory investigations and related judicial review proceedings
- internet fraud and money-laundering
- trademark disputes
- defamation and breach of privacy claims
- land disputes
- trust and estate disputes for private clients

Prior to joining OLN, Eunice was a member of the litigation teams of international and PRC-based law firms and a prosecutor for the Canadian government.

Course Details:

Date: 17 July 2020 (Friday)
Time: 2:30pm – 5:45pm (15 mins break)
Level: Elementary / **Intermediate** / Advanced / Updates
Language: English
CPD Points: 3
Course Code: L20CP03
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