

Kluwer Mediation Blog

Face to Face with Chairman of eBRAM

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Conducting mediation and arbitration meetings by remote means is not new to mediators, arbitrators, and practitioners.

In the wake of the COVID-19 pandemic, in-person meetings have been replaced with video teleconference. Remote or virtual participation in mediation sessions, arbitration hearings, and even court trials become a new normal.

Founded in 2018, eBRAM International Online Dispute Resolution Centre (“eBRAM”) aims to draw together the strengths of Hong Kong professionals and the business sector to provide a credible, cost-effective and sustainable platform for resolving cross-border commercial and trade disputes and for facilitating deal-making with the aid of its state-of-the-art technology.

I am delighted to talk to Dr Thomas So, JP, Chairman of eBRAM, on how digital disruption has fostered the evolution of online dispute resolution (“ODR”).

Thomas is the immediate past president of The Law Society of Hong Kong, a veteran arbitrator, and a PRC qualified lawyer since 2009. He is a partner of Mayer Brown, advising on shareholders disputes, property and investments litigation and disputes and PRC-related arbitration and disputes. He is on a number of arbitrator panels in Asia and is also a solicitor-advocate with rights to appear in all levels of the civil courts in Hong Kong.



TK: LawTech is a talking point of legal fraternities. Shall we start with an introduction to eBRAM and its vision, mission and values?

Thomas: Over the past decades, Hong Kong has consistently been ranked as one of the world's most preferred international arbitration jurisdictions and financial centre. By virtue of its high-quality and efficient legal services, arbitration-friendly legislation and government policies supporting dispute resolution, and the ease of enforceability of its arbitral awards worldwide, Hong Kong has a solid foundation to continue to be an international legal and dispute resolution services hub. eBRAM was formed under this background.

eBRAM stands for electronic business-related arbitration and mediation.

In late September 2017, Ms Teresa Cheng, SC, invited me together with a number of other legal and arbitration practitioners to brainstorm how we could leverage digital disruption to advance ODR for cross border transaction.

A steering group was later set up with the support of the Law Society of Hong Kong, Hong Kong Bar Association, Asian Academy of International Law, and Logistics and Supply Chain MultiTech R&D Centre to expedite the development of an ODR platform.

In June 2018, eBRAM was incorporated as a not-for-profit organisation in Hong Kong, aiming to capitalise on the opportunities arising from the upsurge of cross border transactions under the Belt and Road Initiative and Greater Bay Area Development Plan, and create a blue ocean for Hong Kong's legal professionals.

Our aim is to enable Hong Kong to become the leading LawTech centre and strengthen its position as an international legal hub of deal-making, dispute avoidance and dispute resolution by utilising innovative technology such as Artificial Intelligence (AI). Besides, we strive to promote the use of ODR to resolve disputes in the region, improve "access to justice" for the general public and MSMEs, and at the same time, build capacity to meet the expanding demand for legal and dispute resolution services across the world.

The Chief Executive's 2018 and 2020 Policy Addresses recognized the importance of developing LawTech to foster Hong Kong's long term legal and ODR development.

We thank the tremendous support from the HKSAR Government and the Department of Justice. Without their support, this project would not have been possible.

TK: Talking about the legal and technology, how could eBRAM leverage the latest technologies, say Artificial Intelligence, Blockchain, Cloud and Big Data to promote ODR?

Thomas: Digital disruption is nothing new to the legal industry. International law firms invest heavily in IT development to enhance productivity, while IT firms tapped into the market to provide an innovative assessment on the results or settlement methods to disputed parties. You would agree that robots cannot replace human interaction, which is the key to conflict resolution, but technology could be a catalyst for change.

eBRAM utilised the latest technologies to redefine the user experience in ODR. We are currently the only organisation in Hong Kong and one of the few worldwide that has the capacity to develop technologies locally dedicated to building a platform catering to the demands for ODR and online deal-making services. We facilitate mediation meeting and arbitration hearing with our secure video conference and professional case management services provided by a seasoned team.

Commissioned and funded by the Government, eBRAM launched the “COVID-19 Online Dispute Resolution Scheme” in 2020 to offer the public, especially MSMEs, a speedy and cost-effective means to resolve disputes arising from or relating to the COVID-19 pandemic.

We keep integrating state-of-the-art technologies, such as Neural Machine Learning on Translation, AI, IoT, Blockchain and Smart Contract, etc, on our ODR platform to enrich our product portfolio to meet different needs of local businesses (especially MSMEs), and cater to cross-border one-stop dispute resolution for enterprises worldwide.

In addition to this, eBRAM has been actively participating in the development of the APEC Collaborative Framework for ODR of Cross-Border Business to Business Disputes (APEC ODR Framework) and joint workshops on LawTech issues organised by the United Nations Commission on International Trade Law (UNCITRAL) and the International Institute for the Unification of Private Law (UNIDROIT).

On 1 June this year, we launched our mediation and arbitration ODR rules under the APEC Collaborative Framework, marking a key milestone for eBRAM’s development. We will seek to become an ODR service provider for APEC economies under the APEC ODR Framework.



TK: If our readers want to enrol to the mediator panel, are there any details they should be aware of?

Thomas: We welcome all eligible legal practitioners, mediators and arbitrators to join our panels. They just need to submit their profiles and professional certificates to us for verification.

eBRAM has trained more than 150 mediators and arbitrators for the COVID-19 ODR Scheme so far. They come from diverse disciplines, including law, engineering, surveying, accounting,

architecture and academia, and different jurisdictions, including the United Kingdom, Australia, India and Singapore.

Once the qualifications are verified, and certain procedures have been completed, we will train them with our system and rules before listing them on our mediator or arbitrator panels and qualified for automated computer programming selection for claimants' choice.

To keep our panellists relevant and abreast of ODR development, we will step up our efforts to provide suitable training, bite-sized information via social media communications, e-Newsletters, etc.

One of the eBRAM's missions is to build capacity for the ODR industry to enable the knowledge to pass through generations and provide them with practical experiences. We have been exploring collaboration opportunities with the business sector to generate more business opportunities for local ODR professionals.

We are also looking into the feasibility of establishing an ADR training academy, aiming at creating a pupillage system to nurture young aspirants, assisting dispute resolution professionals to upskill, and providing them with access to the e-arbitration and e-mediation community.

TK: In respect of eBRAM's development, could you share with us your road map as well as how dispute resolution professionals and in particular mediators could benefit from it?

Thomas: Striding towards the next stage of development, eBRAM devised an integrated strategy to further promote ODR and HK's position as a pioneer in LawTech and cross border ODR.

Earlier this year, I came across an [UNCTAD report](#) about the impact of the COVID-19 pandemic on e-commerce. The report found that the COVID-19 pandemic has led to a surge in e-commerce. Citing China as an example, its online share of retail sales rose from 19.4% to 24.6% between August 2019 and August 2020. Thailand, another member country of the APEC, recorded a 60% increase in shopping apps downloads per week during March 2020.

The report predicted that the trend of e-commerce uptake across regions is likely to be sustained during the recovery.

With the first-mover advantage, eBRAM could create opportunities for our panels of mediators and arbitrators with our online platform and its unique position as one of the ODR service providers for APEC economies under the APEC ODR Framework, we mentioned earlier.

On the technical side, we will continue to elevate our platform by integrating the most up-to-date technology in our upcoming features, such as e-bundling, an online deal-making platform, AI legal translation and legal cloud to provide safer, more secure and convenient ODR services in the region and worldwide.

As well as optimisation of eBRAM platform's features, we will continue to enhance collaborations with fellow mediation and arbitration institutes, legal professional bodies and chambers of commerce in different jurisdictions through collaborative projects, partnerships, interactive communications initiatives, etc.

Furthermore, we aim to make eBRAM a specialist in cross-border ODR and a meeting place for

eminent dispute resolution experts to exchange and obtain updated and relevant market intelligence to assist them in career development.

TK: Thank you, Thomas, for the most engaging talk. I believe readers will be inspired by your messages and now have a better understanding on the importance of LawTech and its benefits to dispute resolution practitioners.

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