

Azan Aziz Marwah

Barrister-at-Law (HK) / Mediator (CEDR) / PCLL / LLB / MSc / BSc

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Barrister-at-law and Mediator , Hong Kong Bar	<u>2012 – Present</u>
Court of Final Appeal , Hong Kong, <i>Judicial Assistant</i>	<u>2012 – 2013</u>
Mother's Choice , Hong Kong, <i>Honorary Legal Advisor</i>	<u>2012 – Present</u>
Los Angeles County Courts Mediation Program , <i>Mediator</i>	<u>2010</u>

I practice as a barrister and mediator in a broad spectrum of civil litigation and disputes, specializing in matters that include a cross-border, public or administrative law element:

- **Mediation:** I act as a sole mediator, joint mediator and advocate in mediation in commercial & employment, family & matrimonial, landlord & tenant, personal injuries & tort, and domestic violence & harassment. I have practiced both in Hong Kong and the USA. I was appointed as a court mediator for the Los Angeles County Courts in 2010, after training as a mediator at the University of Southern California, from which I received an American Jurisprudence Award for Mediation. After returning to Hong Kong, I was accredited as a mediator by CEDR.
- **Civil & Commercial:** I advise and appear in a broad range of commercial matters, and I am a published contributor to the leading texts on contract law and civil procedure. I have also advised, assisted and appeared in a variety of tort related matters (including assault, false imprisonment, conspiracy, professional negligence, privacy, discrimination and defamation). I have also acted as counsel for parties in property and company related disputes.
- **Family & Matrimonial:** I have extensive experience in family and child related disputes before the courts and in mediation. I advise and appear on matters before all courts, including care and protection proceedings before the juvenile courts, domestic violence, child abduction, child custody, child protection, and ancillary relief proceedings. I am the co-author of the leading practitioners' texts, including Hong Kong Family Court Practice (the 'Red Book') and Duxbury etc. I conduct CPD seminars on family and child law issues. I also regularly give evidence before the Legislative Council on issues related to children's rights and serve as the honorary legal advisor to Mother's Choice.

- **Labour & Employment:** I routinely advise and appear in matters related to employment and labour disputes for both employers and employees. In particular, I have appeared in contempt proceedings before the Labour Tribunal, appeals related to wrongful termination and breach of contract claims before the High Court, employment related discrimination claims before the District Court, and judicial review proceedings related to civil service employment contracts.
- **Public & Administrative:** I specialize in matters that involve issues of constitutional law and have extensive experience in public law cases at all levels of the courts up to and including the Court of Final Appeal on a wide variety of issues (including planning, elections, Bill of Rights, civil service regulation, wardship).

REPORTED CASES

- *United Muslim Association of Hong Kong v Yusuf Yu* [2018] 4 HKLRD 22 (companies appeal)
- *ZN v Secretary for Justice* [2018] 3 HKLRD 778 (human trafficking)
- *Lau Wing Hong v Chan Yuen Man, Amy* [2018] 3 HKLRD 150 (election petitions)
- *Leung Chun Kwong v Secretary for the Civil Service and Anor* [2018] 3 HKLRD 150 (discrimination in employment, tax)
- *Chan Ho Tin v Lo Ying Ki Alan* [2018] 2 HKC 213 (election petitions)
- *XY v Director of Legal Aid* [2017] 5 HKLRD 787 (Director of Legal Aid's first charge)
- *Designing Hong Kong Ltd v Town Planning Board, Secretary for Justice Intervening* [2017] 3 HKLRD 560 (protective costs orders)
- *Leung Chun Kwong v Secretary for the Civil Service and Anor* [2017] 2 HKLRD 1132; [2017] 3 HKC 274 (discrimination in employment, tax)
- *D v S, FD v Shek Kwok Ngai* [2017] 2 HKLRD 940; [2017] 3 HKC 127 (sexual discrimination; indemnity costs)
- *ZN v Secretary for Justice (No. 2)* [2017] 1 HKLRD 559 (human trafficking)
- *HKSAR v Ho Loy* (2016) 19 HKCFAR 110 (legal certainty)
- *ZN v Secretary for Justice* [2016] 1 HKLRD 174 (judicial recusal)
- *HKSAR v Ho Loy* [2015] 3 HKLRD 385 (legal certainty)
- *Designing Hong Kong v Town Planning Board* [2015] 3 HKC 525 (protective costs orders)
- *Chinacast Education Corp v Chan Tze Ngon (陳子昂) & Ors* [2014] 5 HKC 277 (e-discovery)
- *HKSAR v Wedderburn*, Halsbury's Laws of Hong Kong [20.106], [20.132] (Animal Law)

PUBLICATIONS

- General editor, co-author, *"Duxbury etc: Hong Kong Family Court Tables"* [<https://www.duxburyetc.hk>], (2019-)

- Contributing editorships: *“Archbold Hong Kong”* (2015-present), *“Hong Kong Chitty on Contracts Fifth Edition”* (2016), *“Hong Kong Civil Procedure”* (2015-present)
 - Co-author, *“Hong Kong Family Court Practice”*, 2ed (June 2015)
 - Editor, *“Halsbury’s Laws of Hong Kong, [238] LEGAL AID”* (2018-)
 - Editor, *“Atkins Court Forms Hong Kong, vol. VIII FAMILY”* (2015-)
 - Author, *“Personal Data Privacy in the Digital Age”*, HKLJ Vol. 43/3 (2013)
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EDUCATION & TRAINING

<u>Middle Temple, London</u>	<u>2013</u>
HK Middle Temple Society Advocacy Scholarship	
<u>CEDR, Hong Kong</u>	<u>2011</u>
CEDR Mediator	
<u>University of Hong Kong</u>	<u>2010 – 11</u>
Postgraduate Certificate in Laws	
<u>University of Southern California, Gould School of Law</u>	<u>2009 – 10</u>
LLB, Hons. (Joint degree with London School of Economics)	
American Jurisprudence Award 2010 (Mediation)	
<u>London School of Economics and Political Science</u>	
LLB, Hons. (Joint degree with Gould School of Law, USC)	<u>2007 – 10</u>
MSc, History of International Relations	<u>2005 – 06</u>
BSc, Hons., International Relations	<u>2002 – 05</u>

APPOINTMENTS

- Hong Kong Bar Association, *Standing Committees on Equality & Diversity, Practice Development, Legal Aid Reform, Chairman of Working Group on Sports Law*
- Appeal Tribunal Panel under section 48 of the Buildings Ordinance, *Chairman* (2018-)
- Transport Department, *Personalized Vehicle Registration Marks Vetting Committee, Member* (2018 –)
- Hong Kong Committee on Children’s Rights, *Executive Committee, Member* (2018 –)