

WWL

Who's Who Legal

Mediation

2020



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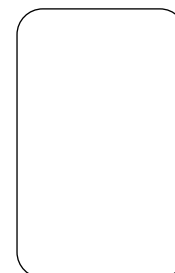
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INTRODUCTION

Who's Who Legal is delighted to publish *WWL: Mediation 2020*. This publication is the fruit of months of research. We have canvassed and analysed the opinions of law firm clients and mediation experts from around the world.

Our research has revealed 429 practitioners from 48 jurisdictions who can truly be considered leaders in the field.

The names and contact details of all experts whose nominations are accepted by the editor are listed without charge. It is impossible to buy entry into *WWL: Mediation*. Specialists accepted for listing are invited, but not required, to supply a professional biography and photograph, which are published upon payment of a fee.

We hope that you find this publication useful and informative. If you do, it is due to the hundreds of people who helped us in the research, and we would like to sign off by thanking them for their kindness, helpfulness and insight, which made it a pleasure to be part of this undertaking.

Rupert Wilson

Editor

rupert.wilson@whoswholegal.com

LEGAL MARKETPLACE ANALYSIS

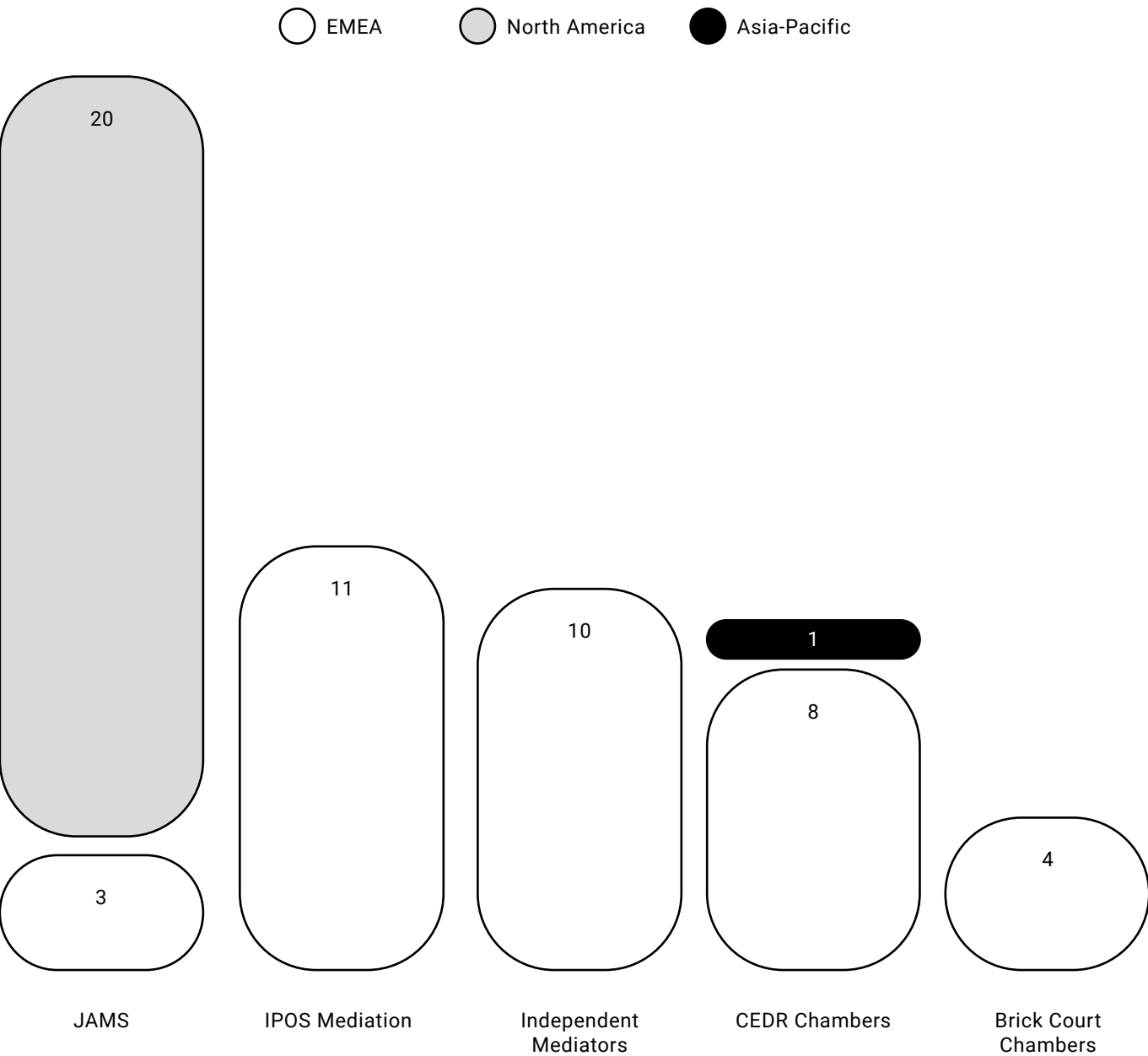
This year we identify 429 practitioners across 48 countries for their exceptional handling of complex disputes in mediation proceedings.

METHODOLOGY

The Global Elite Thought Leaders are those individuals who received the highest number of nominations from peers, corporate counsel and other market sources this year. Our research has identified them as being truly outstanding practitioners and the very best in their field.

WWL does not list firms, only individual lawyers. The leading firms are those in each region whose listed practitioners received the most total nominations in our research. We highlight individuals at other firms who also scored very highly in our research.

MOST LISTINGS IN WWL: MEDIATION 2020



EMEA

Global Elite Thought Leaders

Heather Allen
CEDR Chambers
Brighton and Hove

Thierry Garby
Mediation & Resolution
Paris

Michel Kallipetis QC
Independent Mediators
London

Claude Amar
Mediation & Resolution
Paris

Rosemary Jackson QC
Keating Chambers
London

Bill Marsh
Independent Mediators
London

William Wood QC
Brick Court Chambers
London

Elizabeth Birch
3 Verulam Buildings
London

Mark Jackson-Stops
In Place of Strife
London

John Sturrock QC
Core Solutions Group Ltd
Edinburgh

LEADING FIRMS

CEDR Chambers

The “highly respected” **Heather Allen** is a “very experienced and strong mediator” according to respondents who further applaud her “lovely, personable manner” in proceedings.

Karl Mackie CBE is a “well-established” mediator, celebrated by peers as “not only very active, but also very highly regarded” in the work he conducts.

Eileen Carroll QC attracts widespread plaudits as a “stateswoman of the field” whose “international work consistently meets client needs” and is “very effective and very personable” in delivery.

Christopher Newmark is acclaimed for his “close ties and notable experience with the ICC”, as well as his significant experience in the field, having previously conducted over 200 commercial mediations.

Tony Allen is “very well known” in the mediation space, with notable experience handling a spectrum of disputes including personal injury, banking and broader commercial claims.

Tim Hardy achieves widespread recognition for his top-tier mediation practice and is highly sought after for his impressive experience handling commercial disputes.

Independent Mediators

The “excellent” **Bill Marsh** is a “go-to – his calibre and quality are simply fantastic”. Respondents “highly recommend his style and approach” and exalt his “very successful” mediation practice.

Michel Kallipetis QC is a “well-respected” figure in mediation, garnering recognition as “really excellent” and a “great mediator and teacher”.

The “top-notch” **Phillip Howell-Richardson** is recommended for his excellent international dispute work, mediating for individuals, corporations and governments.

Sources celebrate **Kate Jackson’s** “exceptional approach to mediations” and ability to successfully mediate disputes across a wide range of commercial sectors.

Seasoned practitioner **Jonathan Lloyd-Jones** has over 25 years’ experience in commercial mediation, bringing in-depth knowledge in professional negligence, construction and property disputes.

Andrew Paton “knows the field back to front”, and brings a “confident and highly competent approach in order to get the job done”.

The “superb” **Mark Lomas QC** is “well known among peers for his strong reputation” in commercial mediations.

Nicholas Pryor is a leading name in mediation, commended for his considerable experience handling complex disputes, having been appointed in over 1,250 mediations across multiple jurisdictions.

IPOS Mediation

Mark Jackson-Stops is a “phenomenal” and “very able” mediation specialist, acting as a full-time mediator in property development, management and evaluation disputes.

Lawrence Kershen QC receives widespread commendation for his adept handling of mediations across a variety of matters, including financial services, manufacturing, property and shareholdings.

The “very active” **Liz Rivers** is lauded for her “excellent work in workplace and employment disputes”. Peers also rate

her “great ability to promote relationship maintenance”.

Jon Lang is a “keen player in the field” with a “truly excellent and very pleasant” approach to commercial mediation proceedings.

Patrick Walker is “a prominent figure in the field”, with notable expertise in property mediations and a strong track record in multiparty disputes.

Jane Player is distinguished as an “absolutely excellent” mediator, executing mediations surrounding in the corporate and contractual disputes with aplomb.

Tim Hardy achieves widespread recognition for his top-tier mediation practice and is highly sought after for his impressive experience handling commercial disputes.

Brick Court Chambers

“Leader of the field” **William Wood QC** is applauded for his “superb, excellent approach” and “great international work”. He is “extremely clever – the first rank of legal ability”, with “a compelling manner and enormous credibility”. He always “goes above and beyond for clients”.

The “very well-known” **Geoff Sharp** is “truly an international mediator and a great guy”, according to sources who report being “very impressed with his knowledge” of commercial disputes.

Tony Willis is a “highly respected” figure in commercial mediation, and is singled out as a “name-to-know that performs great work”.

Stephen Ruttle QC is a “favourite mediator in the UK” and a “first-rate practitioner” with a “strong international portfolio”. Peers further comment, “Clients respond extremely well to him.”

OTHER LEADING INDIVIDUALS

England

"Clients love" the "fantastic" **Rosemary Jackson QC** of Keating Chambers, who is "absolutely outstanding" and a "good operator, with a strong international portfolio of work and a great understanding of construction issues".

At 3 Verulam Buildings, **Elizabeth Birch** is "a senior figure" who is "very active" in the mediation space. She enjoys an "excellent reputation" among clients seeking commercial dispute resolution in a range of sectors.

Serle Court is home to the "exceptional" **Beverly-Ann Rogers**, who "provides consistently good service". Her "personable approach" makes her "an established and well-rated figure" across the board.

Clyde & Co's **Jane Andrewartha** is "a superstar", with interviewees exalting her

as "a rare gem who works for a city firm yet keeps an outstanding mediation roster". She attains further accolade for her ability to "handle difficult cases very well" and is "reliably excellent".

Sources laud the "very well-known" **Edwin Glasgow CBE QC** at 39 Essex Chambers as "seasoned and incredibly able" with a "strong commitment to international mediation".

The "very active" **Colin Manning** of 4-5 Gray's Inn Square "has got it all – not only is he very good at adapting to his audience, but he also has an excellent manner".

France

Thierry Garby at Mediation & Resolution is widely recommended as a "fine specialist" and is "highly respected" in his capacity as an international and domestic mediator.

Claude Amar is celebrated as an "active and interesting" commercial mediator. His "background as an architect bringing a refreshing and different approach" to real estate project, construction and operation disputes in particular.

Scotland

John Sturrock QC of Core Solutions Group is a "name that stands out a mile – he's exceptionally good", according to respondents who further applaud his "great work in people disputes and public sector issues".

Switzerland

Birgit Sambeth Glasner of Altenburger Ltd legal + tax is "highly recommended by clients and fellow practitioners", who laud her "top-flight" practice and "excellent reputation" in the field.

NORTH AMERICA

Global Elite Thought Leaders

Kenneth Cloke

*Center for Dispute Resolution
Santa Monica*

Eric D Green

*Resolutions LLC
Boston*

Lela Porter Love

*Benjamin N Cardozo School of Law
New York*

Kenneth R Feinberg

*The Law Offices of Kenneth R Feinberg, PC
Washington, DC*

Cliff Hendler

*ADR Chambers
Toronto*

Edna Sussman

*SussmanADR LLC
New York*

Eric Galton

*Lakeside Mediation Center
Austin*

Jeff Kichaven

*Jeff Kichaven Commercial Mediation
Los Angeles*

LEADING FIRMS

JAMS

Bruce Edwards is "highly respected" by peers and clients in the mediation space and is notably praised as "great on construction defects".

Michael Young is "very smart and is able to mediate a wide range of industries because of this", according to impressed sources who further praise him as "a terrific guy and very active".

Linda Singer garners plaudits for her top-tier mediation practice and has developed over 30 years' experience in international disputes.

Richard Chernick is a distinguished mediator, having conducted over 1,900 mediations and arbitrations before a vast range of forums, international and domestic.

The "outstanding" **Daniel Weinstein** is recognised for his astute handling of complex, multiparty disputes and ability to conduct virtual mediations on a spectrum of online platforms.

Sources state that **Vivien Shelanski** is "smart and very effective" in her capacity as a commercial, construction and

employment mediator for a series of high-profile clients.

David Geronemus comes "at the top of everyone's list" for complex mediations in matters ranging from insurance coverage to intellectual property.

Robert Davidson "has worked in the international arena his entire business career and has distinguished himself as a neutral", note respondents who further compliment his "great arbitration practice".

ADR Chambers

Sources herald seasoned practitioner

Cliff Hendler as an “excellent mediator”, praising his work in insurance litigation, class action and community-based conflicts.

Allan Stitt ranks highly among peers who consider him a top name in Canada for commercial mediation, with his practice spanning a range of matters from employment to contractual claims.

Ralph Williams is applauded throughout the mediation space as “an outstanding practitioner with a great personality”.

Lakeside Mediation

“Standout” player **Eric Galton** is “thought of highly” in the arena, where he mediates

over 17 legal practice areas in a broad range of mediation styles.

Greg Bourgeois “absolutely shines” in his ADR offering, providing top-tier mediations and arbitrations for professional liability, employment disputes and insurance matters.

Ben Cunningham receives widespread accolades for his long-running dispute mediation practice and commitment to training the next generation of mediators.

Upchurch Watson White & Max

John Upchurch receives sterling recommendations for the rigorous knowledge of the law he brings to commercial mediations, having previously served as a circuit judge in the state of Florida.

Lawrence Watson Jr excels in complex, multiparty commercial and construction disputes, acting exclusively in a litigation and ADR capacity for a range of clients.

Rodney Max has built a stellar reputation in mass torts and class action mediations in commercial and consumer disputes.

OTHER LEADING INDIVIDUALS

Canada

Independent mediator **Louise Otis** receives widespread acclaim for her top-tier mediation practice, spanning an array of commercial and civil disputes.

Barbara Cornish at Cornish Margolis Boyd Mediation & Arbitration is looked upon with enormous favour by sources who “highly recommend her” for her expert handling of insurance claims, employment disputes and construction matters.

David Bristow QC at Team Resolution Mediation and Arbitration enjoys a “great reputation” in the Canadian market where he is singled out for his impressive work on commercial mediation and arbitration proceedings.

At Arbitration Place **Warren Winkler QC** is a well-recognised name in international mediation, where he stands out for his impressive handling of commercial, labour and class action proceedings.

USA

Edna Sussman of SussmanADR is “internationally renowned on a policy and neutral level”, note peers who dub her “as good as they come”.

Kenneth Cloke at the Center for Dispute Resolution “wrote the book on mediation”, bringing 40 years’ experience in international mediations for clients facing a variety of conflicts.

Seasoned mediator **Jeff Kichaven** of Jeff Kichaven Commercial Mediation is “amazing” in his capacity as a commercial mediator, delivering a creative approach to settlement.

At Resolutions, **Eric Green** is lauded by sources as “an international figure who is incredibly well known” for his work navigating legally stringent mediations in sectors including securities, financial services and construction.

Benjamin N Cardozo School of Law is home to **Lela Porter Love**, a “renowned academic” in mediation matters, with an in-depth legal knowledge and an active mediation practice.

Peers and clients hold **Kenneth Feinberg** at the Law Offices of Kenneth R Feinberg in high esteem and note he is “particularly active in mass torts and domestic disaster cases”.

Jeffrey Krivis at First Mediation Corporation garners widespread commendation for his dynamic mediation practice, using his legal know-how developed from his litigation background.

Sources laud **Lee Jay Berman** of the Mediation Offices of Lee Jay Berman as “one of the hardest-working mediators I know – he will not stop until the conflict is resolved”. They further exalt him as “one of the most genuine and humane people” to encounter in the space.

Barr Mediation’s **Eleanor Barr** has extensive experience as a full-time mediator, bringing a rigorous legal eye to settle cases in complex, multiparty disputes throughout a range of practice areas.

Deborah Rothman at Deborah Rothman ESQ has a strong track record in mediation and arbitration, bringing a collaborative approach to facilitate commercial dispute resolution.

ASIA-PACIFIC

Global Elite Thought Leaders

Nadja Alexander*Singapore International Dispute Resolution
Academy
Singapore***Alan L Limbury***Strategic Resolution
Woolloomooloo***Joanna Kalowski***Joanna Kalowski
Sydney***Danny McFadden***CEDR Asia Pacific
Hong Kong***Norris Yang***ADR International Limited
Hong Kong***George Lim SC***Wee Tay & Lim LLP
Singapore***Jody Sin Kar Yu***The Resolution Mediation Consultants
Limited
Hong Kong*

LEADING INDIVIDUALS

Australia

Independent mediator **Joanna Kalowski** is “very active” in complex, highly sensitive group mediations, spanning land claims, environmental disputes and commercial proceedings.

Strategic Resolution’s **Alan Limbury** is held in high esteem by market sources for his remarkable ability in IP and commercial-related mediation proceedings.

Seasoned practitioner **Rosemary Howell** is celebrated by respondents for her strong commercial portfolio built from 30 years’ mediation experience.

Independent practitioner **Ian Hanger AM QC** is “an excellent mediator and teacher”, known for his profound expertise in a spectrum of disputes including professional negligence, equity and contracts.

Hong Kong

Jody Sin Kar Yu of the Resolution Mediation Consultants is “an established figure” in the Hong Kong market, renowned for conducting “excellent” facilitative and evaluative mediations.

“Well-known figure” **Danny McFadden** at CEDR Asia Pacific runs “one of the biggest mediation practices in the area” and is “well respected” and “known for commercial disputes in China and Europe”.

ADR International’s **Norris Yang** earns praise as a “full-time and active” figure in international commercial disputes, where he has established a strong reputation as a “well-known name in contractual agreements”.

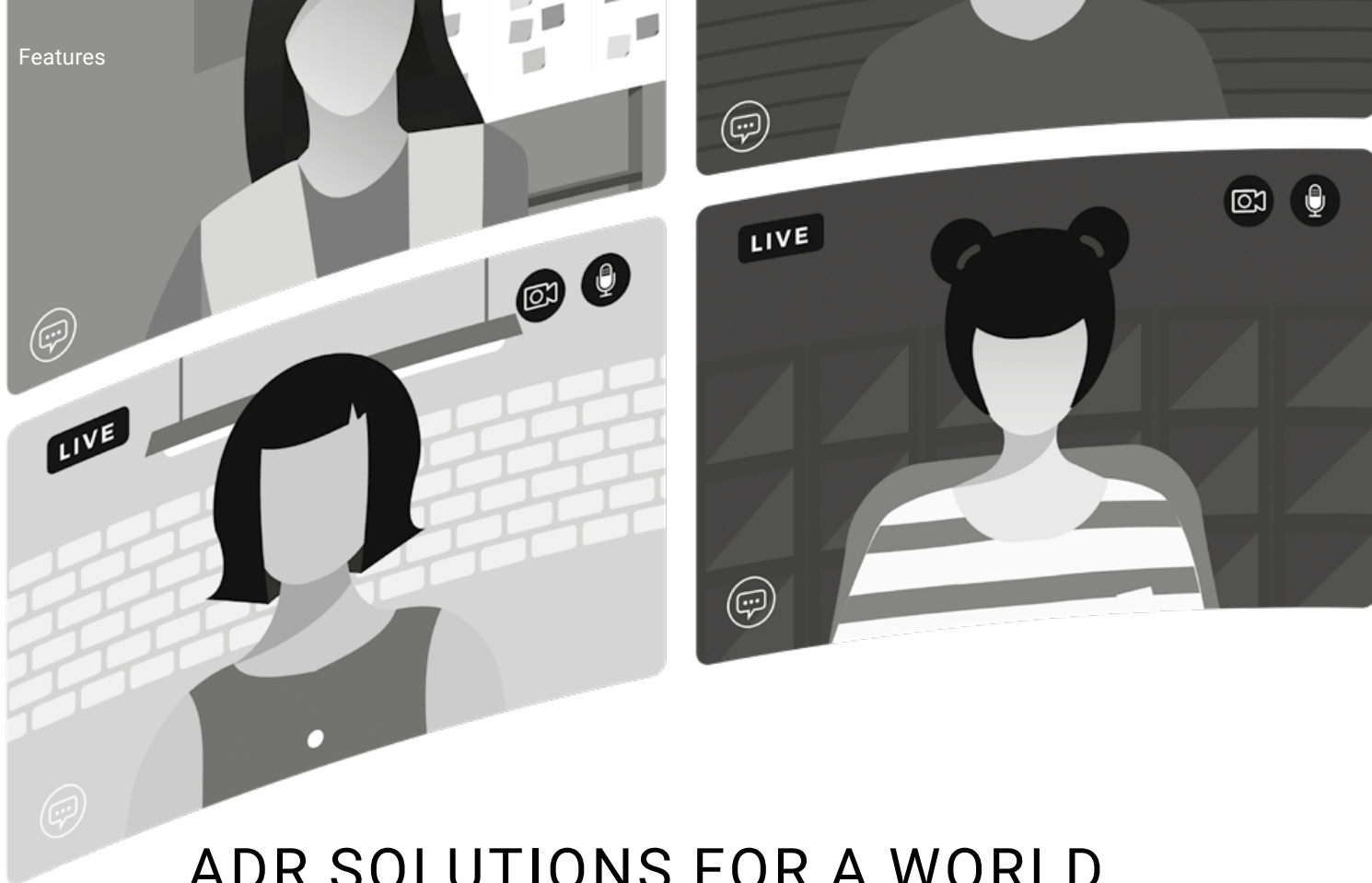
Christopher To at Gilt Chambers is “very experienced, very active and very well respected”, according to sources who extol his international mediation practice.

Singapore

Nadja Alexander of Singapore International Dispute Resolution Academy is “very well known” and has “a standout reputation” for her legal rigour in an array of commercial disputes.

George Lim SC at Wee Tay & Lim is a leading light in the Singaporean ADR scene, and has mediated over 300 disputes, including several complex, cross-border commercial matters.

Aequitas Law’s **Tat Lim** earns plaudits as “very impressive” and comes “highly recommended by clients as well as fellow practitioners” for conducting top-notch commercial and public interest mediations.



ADR SOLUTIONS FOR A WORLD REORDERED BY PANDEMIC – REMOTE IS CLOSER THAN YOU THINK

Laura A Kaster,
Laura A Kaster LLC
Appropriate Dispute Solutions

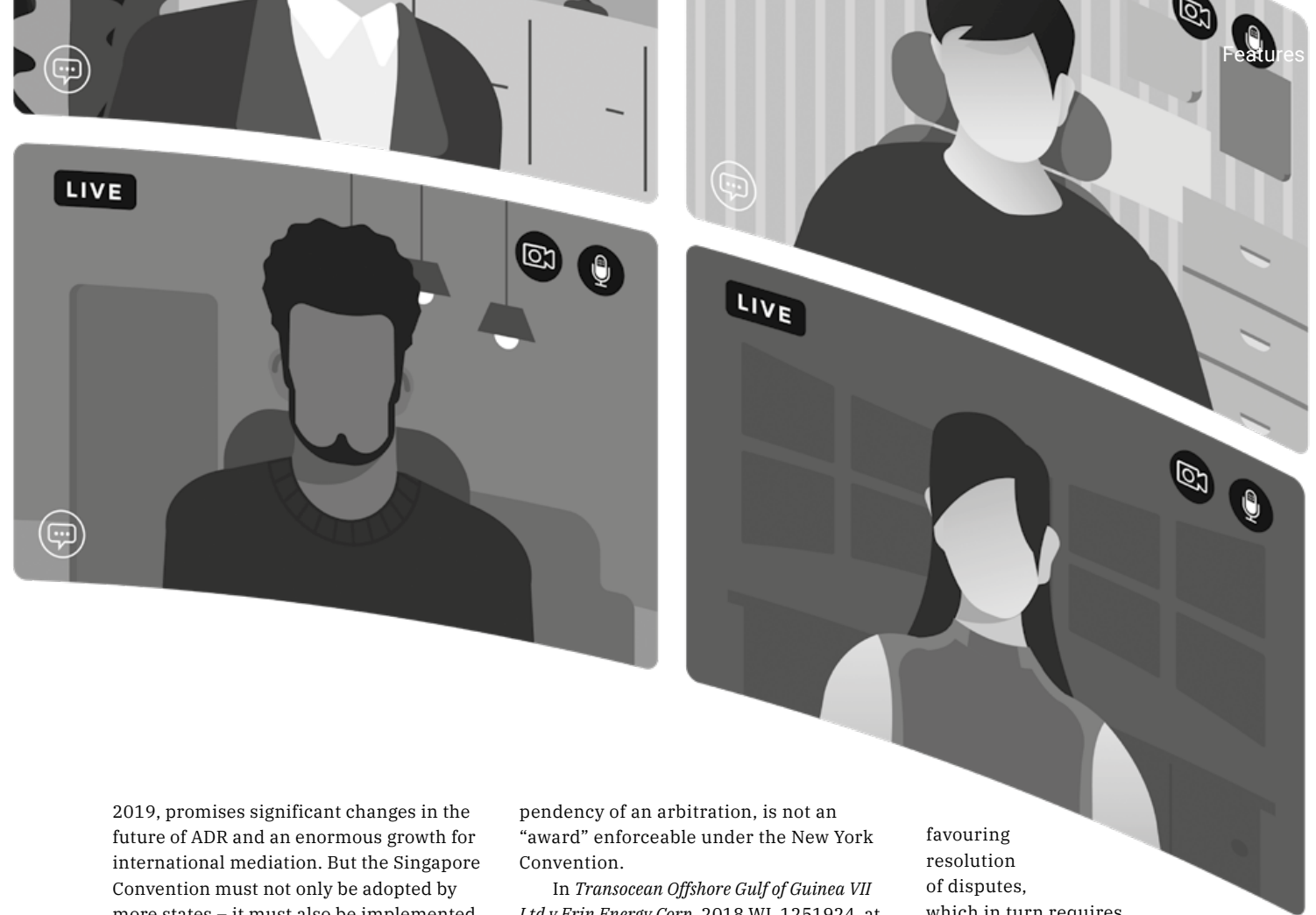
The clearest lesson of the pandemic is that we are all connected. Supply chains and the movement of goods and people by air, land and water mean we are all part of a huge interactive web. Now, businesses around the world are trying to combat the multiple impacts of covid-19, economic peril and, in the USA, racial injustice. Just as the challenges and new issues mount, the courts have had to cope with slowdowns and lockdowns. In an astoundingly quick transition, ADR providers and neutrals have shifted focus to providing dispute resolution services remotely online. They have issued protocols and set up processes, and many online mediations and arbitrations have already been conducted to a positive reception by many prior sceptics. Delay and backlog do not have to hamper an economic recovery that depends in part on cost-effective and efficient dispute resolution taking place now. We knew that businesses with cross-border disputes would require better and less expensive

ways to address both routine and bet-the-company disputes, but the need is not yet being fully met. Help is at hand. An arbit-med-arb process resulting in a consent award is a solution to an expressed need and it can happen right now (even remotely) before the long process of approval wends its way to completion for the UN Convention on International Settlement Agreements resulting from Mediation (Singapore Convention).

The Singapore Convention was the product of years of work by the UN Commission on International Trade Law (UNCITRAL) Working Group II. The effort was instigated by the USA and multinational corporations responding in part to the increased cost of international arbitration and the serious underuse of mediation in international disputes. The disuse of mediation largely resulted from the fact that in international matters, mediation results (usually in the form of a settlement) were not enforceable before the Singapore Convention.

In 2018, while Working Group II was creating a solution, the final report of the Global Pound Conference was issued, reporting on the sessions held from 2016 to 2017 in 24 countries and obtaining over 4,000 responses to a set of questions about the needs and desires of the users of ADR. Among the Global Pound's many important conclusions, contained in its 2018 report, was that users of ADR – primarily international arbitration – desire more streamlined and cost-effective dispute resolution and expect the process to be flexible enough to incorporate mediation.

The enormous growth and success of international arbitration and international arbitral tribunals and centres was predominantly the outgrowth of the New York Convention; it gave us the ability to enforce arbitral awards worldwide. It took half a century to get to this point. The New York Convention has been adopted in over 160 countries. The acceptance of the Singapore Convention, signed in August



2019, promises significant changes in the future of ADR and an enormous growth for international mediation. But the Singapore Convention must not only be adopted by more states – it must also be implemented. We don't need to wait.

Right now, advocates and neutrals have the ability to attain many of the benefits of mediation by the careful use of consent awards that must technically start with an arbitration, but may proceed immediately to mediation. In fact, in New Jersey, a special statute has recognised the availability of the New York Convention to provide this resource now.

THE CURRENT LAW

What is the status of the law now on consent awards in arbitration or awards that are based on a mediated settlement?

First, if a pending arbitration results in a settlement and that settlement is reflected in a consent award, it is currently enforceable under the New York Convention. There is no basis in the New York Convention itself or in the rules of various arbitral bodies that could justify a distinction between an award and a consent award.

Second, if careful steps are taken, under the New York Convention a mediated settlement entered as a consent award in an arbitration can be enforced. This is an important option that international practitioners and disputants desire.

CONSENT AWARDS IN PENDING ARBITRATIONS

Two 2018 US district court cases reject the contention that a consent award entered by an arbitral tribunal, and reflecting the settlement by the parties during the

pendency of an arbitration, is not an “award” enforceable under the New York Convention.

In *Transocean Offshore Gulf of Guinea VII Ltd v Erin Energy Corp*, 2018 WL 1251924, at *1–2 (SD Tex, 12 March 2018), an arbitration before the London Court of International Arbitration arose from a dispute over a contract for oil-drilling equipment, personnel and services in the waters off the coast of Nigeria. Before the arbitration hearing was held, the parties consented to the entry of an arbitral award by the tribunal. In the subsequent district court proceeding in Texas, Transocean and Indigo petitioned for confirmation of the awards under the New York Convention. Erin Energy challenged summary enforcement of the consent award, asserting that consent awards are not subject to the Convention. Erin Energy's argument was founded on the contention that a consent award is fundamentally different from other arbitral awards because an arbitral award represents the tribunal's conclusions, while a consent award reflects only the parties' agreement.

The *Transocean* district court rejected Erin Energy's proposition that the Convention's silence on the question of its applicability to awards that record the terms of settlement between the parties meant that the Convention was not intended to apply to consent awards. The *Transocean* court instead relied heavily on the earlier decision in the Southern District of New York in *Albtelcom S.H.A v UNIFI Commc'ns, Inc*, 2017 WL 2364365 (SDNY, 30 May 2017), which viewed any prohibition to enforcement of a settlement reached during the pendency of an arbitration as against public policy

favouring resolution of disputes, which in turn requires enforceability of the result. *Transocean* specifically rejected the argument that enforcement under the New York Convention depends on the arbitral tribunal actually making its own findings:

No binding or persuasive statutory language or case law requires a court to hold that a tribunal must reach its own conclusions, separate from the parties' agreement, to make a valid, binding award subject to the Convention. As the Albtelcom court noted, this rule would dissuade parties from seeking arbitration in the first place or benefitting from the efficiencies it is meant to provide.

These authorities are persuasive as to US application. Is it different elsewhere? England's Arbitration Act of 1996, c.23 § 51, is clear on this point, providing that “an agreed award shall state that it is an award of the tribunal and shall have the same status and effect as any other award on the merits of the case”. And the UNCITRAL Model Law on Commercial Arbitration article 30(2) provides that “an award on agreed terms has the same status and effect as the award on the merits of the case”.

French law appears to be silent on the issue, but that does not by itself suggest that consent awards will not be enforced. However, a French case has given some pause. In *Receivers of Viva Chemical (Europe)*

NV [Belgium] v Allied Petrochemical Trading & Distribution LC [Isle of Man] (Regional Court of Appeal, Paris 1e ch. (section C), 9 April 2009, case no. 07/177690) the Paris Court of Appeal annulled an enforcement order of the Parisian lower court. However, the French court did not rely on the fact that it was a consent award alone. It held that the enforcement of that award would be contrary to French international public policy.

On 28 September 2006, *Viva Chemical* purchased 3,400 tons of base oil from a company called Petroval. Viva Chemical never paid for the oil. Nevertheless, Viva sold the oil to Allied Petrochemical. On 22 May 2007, two days before Viva filed for bankruptcy, Allied Petrochemical and Viva jointly appointed a sole arbitrator who rendered an award by consent.

The Court of Appeal found that the award by consent had been made in the absence of a dispute between the parties and that the award was fraudulent and contrary to public policy. There is nothing extraordinary about the refusal to enforce the award in *Viva Chemical*. The UNCITRAL Model Law and most national arbitration acts permit voiding an award (whether or not by consent) on the grounds of public policy. The UNCITRAL Model Law on Arbitration, note 8 supra, article 34(2)(b) (ii), states:

An arbitral award may be set aside by the court [in the seat of arbitration] only if the court finds that . . . the award is in conflict with the public policy of this State.

CONSENT AWARDS BASED ON A MEDIATED AGREEMENT

There is no logical distinction between a settlement that was derived from the parties acting independently and a settlement that results from a mediation that the parties then bring to the arbitrators. The resulting consent awards are indistinguishable. However, a question of enforceability of mediated settlements (or any settlement for that matter) entered as a consent award arises when no arbitration is pending, and the parties either ask the mediator to enter a consent award as an arbitrator (changing hats), or ask to convene an arbitration for the sole purpose of entering the mediated settlement as an award.

The problem derives from language in article I(1) of the New York Convention providing that:

This Convention shall apply to the recognition and enforcement of arbitral awards ... arising out of differences between persons, whether physical or legal.

Some scholars posit that if a settlement has already been reached or mediated, there is no longer a “difference” between the parties and the Convention does not apply. Edna Sussman, in *The New York Convention Through a Mediation Prism*, argues that the Convention does not specify that a difference has to exist at the time of the appointment of the arbitrator. Although there are sound arguments against this approach, no settling parties would want to have to litigate the issue. The Singapore Convention provides one solution.

But for now, the most efficient approach is to initiate the arbitration before, or at the same time as, the mediation. This is the solution under the Singapore International Mediation Centre and Singapore International Arbitration Centre (SIAC) Arbitration-Mediation-Arbitration Protocol, and

others, including the New Jersey statute NJSA 2A:23 E-3, administered by the Global Mediation Exchange Center (GMXC) www.gmxcmmediation.com, which permits enforcement of mediated awards. Under this arb-med-arb approach, when the arbitrator appointed also acts as mediator (subject always to the express written consent of the parties), the resulting consent award should be enforceable under the New York Convention.

International disputants want solutions that include a mediation opportunity. Cross-border disputes can be resolved now with an enforceable result. These disputes can be resolved with remote proceedings by videoconference. The Singapore Convention is going to be implemented, but the future is already here. Challenge and change go hand in hand.





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INTERNATIONAL MEDIATION: NEXT PRACTICE

Nadja Alexander,

Singapore International Dispute Resolution Academy

Imagine a performing artist walking along a tightrope, holding a long, light rod. To help her balance, she continually moves the rod, changing the angle of the rod to maintain her balance. If she were to hold the rod in a fixed position, what would happen? She would fall off. The movement of the rod allows her to maintain her continuity and make it to the other end. The tightrope-walker offers a metaphor for dispute resolution systems: dispute resolution systems can only survive if they are agile and adaptable.

COVID AND CONFLICT

In 2020, as the covid-19 pandemic brings the world to a near-standstill, the moving imagery of the tightrope-walker is more compelling than ever. Caught in this ongoing moment of uncertainty, we are being asked to reimagine many things – how we work, how we socialise, how we travel, and how we live as family units. We are also being asked to reimagine how we manage conflict – from the kitchen table to the boardroom table.

In commercial settings, countless arrangements have been disrupted, through no fault of either party – from travel to joint ventures. As a result, courts around the world are bracing themselves for a tsunami of cases that will consume them for years to come. For many businesses, this means that timely and affordable access to courts is not a realistic expectation. Recourse to arbitration is not always viable either, as arbitration faces challenges relating to the suspension of hearings by tribunals and parties alike. In this context, mediation has emerged as a seemingly pandemic-proof dispute resolution mechanism with the potential to deliver the timely and commercially sensible resolution of disputes needed by many clients to survive the global economic downturn.

MEDIATION 2020: FREEDOM WITHIN A FRAMEWORK

Mediation offers users the procedural agility and intuitive responsiveness of the tightrope-walker's moving rod to navigate unprecedented change. At the same time, mediation is grounded in robust regulatory frameworks that keep parties' feet moving forward on the thin wire that leads to resolution. In other words, mediation offers freedom within framework. It is precisely this freedom that gives commercial parties the opportunity to rise above entrenched adversarial positions and negotiate with their counterparts, in order to:



- arrive at commercially sensible and innovative outcomes;
- preserve business relationships; and
- avoid further disruption to business activities, for example, through lengthy adversarial proceedings.

Further, the freedom to design mediation procedures and tailor outcomes to suit unique sets of disputants' needs has encouraged a diversity of mediation practices that includes facilitative, expert advisory, wise counsel, settlement, transformative mediation and other approaches. Beyond this, mediation services are increasingly offered online and as a core component of mixed-mode dispute resolution procedures, such as arb-med-arb and other multi-tiered dispute management protocols. Mediation has also demonstrated its worth as a key risk assessment tool in making deals (deal mediation) and remaking deals that have gone wrong.

Mediation has come to represent a rich smorgasbord of dispute resolution choice. The diversity of mediation is well illustrated by the Singapore International Mediation Centre's (SIMC) Covid-19 Mediation Protocol, which provides businesses with an expedited, economical and effective route to resolve international commercial disputes during the pandemic period. Under the Protocol, multiple variations are possible. Mediation may be offered face-to-face, online or in a blended on- and offline mode, allowing parties to circumvent the challenges posed by global travel restrictions. Diverse mediation practice models are also available. Single mediators or mediator teams from around the world may be appointed. Mediator appointments are made within 10 days and mediations generally take one day to settle at the SIMC.

FRAMEWORK

The growth of international mediation practice, with its appeal of freedom, has not occurred in a vacuum. It has been accompanied by the development of domestic and international legal frameworks. Mediation law canvasses a broad spectrum of regulatory activity on critical aspects of mediation. Specific mediation laws can trigger pathways to mediation procedures; others regulate aspects of procedure and mediator ethical standards. Mediation law also sets out the rights and obligations of participants involved in mediation – addressing topics such as confidentiality, admissibility of mediation evidence, and recognition and enforcement of (international) mediated settlement agreements (iMSAs).

By far the most significant regulatory development is the Singapore Convention on Mediation – a multilateral treaty that governs and facilitates the circulation

of iMSAs across national borders. The Convention achieves this by recognising iMSAs as a new type of legal instrument in international law: neither a contract nor an arbitral award, iMSAs that fall within the scope of the Singapore Convention (article 1), and satisfy the conditions of the Convention, enjoy a unique status. Aggrieved parties are able to proceed to the courts of state parties to seek relief under the iMSA (article 3) by filing an application before that court and providing evidence that the iMSA, including those concluded via electronic means (article 2), resulted from mediation (article 4). Provided that the iMSA does not fall under any of the grounds for refusal of enforcement (article 5), it will be directly enforced. Notably, parties may



opt out of the Convention by the terms of their iMSA (article 5(1)(d)). Additionally, if one party to the iMSA seeks to commence litigation or arbitration to contest issues that have already been settled, the iMSA may be raised as a complete defence to the commencement of such proceedings. There is no requirement for an iMSA to undergo a review process at the place where it was concluded, as there is no “seat” of mediation (unlike in arbitration). As a corollary of this, the Convention does not operate on a reciprocal basis – it is not limited to iMSAs resulting from mediations that took place in states that are parties to the Convention. Court review only occurs in the state of enforcement. The Convention has provisions on parallel claims (article 6) and more favourable enforcement regimes (article 7), and permits states to declare limited reservations (article 8).

The Singapore Convention is mediation’s equivalent of the New York Convention on Arbitration, which has catalysed the phenomenal growth in arbitration’s institutional capacity over the past 60 years and enabled arbitration to become the procedure of choice for international commercial dispute resolution. Are we to expect a similar trajectory for mediation? With the Singapore Convention already having more than 50 signatories and being set for ratification in September 2020, mediation’s institutional capacity is set to expand further. Already, international arbitration institutes have expanded their mediation services and organisations dedicated to the provision of international commercial mediation services have emerged, such as the SIMC and the Japan International Mediation Centre (JIMC). Yet another development has been institutions offering specialist international mediation services – including consumer e-disputes, family, intellectual property, investor–state disputes and state-to-state disputes.

WHAT DO USERS SAY?

Courts, mediation institutions and individual mediators boast varying settlement rates of between 75 per cent and more than 90 per cent. The relatively low rate of litigation on mediated settlement outcomes suggests that most people stick to their deals. These statistics certainly make mediation a pragmatic alternative to arbitration and litigation, but they don’t tell the whole story.

SIDRA survey

A study spearheaded by the Singapore International Dispute Resolution Academy (SIDRA) examined 304 responses from users of international mediation, arbitration and litigation in nearly 50

countries. Users comprised both client users (corporate executives and in-house counsel) and legal users (lawyers and legal advisers).

Choice of dispute resolution mechanism and satisfaction levels

Users identified enforceability, neutrality/impartiality and cost (closely followed by speed) as the top factors influencing their choice of dispute resolution mechanism. When selecting litigation and arbitration, these factors remained priorities. By contrast, in the selection of mediation, enforceability was considered least important, reflecting users' awareness of the absence of an expedited enforcement mechanism for iMSAs in 2019.

The plot thickens when we look at users' satisfaction with these factors. Across all dispute resolution procedures, users were satisfied with their experience of neutrality and impartiality. In relation to mediation, users' satisfaction level of expedited enforceability matched their low expectations of this factor. However, a significant gap between expectations and actual experiences emerges in relation to costs and speed in arbitration, and to a lesser extent, litigation. Tellingly, the SIDRA survey indicates that mediation enjoys higher satisfaction in relation to speed and cost (68 per cent of users were satisfied with the speed of mediation, and 65 per cent with its cost) as compared to litigation (speed 45 per cent; cost 48 per cent) and arbitration (speed 30 per cent; cost 25 per cent).

If we drill down further and distinguish between client and legal users, we find that client users' satisfaction with costs (72 per cent) and speed (76 per cent) in mediation is even higher than that of legal users. Mediation is by far the leading choice of dispute resolution in respect of speed and costs, especially for client users. As reported in the *Business Times*:

The survey demonstrates [that] protracted adversarial proceedings such as litigation and arbitration can take its toll on all sides ... Businesses today have an increased appetite for more creative, efficient and less confrontational forms of dispute resolution, including mediation.

Deep dive into mediation

Let's look more closely at what users said about mediation. Client and legal users prioritised the following factors when selecting mediation:

- impartiality/neutrality (86 per cent);
- speed (85 per cent);
- confidentiality (83 per cent);
- flexibility of processes (82 per cent);
- cost (81 per cent);
- flexibility in choice of institutions/venues/mediators (77 per cent); and
- clarity in rules and procedures (76 per cent).

Online dispute resolution has the potential to become the "new normal" for mediation. This is especially so given the enthusiasm among client users for employing technology in mediation, as the SIDRA survey findings suggest

An overwhelming three out of four users indicated satisfaction with their mediation experience in terms of these factors. Users' prioritisation of procedural flexibility, as well as choice of institutions, venues and mediators, highlights the appeal of the freedom that mediation offers. Further, the significance users placed on a confidential, neutral forum with clear rules and procedures, led by an ethical and culturally fluent mediator, confirms parties' desire for freedom to engage in full and frank negotiations within a clear culturally appropriate and confidential regulatory framework.

How do users relate to technology in mediation?

As social distancing has become a standard way of living and doing business during the global pandemic, online dispute resolution has the potential to become the "new normal" for mediation. This is especially so given the enthusiasm among client users for employing technology in mediation, as the SIDRA

survey findings suggest. Almost half (48 per cent) of client users (compared to 28 per cent of legal users) rated platforms for the conduct of virtual/online hearings as "extremely useful" or "useful". Similar results were reported in relation to e-discovery/due diligence tools, negotiation support tools and analytics for appointment of mediators and/or counsel. In light of the global pandemic, we expect this trend to continue, which presents an opportunity for legal users to consider employing technology in mediation to address client expectations in this regard. Certainly, leading mediation institutions are incorporating technology into their back-end and front-end processes to complement and improve their suite of mediation services, according to SIDRA's Digital Readiness Index.

Mediation in mixed-mode procedures

As indicated previously, users rated enforceability as the least important factor when selecting mediation. This suggests that users are more likely to favour mediation if they believe there is a reasonable chance of settlement and low risk of non-compliance. Conversely, where parties are concerned about finality/enforceability, they turn to mixed-mode procedures with mediation and arbitration components. These mixed-mode procedures promise the best of both worlds: expedited enforceability and preservation of business relationships. With the coming into force of the Singapore Convention, standalone mediation will take place within a robust international framework that parallels that of arbitration. In time, this may reduce the current appeal of mixed-mode procedures.

MEDIATION 2020 – NEXT PRACTICE?

Mediation 2020 represents next practice. It offers procedural freedom and party control of outcomes within a robust legal and institutional framework. While more legalistic dispute resolution procedures continue to be challenged by covid-19, mediation has demonstrated its capacity to deal effectively with extraordinary business disruptions at a time when the need for strong, flexible business relationships is greater than ever.

An online version of this article, containing links to the sources and studies referred to, can be found on our website here: www.whoswholegal.com/features/international-mediation-next-practice



SINGLETON REYNOLDS

Singleton Urquhart Reynolds Vogel LLP is a Canadian law firm with offices in both Vancouver and Toronto. Since our beginnings, we have grown to a team of over 75 lawyers and over 100 employees. We recently expanded into the Toronto market, merging our well-known and respected Vancouver practice with the practices of senior commercial litigation, and senior construction and infrastructure lawyers in Toronto. This combination of geography and experience forms a powerful national platform from which to better serve our clients across the country.

We offer an extensive range of legal services in the areas of construction and infrastructure, commercial litigation, commercial real estate, corporate commercial, insurance defence, professional liability, product liability, workplace law, and business immigration.

Our core area of practice is construction and infrastructure law, with over half of the lawyers in the firm focused on this area. Our construction lawyers are recognised practitioners, litigators, solicitors and engineers who have a wealth of experience to draw on.

We have a strong history of assisting clients with a variety of projects in both British Columbia and Ontario. We work on all matters in our space including large-scale infrastructure, institutional, industrial, and commercial projects such as highways, railways, tunnels, pipelines, mines, industrial facilities, schools and other education facilities, hospitals, manufacturing plants, commercial buildings and condominiums.

Bruce Reynolds and Sharon Vogel were also co-counsel to the Ontario government preparing a report and guiding the legislative drafting of Ontario's Construction Act. As such, they are uniquely positioned to advise clients on the effects of the new Act. Currently, they have been retained to act for the government of Canada to conduct a review of federal legislation on the issues of prompt payment and adjudication for federal construction projects.

A CLIENT-FOCUSED APPROACH

At Singleton Urquhart Reynolds Vogel LLP we have developed our firm with a fundamental understanding that our clients deserve exceptional legal service that is delivered in a manner that is honest, creative, clear, relatable, flexible and cost effective.

We provide solutions customised to our clients' needs in various sectors including education, healthcare, government and industry. We help our clients seize emerging opportunities and find solutions to complex legal problems.

Our lawyers have an impeccable sense of the challenges that can arise within their areas of expertise and are committed to work together across disciplines to find the best solutions for our clients.

COMMUNITY INVOLVEMENT AND PRO BONO WORK

Beyond our commitment to our staff and our clients, our firm is also committed to the communities in which we have been able to grow and thrive. In that regard, we as a firm, and our individual members, are involved in a variety of community-oriented organisations.

We also encourage our lawyers to get involved with pro bono work by offering each lawyer credits every year for time spent providing legal services on pro bono files that reflect their individual interests and commitments.

Members of our firm have participated over the years as instructors in various construction courses taught at the University of Toronto, Osgoode Hall and the University of Melbourne. John Singleton, the firm's managing partner, is an adjunct professor of construction law at the University of British Columbia and a guest lecturer at Stanford University. All are keenly interested in education as it relates to their practice and the development of future experts in the area of construction law.

KEY AREAS OF EXPERTISE:

- Construction and infrastructure
- Insurance
- Commercial litigation
- Corporate commercial directors and officers' liability
- Wills and estates
- Product liability
- Professional liability
- Alternative dispute resolution
- Arbitration and international arbitration
- Public policy
- Entertainment law



PROFILES

Editorial policy and selection criteria

Nominees have been selected based on comprehensive, independent survey work with both general counsel and private practitioners worldwide.

Only specialists who have met independent international research criteria are listed.

Australia

**Douglas Jones AO***Independent Arbitrator*

Doug Jones AO is a leading independent international commercial and investor-state arbitrator with over 40 years' prior experience as an international transactional and disputes project lawyer. Doug is an arbitrator member at Arbitration Place in Toronto and a door tenant at Atkin Chambers London, and has an office in Sydney. Doug is also an international judge of the Singapore International Commercial Court.

He has been involved in over 120 arbitrations, which include construction, infrastructure, energy, commodities, intellectual property, joint venture, and investor-state disputes spanning more than 30 jurisdictions around the world. He has extensive experience as arbitrator under the ICC, LCIA, AAA, ICDR, KCAB, AIAC (formerly KLRCA), CRCICA, SIAC, VIAC, SCC, DIAC, ACICA, IAMA, AMINZ, European Development Fund Arbitration and Conciliation Rules, as well as the ICSID and UNCITRAL Rules, in disputes of values exceeding some billions of US dollars.

Doug has published and presented extensively and holds professorial appointments at Queen Mary College, University of London; and Melbourne University Law School. Doug has additionally held appointments at professional associations, including serving as the president of the Chartered Institute of Arbitrators (CIARB) and the Australian Centre for International Commercial Arbitration (ACICA). He is also the current president of the International Academy of Construction Lawyers (IACL). In 2018, Doug chaired the International Council of Commercial Arbitration (ICCA) Congress held in Sydney.

Doug was made an Officer of the Order of Australia in 2012 for his distinguished service to the law and leadership in arbitration, alternative dispute resolution, policy reform, and national and international professional organisations. In 2018, Doug was awarded the John Shaw Medal in recognition of his lasting contribution to the road transport industry in Australia and internationally. At the 2020 GAR Awards, Doug was named Best Prepared and Most Responsive Arbitrator.

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WWL says: Douglas Jones AO is "a standout figure in the global market" and is "very highly regarded" for his impeccable experience in construction disputes.

**Douglas Murphy QC***Inns of Court*

Douglas Murphy QC has practised as a barrister from chambers in Brisbane for more than 37 years. In more recent years, he practised mainly in the fields of general commercial, property, trusts, wills and estates. He is head of Cedric Hampson Chambers and Chancery Barristers + Mediators, a virtual specialist chambers.

Douglas has mediated disputes of various types since the mid-1990s, and undertaken courses at Pepperdine University and expert training at the American Institute of Mediation in California. As such he has continuously increased his practice as a mediator, and enhanced his reputation as an expert in the mediation field.

Douglas spent 18 years as an elected member of the Queensland Bar Council; within that time he served as its honorary secretary for four years and its honorary treasurer for another four. He has been an enthusiastic member of the Queensland Bar's ADR committee for many years and, by virtue of his own contacts, he has been instrumental in the promotion of professional development by engaging world-renowned speakers from home and abroad for mediators' conferences. He has also been a speaker at numerous seminars and conferences at home and overseas.

Douglas is currently an adviser to Bond University's ADR Centre, where he completed his inaugural training as a mediator in 1997.

He has been a director of the Mediator Standards Board, which governs Australia's national mediators' accreditation system, since 2015. He was inducted as a distinguished fellow of the International Academy of Mediators in May 2013.

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WWL says: Douglas Murphy QC has a stellar reputation in the mediation space thanks to his in-depth expertise in commercial and property disputes.

Brazil

**Diego Faleck***Faleck & Associados*

Diego Faleck is a mediator, settlement counsel and dispute resolution processes designer, with a unique track record in highly complex cases. He is the founder of Faleck & Associados, a private firm focused on mediation and settlement strategies with a team of 130 full-time mediators.

His noted work includes designing and implementing compensation systems via mediation and facilitation due to major aircraft accidents (TAM, 2007; Air France, 2009) and environmental tragedies (Mariana, 2015; Brumadinho, 2019); and a preventive evacuation and compensation system for thousands of families due to subsidence claims (Maceió, 2020). For the past 10 years, he has been working with several of the largest national and international companies doing business in Brazil, as well as renowned law firms and leading names in the Brazilian business mediation market. He has acted on some of the most complex and highest-profile cases, including national and international cases related to reinsurance, construction, energy, telecoms, real estate, contracts, finance, judicial recovery and partnership disputes, and those involving major public companies.

He received his LLM from Harvard Law School and his PhD from the University of São Paulo. He has held significant government positions in antitrust and consumer protection matters. He is an adjunct professor at the Pepperdine University Caruso School of Law in Malibu, California. He co-leads the International Chamber of Commerce mediation task force in Brazil, and is a member of the CPR International Institute's Brazilian advisory board, and the CAM-CCBC mediation commission. He has authored several national and international publications on dispute resolution, and is a frequent speaker at national and international colloquiums. He is IMI-certified.

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WWL says: Diego Faleck attracts widespread praise from respondents, who state: "He combines a sophisticated mediation technique with empathy. This translates into a unique skill set."

Brunei



Colin Ong QC

Dr Colin Ong Legal Services

Colin Ong is Queen's Counsel at 36 Stone (London); counsel at Eldan Law LLP (Singapore); and senior partner at Dr Colin Ong Legal Services (Brunei). He has acted as arbitrator and counsel in over 350 arbitrations governed under civil and common law, applying most major institutional rules as well as UNCITRAL rules. He has been appointed as arbitrator, and engaged as lead counsel, by sub-contractors, state-owned entities and some of the world's largest organisations (contractors, owners, financial institutions) in their infrastructure and construction projects globally, with a focus on Asia. He has generally acted and sat in complex, high-value international disputes. Many of his arbitration matters involve values up to some billions of US dollars. An example includes being appointed arbitrator in a US\$2.6 billion SIAC case in 2017 involving a major infrastructure project dispute. He also acts as mediator or as expert determination in a number of large quantum disputes.

He works across all aspects of banking; commercial; IT; construction; and engineering projects. These include civil infrastructure (airports, bridges, downstream projects, hospitals, highways, pipelines, railways); electricity; industrial plants; shipbuilding; coal mining facilities; construction of turnkey plants; licence agreements; LNG projects; mining; oil and gas; pharmaceuticals and biotechnology; ports; procurement contracts; power plants (coal-fired, gas-fired); steel; technology transfer; steel manufacturing facilities; urban development; and wind farms. He was the first ASEAN-national lawyer to be appointed Queen's Counsel in England and Wales, and was elected a Master of the Bench of the Inner Temple (2010). He is a civil law professor and a chartered arbitrator; and he holds the qualifications of PhD, LL.M, DiplCARb, LLB (Hons), FCIARb, FMIArb and FSIARb.

He was the main lawyer drafter for the current Malaysian PAM 2006 Standard Building Forms of Contracts. He is highly recommended as a leading arbitrator and counsel in a number of publications, including Expert Guides: Best of the Best (2019) which places him among the top 30 arbitration lawyers in the world. *Chambers and Partners* (2019) describes him as "an extremely creative and charismatic lawyer", "the best cross-examiner", and "a brilliant legal mind, and an excellent advocate".

He is a visiting law professor in several civil and common law jurisdictions; the author of leading advocacy and law publications, with two books listed as endnote reference books in CIARB's Practice Guidelines on Costs and Interim Measures; and professor at the Academy of International Dispute Resolution and Professional Negotiation.

Dr Ong is president of the Arbitration Association Brunei Darussalam; chairman of the International advisory board of the Thailand Arbitration Center; advisory council member of the Indonesian National Board of Arbitration (BANI); appointing council of the Chinese European Arbitration Centre, Germany; council member of the Hong Kong Centre of International Commercial Arbitration; adviser for the China-ASEAN Legal Research Center; member of the International Chamber Commerce Commission task force; member of the ICCA-Queen Mary task force (costs); vice chair (arbitration) of the Inter-Pacific Bar Association; vice president of the Asia-Pacific Regional Arbitral Group; and president of the Regional Arbitral Institutes Forum.

He was listed in *Global Arbitration Review's* "45 under 45" list. He was lead counsel at the Singapore Court of Appeal case of *PT Perusahaan Gas Negara v CRW* [2015] SGCA 30, which divided the construction law world and was named as

a runner-up for the 2016 GAR Award for Most Important Reported Decision. He was lead counsel in a different arbitration which led to FIDIC amending Clause 20 of its 1999 suite (<http://fidic.org/node/1615>). He was the former principal consultant to the ASEAN Centre for Energy, and the panel of the ASEAN protocol on enhanced dispute settlement mechanism. His languages include English (written awards), Bahasa Indonesia/Malay (written awards) and Chinese.

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WWL says: Colin Ong QC is praised for his "strategic mind" and "wide exposure to many different modes of dispute resolution". Sources further exalt his "mastery of civil law, which gives him an immeasurable strategic advantage."

Canada • Ontario



Duncan W Glaholt
Glaholt Bowles LLP

Duncan W Glaholt, CArb, is the founder and a partner of the leading and nationally recognised construction law firm, Glaholt Bowles LLP. He has been consistently named one of the *Leading 500 Lawyers in Canada* in the field of construction law. Mr Glaholt is certified by the Law Society of Ontario as a specialist in construction law. He is a fellow of both the American and Canadian Colleges of construction lawyers and founding fellow of the International Academy of Construction Lawyers.

Mr Glaholt is author and co-author of several standard reference books on construction law and alternative dispute resolution topics, including the *Halsbury's Laws of Canada Construction and Alternative Dispute Resolution* titles (LexisNexis, 2008 and 2009; reissues 2017 and 2018), *The Law of ADR in Canada: An Introductory Guide* (second edition, LexisNexis, 2018), *Construction Builders' and Mechanics Liens in Canada* (seventh edition, Carswell, 2005), *Conduct of a Lien Action 2018* (Carswell, 2017) and *The 2018 Annotated Ontario Construction Lien Act* (Carswell, 2017). He is an adjunct professor in the Faculty of Law at the University of Toronto.

Mr Glaholt is a fellow of the Chartered Institute of Arbitrators and has mediated and arbitrated a wide range of complex, multiparty construction industry disputes with particular focus on mining, energy and infrastructure, co-generation, nuclear power, power distribution systems and conventional infrastructure and environmental projects.

Mr Glaholt has worked to bring adjudication rules and collaborative settlement practices into the Canadian legal mainstream.

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WWL says: Duncan Glaholt is a "go-to construction guy" with "a strong practice in construction mediation and arbitration".



Stanley Naftolin QC JD CS
Goldman Sloan Nash & Haber LLP

Stanley Naftolin, QC, CS, counsel at Goldman Sloan Nash & Haber LLP, is a certified specialist in construction law and founding member of the construction law section of the Ontario Bar Association; a founding fellow, governor and past president of the Canadian College of Construction Lawyers; and a past chair for the construction law specialty committee of the Law Society of Upper Canada.

Mr Naftolin is listed in the *Canadian Legal Lexpert Directory* for construction law, and in *Best Lawyers in Canada* in both construction law and alternative dispute resolution. Mr Naftolin has obtained Martindale-Hubbell's highest peer review rating, AV pre-eminent, for 20 consecutive years, and has been repeatedly named in the *Lexpert/American Guide* as one of the leading 500 lawyers in Canada.

Mr Naftolin is an authority on a broad spectrum of construction legal matters, including construction liens, delay claims, breach of trust, contract disputes, bonding issues, mortgage priorities, insolvency and bankruptcy issues as they relate to construction.

Frequently requested to act as an arbitrator and a mediator in construction disputes, Mr Naftolin has built an enviable reputation for his ability to steer complex multiparty disputes to a successful resolution, including complex conflicts regarding the Olympic Stadium, the Peace Bridge, government infrastructure projects and the Alberta oil sands.

Mr Naftolin is a respected mentor to young practitioners and the profession at large. He has in the past contributed many articles to the *Construction Law Reports* and professional journals. He is frequently called upon to speak at various construction-related conferences. Mr Naftolin's expertise is renowned by his colleagues and peers.

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WWL says: Stanley Naftolin QC JD CS attracts widespread recommendations from peers and clients alike for mediating complex construction-related disputes.



R Bruce Reynolds
Singleton Urquhart Reynolds Vogel LLP

Bruce is a partner in Singleton Urquhart Reynolds Vogel's construction and infrastructure practice group, and co-chair of the firm's international construction projects group. He specialises in the resolution of construction and insurance claims; liens; surety bond claims; product liability issues; and architects' and engineers' errors and omissions issues. In addition, he advises clients on construction projects in Canada, the USA and overseas.

Bruce, together with his colleague Sharon Vogel, played an important role in helping the Ontario government modernise the province's construction law, which saw the first round of amendments recently come into effect. The pair reviewed the previous Construction Lien Act for the Ministry of the Attorney General, a process that involved consulting with more than 60 provincial stakeholders, and submitted a report with 101 recommendations – 98 of which were eventually included in the new legislation, the Construction Act. Among the changes to the legislation are the creation of a prompt payment framework and the introduction of a mandatory dispute resolution system.

Bruce has been certified as a specialist in construction law by the Law Society of Upper Canada. He is a Fellow of both the Canadian and American Colleges of Construction Lawyers; vice president of the International Academy of Construction Lawyer; and past co-chair of the International Bar Association's international construction projects committee.

He was twice named Global Construction Lawyer of the Year by *WWL*. He is also recommended in *The Best Lawyers in Canada*; *Chambers Global* (ranked in band one); *Martindale-Hubbell* (AV-rated); the construction chapter of *Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada*; and the *Canadian Legal Lexpert Directory*.

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WWL says: Bruce Reynolds has a stellar reputation as a "construction specialist", with a strong background in a variety of dispute resolution methods.

England



Elizabeth Birch

3 Verulam Buildings

Elizabeth Birch (FCIArb, 1993) is a chartered arbitrator (1998) and a qualified mediator (QDR, 1995) with a diploma in international commercial arbitration (distinction) from the Chartered Institute of Arbitrators (1998). She is a senior mediator (advanced mediator training, MATA, 2005) and a distinguished fellow of the International Academy of Mediators (IAM), California. She is certified by IMI and SIMI for cross-border disputes and a member of the prestigious Lampport Hall Group.

Elizabeth has practised full-time as an international arbitrator and mediator since 2003, handling a wide variety of international cases (practised at the English Commercial Bar, 1980–2003), specialising in maritime law, international trade and transportation, insurance and reinsurance, oil and gas, energy, international finance and banking, joint ventures, distributorship and franchise, information technology and telecommunications, and all types of commercial and international disputes. Cases frequently involve complex issues, disputes with an international flavour and high-value disputes. Many involve technical issues.

Elizabeth has extensive experience in arbitration, having sat as arbitrator since 1992, in both institutional and ad hoc arbitration. She receives regular appointments from the main international institutions, and has been appointed both as sole arbitrator and on panels of three, frequently as presiding arbitrator or chairperson.

Elizabeth has sat as a mediator since 1996. She has successfully conducted a substantial number of mediations in commercial and cross-border disputes including high value, technical and multi-party. She is a panel member of Singapore International Mediation Centre (SMC/ SIMC) and CPR (New York) for distinguished international mediators. She is recommended in *Chambers* (1998–) and *The Legal 500* (2015–).

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WWL says: Elizabeth Birch is “a senior figure” who is “very active” in the mediation space. She enjoys an “excellent reputation” among clients seeking commercial dispute resolution in a range of sectors.



Stuart Chapman

IPOS Mediation

Stuart Chapman is a full-time mediator. He began mediating in 2008 and has been consistently recommended by the two leading (and other) legal directories since 2010. He can be appointed through Independent Mediators.

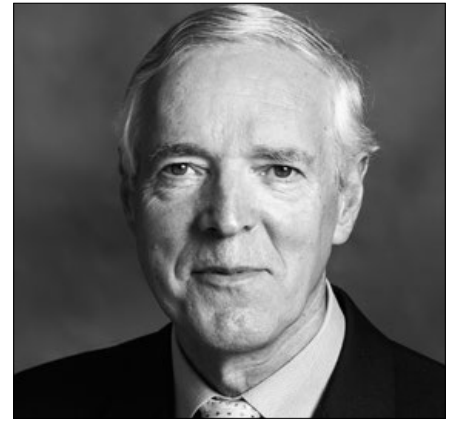
Stuart enjoys mediating across the UK and internationally, as well as remotely, and he has a very broad experience of parties and dispute-types. He has mediated disputes involving parties from more than 20 jurisdictions.

Full details of Stuart's experience can be found at www.stuartchapman.com.

His background is in commercial dispute resolution and litigation. He qualified as a solicitor at a “Magic Circle” firm in London in 1991, where he worked until moving to Leeds in 1994. He became a partner (and head of litigation in Leeds) at a large international law firm in 1998, where he remained until 2008 when he left practice to become a full-time independent mediator.

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WWL says: Stuart Chapman is “always in demand” say sources who commend his impressive experience conducting over 430 mediations involving parties across the globe.



Charles Flint QC

IPOS Mediation

Charles Flint QC is rated by *Chambers UK* (2020) and *The Legal 500* (2020) as a leading barrister in financial services law, and as a leading mediator. In addition to banking and financial services cases, Charles has mediated human rights, employment, fine art, insurance, professional negligence, public procurement, and sports law disputes. He has mediated in the UK, Europe, Asia and Africa. In 2019 he was listed in *The Legal 500* “hall of fame”, for excellence in mediation.

In May 2018, Charles mediated the settlement of the claims brought against the Secret Intelligence Service by Abdul-Hakim Belhaj arising out of his rendition to Libya in 2004 (*Financial Times*, 10 May 2018). In June 2019 he mediated the claims of Bank Mellat against HM Treasury, following the 2013 decision of the Supreme Court that the imposition of sanctions on the Iranian bank was unlawful (*Financial Times*, 18 June 2019). In December 2019 Charles co-mediated the settlement of the group litigation brought by 555 postmasters against the Post Office (*The Times*, 12 December 2019).

Charles is a director of the Dubai Financial Services Authority; a member of the Investigatory Powers Tribunal (which determines claims against the UK intelligence agencies); a member of the judicial chamber of the UEFA Club Financial Control Body (which judges cases under the UEFA financial fair play rules); president of the National Anti-Doping Panel (which judges doping cases in UK sport); and chairman of the International Tennis Federation tribunal. He is engaged in the independent review of complaints brought against Royal Bank of Scotland in relation to its global restructuring group.

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WWL says: The “excellent” Charles Flint QC is a name to know among respondents, deemed an “extremely good mediator” who excels in financial services-related dispute resolution.

England

**Tim Hardy***IPOS Mediation*

Tim Hardy is described as “one of the finest technically gifted mediators” who “doesn’t give up when the going gets tough and tirelessly presses on to assist the parties reach a resolution”, and whose “sharp legal acumen combined with his tough but fair negotiation style places him as a mediator in high demand”.

Previously head of commercial litigation at CMS, Tim is now a full-time mediator with over 20 years’ experience. He has a reputation for resolving complex and bitter commercial disputes and keeping the parties focused on settlement in the most trying circumstances. A client states: “Through a combination of sheer force of will, rational argument and exceptional commercialism, he assisted the parties in engineering a settlement and bringing to an end one of the most difficult and unpleasant cases I have ever dealt with. I have mediated somewhere near 100 commercial disputes and Tim is by far the ‘standout’ mediator and I shall certainly be using him again in the future.”

During lockdown Tim has been conducting mediations remotely. He is now seeing the first wave of post-lockdown supply-chain disputes heating up as businesses tentatively work out a staged route back to market.

Tim works throughout the UK and internationally handling all types of domestic and international commercial disputes.

His experience covers banking, finance and investment; commercial contracts; company shareholders and directors; corporate transactions; distributors, agents and franchisees; engineering, mining and construction; insolvency, bankruptcy and fraud; insurance; international commerce; IT, technology, telecoms and outsourcing; partnerships and joint ventures; professional negligence; and real estate, hotels and leisure.

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WWL says: *Tim Hardy achieves widespread recognition for his top-tier mediation practice and is highly sought after for his impressive experience handling commercial disputes.*

**Phillip Howell-Richardson***Independent Mediators*

Phillip Howell-Richardson is one of the UK’s top mediators and a member of Independent Mediators. A mediator with 30 years’ experience of mediating all types of commercial disagreements, Phillip specialises in international commercial disputes, financial and insurance disputes, and group actions. International disputes include multi-jurisdiction and multiparty disputes, some already in arbitration; and a seven-year, several-phase mediation of an investor/state dispute. Commercial disputes include joint venture disputes, infrastructure disputes and commercial contract claims. Financial disputes include loan default, interest swap claims, insurance liability and coverage disputes, and company finance disputes. Group actions include community nuisance claims, airliner crash claims, product liability claims and financial product claims.

He has mediated disputes involving governments, global corporations, private companies, trustees of offshore, trusts as well as individuals. Cases have included claims at all levels up to several billions of dollars; the restoration of complicated commercial arrangements; and claims by very large groups of claimants. He has mediated disputes in France, Norway, Germany, Italy, the Netherlands, Africa, Dubai, Singapore and Hong Kong – as well as the UK, where he is based.

He was one of the first European mediators to be invited to join the International Academy of Mediators as a fellow, and was a member of its board. He is a member of the ICC and its mediation panel, and has supported the ICC International Commercial Mediation competition in every year of its existence. He is a mediation fellow of the Chartered Institute of Arbitrators and a member of many international mediation organisations; and he lectures and teaches in several countries.

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WWL says: *The “top-notch” Phillip Howell-Richardson is recommended for his excellent international dispute work, mediating for individuals, corporations and governments.*

**Kate Jackson***Independent Mediators*

“First-rate mediator” Kate Jackson is “the ideal mediator for complex disputes, bridging unbridgeable gaps without clients feeling pressured”. Published independent legal directory comments describe Kate as “charming, hardworking, and deft at bringing parties together”. The guides add: “She also possesses the ‘appropriate emotional intelligence combined with intellectual rigour, and has a very measured style’, is ‘very calm, authoritative, confident and assertive’, an ‘extremely capable mediator’ who ‘works extremely hard to get a result’.”

Dual-qualified, in England and Wales, and in New York, Kate has over 20 years of dispute resolution experience, having previously practised as a litigation and dispute resolution lawyer in London (with Allen & Overy) and in New York (with Simpson Thacher & Bartlett). Kate is commercial and numerate, and has also spent two periods working as a lawyer in investment banks (six months with Morgan Stanley’s New York in-house institutional securities litigation team in 2001, and two months with Barclays’ corporate and investment banking litigation team in 2012).

CEDR-accredited in 2005, Kate now practises solely as a commercial mediator, with a thriving practice encompassing a broad range of commercial, banking, insurance, intellectual property, IT, employment, private client, property and professional negligence disputes.

Kate is ranked in band one of legal directories *Chambers UK* and *The Legal 500*.

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WWL says: *Sources celebrate Kate Jackson’s “exceptional approach to mediations” and ability to successfully mediate disputes across a wide range of commercial sectors.*



Mark Jackson-Stops

IPOS Mediation

The “simply excellent” Mark Jackson-Stops has been a full-time mediator since the mid-1990s and has mediated over 1,500 cases. He is recognised as “one of the great mediators in the country”. Two decades practising as a chartered surveyor from 1973 have lent him an unsurpassable insight into certain specialist areas of expertise, including property development, investment and management, as well as tenant negotiations and valuations. However, it has been the past 25 years, spent in full-time mediation of commercial disagreements of every kind, that have really refined his legal acumen and the calm, confident style that’s so essential to successful dispute resolution and to gaining a reputation as “the best commercial dealmaker in the market”.

Mark is known for his ability to build relationships of trust speedily, and he can adapt his approach to the needs of different parties. His style is responsive and flexible, and ranges from the lightest of touch to a firm and directive approach when required. Both styles can be seamlessly employed in different rooms at different times on the same day.

Mark trained as a mediator in the UK with CEDR (by whom he is accredited) and in Houston and El Paso, Texas, with USA&M, at that time one of the USA’s largest mediation practices. He founded IPOS Mediation (formerly In Place of Strife) in 1995, which is now recognised as a leading provider of mediators in the UK and internationally.

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WWL says: Mark Jackson-Stops is a “phenomenal” and “very able” practitioner who acts as a mediator in a range of commercial disputes, including property development, management and evaluation matters.



Michel Kallipetis QC

Independent Mediators

With 40 years’ experience as a practising barrister in the field of general commercial, professional negligence and employment work, and 15 years sitting as a deputy High Court judge in Queen’s Bench, Chancery Division and the TCC, Michel is equipped to mediate most civil and commercial disputes. Ten years ago, he left Littleton Chambers, of which he had been head, and founded Independent Mediators Ltd to practise as a full-time mediator. With some 1,000-plus civil and commercial mediations behind him in the UK and abroad, Michel is recognised in the legal directories as an expert in his field in mediation both in the UK and internationally.

He is a distinguished fellow and president-elect of the International Academy of Mediators. He was the first chairman of the England and Wales Bar Council ADR committee and a member of the working party that drafted the EU Code of Practice for Mediators, and he gave expert opinion to JURI, the legal service committee of the European Parliament, prior to its adopting the European ADR Directive. In 2012 he was invited to join the Singapore Mediation Centre’s international panel of mediators. He is regularly asked to give seminars and mediation advocacy training in the UK and abroad. WWL named him “Mediator of the Year” in 2017, and placed him among a small number of Thought Leaders in mediation across the world. He represented IAM at UNCITRAL’s Working Group II, which drafted the Singapore Convention for the international recognition of international commercial mediated settlement agreements.

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WWL says: Michel Kallipetis QC is a “well-respected” figure in mediation, garnering recognition as “really excellent” and a “great mediator and teacher”.



Jonathan Lloyd-Jones

Independent Mediators

Mediation is all about fairness and belief. The mediator has to gain the trust of the parties, understand the detail and drivers of the conflict and help the participants to find a new way of looking at the situation, so as to generate options for resolution. The parties need to believe that the solution suggested is fair.

Jonathan Lloyd-Jones has spent his working life in dispute resolution, initially as a litigation lawyer in London and Oxford. While chair of his 100-partner law firm, the need to find consensual solutions to partnership issues was vital.

He qualified as a mediator in 1991 and gained a reputation as a pioneer in the development of mediation in the UK. He has always been ranked in the top tiers of commercial mediators by the legal directories. Recent editions have described him as an “excellent mediator” and “charming, authoritative and thorough”, and have further praised his “rigorous intellectual approach to testing both sides’ cases with a facilitative, encouraging, charming manner that prevents parties from becoming disillusioned or giving up on negotiations”.

He currently provides the evaluative mediation module in the RICS mediation training course. He is certified by the International Mediation Institute and is a distinguished fellow of the International Academy of Mediators.

Since becoming a full-time mediator in 2012, his practice has greatly expanded and he has mediated hundreds of disputes, particularly involving insurance, professional negligence, construction, insolvency, shareholders, property and financial services. Parties have ranged from government agencies and multinationals to private individuals.

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WWL says: Seasoned practitioner Jonathan Lloyd-Jones has over 25 years’ experience in commercial mediation, bringing in-depth knowledge in professional negligence, construction and property disputes.

England

**Mark Lomas QC***Independent Mediators*

Mark was called to the English Bar in 1977 and appointed Queen's Counsel in 2003. He practised as junior then leading counsel at the commercial and common law Bar for 32 years in a wide range of commercial cases but with a particular specialisation in professional liability and insurance.

He became an accredited mediator with ADR Group in 2001 and was a panel member of Littleton Dispute Resolution Services from 2001 to 2009. He started mediating regularly in 2001, in combination with continuing practice at the commercial and common law bar. Since taking silk in 2003 mediation made up an increasing part of his overall practice, combined with the conduct of a number of large cases in the High Court and Court of Appeal.

He joined Independent Mediators as a full-time mediator in June 2009 and ceased practice as an advocate to devote his full time to mediation and arbitration. He is also a member of Littleton Chambers International Arbitration Group and sits as a commercial arbitrator in insurance disputes.

He has acted as sole or lead mediator in upwards of 1,000 mediations covering a wide variety of disputes ranging from multimillions to tens of thousands of pounds in areas including commercial contract, insurance, common law, construction, probate and trusts, but with a particular emphasis on professional negligence disputes involving solicitors, barristers, accountants, financial advisers, insurance brokers, surveyors and architects.

He is regularly instructed in 90 to 100 mediations per year, making him one of the UK's busiest commercial mediators.

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WWL says: The "superb" Mark Lomas QC is "well known among peers for his strong reputation" in commercial mediations.

**Jonathan Lux***Lux Mediation*

Formerly a practising solicitor (1975-2012), Jonathan Lux was the joint head of the arbitration and mediation group at Ince & Co. After 37 years at the firm, Jonathan decided to specialise independently in mediation and arbitration; he was subsequently called to the Bar and joined Chambers in 2013.

Jonathan is fully accredited by, and a member of, the International Mediation Institute (IMI) and a fellow of the Chartered Institute of Arbitrators. He holds the IMI diploma in cross-cultural competence and therefore has a particular understanding of the cultural aspects of commercial disputes across a range of jurisdictions. He has written widely on mediation, ADR and commercial disputes, and is regularly asked to speak and/or moderate sessions on dispute resolution issues at conferences worldwide.

He was named *WWL's* Global Shipping and Maritime Lawyer of the Year in 2010 and 2011. In 2011 he featured in *Lloyds List of Top 10 Legal Personalities*, and was a finalist for the *Lloyd's List Global Shipping and Maritime Lawyer of the Year* award in 2012. He has been recognised as a leading mediator by *The Legal 500* and *Who's Who Legal: Mediation*.

Jonathan served as a UK National Mediation Awards judge (2018) and mediator (2020). He lectures on the LLM course on international commercial arbitration at Nottingham University. He studied on the Harvard University advanced course on mediating complex international commercial disputes. He is a fluent French and German speaker, making him much in demand for international mediations.

In 2018 Jonathan set up Lux Mediation, offering a wide range of dispute resolution services including mediation, co-mediation, early resolution, early neutral evaluation and arbitration.

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WWL says: Jonathan Lux is hailed as a "really excellent" mediator when it comes to handling high-value disputes across the commercial sector."

**Bill Marsh***Independent Mediators*

Twice ranked by *WWL* as Mediator of the Year (2019 and 2014), Bill Marsh is one of Europe's leading commercial mediators. Practising full-time for nearly 30 years, he has mediated in almost every area of law and business. He mediates in the UK and internationally and has worked with parties from over 50 countries.

He is consistently ranked in the top tier of mediators in all the independent legal directories. He is described in legal directories as "one of the greats"; "right at the top of his game"; "a perfect example of how a talented mediator can overcome apparently insuperable obstacles"; "right at the top of the tree"; and "a sensational mediator" who "gets very high-profile work and is extremely experienced and capable". He is also praised for his "absolute commitment" and "commercial flair", and is deemed an "excellent shuttle diplomat", with quoted sources adding that he is "extremely patient and hardworking, but pushes both sides' positions very hard".

A former corporate lawyer, Bill has also acted as adviser on conflict and mediation to many governments (the UK, Russia, Turkey, Ukraine, Romania, Bulgaria and Slovakia) and international bodies (the EU, the IFC/World Bank and the UN); and to the Archbishop of Canterbury. His mediation experience includes religious, political and ethnic conflicts. In 2016, he was awarded the Archbishop's inaugural award for outstanding service to reconciliation. He has also represented the UK in UN sessions.

He is a distinguished fellow of the International Academy of Mediators, and former executive director of CEDR.

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WWL says: The "excellent" Bill Marsh is a "go-to – his calibre and quality are simply fantastic". Respondents "highly recommend his style and approach" and exalt his "very successful" mediation practice.



Eve Pienaar

CEDR Chambers

Eve is a very experienced commercial mediator. Her mediation practice specialises in general commercial, contractual, property and construction, and professional negligence disputes. She frequently mediates trust and probate cases, often involving multiparty entrenched disputes. She has mediated in France and actively promotes mediation, speaking at conferences and on mediation panels in the UK, France and Spain. Eve has been practising as a commercial mediator since 2007, regularly working on high-value and multiparty cases. She is on the CEDR training faculty as coach and assessor.

Eve is a Schwarz-accredited facilitator; she regularly mediates workplace and employment disputes, and facilitates team dynamic conflicts, including at board level. She has worked in senior in-house counsel roles, and in media and regulatory membership organisations. Her commercial experience provides her with strategic insight and business acumen. Her approach to mediations is commercial and pragmatic, affording the parties an opportunity to make informed decisions within a confidential and creative process. She keeps the parties focussed on forward-looking solutions to help them find a commercial resolution to their dispute.

Quick to get to the core of the issue, Eve is persistent and resourceful. She invests the time necessary to prepare fully for each mediation, affording the parties the best chance to reach a commercial settlement on the day. She establishes trust and rapport easily with clients and works well in emotionally charged environments. She will not hesitate to challenge the parties where necessary, to enable movement from strict legal or positional arguments.

She is recommended in the legal directories and is described as "charming and very bright", and "a great presence, deeply honest and an extremely effective problem-solver". Sources add: "She exhibits great empathy with the parties and always thinks around the problem."

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Jane Player

IPOS Mediation

Jane is a well-known commercial mediator, based in the UK. Practising as a mediator for over 20 years as an independent she also mediates for institutions such as IPOS Mediation, CEDR, ICC, WIPO and SIMC. Jane has also recently been asked to join panels in Japan, Indonesia and India. A commercial and pragmatic mediator, Jane's practice ranges from technology and media sectors to general commercial cases involving joint ventures, consortia and project disputes. Consistently ranked in all the legal directories, Jane was the winner of the Corporate Livewire 2015 Legal Award for Commercial Mediator of the Year – UK. Jane also won the International Law Office (ILO) Client Choice Award 2012 in the litigation category for the UK. She has also ranked in the "Top 50 Mediators" in the UK.

Jane is particularly recommended for mediations where there are strong personalities and where there may be some cynicism towards resolution through mediation. She has an "engaging style" and is "clearly committed". Users praised her for her "proactive approach" and "people skills".

Comments include: "Jane gets stuck in and is easy to work with. She was a lawyer for many years so understands the litigation risks at play but she uses the right mix of intellectual ability and commercial awareness to help parties and their lawyers get a deal done." She is further described as "robust but in a gently persuasive way" and "full of energy trying every angle to find a solution". Referees also state "despite being a lawyer, Jane was good at steering clear of the law and ensuring that the clients' commercial interests were best served on the day" and "Jane works well with lawyers present to play an independent but engaged role in assisting their clients to reach agreement".

WWL says: *Eve Pienaar gains plaudits as a "smashing mediator" who excels in high-value, multiparty commercial disputes.*

Continued overleaf

England

**Nicholas Pryor***Independent Mediators*

Nicholas has over 33 years' experience and has mediated over 1,300 disputes.

He is a distinguished fellow of the International Academy of Mediators, and certified by both the Civil Mediation Council and the International Mediation Institute.

A former London solicitor with litigation experience since 1980, in private practice and in the Lloyd's market, he has been an independent commercial mediator for over 20 years, consistently ranked as one of the leading English and global mediators.

His courteous style builds excellent rapport with parties and allows him to keep the mediation moving forward. He is noted as empathetic, going above and beyond to achieve settlement. Parties describe him as highly experienced and excellent, with an astute grasp of the issues and their impact. He communicates clearly as to the requirements for a successful mediation and keeps impressive control over the progression of discussions. He is regarded as a good judge of mood, as knowledgeable on the matters in issue and the relevant law and able to make a contribution on the basis of his own previous legal expertise. He is frequently described as very personable, helping to make unpalatable compromises and decisions easier. Clients frequently comment on his combination of tact, skill and courtesy.

He has extensive experience of the successful mediation of disputes involving multiple parties, complex areas of fact or law, and high-value claims.

His experience includes matters such as: banking, commercial property, IT, construction and engineering, copyright, defamation, government, and public authorities, insolvency, insurance and reinsurance, intellectual property, oil and gas, partnerships, pensions, pharmaceuticals, professional negligence, shareholders' disputes, and telecommunications.

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WWL says: Jane Player is distinguished as an "absolutely excellent" mediator, executing mediations surrounding corporate and contractual disputes with aplomb.

WWL says: Nicholas Pryor is a leading name in mediation, commended for his considerable experience handling complex disputes, having been appointed in over 1,250 mediations across multiple jurisdictions.

**Alistair Pye***IPOS Mediation*

Alistair Pye's straight-talking, imaginative style has earned him a reputation as a "fantastic mediator" and a "magician" capable of resolving all types of civil and commercial disputes, from modest claims to complex multiparty cases of up to £20 million in value. Alistair's legal career started as a solicitor in 1989, when he advised on all types of commercial, insurance and property disputes. In the latter half of his legal career Alistair practised as a specialist construction and insurance solicitor-advocate with an international legal practice. He has represented contractors, construction professionals and their insurers in some of the biggest and most complex disputes in the UK – in the courts, arbitration, adjudication and mediation.

Increasingly mindful of the huge financial, managerial and emotional cost of litigation, and passionate about the efficacy of the mediation process as a way of unlocking conflict, Alistair qualified as a mediator in 2006 with the London School of Mediation and developed his mediation practice alongside his legal practice. His first mediation was a £17.5 million distribution agreement dispute between two PLCs – a baptism of fire!

Alistair left legal practice in 2014 to work as a full-time mediator and has since developed one of the busiest practices in the UK. He has conducted over 600 mediations, now averaging around 75 a year. Alistair joined the Bar in 2017.

Alistair is a fellow of the Chartered Institute of Arbitrators. He can be appointed through IPOS Mediation; full details can be found at www.mediate.co.uk.

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WWL says: Sources hail Alistair Pye as an "incredibly active" full-time mediator who brings an adaptable approach to conflict resolution.



Beverly-Ann Rogers

Serle Court

Building on a successful career at the Chancery Bar, Beverly Ann Rogers is a full-time mediator who has mediated hundreds of disputes and who consistently features in the top tier of mediators in all the leading legal guides. She is listed in *The Legal 500* Hall of Fame, which highlights individuals who have received constant praise from their clients for continued excellence and who are at the pinnacle of their profession. She is recognised by *Who's Who Legal* as the Most Highly Regarded Junior for mediation.

Beverly's mediation practice is grounded in her chancery/commercial background with particular emphasis on trusts and probate, property, company, commercial, charity, partnership and employment.

She is described as "popular with clients and solicitors for her attractive personality, intellectual power and conscientiousness", with sources adding: "She has a first-class, incisive chancery brain. She can cut like a knife through butter when it comes to chancery issues." It is also stated, "She has an excellent bedside manner and is very good with vulnerable and difficult clients. She is also very focused on the cost/benefit analysis of settling compared with continuing to litigate and ensures that the lay clients fully understand the implications of the decisions they are asked to take." Beverly is said to "proffer a distinctive and much-admired style that mixes pragmatism and commerciality with compassionate insight into the people involved in mediation".

Beverly has experience of multi-party and cross-cultural disputes and has lectured and mediated in the Far East and Middle East. She is highly experienced in international trust disputes.

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WWL says: The "exceptional" Beverly-Ann Rogers "provides consistently good service". Her "personable approach" makes her "an established and well-rated figure" across the board.



Stephen Ruttle QC

Brick Court Chambers

Stephen has been in practice at Brick Court Chambers since 1978. For the past 18 years he has worked full-time as a commercial mediator. He has mediated over 1,600 business, legal and governmental disputes of every legal type, including many of the largest and most sensitive in the UK and across the world. He practises mainly in London but mediates regularly in other parts of the UK and in many jurisdictions abroad.

Stephen has consistently featured in *The Legal 500* and *Chambers* as a top-ranked commercial mediator. For three years he was listed as one of the top 10 commercial mediators in the world by *WWL*, which in 2018 also listed him as one of seven UK, and one of 15 worldwide "Thought Leaders" in mediation. He was recently appointed to *The Legal 500's* "hall of fame" as a mediator of the highest excellence.

Stephen is chair of the trustees of Wandsworth Mediation Service, a registered charity that he set up in 2004 to provide community mediation services in Wandsworth, train local people as mediators and develop initiatives to promote peace in the community. He is working on a pilot project to develop a national community peace service comprising a network of local peace centres.

In the past eight years Stephen has mediated and facilitated an increasing number of disputes within the church and between faith groups. He was on the planning committee for the 2013 Faith in Conflict conference at Coventry Cathedral. He works closely with the Archbishop of Canterbury's reconciliation team in promoting reconciliation and peace building initiatives both in the UK and abroad.

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WWL says: Stephen Ruttle QC is a "favourite mediator in the UK" and a "first-rate practitioner" with a "strong international portfolio". Peers further comment, "Clients respond extremely well to him."



Geoff Sharp

Brick Court Chambers

A *WWL* "mediation megastar", Geoff possesses "vast experience mediating in Asia and the Middle East". Geoff has a focus on Asia and is currently *APAC Insider's* "Best Commercial Mediator in the Asia-Pacific". He is a door tenant at Brick Court Chambers, London; and a founding member of Maxwell Mediators, Singapore.

He is currently a ranked mediator in *Chambers UK Bar*.

In 2019–2020, Geoff mediated in several international dispute resolution hubs including London, Sydney, Auckland, Seoul, Singapore and Zürich. These matters included insurance, financial sector, country-to-country commercial disputes, contract supply, military, oil and gas, energy infrastructure, and construction disputes.

Active in Asia, Geoff is a member of the Singapore International Mediation Centre's international panel of mediators, and an appointed SIMC ambassador. He is also a member of the National Electricity Market of Singapore's mediation panel, and a panel member of the Japan International Mediation Center in Kyoto, as well as a senior mediator at the Mainland-Hong Kong Joint Mediation Center.

Also mediating in the Middle East, in early 2020 Geoff was invited to join the Qatar International Court and Dispute Resolution Centre (QICDRC) mediation panel by Lord Thomas of Cwmieidd, president of the QICDRC.

Previously, Geoff was a litigation partner at New Zealand firm Bell Gully. He began his legal career at King & Wood Mallesons.

He is admitted to the Bar in New Zealand and Australia (all NZ courts, the Supreme Court of Victoria, the High Court of Australia and the Australian Federal Court).

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WWL says: The "very well-known" Geoff Sharp is "truly an international mediator and a great guy", according to sources who report being "very impressed with his knowledge" of commercial disputes.

England

**Patrick Walker***IPOS Mediation*

Patrick is a full-time mediator with over 20 years' experience who is consistently rated in the top tier of various legal directories. He is accredited by the CEDR and the ADR Group, and has experience not only as a barrister but also as a part-time judge in the High Court and the county courts.

He has an enviable reputation as an "exceptional mediator who is easy to work with, trustworthy and focused", according to *The Legal 500* (2020), which adds: "His no-nonsense approach is to be admired and he is skilful in handling difficult clients." He works throughout the UK and since the start of the covid-19 pandemic has led the way in video mediation, typically completing two or three per week. He has a high success rate and unequivocally positive feedback for all types of mediation, with one client stating: "I genuinely do not see how Patrick could have been better as a mediator. Throughout the preparation he was very helpful – particularly as none of the six parties or their solicitors had any experience of a remotely conducted mediation, and were quite sceptical as to whether it could work at all – firm where necessary in the mediation itself, but unfailingly courteous and constructive. I do not see how it could have gone better. Based on that experience, I would recommend remote mediation even when lockdown is lifted as an effective and cost-saving alternative."

Patrick's background is as a property litigator, but he mediates a wide range of disputes including trust and probate; professional negligence; share purchase; commercial contracts; construction; compulsory purchase and insurance; and types of cases related to commercial matters, agricultural and domestic property, landlord and tenant matters, easements, riparian rights, etc.

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WWL says: Patrick Walker is "a prominent figure in the field", with notable expertise in property mediations and a strong track record in multiparty disputes.

**Stephen Walker***S Walker Mediation*

Stephen is a London-based civil and commercial mediator, and is ranked among the top 40 UK mediators by both *Chambers* and *The Legal 500*.

Sources quoted in these guides describe him as a "reliable, no-nonsense mediator" who combines a "relaxed firm style with a sense of humour", and "comes up to speed quickly on matters of fact and law".

He is credited with "gravitas, which clients like" and a "creative and pragmatic style", and is said to be "ideal for cases where clients just need a deal" as well as "very patient and realistic in his assessment of what settlement might be achievable and tactful in guiding clients towards an achievable solution".

Stephen has been appointed as lead mediator in over 700 civil and commercial mediations with a settlement rate of more than 90 per cent. He also has a 360-degree view of mediation, having been a mediator; an advocate at mediations with clients; and a client himself in a shareholders' dispute. Stephen understands from personal experience that the mediation process looks very different depending in which chair you are sitting.

Stephen is also accredited on the IMI panel of international commercial mediators. He is dually accredited in the UK and the USA, and is a registered mediator with the Civil Mediation Council. He became an accredited online mediator in 2015 and has been mediating online regularly since then. He has also undertaken specialist training in workplace and family mediation.

Stephen formerly worked as a solicitor in London, specialising in commercial litigation – particularly in matters of insurance, reinsurance, insolvency, financial services and art law. He has also been made a fellow of the Chartered Institute of Arbitrators and the RSA for his contribution to thinking on conflict resolution. He lectures on mediation at King's College London, on the masters' degree in construction law and dispute resolution.

Stephen also has extensive business experience as a film producer; and as a director of a Lloyd's insurance broker, a Lloyd's managing agency, an IT incubator company and a biotech start-up.

Stephen is interested in the development of new ways to provide mediation to clients. He regularly uses online dispute resolution for domestic and international mediations via Zoom. In response to client requests he also offers mediators' binding resolutions, mediation/arbitration, arbitration/mediation and last-offer arbitration (MEDALOA).

He has published five books on how to get the best out of mediation: *Mediation Advocacy: Representing and Advising Clients at Mediation* (second edition, 2018, Bloomsbury); *Advising and Representing Clients at Mediation* (with David Smith; second edition, 2019, Wildy); *Setting Up in Business as a Mediator* (second edition, 2019, Bloomsbury); *Mediation: An A-Z Guide* (2016, Bloomsbury); and *FAQs for Mediators* (2017, Bloomsbury).

He also contributed a specialist chapter, on mediating shareholder disputes and warranty claims, to *How to Master Commercial Mediation* (edited by David Richbell; 2015, Bloomsbury).

Stephen mediates a wide range of disputes including, over the past year, professional negligence, insolvency claims, property disputes, shareholder and partnership disputes, trusts, construction, supply contracts, defamation, restrictive covenants and utilities (gas, electricity and water).

Stephen is happy to co-mediate with mediators from different professional and cultural backgrounds, and is experienced in mediating with interpreters.

He is frequently asked to give talks and workshops at mediation conferences, both in the UK and internationally, and to act as a judge at international mediation competitions.

Having been born and brought up in Manchester, he supports Manchester United. Stephen plays tennis, and is married with three children and one grandson.

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WWL says: Stephen Walker is distinguished by peers as "a very able mediator who excels" in commercial disputes.



Tony Willis

Brick Court Chambers

Born, educated, trained (LLB) and initially practising in New Zealand, Tony has lived in London since 1970 when he joined Coward Chance, later Clifford Chance where he was a litigation partner from 1973 to 1998 apart from a period as a full time managing partner between 1987 and 1990. He ultimately led the litigation practice in some of the most complex international litigation seen in the English and other courts. An early adopter of mediation for clients, he took the inaugural CEDR training course led by Professor Eric Green from Boston and Professor Karl Mackie and first mediated professionally in 1991.

Tony was an early member of the International Academy of Mediators where he is a Distinguished Fellow. He is also a Fellow of the Chartered Institute of Mediators.

In 1998, Tony was the first UK Lawyer to start practising as a full time independent professional mediator in civil and commercial matters. Since then he has dealt with a host of commercial matters of all types, many multi-party involving sums at stake up to US\$1.2 billion. He has mediated in many jurisdictions including New York, Canada, Hong Kong, Ireland, elsewhere in Europe, the Bahamas, the UAE, Jersey, Guernsey the Cayman Islands and others.

In 2004, he joined Brick Court Chambers where he continues his practice.

For several years, Tony Willis has been recognised by all the independent legal directories as being at the top of his field. He won the 2012, 2013, 2014, 2015 and 2016 *Who's Who Legal* awards for Global Commercial Mediator of the Year. He usually mediates alone but has co-mediated with other top-ranked mediators in the UK and US. He has regularly mediated cases involving multiple parties.

Cases dealt with have covered almost all civil and commercial categories including banking and finance, contract, professional negligence, engineering and construction, insurance and reinsurance, insolvency, pensions, boardroom and partnership disputes, regulatory and competition cases. More recently he has mediated using virtual platforms such as Zoom and Teams.

Tony Willis is a citizen of the UK and New Zealand. He is married with five daughters and one son and lives in London and Hampshire. He retains strong links to New Zealand where three of his daughters live.

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WWL says: Tony Willis is a "highly respected" figure in commercial mediation, and is singled out as a "name-to-know that performs great work".



William Wood QC

Brick Court Chambers

Bill Wood is a leading international mediator based in London. He was the 2018 Mediation Lawyer of the Year and is the ADR representative on the Civil Justice Council (England and Wales).

Bill was educated at Oxford and Harvard before going to the London Bar in 1980. He became a QC in 1998 and spent over 25 years as a commercial litigator. He is based at leading London set Brick Court Chambers.

He began to mediate in 1999 and now practises as a full-time commercial mediator handling some 80 cases each year, many of them (prior to lockdown) in overseas jurisdictions.

He mediates a wide range of large-scale commercial disputes centred on banking, financial services, oil and gas, and insurance, as well as professional negligence, construction and engineering, IT, competition and regulation, employment and discrimination, human rights, intellectual property and planning disputes. He has mediated in Hong Kong, Paris, Geneva, Barcelona, Dubai, Nairobi, Johannesburg, Mexico, Singapore and New York.

He is a member of the faculty of *themediatoracademy.com* and writes on mediation matters for *The Lawyer*, *Counsel*, *Insurance*, *Day* and *The Mediator Magazine*, as well as lecturing and consulting on mediation matters. He is a fellow of the International Academy of Mediators, He sits as an arbitrator and arbitrates (and mediates) for the ICC. Bill lives in Oxfordshire.

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WWL says: "Leader of the field" William Wood QC is applauded for his "superb, excellent approach" and "great international work". He is "extremely clever – the first rank of legal ability", with "a compelling manner and enormous credibility". He always "goes above and beyond for clients".

Hong Kong

**Ting-kwok lu***Kwok Ng & Chan*

Ting-kwok IU (TK) is a Hong Kong-based solicitor who has received legal training in England and Singapore. For the past 10 years, TK has had a busy and well-respected mediation practice. He works well with parties, solicitors, barristers and silks in his mediation sessions. He is also the founder of Asia Conflict Resolution Institute.

Academically, TK holds a master's degree in arbitration and dispute resolution (with credit). He is an adjunct professor of the School of Law at City University of Hong Kong; the Department of Law and Business at Hong Kong Shue Yan University; and Hang Seng University of Hong Kong. He is also the first Hong Kong-based visiting professor of the University of Law in the UK.

Since 2012, TK has been an adviser to the Hong Kong Department of Justice on mediation matters. TK is now one of the most senior non-government members of the secretary for justice's steering committee, and the chairman of the special committee on evaluative mediation. In May 2020, the secretary for justice appointed TK to be a director of eBRAM Centre, an online platform providing negotiation, mediation and arbitration services locally and internationally.

Despite the outbreak of covid-19, TK maintains his active mediation practice and runs mediation training classes with the aid of facemasks and modern technology. In June 2020, he carried out 39 hours of mediation training to a group of Mainland Chinese judges via Zoom.

TK is on the panel of regular blog contributors of the *Kluwer Mediation* blog.

TK believes the key to success in mediation practice is preparation and perseverance.

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WWL says: *Ting-kwok lu is praised as a "key player in the mediation space", performing strongly in top-tier international mediations. Respondents further highlight his "strong background in domestic mediations" and "active work promoting mediation" as an effective dispute resolution tool.*

**Julian Stargardt***Hong Kong International Arbitration Centre, ADR International*

A law graduate and former country head of legal services for the United Nations in South East Asia, Mr Stargardt's experience includes the public sector, private sector, IT, media and academia.

Mr Stargardt's clients include major corporations and start-ups. He is an independent neutral and advises on risk, risk mitigation, global change and dispute resolution; he also holds senior academic positions. He is active in alternative dispute resolution (ADR) which sees him mediating, advising on and adjudicating cases relating to commercial law, maritime law, international law, environment, constitutional law, human rights, administrative law, high-net-worth family issues, and public-private and public matters. He has been involved in ADR since the 1970s.

Mr Stargardt is a member of the Hong Kong International Arbitration Centre (HKIAC), the Hong Kong International Mediation Council's executive committee (HKIMC) and the HKIAC's mediation rules rewrite committee. He is a consultant at ADR International; past chairman of the HKIAC's commercial mediation group; and a past member of the HKIAC's mediation council board, and the editorial board of *Asian Dispute Review*, Asia's premier ADR journal.

In addition to his private-sector work, Mr Stargardt holds senior positions at leading universities in Hong Kong and the UK. He is a senior research associate of a leading UK university, and a member of the advisory council of a master's programme at a leading Hong Kong university. Mr Stargardt is an occasional lecturer on LLM and JD courses, and engages in pro bono work. His postgraduate research was on public international law, the laws of war, conflict resolution, refugee law, environmental law and the law of the sea, with interdisciplinary research on the impact of armed conflict on the environment, public health and infrastructure. He has worked in

polar and high alpine research. He has a graduate certificate in principled negotiation and mediation. His work, including pro bono work, also includes geography, human rights and advancing the study and practice of ADR, demonstrated in his role as a judge in international moot competitions such as the ICC-DoJ Mediation Moot, the YIMC Moots and the Vis East Moot, at which the Vis Foundation awarded him the Star Arbitrator Award.

Mr Stargardt researches and writes on law, global change, legal geography, trade and economics. He is the author of *Citizenship* and volume 7 of *Halsbury's Laws of Hong Kong*; and a co-author of *Butterworths Hong Kong Company Law Handbook*. He has authored other law books, which are currently at pre-publication stage.

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WWL says: *Julian Stargardt is widely praised throughout the market for being "extremely active in commercial mediation" and frequently involved in "complex international cases".*



Norris Yang

ADR International Limited

Mr Yang has been practising international commercial law in Hong Kong and Canada since 1980. He is a senior consultant of Yang Chan Jamison LLP, Hong Kong (associated with Deloitte Legal) and founder of ADR International Limited (a provider of ADR services). He received mediation training from Canada, the United States (Notre Dame Law School, Pepperdine University (Straus Institute for Dispute Resolution)), Australia and Hong Kong.

His diverse background in science, computing, business and law, coupled with his fluency in English and three Chinese dialects (Cantonese, Mandarin and Shanghainese), together enable him to flow between different cultures, languages and subject matters.

Mr Yang has significant experience dealing with international commercial disputes in a variety of disciplines as a facilitative, evaluative or transformative mediator.

He was the first Asian accredited by the International Mediation Institute (The Hague, www.immediation.org) and the first Hong Kong lawyer to be honoured as a distinguished international neutral of the CPR Institute (New York, www.cpradr.org). He is an accredited mediator of the Hong Kong Mediation Accreditation Association Limited (HKMAAL), the Hong Kong International Arbitration Centre (HKIAC) and the Law Society of Hong Kong (General and Family). He is also an assessor for HKMAAL.

He is presently the chairman of the HKMAAL communications and publicity committee and was a past chairman of the Hong Kong Mediation Council (2003–2006).

Mr Yang teaches mediation for the Chinese University of Hong Kong and independently conducts accredited mediation courses in China, Hong Kong and Macao (training senior government officials, lawyers, accountants and business executives). He is a frequent speaker at universities, conferences and professional associations.

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WWL says: Norris Yang earns praise as a “full-time and active” figure in international commercial disputes, where he has established a strong reputation as a “well-known name in contractual agreements”.

India



Sriram Panchu

The Mediation Chambers

Sriram Panchu is a senior advocate at the High Court, Madras and an internationally recognised mediator. Over the past 25 years, he has been instrumental in bringing mediation into India's dispute resolution system, working with senior judges, government and business heads. In 2005 he set up India's first court-annexed mediation centre in the Madras High Court.

Mr Panchu has mediated a large number of complex and high-value commercial disputes in India and abroad. He has to his credit some of the most noteworthy mediation settlements in India. He is often appointed as a mediator by the Supreme Court of India and the High Courts. He is at ease with the facilitative and evaluative styles of mediation.

Mr Panchu is a member of the National Legal Services Authority of India, (NALSA) and president of the National Association Mediators India. He is a director of the International Mediation Institute (IMI) and is on the panel of senior mediators of national and international institutions. He heads the Mediation Chambers, which offers a range of mediation services.

His books on mediation include *Settle for More* (2007, EastWest), *Mediation Practice & Law* (2011–2015, Butterworths) and recently *The Commercial Mediation Monograph* (2019, Oakbridge).

In December 2018, the Bar Association of India conferred on him its Lawyers of India Day Award of Honour and Distinction.

In March 2019, the Supreme Court of India appointed him on a three member panel to mediate the Ayodhya Ram Janmabhoomi – Babri Masjid dispute, India's most contentious public dispute between its Hindu and Muslim communities.

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WWL says: Internationally recognised Sriram Panchu receives accolades from interviewees for his market-leading commercial mediation practice.

New Zealand



Nina Khouri

Nina Khouri Mediation

Nina Khouri is a leading New Zealand mediator specialising in the resolution of civil and commercial disputes. She is based in Auckland and mediates throughout New Zealand and online with local and international parties.

She mediates across a broad spectrum of civil and commercial disputes. By way of example, recent mediations have involved disputes about freight logistics, copyright licensing, professional liability (lawyers, surveyors, real estate agents, architects), earthquake repairs, Māori land, public/private health funding, commercial leases, ground leases, "leaky building" construction defects, supermarkets, private equity/M&A, income protection insurance, defective household appliances, dairy farming, recovery of bank and finance company lending, cybercrime, luxury property development and town planning, industrial construction, defamation and electricity distribution infrastructure.

Nina has studied, taught or practised mediation in London, New York, Canada and Australia, and throughout New Zealand. She holds law and philosophy degrees from the University of Auckland and a Master of Laws degree from New York University, where she studied in 2005–2006 as a Fulbright and Vanderbilt scholar. Before practising as a mediator she was a commercial litigator appearing in courts at all levels in New Zealand, and specialising in contract, negligence and insurance litigation. In addition to her professional practice she is an academic fellow at the University of Auckland Faculty of Law, where she has lectured and published research in dispute resolution theory and practice since 2008.

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WWL says: *Nina Khouri is hailed as "an excellent mediator" by impressed sources. They applaud her top-tier handling of an array of disputes, from liability claims to construction matters. They add that she has "a brilliant academic mind" and "is a pleasure to work with."*

Singapore



Nadja Alexander

Singapore International Dispute Resolution Academy

Nadja Alexander specialises in cross-cultural disputes involving corporations, countries and communities. Three decades of engagement as a dispute resolution professional has taken Dr Alexander to diverse corporate and development settings in more than 40 jurisdictions. Described as a practical thinker and a thinking practitioner, Nadja is internationally regarded for her deep knowledge and inclusive communication style.

Dr Alexander's mediation approach is intuitive and fluent, tailored to both the disputants and the nature of the dispute. Nadja acts as a neutral in business, organisational, workplace and governmental matters. Comfortable with mediating two-party disputes, as well as navigating multiparty conflictual situations with large numbers of people, Nadja employs a variety of interventions, depending on context. She is a user of online dispute resolution technology. Her services include mediation, conflict coaching, dispute systems design, and advice-giving on mediation law and policy.

Nadja is an award-winning author and mediation trainer. She has led the expert design and drafting of national regulatory and institutional systems in more than 10 countries. In 2020, she was appointed to the international advisory board of the newly formed United Nations Global Mediation Panel (Office of the Ombudsman).

Dr Alexander's professional background is multifaceted, comprising positions in law firms, management consultancies, universities and international organisations such as the World Bank Group. Nadja continues to engage with clients in the private and public sectors, and on institutional and civil society levels. She has worked throughout Europe, Asia-Pacific, the Middle East and North America. Nadja was educated in Australia, the US and Germany. She lives in Singapore.

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WWL says: *Nadja Alexander has "a standout reputation" for her legal rigour in an array of commercial disputes and her "proven track record of process design and implementation".*



Tat Lim

Maxwell Mediators

Tat Lim is an IMI-certified mediation advocate and an IMI-certified mediator.

He has been in practice as a mediation advocate for over 20 years, and as a mediator for over 12 years. In the past three years, he has mediated international matters involving oil and gas, construction, commercial and social and environmental disputes.

Tat is a fellow of the Chartered Institute of Arbitrator and the International Academy of Mediators; and a Weinstein JAMS international fellow. He is on the international panels of many distinguished mediation institutions, including the Singapore International Mediation Centre and AAA-ICDR. He is also a regional consultant and mediator of the Compliance Advisory Ombudsman, the International Finance Corporation and the World Bank Group; and a member of the global mediation panel of the Office of the Ombudsman for the United Nations Funds and Programmes.

WWL has described Tat as "an 'outstanding' mediator and a distinguished figure in Singapore mediation", with his peers having lauded him as "the best in Singapore" for mediation services.

He serves as chair of the mediation committee advisory board of the International Bar Association, and the Society of Mediation Professionals (Singapore); co-chair of the Law Society of Singapore's mediation committee; and member of IMI's independent advisory committee, and the editorial board of IBA's dispute resolution international.

He has served on the organising committee of the ICC International Mediation Competition and IBA-VIAC CDRC. He is a negotiation trainer for Vantage Partners, and teaches mediation for the Singapore Mediation Centre and the Singapore Institute of Legal Education.

He is married with three children and lives in Singapore.

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WWL says: *Tat Lim earns plaudits as "very impressive" and comes "highly recommended by clients as well as fellow practitioners" for conducting top-notch commercial and public interest mediations.*



George Lim SC

Wee Tay & Lim LLP

George Lim was called to the Bar in Singapore in 1981. He was appointed senior counsel in 2010, and was president of the Law Society of Singapore between 1998 and 1999.

George is the chairman of the Singapore International Mediation Centre (SIMC) and was Singapore's mediation consultant to UNCITRAL working group II, which resulted in the adoption of the Singapore Convention on Mediation.

George is an IMI-certified mediator. He did his mediation training in 1996 at the CEDR and later at Harvard. In 1997, he helped to set up the Singapore Mediation Centre (SMC).

George has mediated more than 500 disputes with a settlement rate of 75 to 80 per cent. He has also conducted mediation training for judges and lawyers in Thailand, Malaysia, Hong Kong, Vietnam, Philippines, Fiji, Myanmar, Dubai, Bahrain, South Korea and Japan.

George is on the panel of arbitrators of the Singapore International Arbitration Centre (SIAC). He has been the dispute resolution counsellor of the National Electricity Market of Singapore since 2003.

George served as the first chairman of the Asian Mediation Association (2009–2010). He currently serves on the boards of the SIMC, the SMC and the International Mediation Institute (IMI). In 2013, George co-chaired a working group, appointed by Chief Justice Sundaresh Menon and the Ministry of Law, to make recommendations on developing Singapore into a centre for international commercial mediation. In October 2019, he was appointed by the Government of Singapore to the Roster of Panel Chairs of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) on Dispute Settlement.

George is the co-author of *Mediation in Singapore: A Practical Guide*.

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WWL says: George Lim SC is a leading light in the Singaporean ADR scene, and has mediated over 500 disputes, including several complex, cross-border commercial matters.

Spain



Clifford J Hendel

HENDEL IDR

Clifford J Hendel is founder of the Madrid law firm Hendel IDR, acting principally as neutral in international commercial and sports disputes.

A dual US-French national, he commenced his career as judicial law clerk in a US federal district court, and for a subsequent decade practised corporate and financial law in the New York and Paris offices of a leading global firm.

For the next two decades, prior to setting up his own practice in 2018, he was partner of a leading Spanish boutique, based in Madrid, during which time the focus of his practice evolved from international transactions towards international dispute resolution, including acting as counsel in a number of international commercial and investment proceedings.

He has sat as chair, sole, wing and emergency arbitrator in more than 100 cases, involving multiple administering institutions and governing laws, and regularly renders awards in English and Spanish and occasionally in French.

He is a fellow of the Chartered Institute of Arbitrators (CIArb); a member of the global panel of neutrals, and the European council, of the International Institute for Conflict Prevention and Resolution (CPR); an accredited mediator at the Centre for Effective Dispute Resolution (CEDR); a member of the advisory committee on business mediation at the Official Chamber of Commerce, Industry and Services of Madrid (CAM) mediation centre; and a mediator at the Spanish Insurance and Risk Management Association (AGERS) conflict resolution centre, the Mediation and Conflict Resolution Centre (CEMED), the Spanish Mediation Center (CEM) of the Official Chamber of Commerce, Industry, Services and Navigation of Spain and the FIDE Mediation Center (CMF).

He is admitted to practise in New York (attorney), England and Wales (solicitor, non-practising), Paris (*avocat*, non-practising) and Madrid (*abogado*).

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WWL says: Clifford Hendel is praised by peers as a "true multidisciplinary", demonstrating a top-tier adaptability across a variety of commercial and investment mediations.

USA • California



Eugene Moscovitch

Judicate West

Affectionately referred to by his loyal client base of 22 years as "the guy who settles everything", Gene Moscovitch is one of the most highly regarded and strongly sought-after commercial mediators in the western USA. While his actual settlement rate more accurately approximates 90 – 95 per cent, he is universally acclaimed as "the ultimate closer" in his fiercely competitive market of Los Angeles.

He is a past president of the International Academy of Mediators (IAM), and is presently embarking upon his 11th year of service as a member of its board of governors. He continues to be actively involved in the recruitment of top international mediators for the IAM.

Gene has settled well over 3,000 litigated cases involving complex and high-stakes international business and governmental disputes of all kinds, including class actions. In doing so, he has relied heavily upon his previous 25-year career as a highly acclaimed trial lawyer.

Gene has been consistently ranked among the top neutrals in California by the *Los Angeles Daily Journal*, and has been routinely included in the *Super Lawyers* and *Best Lawyers* lists for mediation since their inception. Additionally, he has been featured on several occasions as a key speaker by the American Bar Association.

Of late, he has also turned his attention to the field of international mediation training, having recently trained high court judges from countries across east Africa and lectured at Nairobi's most prestigious legal institutions. He has also facilitated the presentation of comprehensive programmes in Queenstown, New Zealand; Edinburgh, Scotland; and Vancouver, British Columbia.

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WWL says: The "wonderful" Eugene Moscovitch is "highly recommended" for his "deep experience and compassion" in difficult mediations.

USA • California

**Mark Rudy**

Rudy, Exelrod, Zieff & Lowe LLP

Mark Rudy has been serving as a mediator in employment and business-related matters since July 1988. He has mediated approximately 5,000 matters with a high degree of success. Mr Rudy has been honoured as one of the top 500 judges and mediators in America by *Lawdragon*; and as one of the top mediators in the state of California by the *Daily Journal* for each year in which neutrals were rated. Mr Rudy has been recognised by *Best Lawyers in America* continuously throughout its publication history, and ranked in the top 100 list, for northern California, of *Super Lawyers* for 11 consecutive years. Mr Rudy was ranked in the top 10 list, for northern California, of *Super Lawyers* in September 2007 and September 2010. In 2013, Mark Rudy was named Mediator of the Year by the SF Trial Lawyers Association. Mr Rudy is a distinguished fellow of the International Academy of Mediators, and the College of Labor and Employment Lawyers.

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WWL says: Mark Rudy has mediated over 5,000 business-related matters, and is known for his tremendous knowledge of related proceedings.

New Jersey

**Laura Kaster**

Laura A. Kaster LLC/Appropriate Dispute Solutions

Laura is chair of the NYSBA dispute resolution section. From 2015 to 2017, Laura was president of the Justice Marie L Garibaldi ADR Inn of Court. She is also a past chair of the NJSBA dispute resolution section, and a co-editor in chief of the NYSBA's journal, *Dispute Resolution Lawyer*. She is the 2018 recipient of the Garibaldi Inn (the first ADR Inn of Court in the US) Richard K Jeydel Award for ADR Excellence and Civility; and the 2014 recipient of the NJSBA's Boskey Award for the ADR Practitioner of the Year.

She is a co-editor of the *CCA Guide to Best Practices in Commercial Arbitration* (fourth edition, 2017); author of a chapter on confidentiality in *Arbitrating Commercial Disputes in the United States* (edited by David Singer; PLI, 2018); co-author of the chapter "Arbitrating Technology Cases: Considerations for Businesspeople and Advocates", in *ADR Advocacy, Strategies, and Practices for Intellectual Property and Technology Cases* (edited by Harrie Samaras).

Laura is accredited by the Center on Dispute Resolution (CEDR), and an IMI-certified mediator; and is listed on the roster of the National Academy of Distinguished Neutrals. She is on the tech list of the Silicon Valley Arbitration and Mediation Center; and is a mediator for the CPR, the Global Mediation Exchange Center and the ICDR. She is a member of the global panel for the CEDR, and a master mediator for the American Arbitration Association. She is a fellow of the College of Commercial Arbitrators, and a member of its task force on mixed modes.

She is a certified online mediator for Mediate.com.

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WWL says: Laura Kaster is a deft hand at complex disputes, according to interviewees who commend her profound expertise in IP-related matters.

DIRECTORY

An asterisk denotes practitioners who have profiles in the preceding pages.

Nominees have been selected based on comprehensive, independent survey work with both general counsel and private practitioners worldwide.

Only specialists who have met independent international research criteria are listed.

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Australia

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Belgium**Bertrand Asscherickx**

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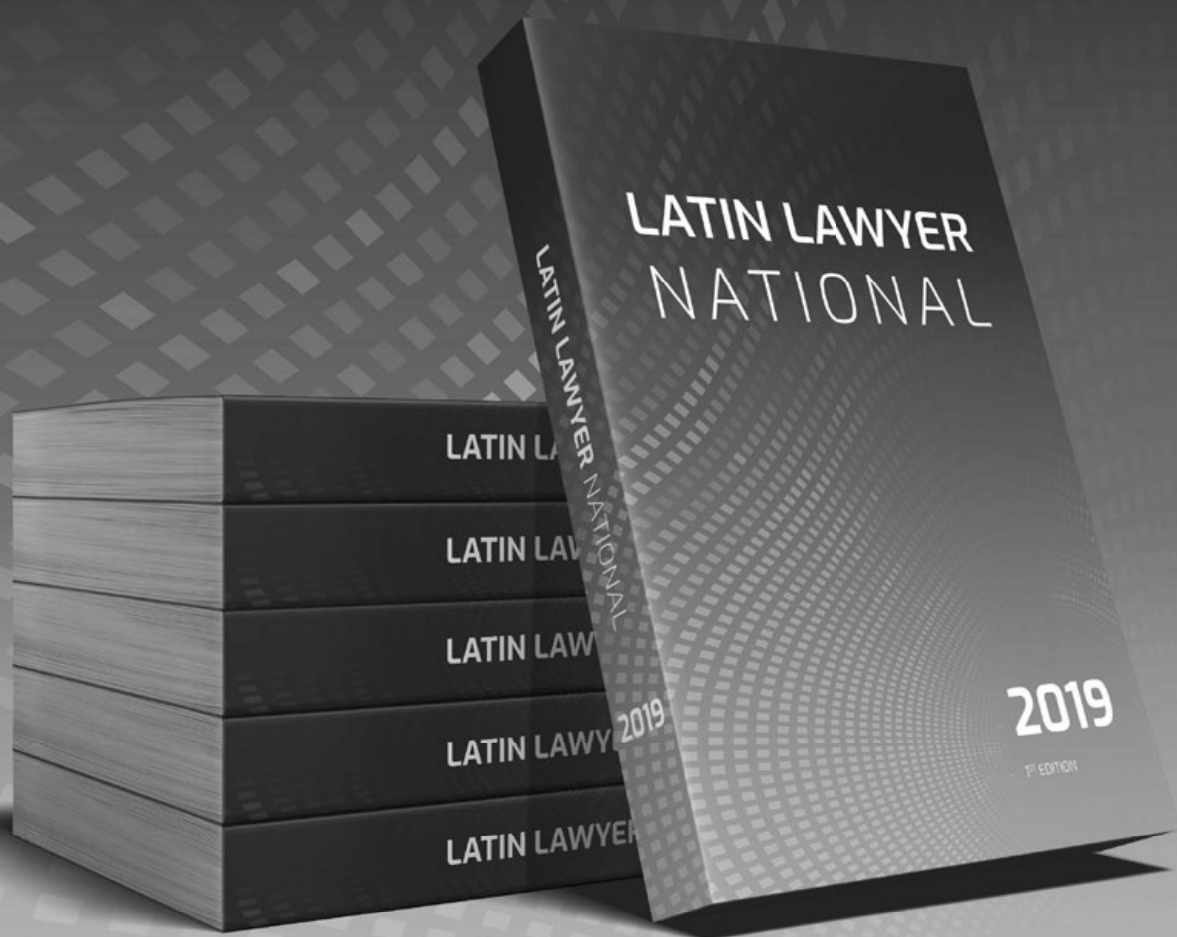
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