

VIAC – Questionnaire for Mediators

1. **Name:** Elizabeth Birch

2. **Nationality:** British

3. **Contact information**

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4. **Education and professional experience (original profession; where did you study?):**

LLB (Hons) (Lon)

Barrister-at-Law (1977)

FCIArb (1993)

Chartered Arbitrator (1998)

Diploma in International Commercial Arbitration (1998) – Chartered Institute of Arbitrators, London (Distinction)

QDR (Qualified Dispute Resolver) - 1995 CEDR and Academy of Experts

Senior/Advanced Mediator (2005) – MATA

Certified by IMI/SIMI for Intercultural Competency in Mediating Cross-Border Disputes (2012)

Distinguished Fellow of the International Academy of Mediators

Practised at the English Commercial Bar 1980-2003. Has sat as mediator since 1996 and was one of first mediators at the English Commercial Bar to do so. Has successfully conducted a very substantial number of mediations (500 mediations +) in commercial and cross border disputes including high value, technical and multi-party. Receives appointments from the ICC, LCIA and other international panels. Panel Member of SMC (Singapore Mediation Centre); SIMC (Singapore International Mediation Centre), SIMI (Singapore International Mediation Institute), AAA/ICDR (Main Panel and Oil and Gas Panel) and CPR (New York) for distinguished international mediators. Named as one of the top 10 mediators in UK in two surveys carried out by In Brief in 2002 and 2005 and recommended in Chambers Guide to the Legal Profession from 1998 - 1999 to date.

Full CV attached.

5. **Core area of current professional activity:**

International Arbitrator and Mediator.

I practised at the English Commercial Bar from 1980 to 2003. I have sat as arbitrator in international and commercial disputes since 1992 and as a mediator since 1996. I have been in full time practice as arbitrator and mediator since 2003 handling a wide variety of international and commercial cases. My specialisms include conflict of laws and jurisdiction disputes, distributorship and franchise, information technology and telecommunications, insurance and reinsurance, international finance and banking, international trade and transportation, joint ventures, maritime law, oil, gas and energy, partnership and all types of commercial and international disputes.

6. Accreditation in the field of ADR (including relevant trainings and connected qualifications):

QDR (Qualified Dispute Resolver) - 1995 CEDR and Academy of Experts

Senior/Advanced Mediator (2005) – MATA

Certified by IMI/SIMI for Intercultural Competency in Mediating Cross-Border Disputes (2012)

Distinguished Fellow of the International Academy of Mediators

7. Practical experience in mediation

- Has conducted 500 + mediations
- As both single mediator and with a co-mediator
- Conducted mediations under the Rules of a number of institutions including ICC, LCIA, IPOS, CEDR
- Has conducted mediations in all areas of expertise/specialism
- Many mediations are cross-border, multi-party and high value. Most parties attending in international commercial mediations are represented by a lawyer. On occasions they appear without a lawyer. Since the disputes handled involve complex technical and legal issues, on occasions senior barristers (Q.C.s) and experts will attend where appropriate.
- As well as the more normal one, two or three day mediation, I have experience of handling extended negotiations between commercial parties over a period of months, assisting the parties in putting their teams together for a successful negotiation and bringing them to a successful settlement which allows a project to move forward or future trading to be secured for a number of years going forward.

- How often have you acted in a different function (e.g. consultant, expert)?

Practiced at the English Commercial Bar 1980 to 2003. Appeared in very many cases over 23 years as advocate in arbitrations, the Commercial Court and the Admiralty Court in London, England. Also, acted in advisory capacity.

- What other ADR-experience do you have?

I have experience in acting on behalf of a party in international commercial mediation.

8. Languages (including levels)

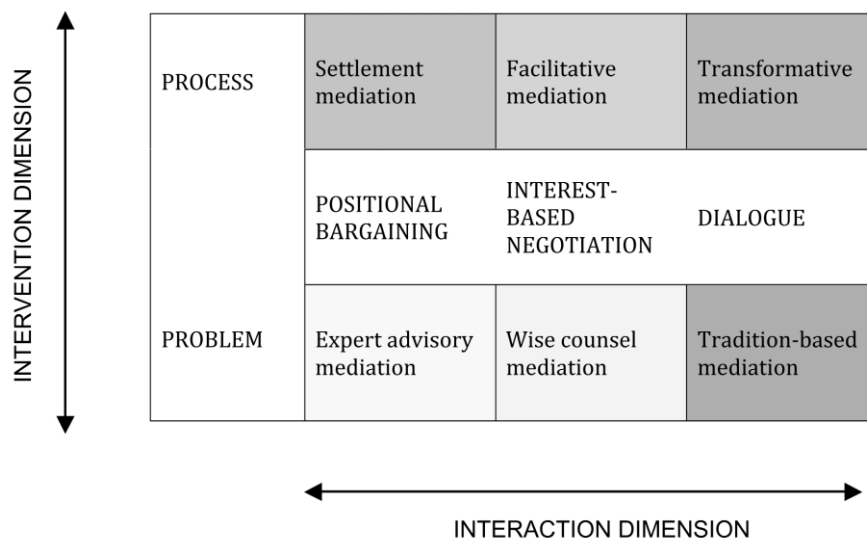
Mother tongue: English

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct mediation proceedings in this language):

Basic knowledge:

9. Style of mediation

Where do you see yourself? Please tick box as appropriate or indicate your preferred style.



© Alexander, Nadja (2011) "The Mediation Meta-Model - the realities of mediation practice," *ADR Bulletin*: Vol. 12: No. 6, Article 5. Available at: <http://epublications.bond.edu.au/adr/vol12/iss6/5>; see also here for a detailed description of the 6 mediation styles.

Conducts mediations in a style of friendly informed discussion between the parties and the mediator. Encourages open discussion between the parties themselves where appropriate. Seeks to establish team working. Encourages the parties, individually, to make an early accurate assessment of their risks in any underlying litigation or arbitration and then tries to help them to come together to find the innovative and more interesting commercial solutions that are often available in mediation. Can be tough when required. Style may be described as a mixture of all styles of mediation as appropriate to the situation - facilitative, transformative, evaluative (privately) when required, but always interests-based and commercial. Dialogue is, of course, at the centre of the process.

10. Please describe aspects of your personality which could be interesting to clients you are going to mediate; what would former clients emphasize in your work?

These are comments from prior users and from the directories:

"gifted mediator"; "inspires confidence"; "gets results"; "the consummate professional"; "reliable and experienced performer"; "her gentle persona hides a solid steel intellect"; "grapples with the issues head on"; "very considered and commercial in her comments" and "meticulous in planning and very good on the day"; "she has that skill of getting people, despite their prejudices, to see that there is a better way forward for them and all parties"; "very patient, thoughtful and thorough".

11. Publications and other activities in ADR related matters (e.g. training sessions, seminars, conferences, articles and others):

Contributing Author of *Mediators on Mediation* (Butterworths): Chapter on "Regulatory Mediation"

Article: *Contemporary Issues in International Arbitration and Mediation: The Fordham Papers*, Fordham University, New York 2013

Article: *Practical and Cultural Aspects of International Mediation* TDM/OEGIMID Yearbook 2016

Frequent contributor of articles on international arbitration and mediation

12. Memberships in mediation institutions / functions in mediation institutions/organizations:

Has conducted mediations under the rules of most of the international institutions

Distinguished Fellow of The International Academy of Mediators (IAM)

Member Lamport Hall Group, UK

Panel Member:

- IMI (International Mediation Institute)
- SIMI (Singapore International Mediation Institute)
- SIMC (Singapore International Mediation Centre)
- SMC (Singapore Mediation Centre)

13. Special expertise or specializations (please list a maximum of three) in your ADR-practice:

Maritime and Shipping, oil, gas & energy

Joint ventures (including international distributorship & franchise)

Insurance/reinsurance

14. Soft Skills (e.g. intercultural competences):

IMI and SIMI Certified for Intercultural Competency 2012

15. How do you ensure your professional quality (e.g. coaching, practice supervision, etc)?

Continuing professional development

Mentoring

16. Date of birth:

12.10.52

I have completed this questionnaire to the above to the best of my knowledge and believe it is accurate. I understand that the above information will be used for VIAC's internal use and may be given to interested persons or may be published on VIAC's website.

Date and signature



2.2.17



International Arbitrator and Mediator

FCIArb (1993); Chartered Arbitrator (1998); Q.D.R (Qualified Mediator) 1995.; Diploma in International Commercial Arbitration (Distinction) - Chartered Institute of Arbitrators 1998; Senior/Advanced Mediator (MATA) 2005; IMI and SIMI Certified for Intercultural Competency 2012; Distinguished Fellow of the International Academy of Mediators (IAM)

In full time practice as international arbitrator and mediator since 2003 handling a wide variety of international cases (practised at the English Commercial Bar 1980 to 2003), specialising in corporate disputes, shareholder disputes, partnership disputes, joint ventures, maritime law, mining, international trade and transportation, insurance & reinsurance, oil & gas, energy, international finance and banking, distributorship and franchise, Information technology and telecommunications and all types of commercial and international disputes. Cases involve complex issues, cross border disputes, disputes with an international flavour and high value disputes.

Arbitration

Has extensive experience, having sat as arbitrator since 1992, in both institutional and ad hoc arbitration. Receives regular appointments from the main international institutions and is on the panels of LCIA, ICC, CPR for distinguished arbitrators and mediators (New York), ICDR/AAA (Main Panel and Oil & Gas Panel), LMAA, (London Maritime Arbitrator's Association), SIAC (Singapore International Arbitration Centre); SCMA (Singapore Chamber of Maritime Arbitrators), KLRCA (Kuala Lumpur), BCC (Kolkata), SCIA (China), CIA (The Chartered Institute of Arbitrators) and ad hoc appointments in commercial, maritime, insurance/reinsurance, contractual and international disputes. First lady Full Member of The London Maritime Arbitrator's Association (LMAA). Sits both as sole arbitrator and as a member of a panel of three and frequently as President/Chairman/Presiding Arbitrator. Cases are usually of a cross border nature, with an international flavour and involving parties from different jurisdictions, frequently involving complex issues, and high value disputes. Many involve technical issues requiring detailed expert evidence of a trade, engineering or scientific nature. She has published a very substantial number of Awards over the last 25 years.

Mediation

Has sat as mediator since 1996 and was one of first mediators at the English Commercial Bar to do so. Has successfully conducted a very substantial number of mediations in commercial and cross border disputes including high value, technical and multi-party. Receives appointments from the ICC, LCIA and other international panels. Panel Member of SMC (Singapore Mediation Centre); SIMC (Singapore International Mediation Centre), SIMI (Singapore International Mediation Institute), AAA/ICDR (Main Panel and Oil and Gas

Panel) and CPR (New York) for distinguished international mediators. Named as one of the top 10 mediators in UK in two surveys carried out by In Brief in 2002 and 2005 and recommended in Chambers Guide to the Legal Profession from 1998 - 1999 to date. Comments include: "*gifted mediator*"; "*inspires confidence*"; "*gets results*"; "*the consummate professional*"; "*reliable and experienced performer*"; "*her gentle persona hides a solid steel intellect*"; "*grapples with the issues head on*"; "*very considered and commercial in her comments*" and "*meticulous in planning and very good on the day*"; "*she has that skill of getting people, despite their prejudices, to see that there is a better way forward for them and all parties*"; "*very patient, thoughtful and thorough*".

Panel Appointments

- Full Member of the LMAA and receives appointments under LMAA terms
- SIAC (Singapore International Arbitration Centre)
- SCMA (Singapore Chamber of Maritime Arbitration)
- SIMI (Singapore International Mediation Institute)
- SIMC (Singapore International Mediation Centre)
- SMC (Singapore Mediation Centre)
- SCIA (Shenzhen Court of International Arbitration)
- ICDR/AAA (Main International Panel and Oil & Gas Panel)
- CPR (New York) for distinguished international arbitrators and mediators
- KLRC (Kuala Lumpur Regional Centre for Arbitration)
- CIA (Chartered Institute of Arbitrators) - arbitration and mediation
- FEPA/DEFRA Representation Committee (available to hear appeals as Chairman against refusal of licences for dumping at sea)

Professional Membership

- Distinguished Fellow of The International Academy of Mediators (IAM)
- Member British Maritime Law Association (BMLA)
- Member Commercial Bar Association (COMBAR) - Secretary 1993-96
- Member CIA Arbitration Clubs: Maritime Branch; Oil & Gas Branch
- Member Lamport Hall Group
- Member London Common Law and Commercial Bar Association (LCLCBA)
- Member: Baltic Exchange

Other Professional Involvement

- Member of English Commercial Court Working Party (1994 to 2000) chaired by Mr Justice Colman into the use of mediation and early neutral evaluation in the Commercial Court leading to the early Commercial Court Practice Directions on ADR
- Member of the working party leading to the Civil Mediation Council in the UK under the Chairmanship of Sir Brian Neill (2002-3)
- Member of the Bar Council (England & Wales) ADR Committee 2003 to 2008
- Member of the Bar Council (England & Wales) Arbitration sub-committee (from formation in 2004)

Publications

- Contributing Author of *Marine Insurance chapter of Bullen & Leake* - a practitioner's textbook on Pleadings & Precedents: 14th and 15th editions (Sweet & Maxwell)
- Contributing Author of *Mediators on Mediation* (Butterworths): Chapter on "Regulatory Mediation"
- Article: Contemporary Issues in International Arbitration and Mediation: The Fordham Papers, Fordham University, New York 2013
- Article: *Practical and Cultural Aspects of International Mediation* TDM/OEGIMID Yearbook 2016
- Frequent contributor of articles on international arbitration and mediation

Seminars & Training

Frequently speaks at seminars and conferences on international arbitration and mediation.

Recommendations

Named as one of the top 10 mediators in UK in two surveys carried out in 2002 and 2005 and recommended in Chambers Guide to the Legal Profession from 1998 - 1999 to date.