

VIAC – Questionnaire for Mediators

1. **Name:** Patrick VAN LEYNSEELE

2. **Nationality:** Belgian

3. **Contact information**

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E-Mail: pvl@daldewolf.com

Website: www.daldewolf.com

LinkedIn:

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

Member of the Bars of Brussels and New York

Partner in the lawfirm DALDEWOLF in Brussels

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

Corporate law, arbitration and mediation

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

bMediation in Brussels; Accredited mediator in civil and commercial matter in the Belgian legal system; CMAP in Paris; Member of the International Academy of Mediators; Mauritius Chamber of Commerce

7. **Practical experience in mediation**

- How many (international) mediations have you participated in
 - as single mediator: +/- 175
 - as co-mediator: +/- 10
 - administered by an institution; under which Rules? +/- 15: ICC, CEPANI (Belgium) bMediation (Belgium), CMAP (France), MCCI (Mauritius)
 - in which areas/fields? Corporate and commercial (shareholders disputes; contracts of various nature, construction; IP/IT; real estate; inheritance disputes, etc.
 - how complex (*please provide examples, participation of lawyers/experts*)? Very wide range of types of disputes: from inheritance disputes to listed companies; from purely national cases to truly transnational ones (including +/- 25 cases in which the mediator had to be a national of a country different from the parties)

- How often have you acted in a different function (e.g. consultant, expert)?
+/- 20 mediation cases in which I assisted clients in mediation
Frequently called by other mediators to “brain storm” about difficulties they are facing in their cases

- What other ADR-experience do you have?
Arbitration (national and international), negotiation; expert investigation and settlement

8. **Languages (including levels)**

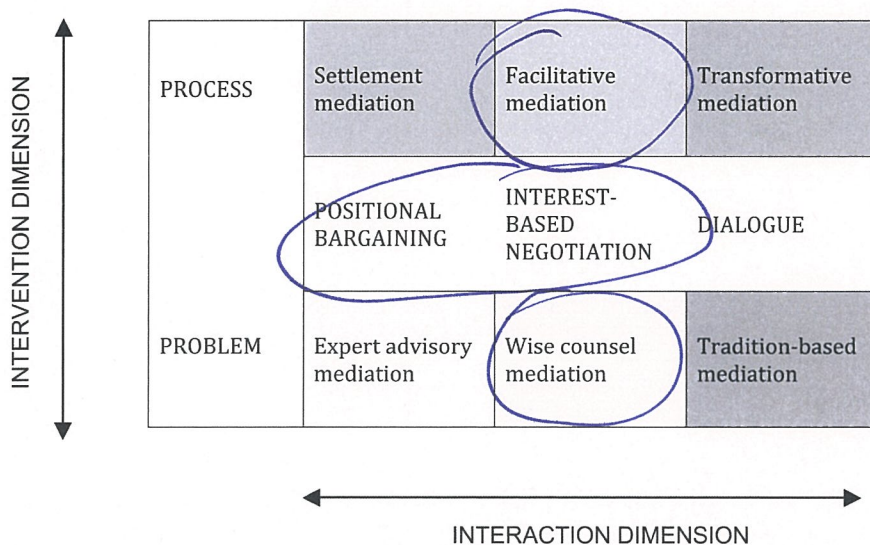
Mother tongue: French and Dutch

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): English

Basic knowledge: +/- Fluent in spoken Italian; understanding of written Spanish and German

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.

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?

Listening and empathy; adaptability (to different persons, cultures and problems); ability to extract people from their problems to have them focus on options and solutions; patience inspiring; directive when need be

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

See attached CV

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

First assistant and quickly main trainer in the first Belgian basic mediation trainings organized since 1998; Main trainer for the Czech Bar Association during four years; main trainer in Mauritius and Réunion; director in bMediation (Belgium); Co-chair of CEPANI's Academy of Mediators; Former chair of the ADR commission of the Brussels Bar (2009-2012); Director of CEPANI since 2016; Distinguished Member of the International Academy of Mediators

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

Shareholders disputes; commercial contracts

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

Cultural differences awareness fostered by a bilingual (French-Flemish) background and participation in international training programs

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

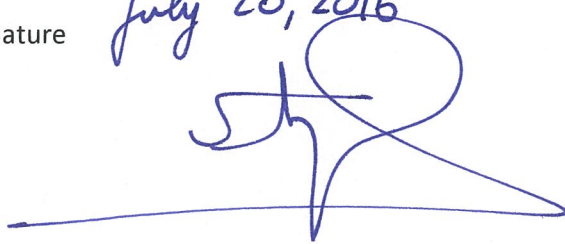
Teaching; coaching; group and personal discussion

16. Date of birth: May 20, 1955

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

July 20, 2016

A handwritten signature in blue ink, consisting of a large, stylized loop followed by a horizontal line extending to the left.

CURRICULUM VITAE

PATRICK VAN LEYNSEELE

Avocat – attorney-at-law

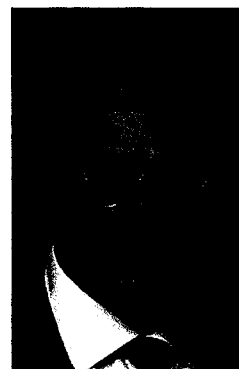
DALDEWOLF

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Born, Uccle, Belgium 1955; Belgian national

Academic degrees

- Candidature in law, ULB 1974 (French section of the Brussels, Belgium University)
- Completed the first year of the candidature in Economic Sciences, VUB 1975 (Flemish section of the Brussels, Belgium University)
- License in law, VUB 1978
- Master of Comparative Law, University of Miami, Fla. 1979

Career

- Member of the Brussels, Belgium, Bar since 1979
- Member of the New York Bar since 1997
- Partner of DALDEWOLF (formerly Dal & Veldekens) since 2002
- Former member of the Council of the Brussels Bar (2009 - 2012)
- Honorary deputy Justice in the Court of Appeals of Brussels (1998 – 2008)
- 1987 – 2002: Associate and partner (as of 1990) of the law firm Stibbe (then 450+ lawyers in Brussels, Paris and Amsterdam)
- 1994 - 1996: Worked in the New York office of Stibbe
- 1990 - 1994: Member of the Brussels Board of Management of Stibbe
- 1983 - 1987: Partner of Simonet, Mandoux & Partners, young Brussels law firm
- 1979 - 1983: Trainee with Van Ryn, Van Ommeslaghe (litigation and corporate work), one of Belgium's then leading law firms
- 01-07/1979: Law clerk at Barron & Lehman, Miami, Florida (drafting and research of U.S. legal and tax aspects of real estate investments in Florida by non-U.S. investors)
- 1970-1978: Various student jobs, including accredited driving instructor (1976-1978) and sailing trainer

Areas of concentration

General corporate work, mergers and acquisitions, venture capital investments, joint ventures, negotiation, drafting, litigation and dispute resolution of commercial contracts;

In general, assisting, advising and representing multinationals, firms or governmental bodies in international matters, especially in cross-border negotiations or dispute resolution and litigation processes;

Advice and assistance in the negotiation of transnational contracts, including joint venture investments (e.g. in the EU, D.R. Congo, Morocco, etc.);

In particular, assisting international corporate clients in dealing with the Belgian and U.S. legal environments; serving as corporate counsel; interfacing between clients and national authorities, opponents, foreign law firms in transnational dispute resolution processes and litigation, takeovers and other corporate matters (especially in the areas of mergers and acquisitions, financial transactions, arbitration and cross-border commercial disputes).

Represents a foreign state in its dealings in Belgium (including litigation in connection with recognition and enforcement of foreign judgments);

Arbitration experience

In addition to a vast experience in litigation before the Belgian Courts, Patrick Van Leynseele has been involved, as leading or as co-counsel, in numerous international arbitration matters under the auspices of the ICC, ICDR, Cepani (Belgian arbitration institute), Brussels and Geneva Chambers of Commerce or many ad hoc arbitrations, both national and international.

Currently participating as a party appointed arbitrator or chair of arbitration panels in a number of arbitrations (ICC, Cepani, ad hoc).

Member of the board of Directors of CEPANI since 2016.

Accepted on the (revised 1997 and 2002) American Arbitration Association (now: ICDR) roster of Neutrals. Appointed as arbitrator by the CMAP (Paris), by the Prague Court of Arbitration, the TRAC (Tehran Regional Arbitration Center) and by the Mauritius Chamber of Commerce.

As member of the Brussels Bar council, pushed through a fundamental change in the traditional rule of ethics, so that lawyers acting in arbitration (national and international) may from now on have contacts with potential witnesses in arbitration and other ADR matters.

Appointed in a Ministerial Decree of 21/06/2004 as expert arbitrator in cases relating to the energy sector in the Walloon Region and as Substitute Chairman of the dispute resolution section for gas and electricity of the Brussels Region in July 2007.

Listed in "European Legal Experts" and "Chambers Europe" (Compilation of lawyers' opinions on fellow professionals).

Mediation experience

Followed the practical training course for mediators (5 days) organized by the Quebec bar Association in Montreal in February 1996 (trainer: Serge Roy). Took part, either as speaker

or as participant in numerous "post graduate" seminars about mediation in Belgium and abroad (US, France, the Netherlands, Canada, etc.)

Has acted as mediator in over 200 cases (ICC, Cepani, bMediation and ad hoc), essentially in commercial matters, between Belgian parties and between non-Belgian companies having decided to opt for a mediator of a citizenship different from their own (mediations held London, the Netherlands, France, Belgium and Italy). Nature of disputes was essentially: disputes among partners or shareholders; commercial contracts (including agency and distribution); management contracts; professional fees disputes; construction, energy plants, accounting and liquidation disputes; disputes among bank and client; etc.

Main responsible for the CEPANI "Dispute Resolution Academy" since 2016.

Former chairman (2009 – 2012) of the ADR Commission of the Brussels Bar and member of the ADR Commission of the (Belgian) French-German Bar Association; drafted all texts relating to the use of mediation in commercial disputes and the setting up of bMediation (a non-profit organization created by the Brussels Bar together with the Brussels Chamber of Commerce in 1998); director (secretary of the Board 1998-2001) of the Brussels Business Mediation Center (now : bMediation). Member of a working group on mediation set up by the CCBE (European Bar Organization) that advised the EU Commission on what became the Mediation Directive 2008/52/CE.

Co-organizer and associate trainer for the training programs for mediators organized by bMediation (training sessions twice a year since 1998). Teacher of a 2-day introduction course on mediation organized by the Bar Association of the Czech Republic in 2001 and by the Croatian Bar Association in 2003; since 2011, principal trainer for the 7,5 day course of training of mediators organized by the Czech Bar Association (2 – 3 seminars/year of 7,5 days training + practical exams); main trainer for mediation courses organized by the Mauritius Chamber of Commerce and certain courses organized by the CMAP (Paris).

Frequent speaker at professional conferences on the topic of ADR and trainer at seminars on mediation (trainings organized in Belgium, France, the Czech Republic, Croatia). Drafted several reports on ADR. Author of a number of articles for law journals and books on the subject.

Participated in the drafting of what has become the general statute on mediation in Belgium Was called to as expert in 2004 before the Belgian parliament in the scope of the discussions relating to the bill on mediation.

Appointed in a Ministerial Decree of 21/06/2004 as expert conciliator in cases relating to the energy sector in the Walloon Region and in 2006 for the Brussels Capital Region. Appointed in 2007 as Vice-chair of the conciliation committee of the Brussels Energy Council.

Accepted as member of the prestigious International Academy of Mediators (2014).

Between 1986 and 1998: deputy judge in the Justice of the Peace of Uccle, Belgium: duties involved standing in for the judge when the judge was unavailable. As such, presided over numerous trials and conciliation hearings.

Particular interest and experience in negotiations and alternative dispute resolution mechanisms (mainly arbitration and mediation) in areas involving cultural differences between the parties (disputes involving language barriers and mis-communications between parties with backgrounds in different legal systems or cultural environments, etc.).

Miscellaneous

Independent director in several private companies.

Publications

Author of:

- “Pour un modèle belge de la procédure de discovery”, Journal des Tribunaux 1997, 225-232 (with Marc Dal) (article on the use of US discovery-type procedures in Belgian procedural law)
- “Current developments in EU telecommunications law” (World Telecom Law Report 1997, (with Thomas Janssens)
- Coordinator and writer of a series of articles on mediation and other ADR techniques published in the Journal des Tribunaux 1999, 233 e.s. (with Florence Van de Putte);
- “Enseignements de l'expérience québécoise en matière de médiation civile et commerciale”, Liège 2000;
- “Bemiddeling in België: het BBMC”: article in Dutch relating to mediation in Belgium, with the BBMC as specific example; published in a collective book "Mediatie in handelsgeschillen" (Acco 2000);
- “Introduction au processus en matière civile et commerciale” (with Florence Van de Putte); published in a collective book "La médiation civile et commerciale" (La Charte 2000).
- “Mediace jako Doplněk (Ci alternativa ?) Soudního Procesu” (with Florence Van de Putte and Dr. Jur. Martina Dolezalova): introduction to mediation, published in Czech in the Bulletin Advokacie, 2002, 8, p. 30-45
- “La médiation, qu'est-ce?”, Orientations août-septembre 2003, 3
- « La médiation dans le code judiciaire » (with Florence Van de Putte), J.T. 2005, 297
- « La structure de la loi du 21 février 2005 sur la médiation », in « La nouvelle loi sur la médiation », reports of the conference of CEPANI of 21/04/2005, Bruylant 2005, p.19-47
- « La médiation et l'arbitrage en droit du travail » (with Pascale Devaux de Fenffe and Evelina Roegiers) – co-author of the section on arbitration (Kluwer, 2011)
- « Conflits d'intérêts dans les MARCs » in « Conflits d'intérêts », reports to the OBFG congrès on novembre 18, 2011 (Anthemis 2011), pp. 51-76
- « Le processus de médiation : un exemple d'exposé d'entame du médiateur », in « Tribunaux, barreaux et révisorat d'entreprise : actualité de leur collaboration et actualité en droit des affaires », Maklu 2012, p. 69
- « Několik úvah o odměně mediátorů za úspěch » (« Some thoughts about success fees for mediators”) published in Czech in Bulletin Advokacie, 2013, 6, p. 26-29
- « La ‘Med-Arb’ et ses dérivés. Plaidoyer pour un mode de résolution des conflits efficace », in Liber Amicorum Georges-Albert Dal, pp. 833 – 864, Larcier 2013
- « Med-Arb et tierce décision obligatoire : les enjeux, les écueils, les solutions et les précautions à prendre », in JURIM Pratique, « Les modes alternatifs de règlement des conflits », Larcier 1/2014, p. 101
- « Médiation facilitative ou évaluative : devons-nous changer de point de vue ? », J.T. 2014, 609
- « Réflexions sur le rôle du juge dans l'envoi en médiation », J.T. 2016, 202

Languages

(Grading on a 1-5 scale)

French	5	(mother tongue and Belgian practice)
Dutch	5	(language of studies: elementary school, through university; Belgian practice)
English	5	(language of studies and professional practice in international areas)
Italian	3	(strong basic knowledge – fluent conversation/fluent in reading)
Spanish	2	(basic knowledge)
German	1	(understands written material)

Memberships

Brussels and New York Bars; International Bar Association (arbitration and mediation

committees); CEPANI: Russian Lawyers Association; Associazione di Guristi di Lingua Italiana; International Academy of Mediators