

# VIAC – Questionnaire for Mediators

1. **Name:** Srđan Šimac, Ph.D.

2. **Nationality:** Croatian

3. **Contact information**

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

*The CV is attached.*

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

Judge at High Commercial Court of the Republic of Croatia

President of the Croatian Mediation Association

Mediator in commercial disputes

Mediation trainer, consultant, expert

Mediation educator, speaker, writer

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

- 2 days **Mediation Skills**, organized by Croatian Bar Association and American Bar Association / Central European and Eurasian Law Initiative (ABA/CEELI), trainers: Patrick Van Leynseele and Teresa Frisbie, Feb. 12-13, 2003
- 3 days **Basic Training for Commercial Mediators**, Opatija, Zagreb, Croatia, May, 7-9 2003, provider Carr, Swanson and Randolph LLC, sponsored by USAID
- 3 days **Basic Training for Commercial Mediators**, Opatija, Zagreb, Croatia, June, 7-9 2003, provider Carr, Swanson and Randolph LLC, sponsored by USAID
- One Day **Observation/Role Play Mediation Training**, Zagreb, Croatia; June 2016, Swanson, Carr & Randolph, sponsored by USAID
- Two days **Introducing Mediation Program in Croatian Courts**, Zagreb, Croatia, CEDR, London sponsored by British Association for Central and Eastern Europe and Croatian Law Centre, October, 28-29 2004
- 1 day **Advance Mediation Training for Judges**, on behalf of starting the Mediation Program at Commercial Court in Zagreb, Zagreb, February, 16 2006., Croatian Mediation Association, organized by **CEDR London**

- 10 days training, **Nordic Mediation Programme**, Oslo, Lillehammer, Norway and Helsinki, Finland, Nordic Forum for Mediation and Conflict Management, Norwegian Humanistic Academy, Nansen School in Lillehammer, May, 19-28 2006
- 5 days **Training the Trainer**, Zagreb, Croatia, Croatian Mediation Association, September 21-23 and October 5-6, 2006, provider Slovenian Association of Mediators
- 12 days, **Judicial Training in ADR**, Boston, Massachusetts, USA, May 27 – June 7, 2007, sponsored by USAID, provider Gabrielle Gropman & Associates
- 2 days **Advanced Commercial Mediation Training**, Zagreb, Croatia, Commercial Court in Zagreb, October, 17-18 2008, provider Lynn Cole, Esq., Global Mediation Initiatives
- 3 days **Advanced Train the Trainer**, Zagreb, Croatia, Croatian Mediation Association, December, 3-5, 2011, provider Centre for Effective Dispute Resolution (**CEDR**)
- 1 day advance mediation training, **Conflict Revolution: An Overview of 15 Innovations in Dispute Resolution**, Utrecht, Netherlands, May, 9 2011, organizer Centrum voor Conflicthantering, provider **Kenneth Cloke**
- 3 months in **Mediation Program, JAMS International Weinstein Fellow 2010**, Boston, JAMS Boston, guest at Harvard Mediation Program and adjunct professor at Suffolk Law School, February, 1 – May, 5 2010
- 2 days **International Cultural Training**, Paris, August, 18-19, 2011 organized by **International Chamber of Commerce Paris (ICC)** and **International Mediation Institute (IMI)**
- 5 days **Mediation Training Program, JAMS**, San Francisco, September, 9-13 2014
- 2 days, 2nd Seminar “**Judge craft across Europe**”, Omešnie, Slovakia, October, 12-13 2015, **Judicial Academy of Slovak Republic**, training for educators for judges about implementation of non-legal skills in courtrooms by judges, organized by European Judicial Training Network (EJTN)
- 3 days **Workshop for Mediation Promoters, Pathways to Sustainable Mediation**, Vienna, May, 26-28 2016, **JAMS Foundation and Partners Global**
- 3 days **Regional Mediator Workshop**, East & Southern Europe / West Asia, Athens, June, 22-24 2016, **EBRD Project Compliant Mechanism and Compliance Advisor Ombudsman (CAC)**

Member of numerous study groups aimed to different educational programs on mediation: Netherlands, Denmark, Norway, Finland, US, UK and France

## 7. Practical experience in mediation

- I have participated so far in 284 mediations.

- I have participated in dozen mediations in which foreign parties were involved (from Italy, Spain, Germany, Austria and England) and among them, there were so far three run exclusively on English:
  - Mediation Centre of the Croatian Chamber of Commerce (Austrian – Croatian firm; solo mediator; commercial dispute 45.000 USD; one mediation session - settlement)
  - Mediation Centre at the Croatian Mediation Association (English and Croatian firm; leading mediator in commediation; complex commercial dispute; 750.000 EUR; two mediation sessions - settlement)
  - solo mediator, not administered by the institution (Italian and Croatian firm; very complex maritime construction dispute, 19.000.000 EUR; three whole day mediation sessions - settlement)
- How often have you acted in a different function (e.g. consultant, expert)?  
Pretty often; see in my CV, please.
- What other ADR-experience do you have?  
If we can consider arbitration as ADR, I am arbiter at Permanent Court of the Croatian Chamber of Economy, for domestic and international disputes. Mediation is my prime interest.

## 8. Languages (including levels)

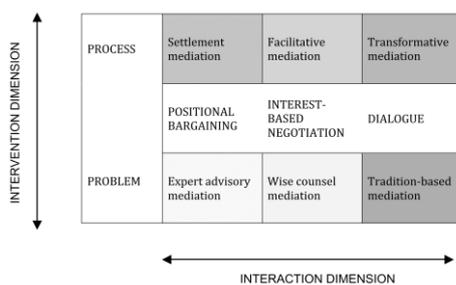
Mother tongue: Croatian

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):

- Croatian (Serbian, Bosnian, Montenegrin) and English. See more in my CV.

## 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.

- Facilitative mediation – proactive mediator
- Interest-based negotiation
- Wise counsel mediation

**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?**

Trustworthy, bringing peace into the room, communicator, calm, conflict manager, creative, persistent, never quit, respectful, knowledgeable, experienced.

**11. Publications and other activities in ADR related matters**

I am author of many articles in scientific and professional journals. See, please in my CV.

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

See please in my CV.

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

- Maritime Law disputes
- Commercial contracts disputes including construction disputes
- Insurance and banking disputes
- 

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

- integrity
- work ethic
- professionalism
- responsibility
- people and social skills
- emotional intelligence
- communicator
- positive attitude
- courtesy
- flexibility
- open minded
- think out of the box
- common sense
- public speaker
- 

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

Trainings, lectures, educations, conferences, supervisions, mediations.

**16. Date of birth:**

October, 28 1961

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



November, 13 2016.



## MEDIATOR CURRICULUM VITAE

1. **First name:** Srđan
2. **Family name:** Šimac
3. **Date of birth:** October, 28 1961
4. **Nationality:** Croatian
5. **Present position:** Judge of the High Commercial Court of the Republic of Croatia, Chief of Court Mediation Service and President of Croatian Mediation Association from 2010
6. **Education:**

<i>Institution (Date from - Date to)</i>	<i>Degree(s) or Diploma(s) obtained:</i>
<b>Doctoral Study of Commercial Law, Faculty of Law Zagreb (2013)</b>	Ph.D. dissertation - "Mediation as a Generator of Change in Judicial System and Legal Profession"
<b>Master Degree at Maritime Law, Faculty of Split (1999)</b>	LL.M. Postgraduate Study
<b>Faculty of Law in Split (1986)</b>	Diploma

7. **Key mediation qualifications:**
  - Certified mediator from 2013
  - Registered at the Register of Mediators at Ministry of Justice of the Republic of Croatia
  - Mediation trainer from 2006
  - EBRD and CEDR international mediation expert-consultant
  - The one who has introduced mediation in Croatian courts from 2006 with help of CEDR and at the first and only one Appeal Court with mediation program in Croatia - High Commercial Court of the Republic of Croatia 2007
  - Educator for Croatian judges at Judicial Academy about mediation and about "How can judges improve work in courtroom by using non-legal knowledge and skills?"

## 8. Mediation trainings:

- 2 days **Mediation Skills**, organized by Croatian Bar Association and American Bar Association / Central European and Eurasian Law Initiative (ABA/CEELI), trainers: Patrick Van Leynseele and Teresa Frisbie, Feb. 12-13, 2003
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- 3 days **Regional Mediator Workshop**, East & Southern Europe / West Asia, Athens, June, 22-24 2016, **EBRD Project Compliant Mechanism and Compliance Advisor Ombudsman (CAC)**

Member of numerous study groups aimed to different educational programs on mediation: Netherlands, Denmark, Norway, Finland, US, UK and France

#### 9. **Mediation experience:**

- **288 mediation cases** (court mediation and out-side of court mediation, from small to very big, complex and multiparty cases, mostly all kind of commercial cases including international)
- a member of the lists of mediators of many Croatian mediation centres:
  - Croatian Mediation Association Mediation Centre
  - Croatian Chamber of Economy
  - Croatian Bar Association Mediation Centre
  - Croatian Association of Employers Mediation Centre
  - Croatian Bank Association Mediation Centre
  - Croatian Insurance Bureau Mediation Centre
  - Croatian Architects Association Mediation Centre
  - Croatian Chamber of Construction Engineers Association Mediation Centre

#### 10. **Expertise**

- Maritime Law disputes
- Commercial contracts disputes
- Sale of Goods / Services
- Insurance and banking disputes
- Construction disputes
- Labour law disputes

- Disputes with public sector

**11. Judicial experience:**

- Judge from 1992.
- extensive experience in judging in all kind of commercial cases
- 

**12. Arbitrator**

- Arbitrator at Permanent Arbitration Court at Croatian Chamber of Economy for domestic and international disputes

**13. Mediation trainer, lecturer, educator, speaker and promoter experience:**

- Mediation pioneer in Croatia
- Author of many mediation articles
- Developer of mediation centres
- Mediation advocacy and mediation awareness educator and trainer
- Conflict management educator and trainer

I have trained several hundred mediators in Croatia. I have provided numerous lectures and speeches on mediation domestically and internationally (USA, Canada, Great Britain, France, Germany, Austria, Russia, Bulgaria, Albania, Hungary, Moldavia, Slovenia, Bosnia & Herzegovina, Serbia, Monte Negro, Macedonia).

**14. Present and past Membership of professional bodies and affiliations:**

Member of the Steering Committee of Croatian EU PHARE Project about mediation development in Croatia; Member of the Croatian National Committee for ADR; Member of EU ADR Expert Group; Member of ICC Commission on Arbitration and ADR, Zagreb; Croatian coordinator in South East European Mediation Forum (SEEMF) and was its chairman 2008; Founding and a Board member of the European Mediation Network Initiative (EMNI); Observer Board member of Groupement European des magistrates pour la mediation (GEMME) and International Conference of Mediation for Justice (ICMJ); Member of the American Bar Association, Section of Dispute Resolution; Member of Bridges Academy Advisory Board, Member of Association of Mediation Assessors (AMATI), Trainers and Instructors, former member of the Mediators Beyond Borders (MBB) and its Global Advisory Council; former member of The Association of Conflict Resolution of Greater New York (ACR-GNY); Board member of Croatian Association of Insurance Law and chair of its ADR Working Group; close affiliation with CEDR London JAMS (JAMS Weinstein International Fellow 2010), Slovenian Association of Mediators (DMS), Serbian National Association of Mediators, Association of Mediators in Bosnia and Herzegovina, The High Judicial and Prosecutorial Council of Bosnia and Herzegovina, Professional Association of Mediators in Bulgaria (PAMB); Croatian Judicial Academy and Croatian State School of Judiciary Officials (educator), Legal Clinic of Faculty of Law in Zagreb, Croatian Chamber of Economy (mediator, arbitrator and educator), Croatian Employers' Association, American Embassy in Zagreb, AmCham Zagreb and its ADR Committee, Croatian Insurance Bureau, Croatian

Physicians' Bar, students associations, Member of National commission for drafting Law on Mediation and Law on Civil Procedure; founding member of International Insolvency Institute (III) and a member of its ADR Council; member of editor's board of few law journals.

**15. Language Skills:** (Mark 1 to 5 for competence, 5 being the highest)

Language	Reading	Speaking	Writing
Croatian	Mother tongue		
Serbian, Bosnian, Montenegrin	5	5	5
Can understand Slovenian, Macedonian, Italian			
English – professional fluency	4+	4+	4+

**16. Other skills (computer literacy etc.):** computer literacy

**17. Professional Experience Record:**

<i>Date: from (month / year) to (month / year)</i>	From 1983 to 1984
<i>Location:</i>	Vela Luka, Croatia
<i>Company:</i>	Dalmaplov
<i>Position:</i>	Apprentice for the lieutenant of the merchant ship
<i>Description:</i>	

<i>Date: from (month / year) to (month / year)</i>	From 1987 to 1989
<i>Location:</i>	Split, Croatia
<i>Company:</i>	Croatian insurance
<i>Position:</i>	Lawyer Apprentice
<i>Description:</i>	

<i>Date: from (month / year) to (month / year)</i>	From 1989 to 1996
<i>Location:</i>	Split, Croatia
<i>Company:</i>	Municipal Court in Split
<i>Position:</i>	Apprentice, Judicial Assistant, Judge
<i>Description:</i>	

<i>Date: from (month / year) to (month / year)</i>	From 1996 to 2004
<i>Location:</i>	Split, Croatia
<i>Company:</i>	Commercial Court in Split
<i>Position:</i>	Judge
<i>Description:</i>	

<i>Date: from (month / year) to (month / year)</i>	From 2004 to
<i>Location:</i>	Zagreb, Croatia
<i>Company:</i>	High Commercial Court of the Republic of Croatia
<i>Position:</i>	Judge and former President, Chief of Court Mediation Service
<i>Description:</i>	

<i>Date: from (month / year) to (month / year)</i>	From 2010 up to now
<i>Location:</i>	Zagreb Croatia
<i>Company:</i>	Croatian Mediation Association
<i>Position:</i>	President
<i>Description:</i>	

#### 18. Awards:

- Croatian Mediation Association Award 2010
- CEDR Mediation Award 2012 - Award for Civil Justice and ADR Innovation
- Slovenian Mediators' Association AWARD 2016

#### 19. Publications:

- Author of many professional and scientific articles on mediation at scientific, professional and business journals.

#### 20. My strength:

*I am not just a mediator, I live mediation!  
And I am the one who never quite with parties and their dispute in mediation.*

Addresses:



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Zagreb, November, 13 2016

Srđan Šimac, Ph.D.