

VIAC – Questionnaire for Mediators

1. **Name:** Kirstin Dodge

2. **Nationality:** USA

3. **Contact information**

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

Please add your CV!

I am a US-qualified lawyer with a J.D. from Harvard Law School and a B.A. (in Political Science) from Yale University. I moved to Switzerland in 2006 and joined Homburger as Counsel after spending the first 14 years of my career as a commercial litigator in the US – where I was a Partner at the law firm Perkins Coie LLP. My home jurisdiction in the US required mediation as part of the pre-trial process, hence I represented clients in many US-style mediations prior to moving to Switzerland.

I currently represent clients in international arbitrations, including with respect to intellectual property and investment treaty disputes and the energy, telecommunications and pharmaceutical industries. I also serve as a mediator, represent clients in mediations and serve as a consultant to colleagues regarding mediations.

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

International arbitration

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

I have a Certificate of Advanced Studies (CAS) in Mediation from the University of St. Gallen Law School and am an accredited mediator with the Swiss Chamber for Commercial Mediation

7. **Practical experience in mediation**

- How many (international) mediations have you participated in
 - as single/co-mediator/in a team?
 - administered by an institution; under which Rules?
 - in which areas/fields?
 - how complex (*please provide examples, participation of lawyers/experts*)?
 - **As Mediator:**
 - 1x ICC Rules (in English, Swiss party v. European/Asian party, patent/know-how licensing dispute, 9 participants including counsel)
 - 1x UNCITRAL Conciliation Rules (in English and German, 2 Swiss parties v. multinational party, pharmaceutical manufacturing/equipment dispute, 13 participants including counsel)
 - **As Co-Mediator:** 1x WTO Rules (in English, US party v. German party, patent licensing dispute, 14 participants including counsel)
 - **As Counsel:**
 - 1x ICDR Mediation Rules (in English, US party v. Swiss party, pharmaceutical distribution agreement dispute, 11 participants including counsel)

>10x while still practicing in the USA, under the AAA, JAMS und JDR Rules (disputes re construction contracts, real-estate, telecommunications, regulated tariffs, family law)

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

I have had multiple informal engagements as a consultant to internal colleagues and clients regarding mediation, mediation clauses, mediation preparation and strategy and selection of mediators.

- What other ADR-experience do you have?

8. Languages (including levels)

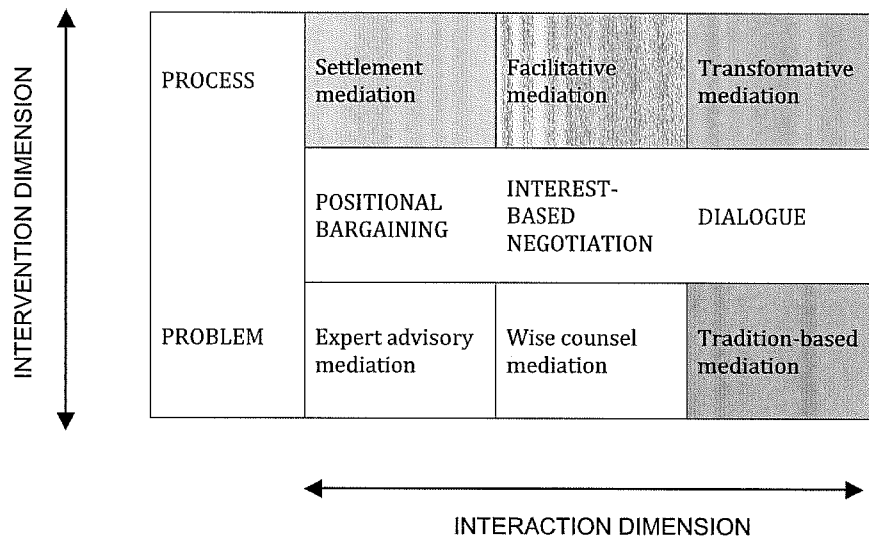
Mother tongue: English

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): English, German

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.

I prefer to use facilitative mediation but am capable of employing settlement mediation techniques (e.g. private caucuses, shuttle diplomacy) if the parties desire and agree – as is usually the case in commercial mediations. Under the right circumstances I am willing to use a more evaluative (wise counsel) approach.

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?

I am comfortable with conflict and emotions and a good listener. The parties feel supported and confident because I take a strong lead but also explain what we are going to do and why we are proceeding as we are. I am creative and flexible, responding to the dynamics between the parties as they develop during the mediation.

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

I have given internal and external presentations and trainings on mediation including mediation basics and strategies and issues in cross-cultural mediation.

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

Swiss Chamber for Commercial Mediation

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

Energy (electricity and natural gas), pharmaceuticals, licensing.

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

I am comfortable with both European and US-style mediations (including shuttle diplomacy). I am aware of and can help bridge intercultural differences which can lead to conflict or communication difficulties. I am able to converse with English and German speakers in their native languages.

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

I regularly attend continuing education in mediation-related topics. I have sought practice supervision and will continue to do so as my mediation caseload warrants.

16. Date of birth:

23 April 1966

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 6, 2016 

Kirstin Dodge

Counsel

Kirstin Dodge serves as Special Counsel for International Arbitration and Litigation at Homburger. Her practice focuses on representation of clients in international arbitrations, including with respect to intellectual property and investment treaty disputes as well as the energy, telecommunications and pharmaceutical industries.

Ms. Dodge also helps Swiss and US clients and counsel understand and negotiate differences in their legal systems and expectations, including with respect to Swiss data protection and blocking statutes and jurisdictional issues. She currently serves as Co-Chair of the International Arbitration Committee of the American Bar Association's Section of International Law.

Ms. Dodge is the mediation specialist within Homburger's Litigation and Arbitration team, has a Certificate of Advanced Studies (CAS) from the University of St. Gallen Law School and is an accredited mediator with the Swiss Chamber for Commercial Mediation.

Prior to relocating to Switzerland, Ms. Dodge gained extensive experience as a commercial litigator in the US, where she represented clients before state and federal trial and appellate courts, administrative tribunals, and in mediations and arbitrations involving a wide variety of commercial disputes, including in particular energy and telecommunications matters.

Career

- 2015 Certificate of Advanced Studies (CAS) in Mediation IRP-HSG (University of St. Gallen, Institute for Legal Studies and Legal Practice)
- 2011 Mediator (IRP-HSG) (completion coursework and mediation simulations on Mediation in Business, Employment, and the Public Sector at the University of St. Gallen, Institute for Legal Studies and Legal Practice)
- 2006 Special Counsel for International Arbitration and Litigation at Homburger
- 2001 Partner at Perkins Coie LLP, Bellevue, Washington
- 1998 Staff Attorney, Claims Resolution Tribunal for Dormant Accounts in Switzerland, Zurich
- 1996 Associate at Perkins Coie LLP, Bellevue, Washington
- 1994 Associate at a Seattle law firm
- 1992 Federal Clerk to the Hon. Thomas Zilly, US District Court, Western District of Washington at Seattle
- 1992 Admission to Washington State Bar
- 1992 Harvard Law School (J.D.)
- 1989 University of Fribourg (Rotary Foundation Graduate Fellowship)
- 1988 Yale University (B.A.)

Languages

English, German

Bar registration

Washington State (USA); US Federal District Court, Western and Eastern Districts of Washington; 9th Circuit Court of Appeals

Teams

Litigation | Arbitration
White Collar | Investigations



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Publications

- ICC Rules (2013) Article 22 (Conduct of the Arbitration), Article 25 (Establishing the Facts of the Case) and Article 26 (Hearings) in: *Arbitration in Switzerland: The Practitioner's Guide*, 2d edition (Arroyo ed.), forthcoming 2016
- Investment Treaty Arbitration 2016: Switzerland in: *Getting The Deal Through: Investment Treaty Arbitration 2016*, pp. 87 - 90
- Investment Treaty Arbitration 2015: Switzerland in: *Getting The Deal Through: Investment Treaty Arbitration 2015*, pp. 85 - 88
- Investment Protection - Swiss Style in: *Kluwer Arbitration Blog*, September 25, 2014
- Investment Treaty Arbitration 2014: Switzerland in: *Getting The Deal Through: Investment Treaty Arbitration 2014*, pp. 73 - 76
- ICC Rules (2013) Article 22 (Conduct of the Arbitration), Article 25 (Establishing the Facts of the Case) and Article 26 (Hearings) in: *Arbitration in Switzerland: The Practitioner's Guide* (Arroyo ed.), 2013
- Revisions to the Swiss Rules of International Arbitration in: *Homburger Bulletin*, April 17, 2012
- Arbitration in Switzerland in: *Focus Europe*, Winter 2011, pp. 82 - 83