

VIAC – Questionnaire for Mediators

1. **Name:** Dr. Rudolf K. Fiebinger

2. **Nationality:** Österreich

3. Contact information

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

1975 to 1979: University of Vienna Law School and Institute of Interpreters; University of Vienna Business School

October 1979: Graduation from the University of Vienna, Law School, LL.D. degree

1977/1978 Assistant to the Chairman of the Board of Austroplan de Mexico S.A (an international settlement developer in Mexico City)

1980 to 1986: Associate with the law firms of Heller, Löber, Bahn & Partner (today Freshfields) Vienna and Dr. Johannes Patzak, Vienna; Clerkship at several Courts in Vienna

February 1987: Establishment of own legal practice at Grillparzer Straße 7, 1010 Vienna

April 1990: Establishment of Fiebinger & Polak, Attorneys at Law, 1060 Vienna (later Fiebinger, Polak, Leon & Partners)

2019: Establishment of Rudolf Fiebinger Rechtsanwalts GmbH, 1140 Vienna

5. Core area of current professional activity:

I founded the law firm "Fiebinger, Polak, Leon & Partners" in 1990. It quickly became a middle-sized Vienna based law firm, very internationally oriented. I focused on litigation and arbitration, but continued to advise clients (mostly SMEs) in most of their corporate, contractual and also other matters (with the help of specialized salary partners and associates).

I served as Austrian member of the ICC Court of Arbitration between 2009 and 2015.

In 2019 we dissolved the firm. Since then I work as sole practitioner.

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

I completed an advanced training course for economic mediation with "Incite" in 2014 and 2015. Incite acts as academy for the trade association UBIT, strongly cooperating with WKÖ (VIAC forms part of WKÖ). The training consisted of 10 modules of 3 full days each.

I have no formal accreditation. In order to obtain that, I need to deliver a written thesis, containing 10 to 25 pages with Incite for which I saw no necessity so far, since I do not practice institutional mediation.

7. Practical experience in mediation

- How many (international) mediations have you participated in
 - as single/co-mediator/in a team? Approx. 10
 - administered by an institution; under which Rules? Only ad hoc

- in which areas/fields? Mostly contractual disputes in various industrial sectors, to a minor extent also other matters. For instance, mediation within a group regarding the (geographic) location of a new production facility.
 - how complex (*please provide examples, participation of lawyers/experts*)? The amounts in dispute were in a magnitude of EUR 100.000,-- to several millions Euros. In most of the cases I had to mediate between two conflicting parties (sometimes consisting of more than one company). They were sometimes assisted by lawyers (and even private experts), sometimes not.
- How often have you acted in a different function (e.g. consultant, expert)? As already mentioned, I have been active in international arbitration for more than 30 years as counsel, sole arbitrator, co-arbitrator and chairman. I also advise other law firms acting as counsel in complex arbitration matters.
 - What other ADR-experience do you have? In quite a few of my more than 100 cases of international arbitration settlement was reached with the help of the tribunal. Obviously, ADR techniques are used in some of these cases in order to reach a settlement. In one case the tribunal (I acted as chairman) even applied the technique of "Baseball Arbitration".

8. Languages (including levels)

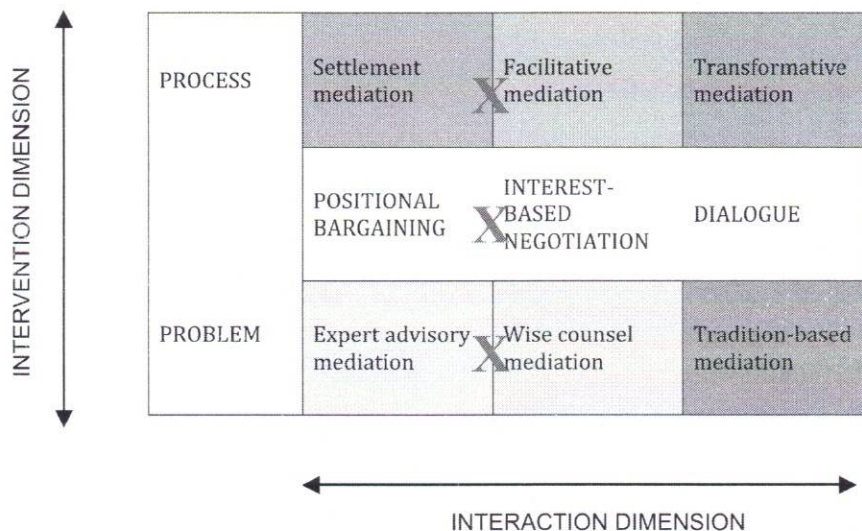
Mother tongue: German

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, French, Spanish

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.

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 have 43 years working experience as attorney, overseeing a wide range of legal fields. More specifically I have more than 30 years experience in international arbitration, acting both as counsel and arbitrator. Therefore I know what it takes to unilaterally represent interests in a conflict – and as arbitrator I am used to compensate between these conflicts.

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

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

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

As my main special expertise I would list my arbitration experience. Further I would mention a practice in the paper industry and in distribution law.

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

Professionally and privately I used to interact with very diverse people regarding their nationality, their language, their cultural background, their social status, etc. To give a practical example: Several years ago I advised Austria's (then) largest company and a "sausage stand" on the same working day.

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

Mostly by reading specialist literature.

16. Date of birth: 26 July 1956

VIAC offers mediation practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate a mediator of their choice and so is the VIAC Board when appointing a mediator. These presentations do not constitute recommendations but may assist the parties in choosing a mediator willing to conduct proceedings according to the Vienna Mediation Rules. The fact that a mediation practitioner appears on this list, does not authorize this person to use the title "VIAC-mediator".

× I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

× I hereby consent that the data provided in this questionnaire may be processed for the appointment of mediators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information see our privacy statement at www.viac.eu.

11 Sep 2023
Date