

# VIAC – Questionnaire for Mediators

1. **Name:** William (“Bill”) Marsh

2. **Nationality:** British

3. **Contact information**

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

I attach my CV

I read law at Durham University (1981-4) and graduated with honours

I qualified as a solicitor via the College of Law (UK) and after serving the standard two years of articles (traineeship)

I practiced as a commercial lawyer until entering the mediation field full-time in 1991

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

Full-time professional commercial mediator (for the last 26 years)

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

- CEDR-accredited – 1993
- MATA Advanced Mediator Skills – 2004
- Swiss Government political mediation training - 2009
- Qualified Solicitor 1987

7. **Practical experience in mediation**

- How many (international) mediations have you participated in
  - as single/co-mediator/in a team?
    - Approximately 1,200 (mostly as a sole mediator)
  - administered by an institution; under which Rules?
    - Several hundreds, under the rules of ICC (Paris), CPR (New York), CEDR (London), ADR Group (London), In Place of Strife (UK)
  - in which areas/fields?
    - I have mediated in almost every area of law and business.
    - Areas/fields include agency, banking, corporate acquisitions, commercial contracts, commercial fraud, company valuations, construction/engineering, currency trading,

defamation, education, employment, franchise, health/medical, intellectual property, international trade, IT and telecommunications, media and entertainment, mining and extraction, oil/gas/energy, national and local government, planning/property development, professional negligence, pension funds, regulatory, partnership, pharmaceuticals, shareholders/joint ventures, transport/infrastructure, insurance and reinsurance, insolvency, shipping, waste management/environmental and sport.

- how complex (*please provide examples, participation of lawyers/experts*)?

- Mediations have included highly complex disputes and conflicts, with multiple parties, in or from some 50 countries right across Europe, Russia/CIS, the Middle East, Asia, Africa, Australasia and North America.
- Many have involved extremely large sums of money, complex interests and with extensive litigation or arbitration ongoing.
- Parties have included national governments, public companies, public bodies/authorities, private companies and firms, and individuals.

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

In addition to the above, I have acted as a consultant to a party in a mediation on four occasions, again including highly complex international claims involving sovereign governments.

• What other ADR-experience do you have?

In addition to the above, I have acted as:

- Mediation Adviser to the governments of Russia, UK, Ukraine, Turkey, Romania, Slovakia and Bulgaria, and also to the UN, World Bank and European Commission.
- Mediation adviser to the Archbishop of Canterbury, with a focus on extremely difficult and sensitive religious conflicts and dialogue, and including acting as mediator in those conflicts.
- Chair of multi-country dialogues on mediation (over 30 countries have participated)
- Represented UK Government at the UN talks leading to the UNCITRAL Model Law on International Commercial Conciliation
- Advisory Board member of the “All Party Group On Conflict Issues” in the UK Parliament
- I have delivered basic and advanced training for mediators all over the world, and also for high-level diplomats, religious leaders, and others. I also mentor young mediators.
- I am a UN mediation expert and have been deployed by them on the former conflict in Nepal. I am also an OSCE mediation expert.

## **8. Languages (including levels)**

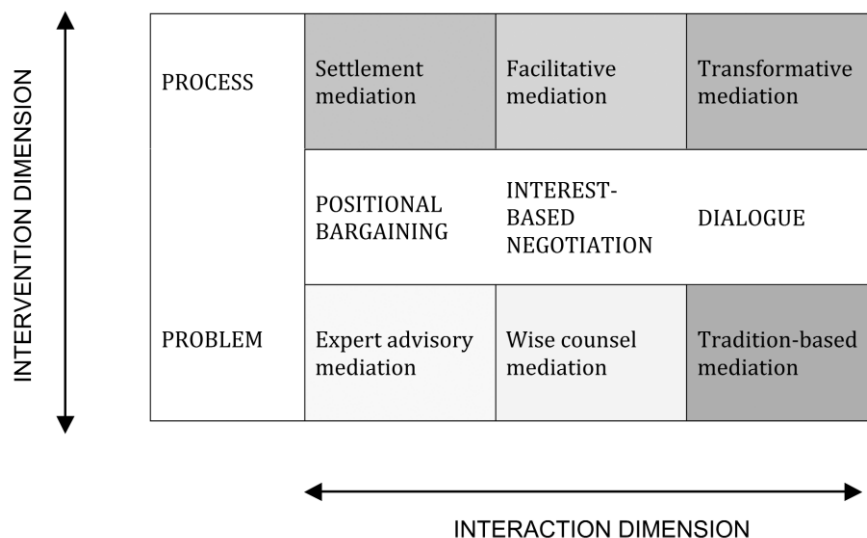
Mother tongue: English

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): I have conducted mediations partially in French, but that was some years ago.

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.

To be honest, and without wishing to be difficult, I find this a very difficult question to answer. After 26 years of full-time mediation practice, I do not find that my approach can be broken down into such distinct categories. I find that I am capable of different kinds of interaction with the parties and indeed I would assume that that all mediators need to be. I have operated in the past in all of the boxes above.

## 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?

In order to answer this question, I offer the following sample of feedback from clients:

- “Frankly, I being the lawyer for one of the parties had very limited hope [of success] for the entire mediation process. However, the moment Bill Marsh made his entry in the matter as a mediator the entire landscape of the matter changed....He had patience, tact, fairness, strength and efficiency...I would highly recommend Bill Marsh to my future clients for the settlement of commercial disputes and working with Bill Marsh has changed my whole perception about the process of mediation and I would in future try my best to persuade my clients to choose mediation before initiating the legal proceeding for any commercial disputes”. **Mumbai Lawyer – French/Indian JV dispute**
- “My sincere thanks to Bill Marsh for the excellent role that he performed last week in helping the parties to reach a settlement. I really thought that Bill was first class, measured in his approach and immediately gained the trust and confidence of my client. He will be top of my list for future mediations and I will giving this feedback to my colleagues at [international law firm]” **Lawyer, multi-million pound negligence claim**
- “[Our clients – a major corporation] were very impressed and believe me [they] are very hard to please! They commented on a number of occasions just how good they thought you were” **Lawyer, multi-million pound international defence contract dispute**
- “Your tenacity was much appreciated and was a major contributor to us resolving the matter” **(Lawyer, shareholders action)**
- “I am in no doubt that your input, ideas and energy helped to keep the parties talking throughout a difficult and challenging day (and evening, and night!). We will certainly look for an opportunity to work with you again as a mediator” **(Lawyer, world-wide trademark infringement dispute)**

- “[Our client] is very pleased to have settled the claim and most impressed with your help in achieving that” **(Lawyer, professional negligence/banking claim)**
- “I do not believe that the settlement would have been achieved without your skilful, persistent and patient intervention” **(Lawyer, 6 party pensions dispute)**
- “Thank you for all your efforts in bringing this matter to a satisfactory conclusion from both sides point of view. It was something of an unusual case which, without your skill and judgment, had the potential to go horribly wrong...my clients have specifically asked me to thank you” **(Lawyer, international banking claim)**
- “I left [the mediation] admiring both your skill and fortitude” **(Counsel, Share option dispute)**
- “Thank you for your skilful handling of the mediation and for your success in guiding the parties to an entente cordiale” **(Paris-based lawyer, international multi-million pound IT dispute)**

**And the following as a sample of feedback from the legal directories (ie independent research):**

- “‘Top-notch mediator’ Bill Marsh at Independent Mediators uses ‘his gravitas, credibility and charm to persuade even the most difficult of parties to adopt a more conciliatory approach’. He employs his ‘even and relaxed style’ to ‘immediately gain the trust of the parties’. Clients also praise Marsh as ‘exceptionally well prepared’, ‘creative in finding solutions’ and able to ‘use his clear understanding of the legal issues to examine the strengths and weaknesses of each party’s argument’”. **Legal 500 Directory, 2015 – Top ranked**
- “One of the World’s top ten mediators....” “Once again listed in the World’s top ten most highly regarded mediators, “Bill Marsh is once again recognised as one of the most highly nominated figures in our international research with contributors describing him as “a true leader in the field”. With experience in disputes involving parties from Europe, Russia, the Middle East, Asia, Africa, North America and Australasia, he is “highly sought after” for his expertise in multimillion-pound cases””. **Who’s Who Legal, 2015**
- “Once again listed in the World’s top ten most highly regarded mediators, “Bill Marsh is once again recognised as one of the most highly nominated figures in our international research with contributors describing him as “a true leader in the field”. With experience in disputes involving parties from Europe, Russia, the Middle East, Asia, Africa, North America and Australasia, he is “highly sought after” for his expertise in multimillion-pound cases”” **Who’s Who Legal, 2014**
- Comments in directories also include; "one of the greats"; "right at the top of his game"; "perfect example of how a talented mediator can overcome apparently insuperable obstacles"; "right at the top of the tree"; "one of the best"; "top rank"; "absolute commitment"; "robust"; "commercial flair"; "excellent shuttle diplomat"; "extremely patient and hardworking, but he pushes both sides' positions very hard"; "calm and in control in a crisis"; "subtle, intelligent, approachable and always extremely focused"; and "not only a very fine mediator but also someone who will work and work and work until the job's done".

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

- I have spoken at conferences and seminars all over the world – too many recount.
- I have trained mediators and negotiators all over the world – again too many to recount.
- Books – I co-authored:
  - “The ADR Practice Guide: Commercial Dispute Resolution” (Tolley, 3<sup>rd</sup> Edition, 2007) and
  - “Mediators on Mediation” (Tottel Publishing, 2005)

- Blogs – I co-edit the Kluwer Mediation blog ([www.kluwermediationblog.com](http://www.kluwermediationblog.com)) and contribute extensively as a blogger
- I founded and run [www.mediationworld.net](http://www.mediationworld.net), a free global mediation resource accessed worldwide

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

- Visiting Professor at Hong Kong Shue Yan University
- Distinguished Fellow, International Academy of Mediators
- Former founding director, CEDR
- Advisory Board member, Ukraine Business Mediation Centre

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

- My specialization is in commercial mediation
- International disputes

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

- See the client comments above.
- I believe clients would say that I am extremely good at building trust and working effectively with a wide range of people, nationalities, etc. I regard building effective working relationships as absolutely central to mediation.
- Clients also say that I have the capacity to challenge people in a way that is effective and incisive but does not harm trust
- I am also known for being very hard-working and not giving up in mediations

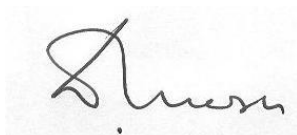
**15. How do you ensure your professional quality (e.g. coaching, practice supervision, etc)?**

- I submit myself to a professional development regime each year. This involves detailed discussion of cases (without breaching confidentiality) with other leading mediators, in order to challenge each other and learn from our practice.
- I also endeavor to undergo some form of training each year (as a recipient, not a trainer).

**16. Date of birth: 12<sup>th</sup> March 1962**

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



1<sup>st</sup> August 2016