

## VIAC – Questionnaire for Mediators

1. **Name:** Dr. Nikolaus Pitkowitz, MBL-HSG

2. **Nationality:** Austrian

3. **Contact information**

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

- Certified Mediator (2004)
- Master of European and International Business Law, University of St. Gallen, Switzerland (1999)
- Orientation in the US Legal System, Georgetown University, USA (1991)
- Doctor iuris, University of Vienna, Austria (1984)
- Magister iuris, University of Vienna, Austria (1984)

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

Attorney at law, founding partner and head of disputes of Graf & Pitkowitz [www.gpp.at](http://www.gpp.at)

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

- Education as Certified Mediator under the Austrian Civil Law Mediation Act (2004)

6. **Practical experience in mediation**

- How many (international) mediations have you participated in
  - as single/co-mediator/in a team? 11
  - administered by an institution; under which Rules? - 0
  - in which areas/fields? Commercial
  - how complex (*please provide examples, participation of lawyers/experts*)? -I mediated smaller and larger (multimillion) disputes, typically complex and international cases. The parties are regularly represented by counsel; I also acted in cases involving experts. Examples of successfully facilitated disputes:
    - o Shareholders Disputes
    - o Disputes among (up to 20) co-owners leading to allocation and separation of jointly owned assets.
    - o Contract disputes (Commercial Agent, Sales Contract)
    - o Hybrid cases: Arb-Med
- How often have you acted in a different function (e.g. consultant, expert)?
  - Counsel in mediations around 20
- What other ADR-experience do you have?

- Significant arbitration experience both as arbitrator and counsel

**7. Languages (including levels)**

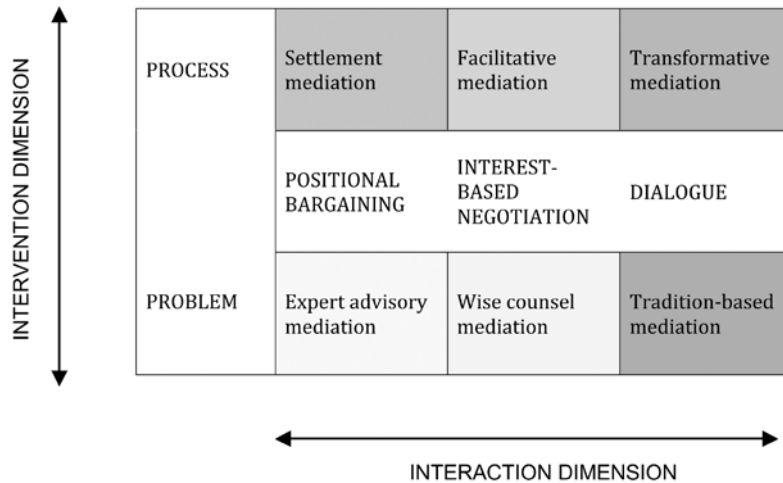
Mother tongue: German

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

**8. Style of mediation**

*Where do you see yourself? Please tick box as appropriate or indicate your preferred style.*

I see myself as a facilitative mediator and use traditional as well as creative tools and methods to develop interest based solutions.



© 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.

**9. 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?**

Calm, targeted, pragmatic, analytic. My background in business and as a transactional lawyer and over 30 years of experience help me understand both the commercial as well as the legal aspects of disputes.

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

**(e.g. training sessions, seminars, conferences, articles and others):**

**Co-Founder and Director of CDRC Vienna - Consensual Dispute Resolution Competition**  
<https://www.cdrcvienna.org/>

**Publications:**

**Die neuen Mediationsregeln der EU – Ist Österreich noch Wegbereiter?**

*(New mediation rules of the EU – Is Austria still paving the Way?)*

SchiedsVZ 2005, 81

**Der Mediations-Richtlinienvorschlag der EU: Gleichstellung der Mediation mit Gerichtsverfahren!**

*(Mediation draft directive of the EU: Equality of mediation and judicial proceedings)*

ZKM – Zeitschrift für Konfliktmanagement 2005, 68

**Mediation and Cultural Differences**

*(Mediation und kulturelle Unterschiede)*

in *Barclay* (Hg/Eds): *Mediation Techniques*, IBA-E-Book 2010, 213

**Speaker and organizer of numerous lectures and seminars on mediation related topics**

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

- Vice-President of VIAC Vienna International Arbitration Centre
- Court Member of CIMAC - Casablanca International Mediation and Arbitration Centre
- Past officer of IBA Mediation Committee (Chaired Mediation Techniques Subcommittee)

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

- Shareholder and Joint Venture Disputes
- Real Estate and Construction, Energy, Telecom)
- Commercial Contracts

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

International experiences and intercultural skills as my business and legal practice has been predominantly international, focusing among others on CEE, US and Asia.

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

Regular Training and Lectures (active and passive). Coaching and feedback.

**15. Date of birth:**

October 4<sup>th</sup>, 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

2 April 2020

***Dr. Nikolaus Pitkowitz***