

VIAC – Questionnaire for Mediators

1. **Name:** Miryan Weichselbaum-Gharibo, www.letsagree.at
2. **Nationality:** Austria
3. **Contact information**
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Website: www.letsagree.at
LinkedIn: Miryan Weichselbaum-Gharibo (International Commercial Mediator)
4. **Education and professional experience (original profession; where did you study?):**
Please add your CV!

Education
Mediation and Conflict Management, Sigmund Freud University Vienna (Certified Mediator – 400 hours of training) Austria, Vienna, 2012-2013
Master of Laws, (LL.M.), Vienna University of Economic and Business Austria, Vienna, 2007
Bachelor of Business Administration, Jönköping International Business School Sweden, Jönköping, 2004
Master of Commercial Law, (Master), Jönköping International Business School (Mag.) Sweden, Jönköping, 2003

Career History
LET'S AGREE, Dispute Resolution, International Commercial Mediation boutique Partner Austria, Vienna, 2013
International Asset Manager, Financial Industry Head of Legal and Compliance Austria, Vienna, 2008-2012
International Asset Manager, Financial Industry Project manager legal and compliance Great Britain, London, 2007-2008
International bank, Financial Industry Business Development of investment products Austria, Vienna, 2004-2007
Consulting Start-up Sweden, Jönköping, 2002-2003

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

LET'S AGREE, Partner, International Commercial Mediation boutique

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

Accreditation in the field of ADR (including relevant trainings and connected qualifications):
Arbitral Women negotiation workshop, 2016
Negotiation workshop, Freshfields, Arbitral Women, 2016
Negotiation workshop, Knötzl Law firm, Arbitral women, 2016
International Mediation Conference CILS (Center for International Legal Studies), 2015
IBA (International Bar Association) annual conference in Vienna, 2015
DIS (Deutsches Institut für Schiedsgerichtsbarkeit) (German Institute for Arbitration) ADR workshop, 2014
International Commercial Mediation Conference Vienna, 2014
Stockholm Handelskammare (Chamber of Commerce), 2014
Mediation and Conflict Management, Sigmund Freud University Vienna, 400 hours of training
Certified mediator registered at Ministry of Justice in Austria, 2013

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*)?
- How often have you acted in a different function (e.g. consultant, expert)?
- What other ADR-experience do you have?

Institutions	ICC, LCIA, In Place of Strife
Type of mediations/negotiations	<ul style="list-style-type: none"> • Experience with single day (international) commercial mediations • Experience with highly complex lengthy commercial negotiations over a couple of months where parties are assisted in putting together the relevant documentation, picking the necessary team for the mediation resulting in a successful settlement and new deals going forward

Mediation experience
1. Banking/Insurance: During her career as General Counsel, Miryan advised bank, hedge funds and other clients. <ul style="list-style-type: none"> • Various insurance disputes between insurer and insured • Claims related to shipping industry, fraud claims
2. Commercial Fraud <ul style="list-style-type: none"> • Multinational asset-tracing claim in the financial industry
3. Shareholder disputes During her career as General Counsel, Miryan was involved in various shareholder disputes. <ul style="list-style-type: none"> • Dispute within an international family business
4. Construction/ Engineering <ul style="list-style-type: none"> • Dispute re a 130 m EUR project in the Middle East with parties from across Europe • Claim related to delays, defective design issues • Claim related to engineering machine manufacture between Chinese manufacturer and renowned multinational German distributor • Dispute over the function of a technical item with Asian producer
5. Contractual dispute During her career as General Counsel, Miryan was in charge of drafting and negotiating multim EUR contracts for securitisation of assets owned by banks and insurance companies. <ul style="list-style-type: none"> • Drafting "mistake" in a contract leading to m EUR of wrongly allocated funds

6. Employment	During her career as General Counsel, Miryan was Head of HR and Compliance in major financial institutions. <ul style="list-style-type: none"> • Executive employment dispute • Employee departure
7. Financial industry/Banking	Miryan was a General Counsel of an international asset manager and in charge of all legal topics. <ul style="list-style-type: none"> • Multinational asset-tracing claim in the financial industry
8. Food industry	<ul style="list-style-type: none"> • International trade of food products - claim regarding product quality
9. Hotel industry	<ul style="list-style-type: none"> • Claim between former owner and liquidators re breach of fiduciary duty
10. Insolvency	<ul style="list-style-type: none"> • Claim against liquidators re misfeasance, fraudulent transactions, breach of fiduciary duty
11. International trade	<ul style="list-style-type: none"> • International trade of assets - dispute re revaluation of purchased products
12. Management-Buy-Out	During her career as General Counsel, Miryan aligned several Management-Buy-Outs. <ul style="list-style-type: none"> • Dispute between former managers and multinational insurance company
13. Partnership disputes	<ul style="list-style-type: none"> • Several dispute re break up of partnership, removal of partner within e.g. legal, construction industry and trading industry • 2 m EUR claim against former partner in Russia re fraudulent behaviour • 3 m EUR claim against former partner in Ukraine re fraudulent behaviour
14. Professional Negligence	<ul style="list-style-type: none"> • Professional negligence claim between insurer and insured, the underlying conflict was a 20 m EUR fraud case
15. Product liability	<ul style="list-style-type: none"> • Claim concerning alleged contamination of food products
16. Property	During her early career Miryan worked for a real estate asset manager and was in charge of the securitisation of high value business properties across central Europe.
17. Regulatory	During her career as General Counsel, Miryan was the main contact for financial authorities in Vienna and London as Head of Compliance. <ul style="list-style-type: none"> • Wide range of experience in handling regulatory disputes in the international financial industry in central Europe and the UK
18. Shipping industry	<ul style="list-style-type: none"> • Dispute between insurer and broker • Shipping claim
19. Tax	Miryan is a tax lawyer with an LL.M. degree in international taxation.

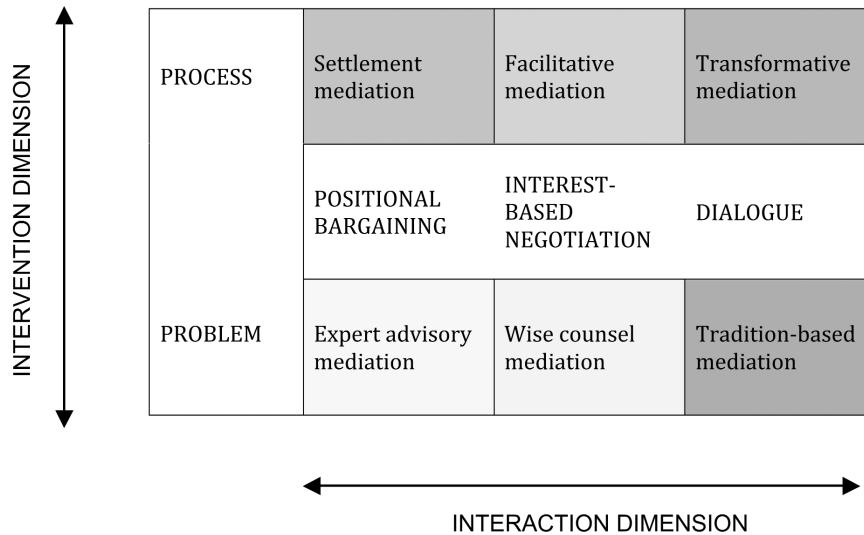
8. Languages (including levels)

1. German	Mother Tongue
2. English	Full working proficiency
3. Swedish	Full working proficiency
4. Arameic	Full working proficiency
5. Norwegian	Medium knowledge
6. Danish	Medium knowledge

7. French	Basic knowledge
8. Italian	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.

Style of mediation

Her enthusiasm in generating successful solutions to commercial disputes is contagious. Miryan is skilled in approaching people from various ethical and religious backgrounds. Being multicultural and multilingual herself she simply enjoys working with people and challenges them at the same time with her approachable style. Miryan is also known for not giving up – she never throws the towel.

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?

What clients and peers say

“Ms Weichselbaum-Gharibo is a pioneer in her field in Austria. She is one of the first young females in the German market to enter this highly competitive field of high-value international commercial disputes. She speaks the language every player in this field understands. She knows how to handle cultural differences.”

“Ms Weichselbaum-Gharibo is a tough (on the issues) yet very likeable person and knows how to create a trusting environment in difficult situations. Due to her experience as General Counsel in the international legal field, she can grasp both the legal and commercial arguments. In this field, her competence is outstanding.”

“Enthusiasm, competence combined with an international focus are most certainly are her most important skills for her role as a successful mediator!”

“Goal oriented negotiation! 10 Years of international experience in the financial industry made her a clever, omni competent mediator.”

“Miryan prepared herself in a very professional way for every meeting where she led the conversation/communication processes in a clear, transparent and very consequent manner. A highly competent, respectful colleague with impressive mediative competence.”

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

Publications
Books
Series of publications on Contract Law, International Commercial Mediation, Linde publishing house, to be published in 2018
VIAC – Vienna International Arbitral Center Handbook on Vienna Mediation Rules, A Practicioners Guide, Tunkel/Weichselbaum-Gharibo, Art. 3 Commencing the Proceedings, Art. 6 Language of the Proceedings, Annex A Model Clauses, 2016
Conflicts of Qualification in connection with Partnerships, Gharibo, Miryan, LLM, Burgstaller, Haslinger (Hrsg.), Linde publishing house, 2007

ADR trainings
Arbitral Women, workshop negotiation, Vienna, 2016
Arbitral Women, workshops negotiation, Vienna, 2015
IBA (International Bar Association) – ADR workshop, Vienna, 2015
General Counsel Association traning for dispute resolution, Berlin, 2015
CDRC (IBA VIAC mediation competition) training for judges, 2015, 2016
Mediation workshop, Stockholm Chamber of Commerce, 2014
ICC training for judges, Paris, 2014
Mediation and Conflict Management, Sigmund Freud University Vienna (500 hours) Austria, Vienna, 2012-2013

Accreditation in the field of ADR (including relevant trainings and connected qualifications):
Negotiation workshop Freshfields, Arbitral Women, 2016
Negotiation workshop Knötzl Law firm, Arbitral women, 2016
International Mediation Conference CILS (Center for International Legal Studies), 2015
IBA (International Bar Association) annual global conference in Vienna, 2015
DIS (Deutsches Institut für Schiedsgerichtsbarkeit) (German Institute for Arbitration) ADR workshop, 2014
International Commercial Mediation Conference Vienna, 2014
Stockholm Handelskammare (Chamber of Commerce), negotiation and mediation workshop, 2014
Mediation and Conflict Management, Sigmund Freud University Vienna, 400 hours of training
Certified mediator registered at Ministry of Justice in Austria, 2013

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

UNCITRAL – Observer on behalf of IMI for the Working Group II Dispute Settlement
VIAC – Vienna International Arbitral Center, Working group Mediation Rules
Head of Organization Committee, International Commercial Mediation Convention (ICC; DIS, KSW law firm), Vienna, 2014
Member DIS Working group for the ADR Conference of DIS (German Institute for Dispute Resolution), Berlin, 2014

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

Types of disputes <ul style="list-style-type: none"> • International commercial disputes • Highly complex legal and business disputes • Technical disputes
Industry:

- Construction, infrastructure
- Partnerships, general commercial
- Financial industry

Region:

- Central and Eastern Europe + UK
- India
- Middle East

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

Soft Skills

Miryan is able to build rapport with her clients quickly with her genuine dedication and admiration for her work. Being creative, flexible and at the same time understanding gives her the ability to lead negotiations in a very collaborative and convincing manner. She is solution oriented with a very high level of integrity.

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

Coaching, Exchange with mediator colleagues internationally, regular trainings, mentoring

16. Date of birth:

07.10.1980

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.

13/09/2017



Partner

INTERNATIONAL COMMERCIAL MEDIATOR

