



Better conflicts, Better outcomes, Better world



CEDR Accreditation: 2000

CEDR Panel Admission: 2002

Languages: English • Spanish

Location: United Kingdom

James South

Overview

“The clients were quite demanding and difficult, and he got the measure of them very quickly. He was very good at managing the clients, keeping them in check and built up a good rapport.”

Client Feedback

James South is CEDR’s Managing Director, lead trainer of CEDR Mediator Training Faculty and one of the most experienced dispute resolution consultants.

James, a qualified lawyer in his native New Zealand has 20 years’ experience as a mediator. He acts as mediator both in the UK and internationally, specialising in corporate and commercial disputes, with particular experience in International commercial contracts, Insurance & Finance, Property, Sales of Goods & Services and Employment & Workplace. James also combines his mediating and consultancy skills to provide facilitation, neutral chairing and conflict coaching services to Boards, leadership teams and other groups which find themselves in conflict.

Expertise

- International Commercial Contracts
- Employment & Workplace
- Facilitation & Conflict Coaching
- ICT
- Insurance & Finance
- Property
- Public Sector
- Sale of Goods & Services

Personal Style

James' approach to mediating is to balance the understanding of the background and issues of the dispute and the personalities involved with an ability to quickly and actively engage in facilitating the parties' negotiation. To do this, he places emphasis on the early building of rapport with the parties to understand what is important to them. This initial focus then allows for him to focus the parties on the problems to be resolved and assist them to evaluate options for resolution. At this stage of the process, James believes active assistance in the negotiation process and a focus on pragmatic outcomes is the central role of the mediator.

Mediation Experience

International Commercial Contracts

- Claim of \$1.6 million for breach of a design service agreement in respect of an apartment building, between UK and Asian parties.
- Publishing dispute and claim for breach of contract by English company against a Spanish organisation. Mediation partly conducted in Spanish.
- Claim by a British Company against Austrian suppliers for breach of contract and negligence.
- Dispute between main contractor and sub-contractor on £50 million international development project in South Asia.
- Breach of contract claim between British Government department and international consulting company in respect of a £1million International development project in Asia.

Employment & Workplace

- Claim of racial discrimination and breach of contract by an individual against a large corporation.
- Dispute between University and students involving issues of harassment and racial discrimination.
- Claim for unjustified dismissal resulting from a suspension of an employee following disciplinary proceedings.
- Claim of religious discrimination in the workplace.
- Workplace dispute between large government department and an employee based on discrimination.



- Dispute between a Head nurse and Medical Practice that resulted in suspension, and termination of employment.

ICT – Information Communications & Technology

- Claim for negligence and breach of contract in the installation of imaging equipment to a chain of veterinarian practices.
- Claim by a Bank through insurers, against main contractor, sub-contractor and supplier due to damage caused by faulty installation of equipment at their computer centre.
- Dispute between a website hosting company and their client for Breach of Contract.

Insurance and Finance

- Claim against Insurers for non-payment under a policy, where insurers were denying cover.
- Dispute between claimants and insured defendants for negligent installation of equipment, represented by insurance company, who then joined the leasing company as part 20 defendants.
- Claim by a mortgagee against a bank for a negligent valuation of the mortgaged property, subsequently sold upon default.
- Claim by a Finance company against individual defendant for non-payment under a finance agreement for a luxury sports car. The Defendant included the suppliers of the car into the action and claimed against them for breach of contract and defective goods

Property

- Claim of \$1.6 million for breach of a design service agreement in respect of an apartment building, between UK and Asian parties.
- Claim by a homeowner for negligence and breach of contract by builder. Counterclaim by defendant for unpaid invoices.
- Dispute between claimant landlord for payment of rent arrears and possession. Counterclaim for breach of implied covenant and set off for compensation for inconvenience and distress. Relationship between the parties was strained due to previous incidents, which raised difficult issues of power imbalance during the mediation.
- Dispute in relation to the dimension of a parcel of land sold by the defendant to the claimant.

- Boundary dispute between neighbours who had originally been friends but relationship had deteriorated to the extent that there had been criminal allegations involving the police.

Public Sector

- Dispute between local authority and contractor in relation to the provision of rubbish collection services.
- Claim by a school against a local authority in relation to non-provision of funding for key services.

Sale of Good & Services

- Contractual dispute and counterclaim for breach of contract and negligence over failure of storage system in a warehouse.
- Claim for unpaid invoices which set off a counterclaim for damages caused by alleged failure of delivery up and resulting loss of profits.
- Supply of goods claim for breach of contract and a £500,000 counterclaim for loss of profits.
- Multi-party dispute with a claim by a major bank against contractors and sub-contractors for negligence in the installation of computer equipment.
- Claim for breach of contract for the supply of printing equipment and ongoing maintenance services.
- Claim for breach of contract in the lease of gym equipment by the claimant to the defendant gym company.

Feedback

- *“He was very good, quite assertive. It was a very emotional issue for the parties and he managed it very well.”*
- *“I was very impressed. He got to grips with details quickly.”*
- *“Good at controlling the discussion so that the parties did not escalate.”*
- *“James was excellent. He got to the heart of the problem straight away.”*
- *“The clients were quite demanding and difficult and he got the measure of them very quickly. He was very good at managing the clients, keeping them in check and built up a good rapport.”*



- *“He was confident and knew his way around what he was trying to achieve. He was very pleasant to deal with.”*
- *“He managed to speed things up quite nicely. There was one party who was fairly unresponsive but he wasn't soft with them and he kept a fast pace.”*
- *“James had a very good grip on the issues and really understood it. This was very important because the issues were quite complex. But James really took his time to get to the bottom of everything first.”*
- *“Clients walked out happy – it went really well. James had a good grasp of the issues. He was very good at speaking to the clients and giving them options.”*
- *“He was sound, clear and articulate”... “fair and reasonable”.*
- *“James was excellent and had a good handle on things.”*
- *“Got to the nub of the issues quickly”....“Very commercial”.*

Other relevant Experience

International Consultancy Experience

James regularly works as a consultant to governments, courts and International organisations such as The World Bank, European Bank for Reconstruction and Development (EBRD) and Council of Europe on the development of mediation and ADR within legal system. Regions and Examples Include:

Eastern Europe and CIS countries

- Russia 2015-18 - Working with the Institute of Independent Directors, Moscow on Conflict Coaching and conflict management and leadership skills for Independent Directors of Russian Companies.
- Kazakhstan 2017-18 – IFC/World Bank funded project for delivery of conflict management and conflict coaching to Boards.
- Armenia 2015-2017 - Council of Europe funded project to work with the Ministry of Justice to develop Mediation and ADR.
- Ukraine 2007-2009 - Build capacity of the Ukrainian Mediation Association, a joint venture supported by IFC and the Kiev-Mohyla Business School. Also training of officials as mediators for the Ukrainian State Department for Intellectual Property.
- Bosnia and Herzegovina 2007- 2008 - Engaged to support IFC/World Bank activities related to mediation institutional development with the Ministry of Justice in Bosnia and Herzegovina.
- Croatia 2005-2007- Project Director for development of mediation pilot in the Commercial Court of Zagreb, Croatia, funded by the Foreign and Commonwealth Office



- Capacity building in Kiev, Ukraine as part of a project for the resolution of Corporate Governance Disputes, funded by the World Bank/ IFC (2008).
- Advisor to Ministries of Justice in Bosnia and Herzegovina and Macedonia on development of action plan as part of 5-year strategy for Justice (2008 –2010).

Asia

- Pakistan- 2006-08 Project Technical Director for the establishment of a mediation pilot in Karachi Pakistan, funded by the International Finance Corporation/World Bank (2006-08).
- India 2008 – Project Director for the Indian International Arbitration Centre in developing mediation capacity.
- Bangladesh, Sri Lanka and India 2015-16 – IFC funded project to work with Directors of Boards to coach them on managing conflict within the Board.
- Hong Kong 2008-2010 Delivery of training to Hong Kong Judiciary and Court staff as part of preparation for new ADR provision of their Civil Justice Rules (2009).
- China 2007 Project Director and lead consultant for mediator training and capacity building for China Council for the Promotion of International Trade (CCPIT) mediation centre, Beijing
- Vietnam 2017-18 – Project Director for an IFC/World Bank Funded project to develop mediation capacity in Ho Chi Minh City and Hanoi.

Latin America and Caribbean

- Colombia, Chile and Washington DC 2016-18 – Co-designed and delivered a World Bank Project for Leadership Skills for Board Directors across Latin America
- Trinidad and Tobago 2015-16 – lead consultant to Mediation Board of Trinidad and Tobago on the development of a mediation accreditation model
- Jamaica 2008 – Consultant in Inter- American Development Bank funded project for a feasibility study into the development of a private mediation centre as part of Private Sector Organisation of Jamaica (PSOJ)

Middle East and Africa

- Egypt, Lebanon, Morocco 2011-2014 – IFC funded project across 4 countries to develop private mediation centres and mediation in the courts in all jurisdictions
- Rwanda 2013-14; Lead consultant in project for Kigali International Arbitration Centre/ Ministry of Justice of Rwanda to develop capacity of KIAC to deliver mediation services and development of 5-year strategic plan for ADR as part of the Justice Strategy.



- Nigeria 2003-2005– Project for the Lagos Multi-Door Courthouse to deliver Training and accreditation of mediators
- South Africa 2006-2008 – Project for Conflict Dynamics to Co-design and deliver mediator skills training coupled with CEDR international accreditation assessment

Academic and Professional Bodies

- James holds a Masters in Law (distinction) in International Dispute Prevention and Resolution.
- He is trained in advanced mediation skills and dealing with challenging situations. He also trained in cross-cultural issues in mediation.
- He currently sits on the Alternative Dispute Resolution Taskforce for Electricity Network Infrastructure and is a member of the Judicial ADR Liaison committee chaired by Lady Justice Asplin.
- He is a former Board member of the Civil Mediation Council of England and Wales and former Board Member and Treasurer of the International Mediation Institute(IMI), based in The Hague.
- He has taught International Commercial Mediation at the University of Westminster, London and at the University of Catalunya, Spain. He has also taught ADR and mediation at Birbeck College, University of London, Southbank University, Straus Institute for Dispute Resolution, Pepperdine University, and the University of California, San Francisco.

Recent Publications

James has authored a number of chapters in textbook and papers in academic publications including:

- Chapter in 'Mediation: Creating Value in Intellectual Property Disputes', Kluwer, 2018
- 'Avoiding Boardroom Warfare- remedying board disputes'- in Effective Conflict Management , 2013
- 'I really want to make an Impression: Opening with maximum Impact' in Mastering Negotiation, Bloomsbury, 2015
- "Developing Quality Mediators through Training" – Chapter in Mediation in Singapore: A Practical Guide, Butterworths, 2nd Edition, 2016
- "Avoiding boardroom warfare – remedying board disputes," Effective Conflict Management, ICSA Information and Training, 2013
- 'Development of Mediator Training in England and Wales'; Nederlands-Vlaams tijdschrift voor mediation en conflict management; Dec 2008



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- *'What's driving the interest in Mediation globally'*; International Bar Association, Dispute Resolution Section Journal, September 2008
- *'The genesis of mediation in Pakistan'*; International Bar Association Dispute Resolution Section Journal; January 2007

