



CEDR Accreditation 2013
CEDR Panel Admission: 2017

Languages: English, Bosnian, Croatian,
Montenegrin, Serbian

Location: Croatia

"... the right person for the job you are doing."

Feedback

Srdan Simac

Overview

Srdan mediated over 350 cases including but not limited to court mediation, out-side of court mediation, from small to very big and complex, multiparty cases and mostly all kind of commercial disputes including international cases.

Professional Background

Srdan is acting as a Judge of the High Commercial Court of the Republic of Croatia, Chief of Court Mediation Service and President of Croatian Mediation Association from 2010.

Expertise

- Banking & Finance
- Commercial Contracts
- Construction
- Employment & Workplace
- Insurance
- Maritime
- Partnership & Shareholder
- Personal Injury
- Public Sector
- Sale of Goods & Services

Dispute Experience

Banking & Finance

- Loans, guarantees, mortgages, interests, investments, immoral contracts.

Commercial Contracts

- All kinds of commercial contracts: sales of goods and services, carriage of goods, commission, leasing, rent, loans, warehousing, maintaining, security, touristic arrangements, hotels, business partnership, investing and more.

Construction

- Dispute from different types of construction contracts (buildings on ground and at the sea).

Employment & Workplace

- All kind of labour disputes among workers and private and public companies and bodies, including mediation/facilitation in solving internal conflict within companies, organizations and NGOs'.

Insurance

- Life insurance, kasko insurance, propriety insurance, insurance fraud, recourse claims, insurance of cars, ships, goods, credits and more.

Maritime

- Shipping, shipyards, all kind of maritime damages (pollution, collisions, fire, grounding, sinking, wrecks, theft, severe weather, etc.), abandonment, arrests, average, insurance claims and frauds (P & I Clubs), compensation for injury and death of seaman, compensation for injury and death of swimmers and divers, compensation for damage of passengers, maritime labour disputes, carriage of goods (all kind of cargo, containers and cars), ports and marines, ownership and mortgage, all kind of maritime contracts (charters, maritime agents, forwarders, shippers, brokers...), maritime construction work...

- Labour law disputes including seamen labour disputes.

Partnership & Shareholder

- Disputes among business partners (owners of the company), shareholders and company, management and company, creditors and company.

Personal Injury

- Personal injury and seamen death cases, personal injury and death of drivers, pedestrians and passengers.

Public Sector

- Different types of disputes with government, public bodies and agencies: public concessions, public procurement, maritime domain/property and sea ports, permits for mining, exploit water, exploit sand for the bottom of the rivers, using public surfaces, fishing, rent of public business spaces, electricity, gas, heat, community public disputes, labour disputes with government and public workers and officials (clerks, teachers, policemen, etc.), disputes among local communities and government and public bodies, disputes among private (domestic and foreign) and public companies, bodies and agencies, citizens and government and public bodies, government officials and media, disputes in big construction project in which government is investor or guarantor, etc.

Other Dispute Resolution Experience

Arbitration

- Arbitrator at Permanent Arbitration Court at Croatian Chamber of Economy for domestic and international disputes.

Judicial experience

- Srdan has extensive experience in judging in all kind of commercial cases since becoming a Judge in 1992.

Personal Style

Srdan has a facilitative style, encouraging the parties to act as the real owners of the dispute and to take responsibility and active roles in mediation. He adopts a proactive and idea-generating role, including motivating the parties to think outside of the box, about fresh or different solutions for the settlement options when needed. Srdan contacts the parties and their representatives in advance of the mediation day, during and after the mediation sessions (pre-mediation meetings and private meetings are "mandatory" including exchange of documents and pre-mediation mediator's letters). Srdan has adopted an approach in which he asks parties in advance to consider any possible impasse just as a temporary event, which does not mean the end of mediation. Srdan goes the extra mile with mediation efforts towards reaching solutions. He keeps in touch with the parties and their representatives always after the mediation no matter the outcome of the mediation day and he is always on their disposal if they need him afterwards. He can also accommodate specific needs of each case with his versatile styles combining his past experience as the judge or the mediator, as required.

Feedback

- *"Thank you for your mediator's optimism and enthusiasm which is so rare both in our legal profession and in whole society."*
- *"...the right person for the job you are doing."*
- *"You made my day, my week and hopefully my life."*
- *"The inspiration you have given me during mediation and during our conversation afterwards, for me has a great value. (...) Now, I am convinced that the mediation is the best cure for all problems in society."*
- *"... your presence and action at the three days of mediation has been essential for the finalization of our agreement, the successful conclusion of this important project of the top importance for all of us."*
- *"... It was a pleasure to meet a person of such high-profile and I think you played a decisive role in the success of the mediation. Your kind presence has meant that all of us we felt more comfortable and closer to understanding each other's reasons..."*

Professional Skills

- Mediator, lawyer, communicator (good with people), facilitator, negotiator, educator, public speaker, motivator, writer.

Education

- Ph.D. dissertation - "*Mediation as a Generator of Change in Judicial System and Legal Profession*" - Faculty of Law Zagreb (2013) - Doctoral Study of Commercial Law
- Master Degree at Maritime Law –"*Compensation for personal injury and death of the seaman*", Faculty of Law Split (1999) - LL.M. Postgraduate Study
- Faculty of Law in Split (1986) - Diploma

Professional Experience Record

- 1983 to 1984 Dalmaplov - Vela Luka, Croatia - Apprentice for the lieutenant of the merchant ship
- 1987 to 1989 Croatian insurance - Split, Croatia - Lawyer Apprentice
- 1989 to 1996 Municipal Court in Split - Split, Croatia - Apprentice, Judicial Assistant, Judge
- 1996 to 2004 Commercial Court in Split - Split, Croatia - Judge
- From 2004 High Commercial Court of the Republic of Croatia - Zagreb, Croatia - Judge and former President, Chief of Court Mediation Service
- 2010 up to now Croatian Mediation Association - Zagreb Croatia – President

Memberships

- List of Practitioners in International Mediation and ADR of Vienna International Arbitral Center
- Croatian Mediation Association, Mediation Centre
- Croatian Chamber of Economy, Mediation Centre
- Croatian Bar Association Mediation Centre
- Croatian Association of Employers Mediation Centre
- Croatian Bank Association Mediation Centre

- Croatian Insurance Bureau Mediation Centre
- Croatian Architects Association Mediation Centre
- Croatian Chamber of Construction Engineers Association Mediation Centre
- Member of numerous study groups aimed to different educational programs on mediation: US, Canada, Netherlands, Denmark, Norway, Finland, UK and France

Qualifications

- Mediator for commercial disputes from 2003
- Registered at the Register of Mediators at Ministry of Justice of the Republic of Croatia
- Mediation trainer from 2006
- EBRD and CEDR international mediation expert-consultant
- The one who has introduced mediation in Croatian courts from 2006 with help of CEDR and at the first and only one Appeal Court with mediation program in Croatia - High Commercial Court of the Republic of Croatia 2007
- Educator for Croatian judges at Judicial Academy about mediation and about "How can judges improve work in courtroom by using non-legal knowledge and skills?"
- Educator, lecturer and mediation promotor on all kind of stages domestically and internationally

Mediation Trainer, Lecturer, Educator, Speaker and Promoter Experience

Srdan has trained several hundred mediators in Croatia and provided numerous lectures and speeches on mediation domestically and internationally (USA, Canada, Great Britain, France, Germany, Austria, Russia, Bulgaria, Albania, Hungary, Moldavia, Slovenia, Bosnia & Herzegovina, Serbia, Monte Negro, Macedonia).

- Mediation pioneer in Croatia
- Author of many mediation articles
- Developer of mediation centres
- Mediation advocacy and mediation awareness educator and trainer

- Conflict management educator and trainer

Mediation Trainings

- 2 days **Mediation Skills**, organized by Croatian Bar Association and American Bar Association / Central European and Eurasian Law Initiative (ABA/CEELI), trainers: Patrick Van Leynseele and Teresa Frisbie, Feb. 12-13, 2003
- 3 days **Basic Training for Commercial Mediators**, Opatija, Zagreb, Croatia, May, 7-9 2003, provider Carr, Swanson and Randolph LLC, sponsored by USAID
- One Day **Observation/Role Play Mediation Training**, Zagreb, Croatia; June 2016, Swanson, Carr & Randolph, sponsored by USAID
- Two days **Introducing Mediation Program in Croatian Courts**, Zagreb, Croatia, CEDR, London sponsored by British Association for Central and Eastern Europe and Croatian Law Centre, October, 28-29 2004
- 1 day **Advance Mediation Training for Judges**, on behalf of starting the Mediation Program at Commercial Court in Zagreb, Zagreb, February, 16 2006., Croatian Mediation Association, organized by **CEDR London**
- 10 days training, **Nordic Mediation Programme**, Oslo, Lillehammer, Norway and Helsinki, Finland, Nordic Forum for Mediation and Conflict Management, Norwegian Humanistic Academy, Nansen School in Lillehammer, May, 19-28 2006
- 5 days **Training the Trainer**, Zagreb, Croatia, Croatian Mediation Association, September 21-23 and October 5-6, 2006, provider Slovenian Association of Mediators
- 12 days, **Judicial Training in ADR**, Boston, Massachusetts, USA, May 27 – June 7, 2007, sponsored by USAID, provider Gabrielle Gropman & Associates
- 2 days **Advanced Commercial Mediation Training**, Zagreb, Croatia, Commercial Court in Zagreb, October, 17-18 2008, provider Lynn Cole, Esq., Global Mediation Initiatives
- 3 days **Advanced Train the Trainer**, Zagreb, Croatia, Croatian Mediation Association, December, 3-5, 2011, provider Centre for Effective Dispute Resolution (**CEDR**)
- 1 day advance mediation training, **Conflict Revolution: An Overview of 15 Innovations in Dispute Resolution**, Utrecht, Netherlands, May, 9 2011, organizer Centrum voor Conflicthantering, provider **Kenneth Cloke**

- 3 months in **Mediation Program, JAMS International Weinstein Fellow 2010**, Boston, JAMS Boston, guest at Harvard Mediation Program and adjunct professor at Suffolk Law School, February, 1 – May, 5 2010
- 2 days **International Cultural Training**, Paris, August, 18-19, 2011 organized by **International Chamber of Commerce Paris (ICC)** and **International Mediation Institute (IMI)**
- 5 days **Mediation Training Program, JAMS**, San Francisco, September, 9-13 2014
- 2 days, 2nd Seminar **“Judge craft across Europe”**, Omešnie, Slovakia, October, 12-13 2015, **Judicial Academy of Slovak Republic**, training for educators for judges about implementation of non-legal skills in courtrooms by judges, organized by European Judicial Training Network (EJTN)
- 3 days’ **Workshop for Mediation Promoters, Pathways to Sustainable Mediation**, Vienna, May, 26-28 2016, **JAMS Foundation and Partners Global**
- 3 days **Regional Mediator Workshop**, East & Southern Europe / West Asia, Athens, June, 22-24 2016, **EBRD Project Compliant Mechanism and Compliance Advisor Ombudsman (CAC)**

Awards

- Croatian Mediation Association Award 2010
- CEDR Mediation Award 2012 - Award for Civil Justice and ADR Innovation
- Slovenian Mediators' Association AWARD 2016
- Identified by the Internationally directory Who's Who Legal (Commercial) Mediation 2011-2016

Publications

- Srdan is the author of many professional and scientific articles on mediation at scientific, professional and business journals.

Present and Past Membership of Professional Bodies and Affiliations

- Member of the Steering Committee of Croatian EU PHARE Project about mediation development in Croatia
- Member of the Croatian National Committee for ADR
- Member of EU ADR Expert Group; Member of ICC Commission on Arbitration and ADR, Zagreb
- Croatian coordinator in South East European Mediation Forum (SEEMF) and as a chairman in 2008
- Founding and a Board member of the European Mediation Network Initiative (EMNI)
- Board member of Groupment European des magistrates pour la mediation (GEMME)
- Member of the American Bar Association, Section of Dispute Resolution
- Member ICC Croatia, Commission on Arbitration and ADR
- Member of Association of Mediation Assessors (AMATI), Trainers and Instructors
- Former member of Bridges Academy Advisory Board
- Former member of the Mediators Beyond Borders (MBB) and its Global Advisory Council
- Former member of The Association of Conflict Resolution of Greater New York (ACR-GNY)
- Board member of Croatian Association of Insurance Law and chair of its ADR Working Group
- Close affiliation with CEDR London
- JAMS (JAMS Weinstein International Fellow 2010)
- Slovenian Association of Mediators (DMS)
- Serbian National Association of Mediators
- Association of Mediators in Bosnia and Herzegovina
- The High Judicial and Prosecutorial Council of Bosnia and Herzegovina
- Professional Association of Mediators in Bulgaria (PAMB)
- Croatian Judicial Academy and Croatian State School of Judiciary Officials (educator)
- Legal Clinic of Faculty of Law in Zagreb
- Croatian Chamber of Economy (mediator, arbiter and educator)

- Croatian Employers' Association
- American Embassy in Zagreb
- Am Cham Zagreb and its ADR Committee
- Croatian Insurance Bureau
- Croatian Physicians' Bar
- Students associations
- Member of National commission for drafting Law on Mediation and Law on Civil Procedure
- Founding member of International Insolvency Institute (III) and a former member of its ADR Council
- Member of editor's board of few law journals

Other

- Srdan understands a lot Slovenian and Macedonian language and partly Bulgarian and Italian.
- Croats, Serbs, Bosnians, Montenegrin have very similar language. Slovenians, Macedonians and people from Kosovo understand and speak a lot Croatian/Serbian, especially if they are of older age.