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| CEDR Accreditation:CEDR Panel Admission: | 20002002 |
| Languages:Location:  | English ⬝ SpanishUnited Kingdom |



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| ***“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**

## **Overview**

James, a qualified lawyer in his native New Zealand has 25 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.

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

**Expertise**

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| * International Commercial Contracts
* Employment & Workplace
* Facilitation & Conflict Coaching
 | * ICT
* Insurance & Finance
* Property
 | Public SectorSale 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.

**Feedback**

* *“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.”*
* *“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 confident and knew his way around what he was trying to achieve. He was very pleasant to deal with.”*

**Mediation Experience**

**International Commercial Contracts**

* 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.
* Workplace dispute between large government department and an employee based on discrimination.

**ICT – Information Communications & Technology**

* Claim for breach of contract and of Intellectual property rights in the development of software.
* 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.
* 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 by a homeowner for negligence and breach of contract by builder. Counterclaim by defendant for unpaid invoices.
* Dispute in relation to the dimension of a parcel of land sold by the defendant to the claimant.

**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.

##  **Other relevant Experience**

**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 difficult people. He also trained in cross-cultural issues in mediation.
* He is a former Board member of the Civil Mediation Council of England and Wales and current Board Member of the International Mediation Institute, 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
* *‘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