



CEDR Accreditation: 2010

Panel Admission: 2011

Languages: English · Italian · Spanish

Location: United Kingdom

“Excellent in all respects. She had a robust style; yet approachable, and very aware of financial and legal issues”

Client Feedback

Ana Virginia Bauder

Overview

Ana Virginia is an international female young full-time CEDR mediator with more than 10 years of experience. She is an independent ADR Consultant, CEDR trainer, conciliator and adjudicator, dual-qualified lawyer, who works on commercial and consumer disputes as a member of CEDR’s UK Mediator Panel. Ana is a lead member of the CEDR Training Faculty and has experience delivering a diverse range of training courses for organisations and individuals to become trainers and mediators locally and internationally from a variety of cultural and professional backgrounds. Ana works on specific projects to develop mediators and the ADR industry, with a special interest on Diversity and Inclusion.

Professional Background

Ana Virginia is a lawyer by background, qualified in both Venezuela and Spain. She has experience working at both national and international law firms, in their Commercial, Intellectual Property and Tax Departments. She worked for CEDR for many years in a variety of roles, as Business Development Manager, Client Relations, as well as Senior Dispute Resolution Adviser.

Expertise

- Banking & Finance
- Insurance & Reinsurance
- Property
- Education
- Intellectual Property
- Public Sector
- Employment & Workplace
- Partnership/Shareholders
- Sale of Goods & Services
- Energy & Nat. Resources
- Personal Injury /Clin Neg
- Trusts, Wills & Probate
- ICT
- Professional Negligence
- Neighbourhood



Dispute Experience

Banking & Finance

- Dispute between a German financial entrepreneur and a builder in relation to the breach of a loan agreement for the purchase of shares in a company.
- A claim in relation to the repayment with interests of a sum lent to one of the defendants by the claimant.
- Dispute involving constructive and resulting trusts in relation to funds transferred between the parties in relation to property transactions in India.
- Dispute in relation to the repayment of what was allegedly money advanced to the other side by way of payment pursuant 12 separate loan agreements, but it was contended as payments for alternative medical services provided by the defendant to the claimant and his family.
- Dispute regarding an alleged breach of a restrictive covenant between a financial advisory firm and a former employee, who worked for them and the clients of an associated accounting firm on a self-employed basis.

Education

- Dispute between a College/University and a Professor Fellow Tutor for the repayment of an overpayment made in error of housing allowances, which involved USS pension, National Insurance (NI) and Income Tax issues.

Employment & Workplace:

- Dispute between a charity (service user) and a ready for work service provider and their workplace partner about their practices and how complaints were handled.

Energy & Natural Resources:

- Dispute over the terms of a contract regarding the sale of solar panels in relation to the fitting and installation of an electrical system; manufacturer's warranty (shorter than originally stated); and unpaid invoices for supply of services.

ICT – Information, Communication & Technology

- Implementation of bespoke software.
- Breach of contract by a technology company in relation to delays delivering software needed for managing criminal cases.

- Dispute in relation to the incorrect application of discounts on an internet quoting system by an agent and its insurer for an alleged breach of contract for failure to quote the correct premium.

Insurance & Reinsurance

- Dispute between a group of individual investors in a series of partnerships formed for the purposes of investing in British TV productions, the liquidators and their insurers, to recover part of their investments amounting many millions of pounds.
- Dispute between insurers in relation to flood damage.
- Breach of contract by an insurer against its agent for failure to quote correct premium due to the incorrect application of discounts on an internet quoting system.
- Multi-party dispute between a widow, a crematorium, and Funeral Services, in relation to a personal injury caused by Parties B & C to Party A due to handing back the ashes of Party A's deceased husband together with a metallic prosthetic hip which didn't belong to him, creating real uncertainty as to the identity of those ashes. This case involved 2 different insurers and a litigant in person.

Intellectual Property

Ana specialised as a lawyer for an international law firm in intellectual property disputes, including patents, trademarks, copyrights, licensing, privacy and data protection. She has mediated IP disputes with a wide variety of international clients and complexities - from registration of new brands or inventions to contentious of conflicting IP copyrights, such as:

- Frustration of contract between an inventor and a design team with regard to a prototype manufactured in China, involving patents, IPR, and trademark issues.

Partnership/Shareholders

- Shareholders dispute between Russian nationals regarding the payment of interests under a judgement debt.
- Dispute between a German financial entrepreneur and a builder in relation to the breach of a loan agreement for the purchase of shares in a company.
- Dispute between a group of individual investors in a series of partnerships formed for the purposes of investing in British TV productions, the liquidators and their insurers, to recover part of their investments amounting many millions of pounds.



Personal Injury & Clinical Negligence

- Dispute between two individuals and the police over claims for wrongful arrest, assault and false imprisonment including damages for personal injury.
- Clinical negligence dispute between a patient (District Nurse) and an NHS Foundation Trust in relation to an allegedly negligent treatment of an ulcers leg wound by a nurse.
- Clinical negligence dispute between a patient and an NHS Foundation Trust in relation to negligent care for the patient who was found to have fallen and was on the floor at the bottom of his bed having sustained injury and thereafter suffered pain and suffering until his untimely death 4 months after.
- Dispute between major retailer and former employee of foreign origin (Syrian) concerning personal injuries sustained at work involving issues of psychological trauma, loss of sight, conditional fee agreements, court judgment failings leading to an appeal to the Court of Appeal seeking a retrial and where issues of costs overshadow value of damages and issues of cost insurance.

Professional Negligence

- Dispute between a firm of Surveyors and a couple who asked them to sell their equestrian property, about the commission fee payable to the estate agent based on their performance which was allegedly negligent and in breach of its duty of confidence.
- Professional negligence claim against a surveyor for damages for a diminution in value on the basis of an alleged negligent valuation of a property.
- Dispute between a group of individual investors in a series of partnerships formed for the purposes of investing in British TV productions, the liquidators and their insurers, to recover part of their investments amounting many millions of pounds.
- 3-party dispute claim for damages regarding the allegedly negligent conduct of a clinical negligence claim by solicitors, expert and counsel.

Property

- Dispute between a leaseholder and former tenant regarding costs of unpaid works and repairs done to the property to leave on equal conditions as it was at the beginning of the lease. Dilapidations claims with arguments of supersession.
- Breach of covenant agreement between a major cement company and a property tenant in relation to lease of property and repairs.

- Dispute over reassignment of lease involving allegations of harassment by both parties and discrimination against children with learning disabilities.
- Landlord and tenant – commercial and residential, including rent disputes.
- Dispute between tenant and a landlord regarding change to personal property, failure to remedy defects, and general damages for distress.
- Dispute between tenants in common about proportionate entitlement to property value where one party had left property 5 years ago.
- Dispute between a firm of Surveyors and a couple who asked them to sell their equestrian property, about the commission fee payable to the estate agent based on their performance which was allegedly negligent and in breach of its duty of confidence. Rights of way – including issues of trespass and access.
- Housing associations and Building access dispute.

Public Sector

- Dispute between two individuals and the police over claims for wrongful arrest, assault and false imprisonment including damages for personal injury.
- Dispute between County Council and suppliers of Health Care Services. Included issues of breach of contract based on non-completion of Service Level agreement.
- Dispute between a College/University and a Professor Fellow Tutor for the repayment of an overpayment made in error of housing allowances, which involved USS pension, National Insurance (NI) and Income Tax issues.
- Dispute between NHS and an innovator regarding a consultancy agreement for the delivery of the spread and adoption of an innovative health treatment and model of care to different authorities throughout the UK, terms, deliverables, reporting, timelines and designing mechanisms to resolve their potential disputes going forward directly.
- PFI dispute between a leisure centre operator and a local authority concerning the loss of income due to the Council's delay in carrying out enhancement works at one of the centres.

Sale of Goods & Services

- Multi-party dispute between a widow, a crematorium, and Funeral Services. Multi-party dispute in relation to a personal injury caused by Parties B & C to Party A due to handing back the ashes of Party A's deceased husband together with a metallic prosthetic hip



which didn't belong to him, creating real uncertainty as to the identity of those ashes. This case involved two different insurers and a litigant in person.

- Dispute between a home owner and a builder in relation to an alleged breach of contract for faulty house roof repairs involving flooding issues; unpaid invoices for supply of services.
- Dispute between a commercial refurbishment contractor and a builder/plumber in relation to a loan agreement and vehicles hire agreement.
- Claim for unpaid invoices and counterclaim for lack of duty of care and potential damage to business.
- Dispute between parties who entered into a contract for the supply and installation of a conservatory and replacement of the existing structure.
- Dispute between a contractor and subcontractor about the payment of invoices for the installation services of hydraulic pumps and tanks to tractors/trailers.
- Non-payment of outstanding invoices relating to the fitting and installation of double-glazing windows and claim for damages for emotional distress occasioned by one of the workmen.
- Unpaid invoices for supply of funerary services.
- Mis-sale of solar panel system; Failure in the fitting and installation of an electrical system; manufacturer's warranty (shorter than originally stated); unpaid invoices for supply of services.
- Dispute between County Council and suppliers of Health Care Services.
- Dispute between a UK major retailer and a customer in relation to a claim for being verbally directly discriminated against, victimised and harassed based on her race and nationality by a member of staff.

Ana Virginia has acted as an adjudicator for several tenancy disputes involving breach of contract, dilapidations and rent arrears under the Tenancy Deposit Protection Service scheme. She is also part of the panel of adjudicators for the Postal Redress Service (POSTRS), and as such she has issued binding decisions to resolve disputes in relation to complaints against the services provided by a member of POSTRS.

Trusts, Wills & Probate

- Dispute involving constructive and resulting trusts in relation to funds transferred between the parties in relation to property transactions in India.

Utilities

- Mis-sale of solar panel system; Failure in the fitting and installation of an electrical system; manufacturer's warranty (shorter than originally stated); unpaid invoices for supply of services.
- Dispute involving two mobile phones posted to Bangladesh, and faulty products.
- Dispute over the terms of a contract regarding the sale of solar panels in relation to the fitting and installation of an electrical system; manufacturer's warranty (shorter than originally stated); and unpaid invoices for supply of services.

Community Mediation & Neighbourhood Disputes

- Noise nuisance and appropriate behaviour in communal areas and pet management.
- Security and cleanliness of communal areas.
- Racial discrimination claim.
- Claim involving physical and verbal abuse.
- Verbal abuse; Confrontational harassment; Children with disabilities (NFI, autism); Aggressive behaviour between neighbours.
- A pre-ASBO negotiation between Housing Association and Community Leaders.
- Dispute involving social gatherings inconvenience, pet management (cat & turkeys) & private privacy issues with photos being taken to children by children.

Personal Style

Ana Bauder's style as a mediator is straight forward and warm, characterised by her Latin-American origin. She is comfortable dealing with numbers and legal issues thanks to her professional background and experience.

Her natural empathetic and creative approach helps the parties to shift paradigms and find a resolution to their matters. She is able to do this by getting a quick grasp of their needs and interests, and confidently conveying the messages in a way that the other is able to understand.

Feedback - Clients

- *"Ana was excellent. She became quite involved. I would certainly use her again."*
- *"Very easy to talk to, approachable. She created a non-hostile comfortable atmosphere."*
- *"She had a robust style, challenging and probing parties."*
- *"She did a really good job liaising and helping both parties move to a resolution".*
- *"Excellent in all respects."*
- *Ana "recognised that there had been mistrust between the parties, and she dealt with that" - Ana "took the time to prepare the party, to explain the process to her, and to make sure she was comfortable".*
- *"Very aware of financial and legal issues and gained a good picture of factors that had contributed to the dispute in the past."*
- *Ana was "very well prepared, and had a good grasp of the issues in the dispute".*
- *Ana "didn't interfere, she gave appropriate feedback and she paid attention to both parties' positions".*
- *"Ana Bauder was very sensitive to the body language in the rooms and quickly grasped the nature of the legal issues which were complex."*
- *It was "a careful bit of work that Ana had to do, and she handled it well".*
- *I would like to thank you for the effective and patient way you dealt with my client and the mediation generally (especially in the heat!). I was delighted that we were able to get a sensible settlement in the end."*
- **As Co-Mediator:** *"She dealt with this case and the parties in an appropriately confident and effective manner thereby establishing her own authority. She was on top of the case and the numbers, making some very helpful contributions. Ana was sensitive to the "crowd management issues" and the needs of the numerous attendees, often suggesting next steps. The suggestions were always good. A pleasure to work with." - Neil Goodrum.*

Professional Skills

Ana Virginia qualified as a lawyer in Venezuela in 2007 and in Spain in 2014. She holds an LLM from The London School of Economics and Political Science (LSE) focused on Alternative Dispute Resolution. Ana gained practical legal experience at Norton Rose Fulbright LLP (formerly Macleod Dixon) and Escritorio Bauder & Asociados where she worked on matters related to

corporate law, commercial contracts, taxation, intellectual property and contentious administrative law.

She has also worked in the real estate and the education sector in Venezuela, leading the United World Colleges Venezuelan National Committee as President for a period of 4 years.

Ana is a member of the INADR Board Executive Committee under which she is constantly raising awareness on mediation around the world.

Ana Virginia is a native Spanish speaker, fluent in English and Italian, and also has basic knowledge of French.

Memberships

- Member of the CEDR Mediator UK Panel, CEDR ADR Officials – Conciliators & Adjudicators.
- Member of the Madrid Bar Association.
- Member of the International Bar Association.
- Member of the Ilustre Colegio de Abogados de Caracas - Caracas's Bar Association – Venezuela.
- Member of the Board of Directors of INADR, (former) Vice-President – International.
- International Centre for Dispute Resolution Young & International.
- Member of the United World Colleges.

Other Dispute Resolution Experience

She is a member of the Funeral Service Conciliation Panel providing conciliation services for disputes between the members of the National Association of Funeral Directors and their customers and she is also a member of the Renewable Energy Assurance Limited (REAL) Conciliation Panel. REAL conducts conciliations between consumers and firms who have agreed to comply with the REAL Consumer Code.

Personal Interests

She volunteered relocating and rescuing injured persons in ambulances with the Red Cross in Italy, and for the protection of Colombian Refugee's Human Rights in Venezuela.

She is a mother of two boys, a pilot and in her spare time she likes to fly, sail, scuba-dive, travel and dance flamenco.