

**Jane Player**

CEDR Accreditation: 2001

CEDR Panel Admission: 2003

Languages: English

Location: United Kingdom

“Jane is not afraid to get stuck in and work with the parties towards a settlement.”

Mediation Feedback

Overview

Jane is a highly experienced full-time mediator who was privy to some of the first mediations in the UK. Jane is in high demand and regularly mediates a wide range of corporate/commercial disputes both here in the UK as well as in Europe, Africa and Asia. She has a keen understanding of the legal as well as the cultural aspects of international joint venture and consortia disputes having advised and mediated a number of these in multiple jurisdictions.

Her expertise focuses on corporate contractual claims, fraud, project and IP/IT disputes covering a wide variety of industries to include pharmaceuticals, life sciences, energy, technology, media and infrastructure. Jane has also undertaken mediations for family business and Funds.

Jane is known for her proactive facilitation, encouraging parties to risk assess early and balance the cost benefit of a settlement against the ultimate potential for a win at court or arbitration. She is recommended in the legal directories and is described as mixing *“a tenacious and involved style with a warm personality that brings all the parties together”*. She is praised for her *“quick grasp of both the legal and commercial risks at stake.”* Clients praise her for her thorough preparation and willingness to work with the parties to exhaust every potential avenue for settlement .

Jane is recommended for mediations where there are strong personalities and where there may be some cynicism towards mediation. Jane will work with the advisers to adapt the process to suit the particular dispute and needs of the parties and actively promotes the flexibility and creativity of mediation.

Professional Background

Until April 2017, Jane was a Dispute Resolution Partner at the law firm King & Spalding in London, joining in 2012.

Prior to that she was the co-head of the International Dispute Resolution Group at Bird & Bird which she joined in 2002; and before that she was 10 years as head of DLA's London Disputes team. Jane began her legal career with 7 years at Turner Kenneth Brown having qualified as a solicitor in 1987.

Jane mediates on a regular basis and is a member of both CEDR Chambers and in on the CEDR Faculty. Jane undertook the International Advanced Mediation course with MATA (Mediation and Training Alternatives) in 2007 and again in 2016. Additionally, Jane was appointed as a Distinguished Fellow to the International Academy of Mediators in March 2016. She is a member of the Follet Group, a group of top female mediators from the UK and she is a past member of the Mediation Section of the IBA. Jane is active within the IMI (International Mediation Institute) and was involved in the pilot of the ICC/IMI Cross Cultural Mediation Course in Paris 2011. Jane is also a member of the current IMI/SI/CCA Mixed Mode Task Force looking at innovative ways to expand the use of mediation techniques.

Jane actively promotes mediation and regularly speaks on the subject in a number of jurisdictions. Jane chaired a mediation session on effective negotiation at the Legal Week Litigation and Arbitration conference in November 2017 and co-chaired an IP mediation panel session at the annual IBA Conference in Tokyo; She has also presented a session on mediation, role playing and techniques for breaking stalemates at the Intellectual Property Mediation Conference in Alicante.

Jane also co-wrote a chapter on mediating Energy disputes for the latest mediation handbook authored by David Richbell as well as authored the mediation section of the IP arbitration book by Trevor Cook for WIPO. Further details of Jane's publications and speaking accolades are listed below.

Expertise

- Banking & Finance
- Commercial Contracts
- Construction & Engineering
- Corporate Fraud
- Employment & Workplace
- Energy & Natural Resources
- ICT
- Intellectual Property
- Media & Entertainment
- Professional Negligence
- Reputation Management

Dispute Experience

Banking & Finance

- Trust fund dispute with offshore management company.

Breach of contract disputes and breach of mandate.

Consortium disputes where there are multi-party banks involved and disputes arise out of priorities on loan repayment distributions.

- Disputes between IFA businesses.
- Introductory fee disputes
- Joint venture disputes between two large multinationals with regard to investments in the Indian market.
- Finance projects where the bank or insurer has acted as the lost payee under an insurance policy backing a project which then fails.
- Breaches of compliance rules and FSA regulations.

Commercial Contracts

- Breaches of contracts/contract interpretation.
- Misrepresentation/failure to disclose.
- Breaches of confidentiality and fiduciary duty.
- Termination/repudiation of agreements.
- Disputes regarding outstanding debts.
- Competition/Procurement: Disputes with competitor businesses.

Construction & Engineering:

- Major PPP/PPI projects in the construction industry.
- Spanish and South American development scheme dispute.
- Renewable energy joint venture in South America with Swedish counterparty.
- Spanish contractor dispute with Finish designer of water plant project.
- Asian power plant dispute with US NGO.
- African charity project with Canadian, African and UK government agencies involved.
- **Manufacturing:** Dispute between Korean and Egyptian car manufacturers on breach of joint venture agreement.

Corporate Fraud: Fraud investigations involving two or more jurisdictions (to include USA).

Employment & Workplace

- Dispute between HR Director and Union regarding negotiation behaviour and potential defamation allegations.
- Dispute with unions and large construction site mediated with 4 parties: individual, union, contractor and insurer.

Energy & Natural Resources

- Water project dispute in Asia.
- Defence and energy dispute in Middle East.
- Energy dispute between African and Russian entities.
- Dispute regarding drilling licences in Africa.
- Mediation following fall out between engineering company and contractor following investigation into explosion at mining installation.

ICT: Information, Communication & Technology

- Breach of contract. Acting for the supplier and customer on turn-key projects as well as design only and/or maintenance only projects in the telecommunications and IT sectors.
- Regulatory disputes involving licence fees.
- Professional negligence against other professionals to include solicitors and accountants and IT/Telecoms experts.
- UCTA case for communications parties to include allegations of EU dominant position in the market.
- Software licence disputes and the valid transfer of software licences.
- Disputes on IT Telecoms projects where disputes have arisen over failed milestones and breach of contract/negligence actions for not fit for purpose systems.
- International project disputes to include multi jurisdiction and cross cultural issues within Europe.
- International, Turkish and Asian communication projects dispute.
- Acted for a manufacturer on a product liability case where there were allegations of negligence in the process.
- Acted for a semiconductor business on a Joint venture fall out involving allegations of breach of contract.



- Acted for 2 large IT conglomerates where there were allegations of process chain issues involving a semiconductor business.

Intellectual Property

- Copyright and licensing disputes in the publishing, telecoms and IT industries.
- Media IP/IPR disputes.
- Banking disputes which involve the security taken over IPR rights.

Media & Entertainment

- Film finance disputes to include distributor disputes and producer/financier disputes.
- Celebrity investment dispute in Formula One project.

Professional Negligence

- Various disputes in relation to solicitor, accountant, surveyor and specialist expert negligence.
- Medical practice disputes to involve professional negligence and partnership law issues.
- Architects negligence.
- Patent agents negligence.
- Claim against film solicitors who had incorrectly protected their client's position.
- Dispute between entrepreneur of multi businesses and accountants and advice given re dividend ability.

Reputation Management: Defamation actions to include breach of confidence within media and publishing industries as well as corporate defamation actions.

Other Dispute Resolution Experience

- Early neutral evaluation, arbitration, expert determination.
- Part of MATA (Mediation and Training Alternatives) faculty authorised provider for CIArb Mediation Training Courses.
- Series of training for the International teams of Bird & Bird on cross cultural mediation and dispute resolution.

- Government and Local Authority training for mediation.

Personal Style

Jane has a very proactive mediation style. Whilst Jane is flexible with her approach, depending on the client need for facilitation or evaluation, external feedback for Jane states that she is *“determined to explore every possible option rather than give up and is good on coming up with ideas and reality testing existing positions”*. Other external referees have said *“Jane mixes a tenacious and involved style with a warm personality that brings all the parties together”*. Finally the popular accolade Jane has received is that *“despite being a lawyer she is good at steering clear of the law during mediations and ensuring that commercial interests are best served”*.

Feedback

- *“Based on her last performance, Jane is now top of my list for a mediator . Excellent job!”*
- *“Much better prepared than many other mediators I have worked with”*
- *“Highly constructive and added greatly to the process.”... “Good rapport with the principals.”*
- *“Obviously a very good lawyer, excellent interpersonal skills, a really warm and likeable person – a great asset to the mediation community.”*
- *“ So much energy ! When we were flagging in the middle of the afternoon she injected a real can do attitude and I suspect she dd the same in the other room as we then found a route through to settlement “*
- *She was excellent. She worked hard with us and built rapport well with our client. I would be happy to use her again in the future.”*
- *“We were very impressed by Jane. She is very personable and conciliatory. She is a good listener.”*
- *“We were very pleased with Jane and will be happy to work with her again.”*
- *“She did a good job in helping the parties see where they could settle.”*
- *“I was very impressed by Jane. She had a very quick grasp of all the key legal issues and was very familiar with all of the points so as to ensure that all parties could make as good a use of the time available as possible.”*
- *“Her ability to identify common ground and to debate and challenge ideas was excellent and she was key in achieving the settlement.”*
- *“Her manner and style was also good - calm and understanding of the clients' concerns but firm and in control at all times. My clients were also impressed.”*
- *“Jane is not afraid to get stuck in and work with the parties towards a settlement.”*

- *“Jane’s manner helped us persuade well-meaning but ill-advised defendants that a mediated resolution was a good result for them.”*
- *“Jane mixes a tenacious and involved style with a warm personality that brings all the parties together. She is excellent at rapport building.”*
- *“I have absolute confidence in recommending Jane.”*
- *“She was able to retain the confidence of our client in the mediation process in difficult circumstances.”*

Professional Skills and Background

Jane’s litigation practice was a corporate and commercial one. Combining her legal skills with the management skills built up over 15 years of management in two of her law firms helps Jane focus parties on outcomes rather than on what has already happened. Jane has mediated in time limited mediations as well as longer, more complicated mediations where stamina and persistence are required.

Jane regularly speaks on Mediation in a number of jurisdictions. This includes “in life” mediation where mediators are appointed at the outset of a new commercial relationship to act as a neutral and keep it on track.. The use of mediation techniques earlier in the business relationship, using mediators working with parties to help them maintain their commitment to the venture as opposed to focusing on rights and obligations once things go wrong, has proved very successful. This supports businesses forming long term strategic relationships. She is also a promoter of “issue mediation” where part of a larger piece of litigation or arbitration is mediated to narrow the ambit for trial. Jane also advocates mediating “disclosure disputes” where disclosure process is mediated to agree a pragmatic and proportionate approach to disclosure.

Recognition and Awards

- 2016: Appointed as a Distinguished Fellow to the International Academy of Mediators
- Winner of the Corporate Livewire 2015 Legal Awards in the category Commercial Mediator of the Year – UK
- 2014 Women in Business Law, Litigation category, published by Legal Media Group in their Experts Guide
- Named as one of the top 100 lawyers in London and one of the top 50 women lawyers in London in the Super Lawyers UK survey, conducted by Thomson Reuters in March 2013 and published in the Daily Telegraph
- Winner of the International Law Office (ILO) Client Choice Awards 2012 – Litigation Category for the UK

Membership of Professional Organisations

- Centre for Effective Dispute Resolution (CEDR) Chambers
- Member of International Mediation Institute

- Honorary fellow of IAM
- Member of the Business Woman of the Year Group
- MATA Advanced Mediator Certificate
- Member of the Follet Group (senior females mediators group)

Publications

- 2017: Chapter contribution to publication on International IP Mediation, Kluwer International
- 2017: Contribution to the Special Issue on Mediation in Corporate Disputes, European Company Law (edited by Kluwer)
- July 2016: Lawyer Monthly article – ["The shifts in the international mediation landscape, the complexities of mediating daily, and what the best way to bring two parties together is"](#)
- 2014: Co-wrote chapter for latest Mediation Handbook entitled "Mediation in Energy Disputes" by David Richbell
- August 2013: WIPO article – ["Vive la resolution! Attitudes on technology mediation"](#) published in Intellectual Property magazine
- 2010: Co-wrote mediation chapter for "International Intellectual Property Arbitration" published by Wolters Kluwer
- 2008: PLC article ["Resolving Deadlock through arbitration"](#)

Other Skills

Jane speaks French, Spanish and Italian to varying degrees.