A person wearing a suit and tie

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**Thomas Gaultier**

CEDR Panel Admission: 2020

Languages:English, Portuguese, French

**Overview**

Thomas is a New York qualified attorney and counsellor-at-law, currently Of Counsel at Abreu Advogados in Lisbon. He is a graduate from the University of Paris X Nanterre Law School.

He has an LL.M in Alternative Dispute Resolution of the University of Texas in Austin, during which he became a certified mediator, and where he participated in the Graduate Portfolio Program in Alternative Dispute Resolution, presenting his research on "Cyber- Arbitration".

He has authored various articles and book chapters on the topic of mediation and ADR, including an award-winning paper entitled "Cross-Border Commercial Mediation".

He is the Vice-President and co-founder of the ICFML – Instituto de Certificação e formação de Mediadores Lusófonos, a non-profit organization aimed at training and certifying Portuguese-speaking mediators.

Thomas also teaches mediation and negotiation in Portugal’s best law schools.

**Summary of Dispute resolution experience**

Thomas has acted in many proceedings, as a mediator or as settlement counsel, in diverse areas:

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| --- | --- |
| As Mediator:   * Construction /Engineering * Distribution / Agency * Sale of Goods * Intra-company conflicts * Insurance claims | As Settlement Counsel:   * Energy Projects * Construction /Engineering * Structured Finance * Insurance Claims * Purchase and Sales of Businesses |

**Professional Background**

**Independent Mediator**, Lisbon, Portugal

*Since 2010*

**Of-Counsel at Abreu Advogados**, Lisbon, Portugal

*September 2010 to May 2012, and since April 2015*

* Practice focused on dispute resolution as settlement counsel, contract management in energy and construction projects and international transactional and corporate law.

**Of-Counsel at AAA Advogados**, Lisbon, Portugal

*June 2013 to January 2015*

* Practice focused on international corporate and commercial law, structured finance and international corporate reorganisation, as well as dispute Resolution as settlement counsel in conflicts related to financial transaction.

**Of-Counsel at Miranda, Correia, Amendoeira & Associados**, Lisbon, Portugal

*May 2012 to May 2013*

* Practice focused on oil and gas issues in sub-Saharan Africa, namely, company law, import/export, customs, finance and labour law.
* 2-month rotation in the Republic of the Congo.

**Co-founder and Vice-President of the ICFML - Instituto de Certificação e Formação de Mediadores Lusófonos**, Lisbon, Portugal

*Since December 2011*

* Coordinator and trainer in public and private civil and commercial Mediation as well as in insolvency mediation.

**Personal Mediation Style**

When mediating, Thomas is primarily facilitative, meaning that he will encourage and assist Parties in finding themselves the options and possible solution to their problem. However, if asked by the Parties, and agreed to by both, he is equally comfortable intervening more in the sense of brining constructive feedback to any options brought by the Parties, as well as helping them come up with addition paths for the mediation to be more productive.

As a mediator, Thomas always strives to follow the principles of a constructive negotiation, namely, the promotion of respectful communication, tackling of all relevant questions, putting the situation into perspective, managing existing risks and building a collaborative relationship.

**Academic background**

**New York Bar**, Attorney and Counsellor at Law, licensed with the New York Bar since 2012.

**L.L.M., Alternative dispute resolution and International Contract Law**, The University of Texas at Austin, Austin, Texas, USA – 2008 – 2009

**Graduate Portfolio Program in Alternative Dispute Resolution,** The University of Texas at Austin, Austin, Texas, USA – 2009,.

**Master Bilingue des Droits de l'Europe** Université Paris X Nanterre, Nanterre, France– 2008, focus in international Commercial Law

**Bachelor in French and Anglo-Saxon Law**, Université Paris X Nanterre, Nanterre, France– 2007

**TEACHING AND TRAINING EXPERIENCE**

**Lecturer at the Escola de Direito do Porto of the Universidade Católica Portuguesa**, Porto, Portugal

*Since 2014*

Multiple classes taught at undergrad level in Law School: “Negotiation and Decision Making in the Legal World” (5ECTS), “Mediation as an Alternative Means of Dispute Resolution” (5ECTS), “International Commercial Negotiation” (2,5 ECTS), “Introduction to Law and Technology” (5 ECTS) e “Common Law Contracts and Sales” (5 ECTS), among others.

**ICFML Trainer for Insolvency Mediation**, Lisbon, Leiria, Porto, Online

*Since January 2019*

Mediation trainer in the first 7 Insolvency Mediation courses recognized by the Ministry of Justice.

**Mediation trainer at the Escola de Direito do Porto of the Universidade Católica Portuguesa**, Lisbon, Portugal

*Since Janeiro 2013*

Trainer in a post-graduate program in Civil and Commercial Mediation, with dual certification (public and private).

**Lecturer in Mediation at the Faculdade de Direito of the Universidade Nova de Lisboa**, Lisbon, Portugal

*Academic year 2015-2016*

Tought two Mediation classes in the first edition of the Masters in Arbitration and Procedural Law: “Introduction to Mediation” (8 ECTS) and “Mediation – Technique and Practice” (8 ECTS).

**Publications**

**Mediation: Creating Value in International Intellectual Property Disputes - Contribution on intercultural aspects of IP mediation** - Kluwer Law International - March 2018

**Statute of Limitations in International Commercial Claims, by David Franklin** - **Portugal Chapter**, Carswell - Thomson Reuters Canada - Aug 30, 2016

**How to Master Commercial Mediation, by David Richbell - Contribution on Portugal,** Bloomsbury Professional, January 1, 2015

**Portugal Chapter of “The varied landscape of mediation regulation - A comparative study in Europe and the World”,** Manon Schonewille & Dr. Fred Schonewille Editing– July 2014

**“Cross-Border Mediation – A New Solution for International Commercial Dispute settlement”,** NYSBA International Law Practicum – Spring 2013 edition

**“The Long Awaited Portuguese Mediation Law - Fundamental Principles”,** YAR - Young Arbitration Review - Edition 10, July 2013

**Portugal Chapter of “EU Mediation Law and Practice”,** Oxford University Press – published on October 4, 2012

**“Is This the Right Time to Sell? Legal Issues and Considerations Regarding the Upcoming Privatizations in Portugal”,** NYSBA - New York International Chapter News, December 2011

**“France's Arbitration Law: v.2.0”**

YAR - Young Arbitration Review - Edition 1, April 2011

**Membership**

Member of the Union Internationale des Avocats – Vice President of the Mediation and Conflict Prevention Commission - since 2015