



- CEDR Accreditation:** 2007
- CEDR Panel Member:** 2008
- CEDR Faculty:** 2012
- CEDR Chambers:** 2015
- Foreign Languages:** French, Spanish

Eve Pienaar

“The calm, measured and consummately professional approach you adopted greatly helped in achieving a resolution to what appeared to be an intractable problem.”

Party representative

Eve is a solicitor by background and a highly experienced commercial mediator. She has a wide range of expertise and mediates high value, multi-party and complex mediation cases. Her mediation practice includes general commercial, contractual, property and construction and professional negligence disputes. She has experience of mediation in France and Spain and actively promotes mediation. Eve is a Schwarz accredited Facilitator, regularly mediates workplace and employment disputes and facilitates team dynamics issues, including at board level. She has worked in senior in-house Counsel roles, in media and regulatory membership organisations. Her commercial experience provides her with strategic insight and business acumen. Her approach to mediations is commercial and pragmatic, affording the parties an opportunity to make informed decisions within a confidential and creative process. She keeps the parties focussed on forward-looking solutions to help them find a commercial resolution to their dispute. Quick to get to the core of the issue, Eve is persistent and resourceful. She will not hesitate to challenge the parties, to encourage them to move from strict legal or positional arguments, to enable settlement.

During the pandemic Eve’s busy practice moved online, achieving strong settlement rates. Eve intends to continue to offer online or hybrid mediations, alongside face to face meetings, depending on what best suits the parties or the dispute. For internationally based clients in particular, online mediation is cost and time effective, without negatively impacting the mediator’s ability to build trust and rapport with the parties.



Eve is recommended in the legal directories and is described as “a great presence, deeply honest and an extremely effective problem solver”, “charming and very bright” and “she exhibits great empathy with the parties and always thinks around the problem”. She is described in Chambers and Partners as “a popular and well-considered mediator who garners consistent praise from market sources for her ability to handle emotionally charged proceedings” and is further credited with a “steely determination to get a deal done”.

Expertise

- Construction
- Media & Entertainment
- Trusts, Wills & Probate
- Property and boundary
- Partnership & Shareholder
- Public Sector
- Commercial Contracts
- Professional Negligence
- Employment & Workplace

Mediation Accreditation and Practice Experience

Eve was accredited with CEDR in 2007 and became a CEDR Panel member in 2008. She was invited to join the CEDR Chambers panel in 2015 and has worked on CEDR Faculty since 2012, as a training coach and assessor. She is also a panel member for the IMI Council for Mediators, handles many mediations a year and works on CEDR Faculty on a regular basis.

Personal Style

Eve is quick to grasp the legal arguments and business opportunities on both sides of a dispute. She is empathetic and builds trust and rapport easily with clients, including in emotionally charged disputes. She is calm and persistent and knows when to challenge parties to help them overcome deadlock. She combines clear legal analysis with a creative, commercial approach to help parties find long-term solutions to disputes. Eve is persistent and will challenge both parties equally to get a deal done.

Dispute Experience

Property & Construction

- Multi-party final account dispute over commercial property development.
- Dispute between Public Authority and sub-contractor in relation to refurbishment of community housing stock, under a project partnering agreement.

- Quantum dispute on a JCT contract for design and build of a large commercial real estate development.
- Multi-utility diversion dispute under standard JCT construction contract or dispute over change control affecting scope of works.
- Dispute between the Employer and Contractor over quality issues in respect of construction of a development under JCT contract for intermediate build.
- Dispute between parties to an oral contract in relation to a joint venture to develop land. Construction contract dispute and profit share allocation.
- Dispute between purchasers of a new build property, against the Developer, in respect of latent defects including structural movement of the frame of the house.
- Dispute over final account in cases involving redevelopment of commercial property, development of housing estate, alleged defective construction of highway, etc.
- Dispute over redevelopment of a holiday homes resort, between owner and developer.
- Negligence claim under design and build contract, for conversion of residential property for wheelchair access and use.
- Dispute over quality of work and costings of highways agency development agreement for the South of England.

Property

- Dispute between various Leaseholders and Landlord of mansion block, one tenant seeking to enforce long lease covenants against others via Landlord and tenants' association.
- RIBA Standard Professional Services contract – dispute over scope of works and payment of invoices.
- Boundary disputes – various.
- Service charge arrears cases, including counterclaims for breach of Landlord's covenants to keep in repair.
- Interpretation of terms of lease: unreasonable behaviour, right to quiet and peaceful enjoyment of property.
- Forfeiture of leasehold terms, interpretation of long leasehold terms. Breach of consent to alter.
- Rights of way, permitted development and maintenance of un-adopted highway under Deed of Grant and Variation between owners of parcelled land.
- Easements and rights to light, noise issues. Estoppel.
- Rights of way over unregistered land, authorised use by adjoining owners.



- Claim for damages for breach of lease, breach of quiet enjoyment, nuisance (public & private), trespass, distress and inconvenience and aggravated and exemplary damages made a restaurant owner.
- Dispute between vendor and purchaser of a residential property, misrepresentation claim in relation to non-disclosure of noise disturbance prior to the transaction.
- Dispute between the freeholder of a commercial development and the holder of registered unilateral notices over a number of Units forming part of the development.
- Possession and forfeiture claims. Latent defects and dilapidations disputes.

Commercial Contracts

- Supply of goods and services: breach of supply agreement, assessment of loss and failure to mitigate.
- Healthcare: allocation of resources, in anticipation of corporate take-over. Adherence to HSE standards.
- Agency agreement dispute between two French companies and a subsidiary in the United States. Issues relating to French regulation, prescribed terms and termination provisions. Mediation conducted in French.
- Breach of terms of franchise agreement by French partner in relation to stores in France.
- Restrictive covenant enforcement in estate agency franchise agreement.
- Terms of debenture over assets of a company in liquidation, between the liquidator and unsecured creditors.

Media & Entertainment

- IP disputes arising between market leading online gaming developer, and trade press, concerning early “leak” of trade sensitive information and resulting claim for loss of profit.
- TV film producer agreement for series, dispute over financing and production agreement.
- Claim and counterclaim in relation to royalties under intellectual property license.
- Copyright and concept dispute by joint copyright owners in construction industry standard.
- Renegotiation of franchise agreement in relation to breach of services agreement.

Partnership & Shareholder

- Warranties claim in relation to sale of legal partnership practice to venture capital equity investors.

- Re-allocation of obligations and revenue streams between partners in privately held French partnership for music management services.
- Exit by one partner of German partnership, where exiting partner alleged restrictive covenants were unenforceable, allocation of client list and future revenue streams of sports TV rights acquired by the partnership.
- Breach of their obligations by one of the partners to a three-way partnership, hindering a successful call for capital funding on AIM market.
- Fallout and terms of exit for one of the partners of a small accounting firm, including interpretation of respective contributions clauses.
- Exit terms under partnership agreement, claim for material breach and apportionment of assets.
- Dispute between partners of a Limited Liability Partnership (LLP), set up to develop residential properties, over the distribution of assets follow dissolution.
- Partnership agreement: breach and exit terms. Buy-out terms.

Professional Negligence

- Negligence claim against law firm in relation to failure to include longstop in fixed fee contract for further works.
- Negligence claim for alleged defective design of roof of new build apartment block, resulting in material water damage to a number of flats. Claim brought under collateral warranty under the main construction contract.
- Negligence claim brought against main contractor in development contract, where the contractor was also alleged to have breached his fiduciary duty of care under a related partnership agreement.
- Claim of negligent mismanagement by Managing Company, from tenants of mansion block.
- Claim against architect and construction company for negligent design, consultancy services and excavation services in relation to construction of a prestigious London residential basement.
- Mediation of two related negligence claims scheduled for arbitration, by developer against firm of architects and developers, in relation to large scale design and build residential project.
- Negligence action related construction fit-out contract leading to economic damage and loss of profit.
- Interpretation of development contract: negligence in building road as part of wider development, contributory negligence.



- Costs overrun and negligence claims under construction management services agreement.
- Dispute concerning professional investment advisory services.

Trusts, Wills & Probate

- Claim between beneficiaries of a trust settlement, following death of settlor. TOLATA claim.
- Dispute between family members over the ownership of the family home following the death of the father who died intestate; claim under Financial Provision Family and Dependents Act 1975.
- Long term litigation between family members over administration of estate, where residuary beneficiary in possession of estate.
- Accounting in relation to managing estate, claim from beneficiaries against executor siblings.
- Long running family dispute over management of the estate of father, under intestacy rules in the UK, conflicting with cultural issues.
- Dispute between beneficiaries on distributions under terms of trust settlement deed; challenge to validity of will.

Employment & Workplace

- Grievance against line manager for bullying and harassment. Time keeping and reporting issues.
- Evolving remit of job description leading to unmanageable levels absence due to stress.
- Working with large scale public body with entrenched grievance culture: mediating individual disputes and running workshops and change workplace relations dynamics.
- Allegations of discrimination over flexitime allocation, grievance for harassment and bullying. Management perceived as overbearing.
- Settling ETI claims based on discrimination, fraud and bullying allegations.
- Terms of settlement of claim for unfair dismissal.
- High profile case involving Non-Executive Chairman of public sector body, accused of bullying: grievance and exit terms.
- Breakdown in management within tertiary education institution; allegations of abuse by PhD student against supervising Professor.
- Dysfunctional team interaction hampering operations. Team facilitation, charitable organisation.
- Multiple grievances against management, knock on effect on service levels.



- Significant experience ranging from grievances for bullying and harassment to employment disputes over terms of exit from the business. Including experience of Government Agencies and public sector, as well as private sector clients.

Mediation Skills - other

- Facilitation of teams where communications have broken down or the team is under-performing. Governing Body of private girls' secondary boarding school, reputation management issues. Training and facilitation of public sector workforce within the fire brigade, strong ego and culture issues creating divisions internally.
- Coach and Assessor for CEDR Faculty, on Mediation Skills Training course.
- Lead trainer for Peer Mediation training, with Talking Works and as independent consultant.
- Development of workplace mediation course, for public sector mediation service provider.
- Contributed to *How to Master Commercial Mediation*, by D Richbell, Bloomsbury press 2016.

Feedback

- *"Eve was excellent. She was very competent, creative, patient and empathetic. The day went very well and we reached a compromise. It was quite difficult as there were three parties, but we had a satisfactory outcome. We would be absolutely happy to use Eve again."*
- *"Eve was very good, absolutely top notch. The other side were very difficult and I was not expecting any resolution at all. She mediated very well and did extremely well to get the resolution she did in very difficult circumstances."*
- *"I thought Eve was first class and had exactly the right touch."*
- *"Eve was absolutely excellent. Our clients thought it was a good exercise and we have no qualms about using Eve again."*
- *"She remained positive in very difficult and negative circumstances."*
- *"I genuinely don't think that anyone could have tried harder than you to get a result here. Thank you for your perseverance. I have enjoyed working with you."*
- *"Eve's calm, resilient style helped cope with the parties' clear personal animosity."*
- *"Eve has an ability to match endless patience and tact with a clear vision of what is actually going on."*
- *"Thank you for your hard work and patience. We certainly wouldn't have settled it without you!"*
- *"I felt Eve really was sensitive to the group relations and this empathy really did assist the client in his ability to compromise, and so I believe was essential in helping us reach settlement."*
- *"How can we begin to thank you for your excellent, professional and calm mediating. We really could not see any light at the end of the tunnel before the mediation..."*