



CEDR Accreditation:	2007
CEDR Panel:	2008
CEDR Faculty:	2012
CEDR Chambers:	2015
Foreign Languages:	French – C2 Spanish – B2
Location:	United Kingdom

"Eve Pienaar is an excellent mediator and is very good at getting to the essence of complex issues and explaining the risks of these issues to the parties participating."

Chambers & Partners 2024



"Your work both before and during the mediation was excellent and was the reason that the parties were able to bring this long running dispute to a close".

Partner, law firm

Eve Pienaar

Overview

Eve is a highly regarded commercial mediator, working across a range of commercial sectors including property and construction, professional negligence, shareholder disputes and insolvency. Her practice includes contentious probate and workplace cases. Eve is ranked as Tier 2 in *Legal 500* and Band 3 with *Chambers & Partners*. She has mediated over 350 commercial cases and is regularly sought after for complex, high value or multi party cases.

Eve's practice includes difficult projects mediated over a longer period of time. Recent cases include mediating division of assets due to the breakdown in relations between high net worth, multi-generational family members, beneficiaries of multimillion-dollar trust funds. Or working with partners of a UK accountancy practice to negotiate terms of exit of their Paris based partners and de-merger of the branch, over a period of six weeks.



Eve regularly contributes articles in the field and speaks on mediation related topics at conferences and panels. She is a Fellow of the CMC and member of Faculty of CEDR. She also mediates for the ICC and LCIA. Eve is an IMI certified commercial mediator.

Professional Background

Eve was educated in France and began her career in private practice, with Clifford Chance, in London. Preferring to work in industry, Eve then held a number of senior in-house Counsel roles with global organisations, including Warner Bros., RICS¹, RIBA² and latterly with supply chain compliance technology platform, Sedex³. Eve is a full time mediator with a busy practice.

Eve combines keen legal analysis with strategic business insight and works with parties to find constructive solutions to their disputes. Noted for her calm and professional approach, Eve will challenge parties to help broker a deal, where appropriate. She will adapt her mediation style to best suit the parties, willing to adopt a pro-active approach to help identify a solution or generate options.

Parties welcome her thorough preparation as well as her tenacity and pragmatism on the day.

Eve has considerable experience of working with Litigants in Person (CLCC cases) and on contentious probate cases.

Expertise

- Construction, engineering
- Property and boundary
- Trusts, Wills and Probate
- Commercial contracts
- Partnership & shareholder
- Professional negligence
- Insolvency
- Public Sector
- Employment, workplace

Dispute Experience (Recent)

Construction and engineering

- £1.4m claim brought by litigation funder, against Employer of high end residential development in London, following assignment of claim by (then) insolvent Contractor;
- Multimillion-pound dispute over design, engineering and construction of tram development in Scotland; multi-party dispute co-mediated over several days;
- High Court claim for breach of statutory duties in relation to extensive pipe laying project, by

¹ Royal Institution of Chartered Surveyors - <https://www.rics.org/uk/>

² Royal Institute of British Architects - <https://www.architecture.com/>

³ Sedex - <https://www.sedex.com/>

local affected businesses, under Water Industry Act 1991;

- Claim for outstanding invoices in relation to building surveyor fees (including preparing full plans and specification of works), based on fee as percentage of contract sum, variations under JCT contract;
- Dispute under Development Joint Venture between UK construction company and Hong Kong referral agency, for commissions on sale of new build properties sold on plan;
- Dispute relating to Grade 2 listed building, in relation to sub-contractor design and installation of mechanical works; application of Collateral Warranty under Contract for Works;
- Numerous cases involving claims between developers and clients, on commercial or residential property developments, relating to contract variations. These cases are likely to involve a number of parties where different trades are present on site;
- Many final account disputes, including where the mediation process is adapted to take account of the number of parties, which may take longer than a day. Insurance dimension.

Property and boundary

- Claim by (new) Landlord, against owners of flats on the top floor of a mixed use, high end mansion block, seeking to re-open leases of roof terrace spaces granted by management company, on technical issues relating to service of Notices to Alter;
- Alleged failure by Defendant to address pre-conditions attached to planning permission for new property development in Devon, leading to funding being withdrawn by investors;
- Residential development joint venture involving 14 plots where it subsequently became apparent a number of sites were unviable due to risk of flooding; injunction proceedings where one partner had attempted to re-enter;
- Numerous commercial property claims for rent and service charge arrears, defects or service charge disputes before the County Courts and/or First Tier Tribunal;
- Compliance Notice requiring owners to rebuild the base structure of mobile homes at one of their Sites (due to subsidence), in circumstances where the modular homes would not survive re-siting;
- Local residents opposing planning conditions imposed on developer, including creating a new cycle and footpath as part of large, new-build residential development. Houses on the development could not be occupied until all pre-conditions were met and financing costs ongoing while project in deadlock with local residents.

Trusts, wills and probate

- Numerous disputes under 1975 Inheritance (Provision for Family and Dependants) Act, where Claimants seek share of Settlor's estate, whether under Intestacy Rules or a Will exists. These cases tend to be emotive, and can polarise family members against one another. Such claims are often well-suited to mediation as a confidential, pragmatic and relatively quick process,

allowing the family to grieve after settlement is reached;

- Claims against Executors, for breach of trust or breach of fiduciary duties in relation to administration of the Estate.
- Disputes over validity of Settlor's Will, including a case where the original was not found (after last being seen in Settlor's possession), and the surviving wife alleged Settlor had destroyed it, or invalidity claims relying on allegations of undue duress, lack of capacity or even mistake;
- Co-mediation of complex family trust (assets worth in excess of \$250m in multiple jurisdictions and across property and financial market sectors), in the context of allegations of mismanagement against Trustees. Project ran for 5 months;
- Dispute relating to terms of her Will, by the late mother, who left indivisible property interests to her 3 sons, jointly. The mediation project took place across a number of different meetings over a period of a month, and brought to an end deadlock over administration of the Estate;
- Many TOLATA⁴ cases involving disputes between children or close partners of deceased, regarding assets left under intestacy provisions. These cases tend to be highly emotive and often involve acute housing or income needs requiring creative solutions and much empathy.

Commercial contracts

- Breach of warranty allegations in relation to financial instruments raised by French consortium of investors, in connection with student accommodation development in Versailles (France);
- Six figure settlement of a dispute over distribution rights of high value Hermes bags, sourced in the UK (bespoke design), for resale in Hong Kong. Multi party dispute between 3 jurisdictions, including parties expecting goods on consignment in Hong Kong;
- Dispute over early termination rights under software services and maintenance contract. Whether the customer law firm had been induced to commission the services under misrepresentation;
- Franchise dispute over Health & Safety compliance requirements, whether Franchisee had the right to terminate early and return of crane equipment supplied as part of the Franchise;
- Claim by Luxembourg based software development company, against Bank in DRC, under 3-year software supply and maintenance agreement (bi-lingual mediation).

Partnership and shareholder

- Dispute over terms on which member of LLP had been exited from the partnership, whether the employer had the right to vary Drawings and Profit Share during period of garden leave;
- Dispute between widow and deceased's siblings, in relation to administration of property

⁴ Trusts of Land and Appointment of Trustees Act 1996

portfolio partnership accounts and distributions (value in excess of £1m), under Partnership Act. Assets in the UK and India;

- Breakdown in relationship between shareholders of SME providing financial software enabling procurement of public works. Valuation of the business and terms of buy-back by one shareholder, to exit others without disruption to the business;
- Deadlock between partners of holiday lettings agency business in London and Turkey, managed from the UK, terms of exit/separation of assets and preservation of business goodwill

Professional negligence

- Numerous professional negligence claims against surveyors, where purchasers of commercial or residential property are unable to realise value on redevelopment (eg: for failure to identify coastal erosion risk and therefore negating opportunity to obtain planning). These claims can run into high six figure claims due to inability of owners to resell their assets;
- Solicitor professional liability claim in relation to restructuring documentation for private garment manufacture business. Claim value £500k and two insurance parties involved;
- Professional negligence claim against firm of solicitors for failing to properly reserve parking rights for Seller of part property in centre of Winchester, on a redevelopment project;
- Many professional negligence claims against construction companies, including:
 - Defects claim in relation to new roof, leaks and allegations poor workmanship;
 - Standard of care in construction of residential rear extension and conservatory;
 - Whether works in relation to new multi-occupancy development had been constructed in line with Schedule of Conditions;
 - Redevelopment of flat, where required standard of works departed from original scope and against background of relatively modest contract sum
- Professional negligence claims against architects of high-end residential properties in London – various. Scope of design works/ variations by clients/ basis for remuneration.

Insolvency

- Claim for £1.5m by company in administration, brought by insolvency practitioner acting for creditors, against prior Managing Director. Allegations of fraudulent mismanagement. The mediation process ran for a period of 3 weeks, and resulted in full settlement;
- Claim against (i) Seller and (ii) financial advisors, in relation to sale of local school transport business, where advisers had incorrectly applied TOMs⁵, leading to claims for refunds from Local Authorities. Whether Sellers were in breach of warranty. Insolvency of the business;
- £1.5 insolvency claim against former Senior Partner of mid-size accountancy firm, after

⁵ Tour Operators Margin Scheme (VAT treatment under Tour Operators Order 1987)

significant loss of business due to Covid-19 lockdown, brought by litigation funder on assignment of claims by insolvency administrator;

- Claims against former Senior Partner of Accounting Firm, by Plc litigation funder (under assignment of claims by creditors), for sums in excess of £1m.

Public sector

- 7 figure claim by provider of a new software services provider, against London Borough Council, after the latter sought to terminate the procurement of new invoice payment system, for incompatibility. Whether misuse of public funds was at play;
- £1.3m claim by online supplier invoice management provider, upon LB Tower Hamlets seeking early termination of supply of services, due to technical interface issues. Claim for loss of projected profits and revenue;
- Claim brought by TfL alleging abuse of position and fraud, in relation to procurement of survey and analysis services contract, by parties connected to TfL;
- Claim against LB Hackney by education services provider, alleging breaches of funding agreement and unfair early termination of license to operate.

Employment and workplace

- Project mediation over 4m period, to re-build trust and communication between governors of a well-known English boarding school, against backdrop of reputationally damaging social media and press allegations;
- Grievance within senior management of statutory police oversight body: allegations of bullying, harassment and discrimination;
- Discrimination and false imprisonment claim by private individual, against Chief Constable of British Transport Police, in the CLCC. Case settled on a creative and respectful basis. Unrepresented Claimant;
- Claim against prominent music Academy, alleging bullying and marginalisation by Supervisor, leading to serious mental health issues by Claimant; inability to complete Masters degree. Creative settlement resulting in changes to policies of education establishment;
- Employment claim for £160k “Strain Payment” in respect of loss of pension rights, as a result of the transfer of employer Housing Group (registered as a Community Benefit Society⁶), to a limited liability entity;
- Breakdown in relationship between senior managers of a small charity, in Coventry, hampering delivery of public services.

⁶ Community Benefit Society under the Co-operative and Community Benefit Societies Act 2014

Personal Style

Legal directories say of Eve that she *“has that rare ability to control a mediation through her robust, no-nonsense style, while at the same time lending a sympathetic ear to the parties’ grievances, which allows her to gain the parties’ confidence”*.

Eve 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. Her in-depth preparation and pre-mediation interaction with clients help to set the mediation up to a constructive start and encourage progress to offers on the day.

Feedback (Recent)

- *“In essence [Eve] was fantastic. She has a natural calming manner and managed to help keep us all cool and focused even after 11 hours of mediation.*
- *The amount of preparation she put in prior to the meeting wasn't only impressive and showed her experience, but paid dividends for us all on the day.”*
- *“Eve comes with the very highest recommendation. She invested considerable time (including the weekend) in getting to know the case and in creating a relationship with the parties involved. On the day she again committed more than the allocated time and in the closing minutes managed to bring the parties to an agreement.”*
- *“Eve was amazing at handling quite a difficult mediation for us and would highly recommend her to anyone looking for an experienced mediator with the perfect balance of a firm hand but with a kind touch. We had shortlisted a few mediators that were recommended by our lawyers and really glad we selected her above the others.”*
- *“Thank you for all your support through the mediation journey. You made a very stressful and unpleasant experience a little better and more comprehensible. My family and I really appreciate your help to bring this matter to a close.”*
- *“Thanks for your perseverance. I was not convinced it was worthwhile and I am glad you proved me wrong.”*
- *“Your contribution to the whole process was clearly very positive, and instrumental in securing a fair outcome for both parties.”*
- *“Thank you so much for what you did yesterday. It seemed impossible, but now there is a way forward.”*
- *“You helped make us realise that our “legalistic” arguments were hard for a lay person to digest.”*
- *“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.”*



- *“Eve has an ability to match endless patience and tact with a clear vision of what is actually going on.”*
- *“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...”*

