

VIAC – Questionnaire for Mediators

1. **Name:** Joseph Tirado

2. **Nationality:** UK

3. **Contact information**

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4. **Education and professional experience (original profession; where did you study?):**

Please add your CV! – See attached.

Education:
Manchester Metropolitan University, UK and Manchester Law Society, UK: Graduate Diploma in Commercial Litigation, 1996
College of Law, Chester, UK: Law Society Final Examinations 1991
University of Birmingham, UK and University of Valencia, Spain: BA (Hons) with distinction in Hispanic Studies, 1984-88

Career History:
Garrigues UK LLP, London Partner and Co-Head of International Arbitration and ADR, April 2016 to present
Winston & Strawn LLP, London Partner, Global Co-Chair of International Arbitration, October 2012 to January 2016
Norton Rose LLP (now NortonRose Fulbright LLP), London Partner, Head and Co-Head of International Arbitration and ADR, April 2007 to October 2012
Baker Botts LLP, London Partner, Trial, January 2004 to April 2007 Senior Associate, Trial, October 2000 to December 2003
Lovells (now HoganLovells LLP), London Associate, Commercial Litigation, January 1997 to September 2000
DLA (now DLA Piper LLP), Manchester Associate, Commercial Litigation, July 1994 to December 1996
Boodle Hatfield, London Trainee Solicitor, September 1992 to June 1994

5. Core area of current professional activity:

General commercial international dispute resolution, including litigation, international commercial and investment arbitration and ADR.

6. Accreditation in the field of ADR (including relevant trainings and connected qualifications):

Professional Qualifications and Admissions:
<ul style="list-style-type: none"> • Solicitor, England & Wales, 1994 • Qualified Solicitor-Advocate (Higher Courts Civil Proceedings), 2004 • Centre for Effective Dispute Resolution (CEDR) Accredited Mediator, 2004

7. Practical experience in mediation

- How many (international) mediations have you participated in
 - as single/co-mediator/in a team?
 - administered by an institution; under which Rules?
 - in which areas/fields?
 - how complex (*please provide examples, participation of lawyers/experts*)?

Experience in Mediation:				
		Sole mediator	Co-mediator	Counsel
International	Institutional	8	1	6
Domestic	Institutional	6	6	

Representative Matters:

Banking and Finance

- **CEDR Co-mediator:** Dispute concerning charges in excess of US\$1 million for the supply of water pursuant to a financial model and the proposed revisions to the financial model. Settled.
- **CEDR Co-mediator** in complicated breach of confidence dispute between credit reference agencies and a not-for-profit membership association regarding on-going co-operation. Settled.
- **LawWorks Mediator:** Contentious family loan dispute amounting to approximately US\$75,000. Settled in one day.

Commodities

- **ICC/Mediation:** South American merchandise safe custody contract dispute in London between a US based lender and European inventory services company.

Construction and Engineering

- **CEDR Mediator:** Dispute between a contractor and employer regarding the partial completion of engineering services in relation to the design and construction of a unique high-quality residential dwelling. Settled.
- **CEDR Mediator:** Claim for unpaid invoices relating to disputed construction works. Settled.
- **ICC Mediator:** US\$27 million dispute between Latin American parties relating to the construction of a ethanol plant in South America.

Energy: Oil & Gas

- **CEDR Mediator:** JV dispute concerning the provision of equipment and services in relation to the revamping and expansion of an electro-chlorination system in the Middle East. Settled.
- **CEDR Mediator:** US\$10 million dispute relating to the sale of goods and unpaid invoices in the oil exploration sector in Central Asia.

Energy: Renewables

- **ICC/Mediation:** Supply agreement dispute between an Asian supplier of wind turbines in a US\$35 million London seated ICC arbitration against a European contractor.

Information, Communication and Technology (ICT)

- **CEDR Mediator/Arbitrator:** Dispute between UK and North American parties regarding unpaid fees for services rendered in connection with the development of video games.
- **CEDR Mediator:** Asset price dispute relating to the sale of a technology company. Approximately US\$100,000 in dispute. Settled.
- **ICC Mediator:** Multi-party dispute in excess of US\$250 million involving an African State party relating to the setting up of a national telecommunications operator.

Professional Services

- **High Court action/ADR Group Mediation:** Acting for large English national law firm in multi-million pound professional negligence involving complex issues of proprietary rights regarding goods located in Spain.
- **CEDR Co-mediator:** Court annexed dispute concerning unpaid invoices for legal services rendered to a property company. Settled.
- **CEDR Co-mediator:** Contractual dispute involving foreign parties regarding the provision of interior design services. Settled.

Travel

- **JAMS International Mediator:** In excess of US\$35 million multi-claimant (almost 500) and over 12,000 potential claimants test case mediation relating to a breach of contract/breach of trust matter concerning an international time share exchange scheme.
- **CEDR Mediator:** Indemnity claim for monies paid out to holidaymakers in respect of a mass claim for compensation following an alleged food poisoning incident at a hotel in Spain. Settled.

General Commercial

- **Ad hoc/Mediation:** International tax dispute arbitration and mediation in London between a Panamanian company and an English company regarding the acquisition of a European subsidiary company.
- **Ad hoc/Mediation:** French land contamination insurance arbitration and mediation in London involving a Holland-based holding company insured and an English insurer.
- **CEDR Mediator:** Contractual dispute relating to the provision and invoicing of dry-cleaning services.
- **CEDR Mediator:** Dispute between European parties concerning the alleged breach of a distribution agreement relating to the supply of lighting products in Europe. Arbitration in London for the contractual claims. Parallel proceedings commenced in local European court alleging collusion in the breach of a former director's restrictive covenants, including use of confidential information. Amount in dispute approximately US\$5 million.
- **CEDR Mediator:** Contractual dispute between a purchaser and supplier regarding an US\$750,000 order of castors and wheels for use on hospital trolleys and carts. Settled.
- **CEDR Mediator:** Landlord and tenant dispute in relation to a substantial residential property with development potential in excess of US\$10 million. Settled.
- **CEDR Co-mediator:** Court annexed family dispute between former co-habitees concerning the division of shared property. Settled.
- **ICC/ADR Group Mediation:** Representing a major European pharmaceutical company, in a contract dispute with a company regarding the termination of a long-term distribution agreement in the Middle East.

- How often have you acted in a different function (e.g. consultant, expert)?

Advisory:

- World Bank appointed Expert consultant to advise a Latin American on ADR reform.
- Honorary Legal Adviser to the Royal Courts of Justice Citizens' Advice Bureau.

- What other ADR-experience do you have?

Experience in Expert Determination:
<ul style="list-style-type: none"> • Expert in a dispute between a Government Department and contractor relating to the provision of security services. • Acted as standing Expert on electoral voting services for London Mayoral Elections 2008. • Represented a European oil exploration company in a dispute regarding North Sea royalty payments. • Represented the English subsidiary of a European power company in a dispute regarding a North Sea contract pricing dispute.

8. Languages (including levels)

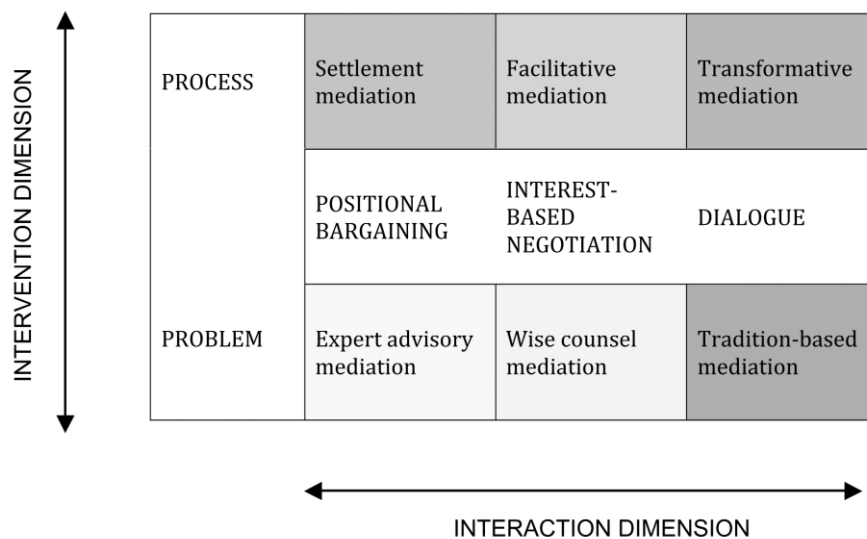
Mother tongue: English

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct mediation proceedings in this language): Spanish

Basic knowledge: French and Portuguese

9. Style of mediation

Where do you see yourself? Please tick box as appropriate or indicate your preferred style.



© Alexander, Nadja (2011) "The Mediation Meta-Model - the realities of mediation practice," *ADR Bulletin*: Vol. 12: No. 6, Article 5. Available at: <http://epublications.bond.edu.au/adr/vol12/iss6/5>; see also here for a detailed description of the 6 mediation styles.

Personal style:
Commercial, pragmatic, approachable and determined.

10. Please describe aspects of your personality which could be interesting to clients you are going to mediate; what would former clients emphasize in your work?

What clients and peers say about him:

Joe is recognized as a ranked individual for international arbitration and ADR in leading legal directories, where he is described as *"first class"* (Chambers UK, 2011), *"good and experienced"* (Legal500 UK, 2009) and an *"excellent specialist"* (Legal500 UK, 2016), as well as having *"an excellent grasp of clients' needs"* (Chambers Global The World's Leading Lawyers, 2007). He is praised as a *"thoroughly solid performer"* (Chambers UK Guide to the Legal Profession, 2008) and as a *"practical and legally sound lawyer who goes beyond lawyering to give good commercial advice"* (Legal500 UK, 2010), offering *"...practical guidance that is always vested in the client's best interests"* (Chambers UK, 2010), *"out-of-the-box solutions to very complex problems"* (Legal500 UK, 2011) and *"spot-on"* advice (Legal500 UK, 2014).

He is *"best known for his work on energy-related disputes, but is also recognized for his financial services and public international law expertise"* (Chambers UK, 2011). He is *"a great guy to have on your side...He is quick on the uptake and able to think laterally across different issues."* (Chambers UK, 2012). He is *"fantastic to work with due to his knowledge of the law and his understanding of our business"* (Chambers Asia Pacific, 2012).

"[H]e has a very good commercial mind and is good at applying legal solutions to clients' needs." (Chambers Global, 2013). He is also praised for being *"extremely able - he's a very experienced arbitration practitioner, very steady, knows his subject and doesn't get panicked by anything; a calm and safe pair of hands."* (Chambers Global, 2013).

Peers regard him as *"a great disputes lawyer who knows his subject and doesn't get panicked by anything."* He has an *"established reputation amongst clients in the energy and shipping sectors, and is also in high demand as an arbitrator."* (Chambers Asia Pacific, 2013). He *"remains popular with energy and shipping clients, who admire his sound judgement and dedication"* (Chambers Asia Pacific, 2014). He is *"a highly effective practitioner with a sound tactical sense and an ability to bring out the best in each member of his team."* (Chambers UK, 2014). He is a *"very skilled and well prepared"* practitioner as well as a *"tough negotiator"* and *"experienced arbitrator."* (Chambers UK, 2016).

Joe is particularly well known for his work in the CIS, India (Ranked Foreign Expert, Chambers Global), Spain (Ranked Foreign Expert, Chambers Global) and Latin America (Latin America's Top 100 Lawyers, Latinex 2016). The Latin American disputes team led by Joe was noted for its *"excellent understanding of Latin America, which makes it essential for big cases in the region"* (Legal500 Latin America 2015) and for being *"highly experienced in arbitral procedures at the ICC and has the capacity to work with technical and legal issues in Latin America"* (Legal500 Latin America 2015). Joe himself is acknowledged for his *"experience in ICC arbitrations, fluency in Spanish, and understanding of complex issues of international law make him a very good litigator"* (Legal500 Latin America 2015). Clients appreciate *"...his fluency in English and Spanish."* and his *"... deep understanding of the international market."* (Chambers Latin America 2016).

The General Counsel of a major Asian travel conglomerate in an open letter to the firm's Chairman noted:

"...we as an organization would have never ever achieved the settlement that we finally managed if it was not for the brilliance, perseverance, strategic and timely advise of the star team led by Joe...that went beyond highest level of professionalism and ethical standards and not to mention the warmth, hospitality and friendship that we have developed from this engagement. Demanding anything more from anyone would be inhuman. I hope we never have to ever fight any battle of this nature but if we did, hell would have to freeze over before we instructed anyone else..."

Party and Assessor Mediation Feedback:

- “...Joe clearly has a breadth of real world commercial dispute experience which he brings from his professional background.”
- “He was highly aware of interpersonal nuances and negotiation styles, demonstrating this by good analysis after caucuses and predicting, as well as suggesting, ways forward.”
- “prepared, engaged and commercially aware. It was a pleasure to work with him.”
- “...Well able to establish rapport with the parties in short space of time.”
- “Astute observer of people.”.....“He gave parties considerable opportunities to air their views”.
- “...had no difficulty in establishing a good rapport and indeed has a presence that instils confidence.”
- “If you have a high maintenance client or a particularly contentious dispute I would certainly recommend using Joe Tirado.”
- “Having regard to the fact that he was appointed at the very last minute and therefore had not had much time to consider the case before him, he understood the issues very quickly”.
- “...he was able to interact in a positive way and was highly aware of interpersonal nuances and negotiation styles, demonstrating this by good analysis after caucuses and predicting, as well as suggesting, ways forward.”
- “Commercially aware, personable, analytical and a good judge of character. Well prepared and hard working. User-friendly, but professional and focussed on reaching a workable solution.”
- Joe was "excellent during the mediation part of the process", his approach was "professional, co-operative and informal", and "he really got the best out of the parties".
- "Joe did an excellent job. He was professional, enthusiastic and detail-oriented throughout the process. My client had never mediated before in any venue, and was impressed with Joe's management of the proceeding, including the pre-mediation communications and the mediation itself. I would certainly recommend Joe to other litigants, and would use him again myself."
- Joe was "an effective mediator". He "stopped the parties when tensions were building up", and "put the parties in their place".
- "He was very proactive, friendly, had read the papers properly, and was actively engaged with the dispute."
- “So many thanks for all your help – absolutely brilliant!”
- “anticipated it would not settle but good mediator - it was not the mediator's fault but factors involved in the case. Mediator dealt with sensitive matters appropriately.”

11. Publications and other activities in ADR related matters (e.g. training sessions, seminars, conferences, articles and others):

Recent ADR publications:

Books

- Co-author of Chapter on “Building on Progress”, IBA e-book: Promoting Further Mediation, April 2015

Articles

- Author on “ADR in Latin America: An overview”, IBA Mediation Newsletter, Aug 2015
- Co-author on “The use of dispute boards in international disputes”, LexisNexis, Nov. 2013
- Co-author on “Mediation: What in-house counsel expects,” IBA Mediation Newsletter, Vol.9, No.1, Oct 2013

Recent ADR Speeches and Presentations:

- Speaker on “Plant and pipeline construction disputes”, Bolivian Chamber of Hydrocarbons and Energy Inaugural Energy Arbitration International Conference, Santa Cruz, Bolivia, May 2016
- Chair of Society of Construction Law International Conference, Madrid, May 2016

- Speaker on Investment Treaty Claims, Wildy's International Disputes Seminar, London, April 2016
- Panellist on Strategic Round Table: Fostering A Global Legal Ecosystem, 27th Global Legal ConfEx, New Delhi, April 2016
- Speaker at inaugural Global Pound Conference, Singapore, March 2016
- Speaker on "Med-arb", IBA Mediation Committee, Shanghai, March 2016
- Speaker on "Mediation as a mechanism of dispute resolution", ICC-CEA ADR Seminar, Madrid, Jan. 2016
- Co-organizer of the inaugural Consensual Dispute Resolution Competition (CDRC), IBA-VIAC, Vienna, July 2015
- Co-speaker on "Mediation: When does it work?", IBC Construction Law: Contracts & Dispute Management Conference, London, July 2015
- Speaker on "The Cultural Environment in Mediation" and "State Mandated Mediation", International Colloquium on International Mediation, Court of Arbitration of Côte D'Ivoire, Abidjan, June 2015
- Moderator on "Alternative Dispute Resolution", Legal Confex, New Delhi, April 2015
- Judge of Finals of the National Law School of India ADR Tournament, Bangalore, April 2015

12. Memberships in mediation institutions / functions in mediation institutions/organizations:

ADR Affiliations:
<ul style="list-style-type: none"> • CEDR: Commission on Settlement in Arbitration 2007-2009 • Chartered Institute of Arbitrators (CIArb) • Energy Charter Treaty (ECT) Legal Advisory Task Force • International Bar Association (IBA): Mediation Committee Co-Chair (2015), Senior Vice Chair (2013-2014) and Co-Chair of the IBA Mediation Techniques Sub-Committee (2011-2012) IBA Committees D (Arbitration and ADR) and O (International Litigation) • International Chamber of Commerce (ICC): Commission on Arbitration, UK delegate; ICC Task Force on the revision of the ICC ADR Rules and ICC Expertise Rules and ICC Dispute Board Rules, 2012

Mediator Panel Member:
<ul style="list-style-type: none"> • Beijing Arbitration Commission (BAC) • Bolivian Centre for Energy Arbitration (CEAR) • CEDR Solve (2004 to-date) and CEDR Chambers/Direct, 2008-2015(CEDR) • Global Green Growth Institute (GGGI) • Hong Kong International Arbitration Centre (HKIAC) • Hong Kong Islamic Arbitration Centre • Istanbul International Arbitration Centre (ISTAC) • JAMS International (JAMS) • Kuala Lumpur Regional Centre for Arbitration (KLRCA) • LawWorks • Lima Chamber of Commerce Arbitration Centre • Ofgem Electricity Market Reform (OEMR) Panel of Neutrals • Perth Centre for Energy & Resources Arbitration (PCERA) • Santiago Chamber of Arbitration and Mediation (CAM Santiago) • Singapore International Arbitration Centre (SIAC) • Tehran Regional Arbitration Centre • Vienna International Arbitration Centre (VIAC) • World Intellectual Property Organization (WIPO)

13. Special expertise or specializations (*please list a maximum of three*) in your ADR-practice:

Industry:

1. Energy
2. Construction and Infrastructure
3. Joint ventures and general commercial

Region:

1. Latin America
2. India
3. Central and Eastern Europe

14. Soft Skills (e.g. intercultural competences):

International background, multi-lingual, computer literate and numerate.

15. How do you ensure your professional quality (e.g. coaching, practice supervision, etc)?

Regular training and on-going assesments

16. Date of birth: 30 December 1964

I have completed this questionnaire to the above to the best of my knowledge and believe it is accurate. I understand that the above information will be used for VIAC's internal use and may be given to interested persons or may be published on VIAC's website.

Date and signature

A handwritten signature in blue ink, consisting of several loops and a vertical line, positioned below the 'Date and signature' label.

5 August 2016