

FEATURED PANEL: CPR'S INTERNATIONAL PANELS

The CPR Institute's global mission counts many international panels among its more than two dozen specialty Panels of Distinguished Neutrals.

The CPR Cross-Border Disputes Panel is composed of neutrals located in North America, and the Global Panel includes neutrals located worldwide, outside of North America. Both panels boast of neutrals highly experienced in resolving complex cross-border commercial disputes.



Zee Claiborne

Full information on CPR's dispute resolution services can be found at <http://bit.ly/12rhvxS>.

San Francisco-based Zee Claiborne left her litigation law firm partnership in 1998 to become a full-time dispute resolution professional. She is a fellow in the College of Commercial Arbitrators

and serves on JAMS' domestic and international neutrals panels.

In addition, Claiborne is on the CPR Institute's Executive Advisory Committee, as well as its National and International panels. She has chaired the American Bar Association's Arbitration Institute, and regularly speaks and writes on ADR matters, both domestic and international.



Claiborne has successfully arbitrated and mediated a wide range of international business disputes involving breaches of contracts, as well as a variety of intellectual property matters. She has worked with clients residing and doing business internationally, including in Israel, the United Kingdom, Turkey, Spain, France, Norway, Mexico, Canada, and particularly in Asia, where she has handled cases in China, Taiwan, Vietnam, and Japan.

Claiborne notes, "Business has become increasingly international and, therefore, I am seeing an expanding number of mediations and arbitrations that involve companies from a variety of countries. It is exciting to be in the forefront of resolving these disputes and learning about international business problems and opportunities."

(continued on page 111)

(continued from page 98)

Dr. Bernardo Cremades, of Madrid, is senior partner at B. Cremades y Asociados, and one of CPR's Global panelists. Cremades has more than 30 years of domestic and international arbitration experience based in Spain. He is an ADR professor at the University of Madrid.



Bernardo Cremades

Of his international experience, Cremades writes, "Over the last 40 years I have been privileged to be a part of the spectacular growth in international ADR. I have seen ADR mature in terms of party autonomy and independence from national legal systems, in the range of techniques available, and in geographical regions and economic sectors of its use. Today, ADR is sophisticated, flexible, and widely used. In the last 15 years I have enjoyed acting as an arbitrator and commentator in the brave new world of investment arbitration, and the special issues raised by dispute resolution involving state parties. Each case presents its own unique challenges, so the work is in one sense always novel, but it is an immense advantage to be able to draw on my years of case experience. Experience creates a special trust between arbitrators and counsel and ensures the successful completion of even seemingly intractable cases."

CPR's global initiative is further fostered by alliances within specific countries. The China Business Mediation Panel roster includes sophisticated mediators trained in resolving disputes between U.S. and Chinese companies. These mediators use the mediation procedure developed by CPR and CCPIT (China Council for Promotion of International Trade) (available at <http://bit.ly/11VM6C0>). Mediations are conducted through the auspices of the U.S.–China Business Mediation Center.

Sally Harpole is an international arbitrator, mediator and lawyer with more than 30 years of China experience, and one of CPR's China



Sally Harpole

Business Mediation Panel neutrals. She is based in Hong Kong, and also is admitted to practice in California. Harpole established her own firm in 2001, after leading the China practices of major multinational law firms in Hong Kong and Beijing.

Harpole says, "[l]ocal practices and cultural considerations can be as important as the substance of a problem in international ADR. Over my 35 years in China I've become familiar with the local business and legal culture. I've also learned by working closely with Chinese mediators and arbitrators. My ability to communicate in both Chinese and English ... [and] my understanding of Chinese practices has enabled close collaboration with local professionals and helps parties to feel comfortable with the ADR method and process."

In France, CPR has partnered with CMAP (Centre de Médiation et d'Arbitrage de Paris), and has signed a cooperation agreement in an effort to expand each organization's panels. A joint panel comprises neutrals who conduct business in both French and English, and who have experience in complex commercial cross-border arbitrations or mediations. Neutrals on this panel are listed on CPR's Global and Cross-Border Panels, and their bios contain both CPR and CMAP logos.

Thierry Garby serves on CPR's International and Joint CMAP panel from his home in France. He has worked for 38 years as an attorney focusing on international matters, and has mediated for 16 years in the field. Garby has trained lawyers and managers around the globe in negotiation and mediation for 30 years. He has authored books on the subject, and founded the World Forum of Mediation Centers (see <http://bit.ly/ZLHFJY>), where he serves as co-president.



Thierry Garby

Though he worked on highly technical and legally sophisticated matters, Garby states, "[W]hen looking for an amicable solution, the legal or technical issues are not the real issues. If they were, the problem would have been solved or everyone would know that there is no possible amicable solution. The defective communication between the parties is responsible for the conflict. My mission is to bring them to communicate and understand each other again. This implies that I understand the parties better than they understand each other. My extensive past and present experience in international business and litigation is a great help to this effect."

He continues, "[m]ediating international matters is no different than mediating any other case. But it takes a lifetime of experience of international business disputes to be able to sense the various communications patterns and understand what the participants really mean. An 'international mediator' must be alert to the various cultural approaches in play and realize that his [or] her pattern is not valid anymore when speaking to foreign parties. This is necessary to bring them to actually 'speak the same language' even if in different idioms."

For further information about these or other CPR Panels of Distinguished Neutrals, please contact Mara Weinstein, Special Counsel and Panels Manager at mweinstein@cpradr.org.

—Mara Weinstein