



**JANE E PLAYER
MEDIATOR**

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MEDIATION EXPERIENCE

Jane focuses on general corporate and contractual claims, fraud and project disputes to include pharma, energy, technology, IP claims and media disputes. Jane has particular experience of international dispute resolution and has a leading reputation for managing cross cultural aspects of joint venture and international shareholder disputes.

Jane is recommended for mediations where there are strong personalities within the parties' groups and where there may be some cynicism towards the potential for dispute resolution through mediation. She has an engaging style and is often praised for her proactive approach.

As a full time mediator Jane actively promotes mediation and is regularly asked to speak on the subject in a number of jurisdictions. This includes promoting "in life" mediation (and she has been appointed as an "in life" mediator), which is a new trend in English dispute resolution. The use of mediation techniques earlier in the business relationship, using mediators working with parties to help them maintain their commitment to the venture as opposed to focusing on rights and obligations once things go wrong, has proved very successful. This approach supports businesses in their desire to form long term strategic relationships.

Examples of cases mediated include:

General

- Breaches of contracts/contract interpretation.
- Misrepresentation/failure to disclose.
- Breaches of confidentiality and fiduciary duty.
- Termination/repudiation of agreements.
- Disputes regarding outstanding debts.
- Breaches of compliance rules and FSA regulations.

International

- International dispute between a Nigerian and Russian counterpart in relation to a trade dispute.
- Distribution agreements in accordance with Israel and US law mediated in the UK.
- International project disputes to include multi jurisdiction and cross cultural issues within Europe.
- Fraud investigations involving two or more jurisdictions (to include USA).
- Competition law disputes with competitor businesses.

- Joint venture disputes between two large multinationals with regard to investments in the Indian market.
- Dispute between Korean and Egyptian car manufacturers on breach of joint venture agreement.

Projects Disputes

- Disputes on IT Telecoms projects where disputes have arisen over failed milestones and breach of contract/negligence actions for not fit for purpose systems.
- PPP/PPI projects to include the construction industry.
- Finance projects where the bank or insurer has acted as the lost payee under an insurance policy backing a project which then fails.
- International, Turkish and Asian communication projects dispute.
- Spanish and South American development scheme dispute.

IP Disputes

- Copyright and licensing disputes in the publishing, telecoms and IT industries.
- Media IP/IPR disputes.
- Banking disputes which involve the security taken over IPR rights.

IT/Telecommunications

- Interconnection agreement between large telecoms operator and service provider.
- Software licence disputes following formal tender process for the implementation of body shop management software for vehicle repair body shops.
- Breach of contract. Acting for the supplier and customer on turn key projects as well as design only and/or maintenance only projects in the telecommunications and IT sectors.
- Regulatory disputes involving licence fees.
- Professional negligence against other professionals to include solicitors and accountants and IT/Telecoms experts.
- UCTA case for communications parties to include allegations of EU dominant position in the market.
- Software licence disputes and the valid transfer of software licences.

Media/Entertainment

- High profile defamation claim against senior executive at a worldwide broadcasting organisation.
- Film finance disputes to include distributor disputes and producer/financier disputes. Also to include professional negligence against film solicitors who had incorrectly protected their client's position.
- Defamation actions to include breach of confidence within media and publishing industries as well as corporate defamation actions.

Professional Negligence

- Various disputes in relation to solicitor, accountant, surveyor and specialist expert negligence.
- Medical practice disputes to involve professional negligence and partnership law issues.
- Architects negligence.
- Patent agents negligence.

Banking and Finance Disputes

- Dispute relating to the debts arising out of the Irish banking crisis involving complicated corporate debt owed by a construction company following the death of the main shareholder.
- Breach of mandate disputes.
- Consortium disputes where there are multi party banks involved and disputes arise out of priorities on loan repayment distributions.
- Dispute between 2 large IFA businesses.

Insurance

- Dispute between an accountancy firm and a client where the client's allegations were that negligent tax advice had been given which caused a loss to the Claimant's business. The insurers and the insured were relevant parties to the mediation and this had an effect on the outcome.
- Acting as co-mediator for a large financial services dispute where there were multiple banks involved against two debtors and the insurers were in a third room interested in the outcome and playing a small part in the solution.
- Mediated disputes for parties where there was insurance backing relevant to the mediation settlement. In the most part, the insurers did not attend the mediations but were available by telephone.
- Mediation advocate in a dispute for a large disaster recovery claim against an insurance company. Jane acted for the insured in a mediation which was ultimately resolved.

Personal style

- *“Able to retain confidence of the client in mediation process in extremely difficult circumstances.”*
- *“Extremely professional in using her mediation skills.”*
- *“Approachable, can do, calm, personable, patient and thoughtful.”*
- *“Many mediators understand the legal issues but Jane combines this with the emotional intelligence that can be the difference between a wasted day and a successful outcome.”*
- *“Jane's proactivity and people skills were key in enabling the parties to reach agreement.”*
- *“Strikes a good balance between empathy with the client and the harsh reality of litigation.”*
- *“We were very pleased with Jane and the way she conducted the mediation.”*
- *“Good on coming up with ideas, discussing tactics and quick to pick up on reality testing, questioning etc.”*
- *“Determined to explore every possible option rather than giving up.”*

- *“Highly constructive and added greatly to the process.”*
- *“Good rapport with the principals.”*
- *“Obviously a very good lawyer, excellent interpersonal skills, a really warm and likeable person – a great asset to the mediation community.”*
- *“She was excellent. She worked hard with us and built rapport well with our client. I would be happy to use her again in the future.”*
- *“Jane had a very thorough approach to the mediation.”*
- *“We were very impressed by Jane. She is very personable and conciliatory. She is a good listener.”*
- *“We were very pleased with Jane and will be happy to work with her again.”*
- *“She did a good job in helping the parties see where they could settle.”*
- *“I was very impressed by Jane. She had a very quick grasp of all the key legal issues and was very familiar with all of the points so as to ensure that all parties could make as good a use of the time available as possible.”*
- *“Her ability to identify common ground and to debate and challenge ideas was excellent and she was key in achieving the settlement.”*
- *“Her manner and style was also good - calm and understanding of the clients' concerns but firm and in control at all times. My clients were also impressed.”*
- *“Jane is not afraid to get stuck in and work with the parties towards a settlement.”*
- *“Jane’s manner helped us persuade well meaning but ill-advised defendants that a mediated resolution was a good result for them.”*
- *“Jane mixes a tenacious and involved style with a warm personality that brings all the parties together. She is excellent at rapport building.”*
- *“Despite being a lawyer, Jane was good at steering clear of the law and ensuring that the clients’ commercial interests were best served on the day.”*
- *“The most recent mediation was a traumatic experience for the clients. It was on the rocks for a good while. That we steered through to calmer waters was in large part due to Jane’s perseverance, wisdom and good humour.”*
- *“Jane shows an extraordinary ability to identify commonality of issues and puts a very positive slant on issues where parties appear miles apart. She remains encouraging and non-judgmental yet directional. My experience of using Jane has been incredibly positive.”*
- *“I had all but given mediation up as a pointless step and additional cost in hotly contested commercial disputes until I used Jane. Jane has such enthusiasm for the process spurred on by an impressive 100% success rate at settlement that she keeps the parties negotiating when others might give up and go home. This is what sets her apart. She doesn’t give in.”*

Other dispute resolution experience

- Early neutral evaluation, arbitration, expert determination.
- Part of CEDR faculty for CEDR Mediation Training Courses.
- Series of training for the International teams at previous law firms on cross cultural mediation and dispute resolution.

- Government and Local Authority training for mediation.

PUBLICATIONS AND SPEECHES

- To be published: Chapter contribution to publication on International IP Mediation, Kluwer International
- To be published: Contribution to the Special Issue on Mediation in Corporate Disputes, European Company Law (edited by Kluwer)
- July 2016: Lawyer Monthly article – *“The shifts in the international mediation landscape, the complexities of mediating daily, and what the best way to bring two parties together is”*
- November 2015: Co-chaired the 6th ICC International Mediation Conference in Paris – *“Mediating for a Better Business Outcome”*; *“New Trends in Business Mediation”*
- October 2014: IBA Conference, Tokyo – *“Mediation as an alternative method to resolve intellectual property disputes”*
- October 2014: ICC Conference for in-house counsel – *“Use of Mediation”*
- May 2014: Intellectual Property Mediation Conference, Alicante, Spain, – *“IP mediation techniques for breaking stalemate”*
- 2014: Co-wrote chapter for latest Mediation Handbook entitled *“Mediation in Energy Disputes”* by David Richbell
- November 2013: ICC & IBA Mediation Conference, Dubai, UAE – *“How one best starts a mediation –on its own or in conjunction with proceedings”*
- October 2013: IQPC Corporate Counsel Exchange, Netherlands – *“Dispute Wise Management”*
- September 2013: International Academy of Mediators Conference, Paris, France – *“What drives and hampers mediation in Europe?”*
- August 2013: WIPO article – *“Vive la resolution! – attitudes on technology mediation”* published in Intellectual Property magazine
- April 2013: IQPC Corporate Counsel Exchange, London – *“Mediation ... Exploding the myth?”*
- February 2013: ICC 4th International Mediation Conference, Paris, France – *“Controlling the choice and involvement of outside counsel”*
- October 2012: IBA Conference, Dublin – *“Why not international mediation?”*
- March 2011: Nani Palkhivala Arbitration Centre’s Annual International Conference on Arbitration – *“Improving the effectiveness of Arbitration in Infrastructure projects and joint ventures”*
- 2010: Co-wrote mediation chapter for *“International Intellectual Property Arbitration”* published by Wolters Kluwer
- October 2009: IBA Conference, Madrid – *“Mediation Across the Sectors”*
- 2008: PLC article *“Resolving Deadlock through arbitration”*

RECOGNITION AND AWARDS

- 2016: Appointed as a Distinguished Fellow to the International Academy of Mediators
- Winner of the Corporate Livewire 2015 Legal Awards in the category Commercial Mediator of the Year – UK.
- 2014 Women in Business Law, Litigation category, published by Legal Media Group in their Experts Guide.
- Named as one of the top 100 lawyers in London and one of the top 50 women lawyers in London in the Super Lawyers UK survey, conducted by Thomson Reuters in March 2013 and published in The Daily Telegraph.
- Winner of the International Law Office (ILO) Client Choice Awards 2012 – Litigation Category for the UK
- Listed in Legal 500 and Chambers in Commercial Litigation category and as mediator.

PROFESSIONAL BACKGROUND

Jane joined King & Spalding in April 2012 where she was a partner in their London Disputes Group until 31 March 2017. Prior to that Jane was the co-head of the International Dispute Resolution Group at Bird & Bird which she joined in 2002. Before that, Jane spent 10 years with DLA as head of their London Disputes team and 7 years with Turner Kenneth Brown having qualified as a solicitor in 1987.

Jane was accredited by CEDR in 2001 but has been mediating as counsel since 1992. Jane was privy to some of the first mediations in the UK having started her career at Turner Kenneth Brown which housed CEDR's first home. Since 2001 Jane has combined her busy mediation career whilst maintaining her demanding legal practice. Jane became a full time mediator in 1 April 2017.

Jane undertook the International Advanced Mediation course with MATA (Mediation and Training Alternatives) in 2007 and was a member of their faculty for training mediators. In 2008 Jane became a member of the CEDR Direct Access Panel of 50 top mediators and is now a member of their faculty for training mediators. Jane also mediates through IPOS. Additionally, Jane was appointed as a Distinguished Fellow to the International Academy of Mediators in March 2016, is a member of the Follet Group, a group of top female mediators, is on the IMI Users Counsel, is a member of the Commercial Mediation Group and was a past co-chair of the IBA Mediation section. Jane ensures she stays up to date with the latest mediation techniques and methodologies and is actively engaged with the mediation community. Most recently, in September 2016 Jane attended an Advanced Mediation Course in Rome. Jane has mediated in time limited mediations as well as 2-3 day mediations where stamina and persistence are required.

OTHER SKILLS

Jane speaks French, Spanish and Italian to varying degrees. She has three sons and this has helped enhance her negotiation skills! When Jane has any spare time she enjoys playing golf, tennis and erratic skiing.