



JANE PLAYER

MEDIATOR

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OVERVIEW

Jane is a leading international mediator – formerly a partner at King & Spalding, co-head of the International dispute resolution group and head of London disputes team at Bird & Bird, and DLA Piper LLP respectively.

Her focus lies in commercial and contractual claims particularly in construction, fraud and project disputes including pharmaceuticals, energy, technology, IP and media. Jane is also experienced in professional negligence, family trust and local authority PFI disputes.

She has particular experience of international dispute resolution with a leading reputation for managing cross cultural aspects of joint venture and international shareholder disputes. She sits on panels in the UK, Europe, USA, Japan, Korea, Singapore, India and UAE.

Jane has mediated in time limited mediations, as well as 2-3-day plus mediations across the globe, especially those where stamina and persistence are required.

Her other ADR experience includes early neutral evaluation, mediation coaching, project and issue mediations, expert determination and dispute avoidance boards.

Jane speaks French, Spanish and Italian to varying degrees.

PRACTICE AREAS

- Corporate and Contractual disputes
- Intellectual Property
- IT & Telecommunications
- Media & Entertainment

- Professional Negligence
- Banking & Finance
- Insurance

MEDIATION EXPERIENCE

Jane was accredited by CEDR in 2001 but has been mediating as counsel since 1992 having been 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 becoming a full-time mediator on 1 April 2017.

Examples of cases Jane has mediated include:

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

ENDORSEMENTS

- "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.”

RECOGNITION

- 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

- King & Spalding, Partner - London Disputes Group
- Bird & Bird, Co-head of the International Dispute Resolution Group
- DLA Piper LLP, Head of London Disputes team
- Turner Kenneth Brown (qualified as a solicitor in 1987).

MEMBERSHIPS

- Mediation and Training Alternatives faculty member for training mediators

- CEDR Direct Access Panel of 50 top mediators and faculty member for training mediators
- In Place of Strife (IPOS)
- Distinguished Fellow to the International Academy of Mediators
- Follet Group (Top female mediators group)
- IMI Users Council
- Commercial Mediation Group
- Past co-chair of the IBA Mediation Section

PUBLICATIONS & SPEAKING ENGAGEMENTS

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.

- 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”.