

Profile

January 2008

Geoff Sharp's Qualifications & Appointments

LL.B (Victoria), AAMINZ, GDip Bus Studies (Dispute Resolution), Adv.M.LEADR

○ Panel Memberships:

- [Arbitrators & Mediators Institute of New Zealand Mediation Panel](#)
- [Advanced LEADR Mediation Panel](#)
- American Bar Association, Dispute Resolution Section, USA
- [The International Academy of Mediators](#)
- [Lead mediator Weathertight Homes Resolution Service Mediation Panel](#)
- [Office of the Domain Name Commissioner panel of mediators](#)
- [The Health and Disability Commissioner's panel of mediators](#)
- [Hong Kong International Arbitration Centre Mediator Panel](#)

○ Barrister and Solicitor of the:

- High Court of NZ (1982)
- Supreme Court of Victoria
- Federal Court of Australia
- High Court of Australia



○ Recent Appointments

- December 2007 – appointed to the 2008 adjunct faculty of Pepperdine University School of Law, California teaching at [Pepperdine's Summer Professional Skills Program in Dispute Resolution](#)
- May 2007 - accepted onto the [Hong Kong International Arbitration Centre's](#) panel of accredited mediators
- June/July 2006 - requested by the Malaysian Government (Justice Ministry – Biro Bantuan Guaman) to train Malaysian government mediators and advise on implementing its legal aid mediation project
- May 2006 – appointed to the Domain Name Commissioner's mediator panel for the resolution of internet domain name disputes

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- January/August 2006 – engaged as mediator and facilitator for Air New Zealand’s ongoing consultation with a number of aviation industry unions around outsourcing of jet engine maintenance, aircraft cleaning, ticketing and loading
- January 2006 – appointed chair of the Alternative Dispute Resolution Committee of the New Zealand Law Society
- January 2006 – appointed to the Department of Building & Housing’s interview panel for its head mediator position of Mediation Practice Adviser
- January 2005 – appointed to the Ministry of Justice mediator interview panel for the 2005 pilot mediation program in the Family Court
- December 2004 - invited to join the Health and Disability Commissioner’s panel of mediators resolving disputes in the health sector
- October 2003 - first New Zealander elected as a Fellow of the US International Academy of Mediators
- January 2003 - appointed [Principal Mediator](#) to the Weathertight Homes Resolution Service with responsibility for leading the 20 contract mediators dealing with the 3000 leaky building claims in New Zealand
- June 2002 to 2004 - engaged by the Ministry of Housing (now the Department of Building and Housing) to lead, mentor and advise its 62 mediators throughout New Zealand.
- 1997 to 2004 - Board member of LEADR NZ – Lawyers Engaged in Alternative Dispute Resolution – an Australasian association of lawyers and others involved in mediation
- 2000 to date - representative on the New Zealand Law Society’s [Dispute Resolution Committee](#)
- September 2001 to date - Chair of the State Housing Appeals Authority, a statutory appeal authority set up under the Housing Restructuring (Income-Related Rents) Amendment Act 2000 to hear appeals in the state housing sector.

Legal Background

Until the late 1990’s I was a litigation partner with Bell Gully, one of New Zealand’s largest commercial law firms and I headed the Wellington litigation practice for some years prior to leaving for the Bar.

I have been involved in commercial litigation for the past 20 years both in New Zealand (Bell Gully) and in Australia (Mallesons). During that time I specialised in contract, securities, banking and finance and insolvency litigation. In the early 1990’s I began to develop a mediation practice and eventually left the firm to pursue this.

I am now a barrister specialising exclusively in commercial mediation work.

Mediation

I am a member of the advanced mediation panels of both LEADR and AMINZ, the only two recognised professional mediator organisations in New Zealand.

I work exclusively as a commercial mediator in a broad range of disputes, usually being appointed legal advisers to the parties. I have conducted over 600 mediations.

- [Click here](#) for commercial mediation work in 2006/2007
- [Click here](#) for public sector mediation work in 2006/2007

Over recent years I have travelled to the USA at the request of the American Bar Association. I regularly travel to the US to meet with like-minded colleagues and to keep myself current in a changing profession.

I have received formal training by a number of institutions including, Harvard Law School (Boston), CDR Associates (Colorado) and Bond University (Queensland) as well as closer to home from LEADR and Massey University. I occasionally lecture students at both Victoria University's Law School and VUW's Dispute Resolution Institute and at Massey's Dispute Resolution Centre.

Style

In my experience, parties and counsel are clear in what they expect an effective mediator to deliver. They want a mediator who;

- Never gives up
- Understands and appreciates the role of counsel
- Listens and will 'do no harm'
- Has a broad litigation background
- Has a respect for and an ability to connect with parties
- Understands and has sufficient experience to protect counsels' litigation strategies
- Understands and respects the mediation process
- Never gives up

My aim is to conduct the mediation in a manner that does not interfere with the litigation process. This is not always straightforward and I attempt to do this by being creative, by being persistent and by understanding and respecting the process, the parties and counsel.

I hope my reputation is as a proactive mediator who adds real value and is able to facilitate and assist in the settlement of the most difficult and hotly debated cases.

Although there are many ways to measure the effectiveness of a mediator and the mediation process, parties to mediation are often primarily interested in a mediator's resolution rate – with that qualification, my resolution rate has been above 90% over the last few years and I expect that to continue in 2008.

Parties may also like to know something of how a mediator and the [mediation process works](#).

Training

As well as mediating, I also train and talk to others on mediation:

- I regularly trained with NZ law firms and organisations in 2007
- In October 2003 I was accepted into the invitation only 3rd Annual Masters Forum at Pepperdine University, California, where I was a dialogue session leader. The Forum is a gathering of 130 accomplished North American mediators
- In late 2004 I judged the final of the [Buddle Findlay Negotiation Competition](#) that was held at the Wellington High Court. In mid 2005 I coached the NZ University's negotiation team going to the World Negotiation Competition in Ireland
- In September 2003 I addressed the American Bar Association's ADR conference in Washington D.C on international mediation. In April 2006 I led a session at the spring conference of the International Academy of Mediators at Harvard Law School, Boston.
- In early 2003 I travelled to Malaysia for a second time at the invitation of the Malaysian Bar Council to address lawyers, judges and NGO's interested in mediation and how it may be integrated to the court process. I returned in June/July 2006 at the invitation of the Malaysian Government (Justice Ministry Biro Bantuan Guaman) to train Malaysian government mediators and advise on implementing an innovative legal aid mediation project which will see 7000 per year legal aid cases mediated before they go into the court system.
- I have spoken on mediation at many conferences, for example

- tenancy mediator conferences at the invitation of the Department of Building and Housing of Housing
 - at a number of commercial conferences sponsored by LexisNexis such as the 2003 *Joint Ventures Masterclass* and the 2004 Building & Construction Law Conference in July 2004 & 2005 Civil Litigation Skills Accelerator Conference and the 2005 Joint Enterprises Masterclass
 - the 2004 [Arbitrators & Mediators Institute Conference](#) on training and credentialing mediators
 - 2005 ADLS Judicial Settlement/Mediation Seminar
 - 2005 Insurance Law Conference
 - 2006 Health Regulatory Conference
- I helped train the original employment mediators appointed under the then new NZ Employment Relations Act in September 2000
 - I have trained and spoken to lawyers from the Wellington, Auckland and New Zealand Law Societies, the Samoan Law Society (Apia), the World Bank (Bangkok) and the Malaysian Bar Council (Kuala Lumpur) as well as a number of NZ law firms and Government Agencies. Training includes Kensington Swan, Bell Gully, Morrison Kent, Simpson Grierson and Buddle Findlay
 - I taught for a number of years on the faculty of the annual NZLS Litigation Skills course for litigation lawyers
 - I am an accredited LEADR trainer and supervising mediator and I have taught at LEADR workshops both in NZ and overseas. I designed and taught LEADR's '*Smart Advocate in Mediation*' series of workshops for lawyers representing clients in mediation and in 2005 revamped the course and delivered it to a national law firm
 - Over the 2006/2007 period have been invited on a number of large firm litigation retreats to train on mediation related topics
 - In 2004/05 I designed my own one-day training program for lawyers called [Mediating the Litigated Case](#). This course is designed for the more experienced mediation advocate and a brochure can be downloaded by [clicking here](#)
 - In 2005 I designed a [four-hour short course](#) for small in house/corporate counsel teams that is industry specific and practical.
 - In June 2006, together with an Auckland colleague, I am assisting Dr. Julie Turchin, a Stanford University psychologist, to travel to NZ to deliver a workshop to our mediation community '[The Psychology of Mediation and Negotiation](#)'.

I work out of Wellington, Christchurch and Auckland on a regular basis.

I have a local presence in Wellington and Christchurch and if working in either of those centres, I charge a daily rate and do not charge travel costs like airfares/accommodation etc. [click here](#) for more on my rates.

I have local telephone numbers in each of the main centres:

Auckland 09 **366 6223**

Wellington 04 **499 5395**

Christchurch 03 **377 7171**

My practice is very much a national one and I am very happy to work anywhere at a venue agreed upon by the parties.

Premediation steps

I usually provide [a note to Counsel](#) suggesting the steps needed in the lead up to the mediation.

I normally email that memorandum once my appointment is confirmed together with a suggested mediation agreement.

Engagement Terms

These are available by email on request or are available by [clicking here](#).

Articles

I have a number of articles published at American and UK web sites, including:

★ [mediator questions](#).....this article emphasizes the importance of skilful questioning by mediators and offers a selection of questions that a mediator might ask in the mediation of a commercial dispute that is on its way to trial

★ [lawyers in mediation](#).....those of us who were lawyers in a previous life and are now mediators, or those of us who dabble in both worlds, will know that there is a sensitivity surrounding the whole question of the mediator and the attorney / client relationship. This tension is largely unspoken but it is nevertheless an anxiety for most lawyers entering mediation.

★ [mediator persistence](#)it is at some risk that I set out to promote my expertise in the area of what to do when mediation ends in disagreement. To assist my investigation of what we do as mediators when destination Yes eludes us, I polled a number of experienced commercial mediators.

I observe [LEADR's ethical standards](#) for New Zealand mediators

Please visit www.geoffsharp.co.nz for further information - including standard documentation like my Mediation Agreement and Terms of Engagement

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