



ArbDB Chambers

ARBITRATORS, MEDIATORS
& DISPUTE BOARD MEMBERS

Mark E. Appel

Mediator, Arbitrator, Attorney, Consultant,



Work History:

2016-Present – Member, ArbDB Chambers

2001-2015 – Senior Vice President – Europe, Middle East, Africa,
International Centre for Dispute Resolution – AAA

1976-2001 – Assistant Director, Regional Director, Regional VP,
Senior VP, American Arbitration Association

Experience:

Independent, International Mediator and Arbitrator with ArbDB Chambers in London.

Nearly 40 years of global mediation and arbitration experience, having lived and worked in Europe, the Middle East, Asia and Africa since 2001 and having served in both executive and senior executive positions at the American Arbitration Association (AAA) and International Centre for Dispute Resolution (ICDR), leaving ICDR/AAA as Senior Vice President-EMEA in December of 2015.

Thoroughly familiar with Civil and Common Law mediation and arbitration practice and procedure, with 30 years of experience in training mediators and arbitrators on multiple continents on behalf of various dispute resolution institutions, government ministries, Courts and NGO's. Practice focus, since 2016, has been Investor-State mediation.

Experience as a Mediator:

Over 30 years' experience as a mediator. Founding, now honorary Director, International Mediation Institute (IMI). Immediate Past-Chair (2016-2020), IMI Investor-State Mediation Taskforce.

Experience as a mediator in variety of industry settings including:

ArbDB Chambers
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Construction – Public and Private projects
Technology – Suitability and Buy-Sell Agreements
Joint Venture
Banking
Buy/Sell Agreements

Mediation Philosophy:

The mediation process is a creature of the parties' agreement. I will be pleased to follow the parties' agreements as to process and, in the absence of agreement; I will work with the parties and their representatives to structure a process that suits the particular dispute.

Successful mediation begins with sound preparation. Parties and/or their counsel should be prepared to participate in an organizational conference call soon after my appointment is confirmed. Besides scheduling, topics of the organizational call will include conversation regarding authority, participation, information exchange and ratification issues and requirements. For particularly complex mediation (e.g. Investor-State matters), the Parties should also anticipate the possibility of individual meetings with me before joint meetings commence.

At the first joint session, summary statements from counsel will be entertained and encouraged but my experience is that the mediation process works best when the parties participate actively from beginning to end.

If possible, I prefer to begin the mediation with all parties present. It provides an opportunity for each party to hear from their counter-party/parties directly, a wonderful opportunity for education. Generally speaking my role early in the process is to encourage dialogue and listen actively, summarizing or asking short clarification questions for my own benefit and the benefit of others.

If and when appropriate I am also comfortable working with the parties in individual, private caucuses. A caucus can be helpful for safely addressing barriers to settlement or possible options for settlement. Parties can expect that I will take a more inquisitorial role in the caucus. My experience is that the parties benefit significantly from reality testing, responding to questions and reactions from an impartial mediator.

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Ultimately mediation becomes a search for appropriate and effective solutions. My firm belief is that the best solutions come from the parties themselves and that my role is to assist the active exploration of settlement options. My approach is to listen carefully for opportunities, posing questions regarding interests, needs and priorities and assisting the parties to think broadly about settlement options.

When the parties reach settlement, my habit is to confirm at least the heads of agreement with all parties present and then to leave the drafting of the settlement agreement to parties' counsel, intervening where necessary to keep the process on track.

Education:

Manhattan College – Bronx NY – BA (Political Science/Peace Studies) 1976
University of Denver College of Law – JD 1986

Awards and Honors:

Denver Bar Association – Special Achievement Award – 1990
International Mediation Institute – Honorary Director – 2013

Recent Publications - *Investor-State Mediation: Not Whether Or Even When, But How* – Global Pound Conference Blog – 2016; A “Done Deal” For States And Investors? *The New United Nations Convention On International Settlement Agreements Resulting From Mediation*. The Journal of Enforcement of Arbitration Awards, Vol: 1, No: 2 © JurisNet, LLC 2018 <https://arbitrationlaw.com/books/journal-enforcement-arbitration-awards>; *Investor-State Mediation—New Tools for Policy Makers*. Transnational Dispute Management (AdvancedPublication,2020). <https://www.transnational-dispute-management.com/journal-advance-publication-article.asp?key=1806>

Recent Speaking Engagements: Energy Charter Conference Meeting- Brussels – *Recent Developments in Investor-State Mediation*; African Legal Support Facility (AfDB) and Pan African Lawyers Union – *Drafting Dispute Resolution Clauses*; Second Annual Hong Kong Mediation Lecture, November2020 – *Investor-State Mediation at the Tipping Point*

Nationality: Republic of Ireland; United States

Language: English

October 2020