



DONNA ROSS, LL.M. FCIARB FRI FACICA



International ADR practitioner admitted in Australia and New York holding common and civil law degrees with significant experience in domestic and international arbitration, mediation and litigation.

Independent arbitrator and mediator. Advocate and adviser focusing on commercial and contract negotiations and disputes, with a broad-based professional background in business and technology and multi-cultural experience.

Teacher and trainer for arbitration (CIARB Faculty), mediation, ADR advocacy and negotiation.

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ADMISSIONS AND ACCREDITATIONS

Admitted as a lawyer in Australia and New York

Fellow of the Chartered Institute of Arbitrators (CIARB)

Fellow of Resolution Institute

Fellow of ACICA

Member of the Society of Mediation Professionals (Singapore)

Resolution Institute (IAMA) Graded Arbitrator

Accredited Specialist in Mediation by the Law Institute of Victoria

NMAS Accredited Mediator

IMI (International Mediation Institute) Certified Mediator

International Certified Mediator and Arbitrator, Asia Pacific Centre for Arbitration & Mediation (APCAM)

Leading Mediator, *Doyle's Guide* 2018, 2019, 2020, 2021, 2022 and 2023

Australian Law Awards, Finalist Mediator/Arbitrator 2023

Australasian Law Awards, Winner Most Influential Lawyers of the Year 2021

Australasian Law Awards, Winner Arbitrator of the Year 2020

ADC Australian ADR Awards, Finalist ADR Practitioner of the Year, 2019

Australasian Dispute Resolution Journal: Editorial Consultant (Arbitration, Mediation, Negotiation)

IMI QAP Appraisal Committee Member

Faculty Positions

CIARB Faculty for International Arbitration

Mediation Accreditation Trainer for the Australian Disputes Centre (ADC)

Lecturer at La Trobe Law School for Mediation (Dispute Resolution)

CPD Provider Leo Cussen Centre for Law

CPD Provider Legalwise

Speaker and Coach, Monash Law, Mooting and Advocacy

ADR Panels

Mediator and Arbitrator, Victorian Small Business Commission

Mediator VCAT (Victorian Civil and Administrative Tribunal)

Arbitrator and Mediator, ACICA (Australian Centre for International Commercial Arbitration)

Arbitrator and Mediator, Australian Disputes Centre

Arbitrator and Mediator, Resolution Institute

Arbitrator and Mediator, Asian International Arbitration Centre (AIAC)

Arbitrator and Mediator, Australasian Dispute Resolution Centre

Mediator, Magistrates Court of Victoria

Mediator, Australian Small Business and Family Enterprise Ombudsman (ABSFEO)

International Certified Mediator and Arbitrator, Asia Pacific Centre for Arbitration & Mediation (APCAM)

Arbitrator and Mediator, Immediation (On-line Dispute Resolution)

Arbitrator and Mediator, World Intellectual Property Organization



Mediator, Petroleum Regulations.
Advisor and Mediator, Instant Mediations (On-line Dispute Resolution)
Arbitrator, NBN Industry Disputes
Conciliator, Code of Conduct for Australian Winegrape Purchases

Mediator, New York State Court, Commercial Division
Arbitrator and Mediator, Part 137 Attorney-Client Fee Dispute Program
Arbitrator, Better Business Bureau of New York (2004 – 2010)

PROFESSIONAL EXPERIENCE

DONNA ROSS DISPUTE RESOLUTION, Melbourne, VIC

Principal, 2015 to present

International mediator, arbitrator and advocate

Conducted close to 1000 domestic and international mediations and represented parties as a mediation advocate.

Arbitrator or counsel in some twenty domestic and international arbitrations, some spanning multiple years.

Legal and business advisor for individuals, companies and counsel from different countries and cultural backgrounds on governance, negotiation options and strategy and issues related to U.S., French and international law, with particular emphasis on negotiating and drafting domestic and international contracts and on dispute resolution clauses.

Advisor and drafter of mediation and arbitration rules for private and statutory bodies.

Lecturer and trainer

La Trobe University Law School

Lecturer Dispute Resolution (with a mediation focus and role plays), Negotiation Intensive,
Guest lecturer international Commercial Arbitration.

Australian Disputes Centre

Trainer for ADC's Mediation Accreditation Courses

CIArb Australia

Introduction to Arbitration and Award Writing

THE ROSS LAW FIRM, N.Y.

Principal, 2003 to present

U.S. and international commercial lawyer and outside general counsel to SMEs.

Mediator and Arbitrator. Advocate in domestic and international litigation and ADR in state and federal courts and administrative tribunals (tax and employment) in New York and New Jersey with parties from Australasia, Europe, Latin America and the U.S., primarily involving breach of contract, wrongful termination, shareholder disputes, and employment issues. Specialised in settlement negotiations before and during litigation and negotiating import and distribution, marketing, consulting and shareholder agreements.

B-LEGAL, Paris, Munich

Consultant, 2001 to present

Legal advice and opinions on U.S. and Australian law including litigation, contracts, M&O and international employment issues. Associate to managing partner in French, German and international litigation, arbitration and mediation, including before the *Cour de Cassation* and the European Court of Human Rights.

Representative areas of expertise

Property, and commercial leases • Franchise law • Construction
Partnership and shareholder agreements • Distribution and import agreements •
Information technology • Wine and alcohol industry • Professional Negligence

Past business and law-related work

Managing partner of DIALOG INTERNATIONAL, a legal language consultancy firm based in Paris. Assisted and advised attorneys at ICC arbitrations and in international law, worked with ministers, executives, legislators and officials from multinational corporations, the European Union, the International Olympic Committee, UNICEF, UNESCO and many other international organizations, government agencies and multi-nationals.

ACADEMIC QUALIFICATIONS



Diploma in International Arbitration, Chartered Institute of Arbitrators (CI Arb)
LIV Specialist Accreditation in Mediation
L.L.M. in Corporate Law and Dispute Resolution, Benjamin N. Cardozo School of Law, New York
Maîtrise (LL.B.) in Business Law, with Honors, *Panthéon-Sorbonne*, Paris
License (B.A.) in Applied Foreign Languages, Conference Interpreting, *Sorbonne Nouvelle*, Paris
B.A. in French and Political Science, Stony Brook University, New York

Professional Education and Development

CI Arb Tribunal Secretaries' Course
CI Arb Award Writing course
CI Arb Accelerated Route to Fellowship
The Negotiation & Leadership Conference at Harvard University
NYSBA Commercial Mediation and Advanced Commercial Mediation Training
Part 137 Fee Dispute Program Training in Arbitration and Mediation
ICC International ADR Training
ADR in the Entertainment Industry
Harvard PONS based negotiation course at Cardozo School of Law,
Negotiation course at the *Université de Paris I – Panthéon Sorbonne*

ADR TRAINING

Provider of CPD Training on Mediation, Mediation Advocacy, Negotiation and Arbitration to Institutions, Law Firms and Chambers of Commerce.

Lecturer at Leo Cussen Centre for Law:

The Mediation Mantra: Prepare, Prepare, Prepare!
Drafting Dispute Resolution Clauses - Which is the Best Option?
Mediation – How to Prepare When Your Client Has Not.
How to Deal with Difficult Clients and get the Best Outcome.
Difficult Clients - Practical Solutions

Lecturer at Bali International Arbitration and Mediation Center (BIAMC):

Introduction to ADR: *Why ADR?*
The Organization of an Arbitration.
Conduct of Arbitral Proceedings: Arbitration Agreements, Appointment of Arbitrators, Proceedings

Lecturer at Legalwise: Retail and Commercial Leasing:

Practice and Procedure - Interactive Case Study Landlord vs. Tenant: Working through the Issues in Mediation.
Achieving Better Outcomes in Retail Lease Disputes with Mediation

PUBLICATIONS AND SPEAKING ENGAGEMENTS

Regional Arbitral Institutes Forum (RAIF) Conference 2022, Presentation on behalf of Resolution Institute: The World after COVID-19: Changing Disputes and Novel Issues

Presentation to VCAT Members: The Mediation Mantra: Prepare, Prepare, Prepare!

AIAC: Connecting Asia with Africa through The Belt and Road Initiative: Opportunities for investment and opportunities for dispute resolution through ADR mechanisms.

Resolution Institute:

Regional Arbitral Institutes Forum (RAIF) 2022 Singapore: Country Representative, Speaker World after Covid-19: Changing Disputes and Novel Issues .
RAIF 2016 Sydney: Organizing Committee, Conference Chair.
The Arbitration Agreement and the Jurisdiction of the Arbitrator.
Managing Parties and Party Representatives in Mediation: Tools for Lawyer and Non-Lawyer Mediators.
The Business of Mediation: How to start and grow a practice
Med-Arb or Arb-Med: Ethical and practical considerations for single neutrals, in Sydney and Melbourne.
Resolving disputes post COVID-19 for small businesses and commercial leasing.



Monash Law School:

Coach and guest lecturer for LAW5412 Advance mediation: Skills and theory B.
Negotiation Techniques based on Getting to Yes, Getting Past No, or Getting to No: Achieving the Best Deal possible.
The negotiation competition process and the Mediation competition process.

HKIAC: Cooperating with the Facilitator While Protecting Client Rights

CIArb Australia/ ACICA symposium: "The International Arbitration Landscape in the United States: Implications for Australian Practitioners".

Fordham Annual Conference on International Arbitration and Mediation (in London): Med-Arb/Arb-Med: A More Efficient ADR Process or an Invitation to a Potential Ethical Disaster?

Hong Kong Department of Justice: Mediate First – Unlocking Potential: Can Mediators be Deal Makers?

Melbourne Lean-In Chapter: Negotiation Techniques for Women.

Clarence Chambers: Best Mediation Practices Top Tips for Advocates.

Centre For International Alternative Dispute Resolution: CISG in International Arbitration.

NAALA: Asia-Pacific Arbitration and Mediation Hubs.

ICC: Managing Commercial Disputes Effectively: An Australian and International Perspective

Publications:

Up In Smoke: Will Clive Palmer's Singapore Company Be Denied Standing In Its ISDS Arbitration Against Australia, Australian Alternative Dispute Resolution Bulletin, Lexis Nexis (Arb).

Strike While the Iron is Hot or Strike Out: Would Palmer's Singapore Entity Succeed Against Australia, INVESTMENT & COMMERCIAL ARBITRATION REVIEW (ICAR).

Resolution Institute Journal, the arbitrator & mediator.

Resolving disputes post COVID-19 for small business and commercial leasing

The Singapore Convention: From A Blizzard, A Convention Blooms.

Book review: "NEGOTIATION Things Corporate Counsel Need to Know but Were Not Taught" by Michael Leathes.

Case notes:

Functus officio: A matter of law not consent, State of Western Australia v Mineralogy Pty Ltd [2020] WASC 58.

Unilateral Arbitration Clauses: When a One-sided Consensus is Actually a Consensus, Wilson Taylor Asia Pacific Pte Ltd v Dyna-Jet Pte Ltd [2017] 2 SLR 362.

Beware the Champagne Clause: When the Effervescence Fades, It May Just Be Pathological, ADC Bulletin.

Med-Arb/Arb-Med: A More Efficient ADR Process or an Invitation to a Potential Ethical Disaster, Contemporary Issues in International Arbitration and Mediation, The Fordham Papers 2012 Edited by Arthur W. Rovine.

PROFESSIONAL AFFILIATIONS

Resolution Institute: Victorian Arbitration and Chapter Committees, former Chair; National Determinative, Arbitration and Diversity and Inclusion Committees

Arbitral Women

International Bar Association (IBA)

Lighthouse Club Australia

Society of Mediation Professionals (Singapore)

ICC Australia Mediation Committee, former member ICC Mediation Moot Steering Committee

AFIA Asia-Pacific Forum for International Arbitration

FACCI (French-Australian Chamber of Commerce)

FALS (French Australian Lawyers Society)

AILA (Australian Italian Lawyers Association)

NAALA (North American Australian Lawyers Alliance)



Charitable affiliations

St Kilda Gatehouse (Support for vulnerable marginalized women and girls)
HRAFF (Human Rights Arts & Film Festival)

Advisory and Board Positions

Current

IMI Appraisal Committee for Qualifying Assessment Programs (QAPs)
ArbitralWomen: Advisory Board Member, former Board Member
Instant Mediations: Advisory Board Member
Australian Italian Lawyers Association: Board Member
French-Australian Lawyers Society: Board Member
Australasian Dispute Resolution Journal: Editorial Consultant (Arbitration, Negotiation, Mediation)

Past

Immediation (Advisory Board); Former Chair of the Board of ITSOC (in the Spirit of the Children) a non-profit for foster child support, dealing with governance and regulatory matters.

LANGUAGES

Bilingual in French, native fluency in Spanish, fluent in Italian. Ability to conduct arbitrations and mediations, teach and represent clients in these languages.
Basic ability in German, ability to read Portuguese, notions of Hebrew and Arabic.