



## DONNA ROSS, LL.M. FCIARB Independent Arbitrator and Mediator

Donna Ross is an international dispute resolution practitioner who brings a rare combination of cultural fluency and pragmatic insight to her work, having practiced for some 30 years in the U.S., Australia, France and Singapore.

Qualified in both civil and common law systems, Donna is admitted to practice in both New York and Australia and holds a French civil law degree. She is also an Adjunct Professor at the Faculty of Law, National University of Singapore.

Donna now acts primarily as an arbitrator and mediator in domestic and international commercial disputes, appointed by private parties, institutions and courts. With over a thousand mediations conducted and experience as arbitrator or counsel in more than twenty arbitrations, she applies her global legal experience and broad-based professional background in business and technology in domestic and cross-border commercial disputes.

She is highly proficient in ODR and regularly conducts mediations and hearings across multiple jurisdictions and time zones online or in a hybrid format.

Donna is a Fellow of CIARB and a board member of the Singapore Branch, a graded arbitrator, an Accredited Specialist in Mediation Law, an accredited mediator in Australia and New York and an IMI and SIMI certified mediator.

Specialized in providing cost-effective, commercially sound dispute prevention, management and resolution, throughout her career Donna has advised and represented clients in complex corporate and commercial contract negotiations and disputes. She has acted as outside general counsel to SMEs, providing legal and strategic advice on transactional matters, regulatory and employment issues, and governance. Donna has particular expertise in drafting and negotiating contracts and dispute resolution clauses that anticipate and mitigate legal and business risk.

Donna has served as arbitrator, mediator and advocate in matters involving breach of contract and fiduciary duty, wrongful termination, defamation, business breakups and family property disputes and has extensive experience across diverse sectors including technology finances, construction, and the wine industry.

Among other accolades, Donna has been regularly recognized as a leading mediator by Doyle's Guide and received the Australasian Law Award for Arbitrator of the Year.

Donna is committed to appropriate dispute resolution. She lectures for continuing legal education programs, is frequently invited to speak at legal conferences, devotes her time as a coach and judge in ADR competitions and numerous committees and has contributed to the development of ADR rules and protocols.



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### ADMISSIONS

Attorney-at-Law, New York

Solicitor and Barrister, Australia

*Juriste*, France

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### QUALIFICATIONS

Adjunct Professor NUS Faculty of Law

CIARB Fellow and Faculty Member

Resolution Institute Graded Arbitrator

SMC Accredited Mediator

AMDRAS Leading Mediator

IMI Certified Mediator

SIMI Certified Mediator

LIV Accredited Specialist in Mediation

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### AREAS OF EXPERTISE

Contract, CISG, International Trade

Shareholder, M&A, JVs, Partnerships

Technology, ICT, IP

Private Equity and Finance

Import, Distribution, Licensing

Sales, Franchising

Property, Construction

Commercial Leasing

Wine and Alcohol Industry

Hospitality

Medicine, Healthcare

Professional Negligence/Malpractice

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### LANGUAGES

English, French, Spanish and Italian.

## Professional Experience

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### Arbitration Experience

Arbitrator or counsel in domestic and international arbitrations under institutional and ad hoc rules. Drafter of arbitration agreements and rules. Chair and member of arbitration committees.

- **Sole or panel arbitrator** in multiple attorney-client disputes under New York's County Part 137 Fee Dispute Resolution Program.
- **Sole arbitrator** in disputes for the Better Business Bureau in New York.

### Representative Arbitration Matters

#### *As Arbitrator*

- **Sole arbitrator appointed by SIAC** in a maritime arbitration between two Asian companies seated in Singapore. Issues included Notice of Readiness (NOR), demurrage, laytime, and vessel performance and pre-NoA attachment involving parallel foreign litigation.
- **Sole arbitrator in a three-year construction arbitration** between a main contractor and subcontractor regarding a 32-storey mixed-use development. Issues included: water ingress, mold and damage to balcony soffits; structural and cladding defects (e.g., lack of flashing, improper soffit materials, sealant and separation gaps); jurisdictional challenges involving assignment of the subcontract to the owners' corporation and joinder of additional parties.
- **Sole Arbitrator in a credit adjustment** and variation pricing dispute relating to a steel purchase agreement.
- **Sole arbitrator** in matters including construction, breach of contract, and personal injury cases under AAA and *ad hoc* rules.

#### *As Counsel*

- **Member of a legal team in a four-year ICC** arbitration over a four-years between Middle Eastern parties involving oil supply contracts with seat changed from Teheran to Paris.
- **Member of a legal team in an ICC arbitration** involving contract termination, and interpretation under both French and U.S. law with expert evidence on the French concept of *potestativité*.
- **Member of a legal team** advising European parties on arbitration.
- **Counsel in commercial arbitrations** involving breach of contract as well as personal injury cases, including under AAA rules.
- **Advisor on international arbitration**, choice of seat, rules, governing law and *clauses compromissoires*.
- **Advisor on New York law** in foreign-seated arbitrations.

### Legal Advisory Experience

Legal and strategic advisor to companies and individuals across a broad range of business and regulatory matters and dispute strategy including avoidance, management and resolution.

- **Provided advice to several companies in the allied health sector** on U.S. federal Stark Law and the Anti-Kickback Statute, state restrictions on profit-sharing with non-licensed professionals, the corporate practice of medicine and intellectual property matters.
- **Negotiated and advised on M&A and employment agreements** governed by U.S. and French law in transactions involving various U.S. clients and French counterparties.
- **Negotiated and drafted licensing and consulting agreements** for software, database services, SaaS platforms, remote and on-site support and metropolitan-area wireless networks between software companies, IT database providers and IT consulting firms including multinationals in Australia, the U.S. and the U.K.
- **Advised wineries, importers and distributors in the wine industry** on commercial, franchise and regulatory matters including compliance with the U.S. three-tier distribution system and Alcohol and Tobacco Tax and Trade Bureau (TTB) requirements including label approval (COLA).
- **Advised employers and employees** on termination rights and employee classification issues including independent contractor status under the IRS 20-Factor Test.
- **Reviewed and drafted retail and commercial leases** and professional licence agreements for landlords and tenants in multiple jurisdictions.
- **Drafted arbitration and mediation rules** for both private and public institutions.
- **Specialized in** resolving disputes pre-litigation.

## Representative Advisory Matters

- **Advised a Big Four accounting firm partner** on negotiation strategy in connection with termination including entitlements, settlement amount and restrictive covenants.
- **Negotiated and drafted transaction documents** including SPAs, investor rights agreements, lock-up, performance award agreements, warrants and management and financial advisory agreements for a private equity firm in various deals.
- **Advised a French manufacturer of plastic products** with subsidiaries in Europe and Asia on European agency law and use of IP. Negotiated and drafted an exclusive marketing and sales master agreement with a U.S. marketing company for distribution in North America and Asia as well as related agreements with subsidiaries in both English and French. All agreements included a multi-tiered dispute resolution clause and an agreement to consolidate any disputes.
- **Represented a company procuring industrial scale machinery from Italy** for sale, installation and testing in Australia and New Zealand. Negotiated and drafted purchase contracts with arbitration clauses and application of the CISG.
- **Advised a private equity investor** on U.S. investment risks and compliance with SEC regulations.
- **Drafted and negotiated wine import and distribution agreements** for a U.S. wine importer and distributor with producers in Australia, New Zealand and Chile, collectives in Spain and wineries in California. Advised on U.S. and foreign law in particular EU agency law, INCOTERMS, shipping, insurance and intellectual property matters.

## Litigation Experience

Litigation counsel to companies and individuals with a focus on strategy, risk and cross-border considerations in both common and civil law systems, with a focus on pre-litigation settlement.

- **Represented employers and senior employees** in disputes involving wrongful termination, enforcement of restrictive covenants, and employment classification issues (employee vs. independent contractor), including proceedings before administrative tribunals. Applied the IRS 20-Factor Test and relevant state law guidelines.
- **Handled French, German and international litigation and arbitration**, including proceedings before the *Cour de Cassation* and the European Court of Human Rights.
- **Enforced French money judgments in U.S. courts**, including tracing assets across California and Australia in support of cross-border enforcement strategy leading to settlement.
- **Acted in intellectual property litigation**, including disputes over ownership and licensing of proprietary content, often arising in the context of employment, defamation and fraud-related claims.

## Representative Litigation Matters

- **Represented a private equity firm** in a series of complex commercial disputes in the education and training sectors, involving director responsibilities under Title IV of the Higher Education Act, inter-partner financial conflicts, student claims, leasehold guarantees, and partnership breakdowns. Secured favorable settlements across multiple proceedings.
- **Represented a wine importer and distributor** in international and domestic litigation involving parties in Australia, New Zealand and the United States. Disputes included breach of contract, wrongful termination, duty of good faith, tortious interference, promissory estoppel, and violations of the New Jersey Franchise Practices Act.
- **Acted for an allied healthcare company** in multiple suits involving corporate and individual defendants. Claims concerned the corporate practice of medicine, including professional licensing issues, improper profit-sharing, and violations of the Anti-Kickback Statute and Stark Law. Successfully brought motions to disqualify opposing counsel for misuse of privileged communications.
- **Acted for the creative director and general manager of a couture fashion label** in a multi-issue dispute involving unpaid compensation, visa and immigration matters, independent contractor status, tax issues, intellectual property rights, termination, defamation, fraud, and successor liability (including piercing the corporate veil).
- **Represented the owner of a national gas station network** in land use and access-related litigation, including title inconsistencies and access road disputes not recorded on the tax map, as well as related conflicts with local authorities.
- **Represented an investor in proceedings against a national vending company** for breach of contract and non payment, including conducting an inquest on damages.
- **Litigated and settled claims** against a non-New York law firm for unlawful practice of law.

## Mediation Experience

Conducted close to 1,000 mediations in-person, online and in hybrid format across multiple jurisdictions and legal systems, with parties from many different countries and cultures, including with interpreters, and represented parties as counsel with frequent mediations in the following sectors:

- **IT disputes** involving software, content licensing, functionality, SEO, database access and web development on Joomla, DotNetNuke, Drupal and WordPress platforms.
- **Law firm partnership disputes** including dissolution, division of fees and clients, non-competes, financial entitlements and equity valuations, breach of fiduciary duty, bullying, breach of firm policies and confidentiality and professional responsibility issues.
- **Construction disputes** involving roofing, sewerage, water ingress, guttering, membrane replacement, asbestos contamination, landfill sites and steel supply variations.
- **International and domestic franchise disputes** in tax and accounting, property investment, dog grooming, restaurant chains, hospitality, hotel, optical/paramedical chains and poultry production industries.
- **Property and family disputes** concerning the sale of farms, quarries, residential developments and both commercial and residential property and pedigree and show dog breeders.
- **Partnership disputes** in pharmacy chains, medical practices and travel agencies.
- **Retail leasing disputes** between commercial landlords, shopping centers and tenants.

## Representative Mediation Matters

- **Mediated a cross-border partnership dispute** between media companies in the U.S., Australia and New Zealand concerning profit sharing, stock purchase agreements, business contributions and intellectual property rights.
- **Mediated a tripartite dispute** between a manufacturer, global testing company and a large retail chain on alleged non-compliance with standards of swimming pool safety fencing.
- **Mediated a dispute under a licensing agreement** between a luxury travel brand and its licensee regarding trademark use, brand leverage, social media, royalties and termination.
- **Mediated the termination of a contract** for delivery of a specialised IT solution automating insurance quote generation from web portals.
- **Mediated in a dispute concerning fulfilment and reseller agreements** for hardware supply and support to a major telecommunications operator.
- **Mediated the termination of a financial planning services agreement** between a retirement fund and its service provider.
- **Mediated the alleged breach of** a non-profit association's statement of member conduct by a former director, including claims of defamation and disclosure of confidential information.
- **Mediated a construction dispute between multiple parties**, including the owner, engineers, architect, builder, insurers and surety in relation to a performance bond.
- **Mediated a dispute between a contractor and subcontractor** concerning demolition work at various indoor and outdoor areas of a large secondary school.
- **Mediated a dispute over scaffold and rig hire** for power station demolition works, including issues of quality, variations, pricing and credit notes.
- **Mediated a structural damage claim** relating to the external walls of a showroom and manufacturing plant involving the owner, contractors and local Government.
- **Mediated a tripartite building dispute** between a property owner, plumbing contractor and insurer regarding damage and liability.
- **Mediated a dispute involving flooding and structural damage** at a retail service station, including demolition, removal and replacement of concrete, electrical works and petroleum equipment.
- **Mediated a family business dispute** over the management and potential sale of a prominent vineyard.
- **Mediated a dispute over repudiation of an international contract of sale** for large volumes of medical masks imported during the Covid-19 pandemic.
- **Mediated a family property dispute** over multiple residential and commercial buildings owned by LLCs in a cascading structure with LLCs owned by a holding LLC and individual family members.

## Career History

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<u>DONNA ROSS DISPUTE RESOLUTION</u> , Australia, Singapore	Principal, 2015 to present
<u>National University of Singapore, Faculty of Law</u> , Singapore	Adjunct Professor, 2024 to present
<u>THE ROSS LAW FIRM</u> , New York	Principal, 2003 to 2015 Associate 2001 – 2003
<u>B-LEGAL</u> , Paris, Munich (formerly Bastian • Manciet & Associés)	Consultant, 2001 to present Associate 1997-2003

## Admissions

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Admitted as an Attorney-at-Law in New York  
Admitted as a solicitor and barrister in Australia  
*Juriste* in France

## Qualifications

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L.L.M. in Corporate Law and Dispute Resolution, Benjamin N. Cardozo School of Law, New York  
*Maîtrise* (LL.M.) in Business Law, with Honors, *Paris I Panthéon-Sorbonne*, Paris  
*Licence* (B.A.) in Applied Foreign Languages, Conference Interpreting, *Paris III Sorbonne Nouvelle*, Paris  
B.A. in French and Political Science, Stony Brook University, New York

Diploma in International Arbitration, Chartered Institute of Arbitrators (CI Arb)  
LIV Specialist Accreditation in Mediation  
Resolution Institute Arbitration Masterclass: 2017, 2019, 2021 and 2024

New York County Commercial Division Commercial Mediation and Advanced Commercial Mediation Training  
CI Arb Tribunal Secretaries Course  
The Negotiation & Leadership Conference at Harvard University  
Part 137 Fee Dispute Program Training in Arbitration and Mediation  
ICC International ADR Training

Law Institute of Victoria, Accredited Specialist in Mediation Law NMAS (Australia), Accredited Mediator  
International Mediation, Institute Certified Mediator  
Singapore International Mediation Institute, Certified Mediator

## Faculty and Training

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### Faculty Positions

Adjunct Professor at the Faculty of Law, National University of Singapore (NUS).  
Faculty for International Arbitration and Mediation at the Chartered Institute of Arbitrators.  
Lecturer at La Trobe Law School for Dispute Resolution and Negotiation.

### ADR Training

Mediation Accreditation Trainer for the Australian Disputes Centre.  
Lecturer and CPD Provider for Leo Cussen Centre for Law on Mediation and Drafting Dispute Resolution Clauses.  
Lecturer/CPD Provider for Legalwise for Mediation in Retail and Commercial Leasing  
Lecturer at Bali International Arbitration and Mediation Center (BIAMC) on Arbitration.  
Monash Law School: Coach and guest lecturer for Moot competitions.

## ADR Panels

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SIAC Reserve Panel, Panel Arbitrator  
AAA-ICDR, Panel Mediator  
Hangzhou Arbitration Commission (HZAC), Panel Arbitrator

Shenzhen Court of International Arbitration (SCIA), Panel Arbitrator  
Shanghai Arbitration Commission, Panel Arbitrator  
Asian International Arbitration Centre, Panel Arbitrator and Mediator  
Thailand Arbitration Center (THAC), Panel Arbitrator  
Australian Centre for International Commercial Arbitration (ACICA), Panel Arbitrator and Mediator  
AALCO Hong Kong Regional Arbitration Centre, Panel Arbitrator and Mediator  
World Intellectual Property Organization, Panel Arbitrator and Mediator  
Resolution Institute, Panel Arbitrator and Mediator  
ArbitrationVictoria, Panel Arbitrator  
Australian Disputes Centre, Panel Arbitrator and Mediator  
Victorian Civil and Administrative Tribunal, Panel Mediator  
Petroleum Regulations, Panel Mediator  
NBN Industry Disputes, Panel Arbitrator  
Code of Conduct for Australian Winegrape Purchases, Panel Conciliator

## Professional Positions and Affiliations

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### Memberships

ACICA  
AIADR Professional Development & Education Committee  
ArbitralWomen  
ArbitrationVictoria, Founding Member  
French Australian Lawyers Society  
ICCA  
Inter-Pacific Bar Association  
International Bar Association  
Resolution Institute  
Singapore Chamber of Maritime Arbitration (SCMA)  
Singapore Institute of Arbitrators  
Society of Mediation Professionals (Singapore)

### Advisory and Board Positions

#### *Current*

Clarb Singapore Branch Board  
IMI Appraisal Committee for Qualifying Assessment Programs  
ArbitralWomen, Advisory Council  
French Australian Lawyers Society Board  
Australasian Dispute Resolution Journal, Editorial Consultant (Arbitration, Negotiation, Mediation)

#### *Past*

ArbitralWomen Board  
Resolution Institute, Victorian Arbitration Committees, Chair  
Instant Mediations, Advisory Board  
Australian Italian Lawyers Association Board  
Immediation, Advisory Board  
ITSOC (in the Spirit of the Children) Board, Chair

## Publications and Lectures

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### Publications

- Arbitrator Disclosure: When in doubt do not leave it out! Aiteo Eastern E & P Company Limited v Shell Western Supply and Trading Limited and others [2024] EWHC 1993, ACICA Review June 2025.
- 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 (Adrb).

- Strike While the Iron is Hot or Strike Out: Would Palmer’s Singapore Entity Succeed Against Australia, (ICAR).
- The Singapore Convention: From A Blizzard, A Convention Blooms, Resolution Institute Journal, the arbitrator & mediator (RI Journal).
- “NEGOTIATION Things Corporate Counsel Need to Know but Were Not Taught”, Michael Leathes, Book review, RI Journal.
- Functus officio: A matter of law not consent, State of Western Australia v Mineralogy Pty Ltd [2020] WASC 58, Case note, RI Journal.
- 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, RI Journal.
- 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.

## Speaking Engagements

- Mediation Chambers and Resolve Academy - Best Practices in Commercial Mediation, Webinar, 2025
- WONE – UNBOUNDED 2025, Arbitration vs. Litigation: Pros and Cons in International Disputes; Global Mediation in Business, Trade & Investment Disputes, Singapore, 2025
- AIAC x Ciarb Malaysia ASEAN Conference – Advancing Women in ASEAN Arbitration – Influence, Leadership and Change, Kuala Lumpur, 2025
- Legal Plus: 6th International Arbitration Summit, Med v Arb v Negotiation - The Arbitrators/ Mediators Toolbox: Different Regions & Industries, Different Best Outcomes, Bangkok, 2025
- AAA-ICDR ASIA: Resolving Mega Disputes Through Mediation – A Deep Dive into Construction Conflicts, Singapore, 2025
- Resolution Institute (RI): Mediation in International Arbitration, Webinar, 2024
- ICC/Pinsent Masons joint event: No Panel of Arbitrators: Selection of Arbitrator with a Human Factor, Hong Kong, 2024
- Regional Arbitral Institutes Forum (RAIF): The Great Debate: Med-Arb yay or nay, Sydney, 2024
- National Economic University: International Commercial ADR in Australia, Hanoi, 2024
- 18th MAA Annual GIA Conference: Oxford Style Debate - Motion - This House Believes that Arbitration is Woefully Inadequate to Cater to Disputes of the Future., Hong Kong, 2024
- NUS - CIL International Dispute Resolution Programme: Investor-State Mediation: Changing the mindset – In conversation with the practitioners, Singapore, 2024
- SIMI Mediation Annual Review: Developments and Opportunities in Mediation, Singapore, 2024
- Law Society of Singapore: Navigating the Future of Mediation: Promises and Challenges of an International Standard of Mediation Competency, Singapore, 2024
- TechLawFest 2024: Innovate and Influence: Women in LegalxTech Networking Lunch, Singapore, 2024
- AIADR Asia ADR SUMMIT Beyond Boundaries: The Rise of Asia in Global Dispute Resolution, Kuala Lumpur, 2024
- Mute Off: Mediation in International Arbitration: Can the Singapore Convention change the game?, Webinar 2024
- NYSBA International Section Global Conference: The Transformation of Dispute Resolution in the Asia-Pacific Region: Changes & Challenges, Seoul, 2024
- RAIF: Representative Australia; The World after Covid-19: Changing Disputes and Novel Issues, Singapore, 2022
- CiADR: CISG in International Arbitration, Webinar, 2020
- NAALA: Asia-Pacific Arbitration and Mediation Hubs, Webinar, 2020
- Presentation to Victorian Civil and Administrative Tribunal Members: The Mediation Mantra: Prepare, Prepare, Prepare!, Melbourne, 2020

- Hong Kong Department of Justice: Mediate First – Unlocking Potential: Can Mediators be Deal Makers?, Hong Kong, 2019
- AALCO: Connecting Asia with Africa through The Belt and Road Initiative: Opportunities for investment and opportunities for dispute resolution through ADR mechanisms, Kuala Lumpur, 2018
- ICCI: Managing Commercial Disputes Effectively: An Australian and International Perspective, Melbourne, 2018
- RI: The Arbitration Agreement and the Jurisdiction of the Arbitrator, Melbourne, 2016
- HKIAC: Cooperating with the Facilitator While Protecting Client Rights, Hong Kong, 2016
- CIArb / ACICA: “The International Arbitration Landscape in the United States: Implications for Australian Practitioners”, Melbourne, 2016
- RAIF: Organizing Committee, Conference Chair, Sydney, 2016
- RI: Med-Arb or Arb-Med: Ethical and practical considerations for single neutrals, Melbourne and Sydney, 2015
- Fordham Annual Conference on International Arbitration and Mediation: Med-Arb/Arb-Med: A More Efficient ADR Process or an Invitation to a Potential Ethical Disaster?, London, 2012

## Recognition

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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

Doyle’s Guide, Leading Mediator Victoria, 2018 to 2023

## Languages

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Bilingual in English and French, native fluency in Spanish, fluent in Italian.

Basic ability in German, ability to read Portuguese, notions of Hebrew and Arabic.