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## **JANE ANDREWARTHA – C.V.**

*Global Elite Thought Leader – 2018 (Who's Who Legal – Mediation)*

*Legal 500 – Hall of Fame – 2018, 2019, 2020, 2021, 2022*

*Cross Border Mediator of the Year – 2012*

“ Her work was beyond compare, just brilliant. I was a strong supporter of mediation as a process, based on extremely limited but good experience (2 cases), but had no real understanding of how it would work in this case .... It was clear that my pre-mediation thoughts about “a constructive way forward” were dead in the water within an hour... looking at the attendees on the day, how they were presenting their views, knowing the background of the case, and seeing the first interactions and offers, moving forward seemed impossible ... Somehow, and since it was a long day I am still trying to unpick how, our mediator managed to do the impossible ... the pros and cons of our options became clear in a way that was new (even if we were aware of much of the logic before the mediation, there was something very solid about the way we were forced to look at it). But there was much more to what she achieved than making that point ... I thank Jane for her incredible efforts and skill, kindness, patience and strength. And of course for sticking around until an unreasonable hour in the morning to support us in making it work. It was a day I will remember, and to have seen someone work at that level of capability was a privilege. ”

*- Principal Legal Counsel, International Telecoms Company, 2021*

### Dispute Resolution Experience

Jane Andrewartha, solicitor and Litigation and Arbitration Partner of Clyde & Co, has been a Litigation and Arbitration practitioner for 46 years and has been involved in Alternative Dispute Resolution, primarily mediation, since 1995 when involved in one of the first major English mediations in the insurance sector. The £30m tri-partite non-marine insurance action, in which she represented underwriters, was a dispute with the holders of a brokers' binding authority. She was trained by CEDR and accredited as a mediator in June 1996 since when she has been involved as mediator in over 900 mediations covering a wide variety of commercial disputes frequently of a complex, international or multi-party nature. She has mediated disputes involving aviation, banking and finance, business contracts, construction and property disputes, commodities, employment, trusts, insurance and reinsurance, lender liability, marine and energy disputes, professional liability, partnership/joint ventures and transportation. She is familiar with Arbitration in all its forms including UNCITRAL, ICSID, LCIA, ICC, AAA and other jurisdictions. She sits as Arbitrator herself and has acted as Early Neutral Evaluator. She also acts as settlement counsel in intractable disputes/litigation although not, in such circumstances, as a neutral.

Specific mediation examples:-

- Two separate High Court actions (ordered by the Court to be mediated together before Jane Andrewartha) involving numerous parties and thousands of solicitor professional indemnity claims arising out of legal expenses insurance.
- Major tri-partite construction project dispute.
- Major trademark dispute mediated between 3 parties over 3 days.

- Latin American dispute involving distribution agreement in the aviation industry.
- Joint venture dispute between two multi-national corporations in a continuing relationship requiring a solution of both past and future differences to allow project to proceed to completion.
- Aviation accident – personal injury claim settled with liability underwriters.
- Managed mediation of multiple lender claims arising out of late 1980's negative equity situation in property. Multi-million pound claims against professional advisers.
- Tri-partite contractual dispute involving an oil major and certain intellectual property rights.
- Insurance coverage dispute involving total loss of fishing vessel. Other, similar disputes relating to yachts.
- Multi-million dollar dispute between London Market Insurers and their Blue Chip Insured involving major commodity losses suffered in former Soviet Union.
- Contractual dispute arising out of warehouse fire involving issues as to the quantum to be placed on loss of archived documentation.
- Major dispute under professional indemnity insurance arising out of alleged misselling in the pensions industry.
- Assessment of damage in claim for fraud and breach of fiduciary duty.
- A five party international transport dispute.
- Tri-partite dispute involving alleged mortgage fraud.
- Several minor disputes under the Central London County Court Mediation Pilot Scheme – time limited to 3 hours.

To date, the vast majority the disputes mediated have settled, usually within the single day set aside for the mediation.

### Professional Background

Graduated in law (LLB – Hons 2:1) from Exeter University in 1973. Solicitor since 1976. Litigation and Arbitration Partner at International law firm Clyde & Co since 1980. Served as Head of Latin America, Head of Aviation and latterly, for 7 years, on the firm's Management Board responsible for the Partnership Finances. Specialist in heavyweight litigation and arbitration, often of an International nature, especially matters involving the energy industry, construction, commodities, transportation, financial sector, insurance and reinsurance. Involved in large number of major disputes over the last 46 years. Examples:-

- Major banking dispute (London Commercial Court)
- Major professional indemnity reinsurance dispute (London Commercial Court Jan 2011)
- ICC arbitration concerning Chemical plant in Albania (2011)
- Major pharmaceutical claim (London Arbitration 2011)

- Disputes arising out of Hurricanes Katrina, Rita and Wilma (Arbitration – Bermuda January 2010)
- Disputes arising out of Hurricanes Gustav and Ike (Litigation – USA)
- Losses arising from September 11<sup>th</sup> 2001 (London policies)
- Major brokers E&O Claim 2000/2001
- TAM Air Crash 1996
- Eastern European Shipyards Reinsurance Dispute 1998/99
- Piper Alpha – Explosion, July 1988
- Hijack of Swazi Airline flight by Mad Mike Hoare 1970s

### Other Experiences/Skills

Citizens Advice Bureau - spent 10 years as legal advisor (pro bono) dealing with Employment/Housing/Discrimination issues. Widely travelled for business purposes particularly in Latin America, Europe, the States and the Far East and trained in cross culture and cross border disputes. Considerable Financial and Management experience (Clyde & Co Board – Finance Partner). Chair of a London insurance entity, subsidiary of a major, foreign (re)insurer.

*Who's Who Legal – Mediation – Global Elite Thought Leader – 2018*

*Legal 500 – Hall of Fame – 2018, 2019, 2020, 2021, 2022*

*Acquisition International – award for ‘Cross Border Mediator of the Year – 2012’*

### Professional Directory Mediation Recommendations

*Legal 500 2022 “Jane Andrewartha is ‘a highly experienced and well-regarded mediator, who is vigorous in challenging each party’s position, but in a way which does not erode confidence in her and the process’.*

*Chambers 2022 “She was very professional and worked well with both sides in order to come to an agreement.” “She is a leading commercial mediator in the UK - she has exceptional legal skills and is a go-to on tricky disputes.”*

*Chambers 2021 - “Jane was absolutely first class. She set the right tone for all parties and was impartial and empathetic. She demonstrated a thorough understanding of the commercial and legal aspects of the case throughout.”*

*Chambers 2019 – “Jane Andrewartha is considered by clients to be ‘very driven and willing to work hard’. Another source reports: ‘Jane was patient and courageous. She’s a really impressive person.’”*

*Legal 500 2018 – “‘Excellent; she is calm, steely, super-smart and utterly committed to helping both sides to find a resolution’.”*

*Who's Who Legal 2018 – “Peers note she is “in everyone's top five” and say, “Every bit of her stellar reputation is fully deserved.”*

*Chambers 2018 – “‘A first-class mediator with a strong international presence in Europe, the Middle East and the USA to complement her market-leading domestic work... Interviewees report: “She’s excellent; she steered the mediation to a very successful outcome with her practical style”.”*

*Legal 500 2017* – “**One of the most effective mediators operating in the market**, Jane Andrewartha at Clyde & Co LLP is **‘very useful for cases where the clients are sophisticated or where legal analysis is required; she has a tremendous knack of getting into the nub of a dispute and of making the parties see the risks of litigation, and is good at constructively challenging both parties to drive a bargain’**.”

*Chambers 2017* – “Highly regarded mediator Jane Andrewartha is regularly instructed in high-value and complex mediations and has a strong international practice to supplement her domestic offering. She is described by one admiring source as **‘one of the most effective mediators’** in the market and draws praise for being **‘very skilful at identifying the issues, but even more skilful in dealing with the parties.’** She has a particular strength in the insurance and shipping sectors.”

*Legal 500 2016* – “Jane Andrewartha at Clyde & Co LLP is **‘highly efficient, skilled and very adept at handling difficult issues’**. She has extensive knowledge of the insurance and reinsurance sectors, as well as the industries serviced by them, including financial services, marine, energy, construction, and aviation. Clients also praise her **‘tireless efforts to produce the truly best outcomes through delicate handling of seemingly intractable issues’**.”

*Legal 500 2015* – states Jane **‘personifies the art of mediation’**, and clients note her **‘direct but probing and testing approach’** and **‘willingness to try the range of approaches and techniques to keep all the parties engaged and focused on a resolution’**.

*Chambers 2014* – “Jane Andrewartha is renowned by commentators for her breadth of dispute resolution expertise. She is active across fields including construction, energy and employment, and is especially highly regarded for her depth of expertise in insurance and reinsurance work. Sources describe her as a **‘superwoman. She’s incredible - she’s quite a tough nut but she has the ability to build people’s trust as well.’**”

*Legal 500 2014* – “Jane Andrewartha at Clyde & Co LLP is a **‘robust and commercial mediator for difficult and complex disputes’**. Despite her background as an insurance litigator, she is comfortable across the full range of commercial disputes, and is **‘dogged in her pursuit of a settlement, and will not let points of principle and dogmatic adherence to legal argument obstruct a commercial compromise.’**”

*Chambers 2013* – “Jane Andrewartha is a mediator with prodigious insight into the most technical of commercial and insurance disputes, owing to her long history as an accomplished litigator at Clyde & Co. The first choice of many City litigators, Andrewartha **‘always takes a balanced reading of a situation and knows when to get involved’** and **‘has inexhaustible patience, while being prepared to crack the whip where necessary’**.”

*Chambers 2012* – Andrewartha is recognised as a **‘formidable litigator’** although she is also accomplished in representing clients in mediation.

*Chambers 2012* – “Andrewartha is an impressive figure in the mediation world. Sources identify her **‘ability to assimilate a lot of detail very quickly and to identify the real issues’**, as well as her **‘quietly authoritative and persuasive’** manner, as key reasons for instructing her. Commentators say **‘She is patient, intelligent and creative. She settles the unseizable’**.”

*Legal 500 – 2012* – “In addition to her role as an insurance litigator at Clyde & Co LLP, the **‘calm, authoritative and practical’** Jane Andrewartha manages to fit in [many] mediations a year. The fact that she juggles both and continues to be considered **‘the best mediator by far’** indicates that she is by no means overstretched. Clients praise her ability to **‘make both sides feel that she is on their side: an indispensable attribute for mediations’**. In addition, **‘she brings a very common-sense approach to mediation, whether the client is a multimillion-pound company or a private individual’**.”

*Legal 500 – 2011* – “The **‘outstanding’** Jane Andrewartha is a top-flight disputes partner at Clyde & Co LLP who splits her time between her contentious insurance practice and mediation, where she has an absolutely first-class reputation.”

*Chambers 2011* – “Andrewartha is singled out as a **‘heavyweight’** mediator and continues to impress... with her **‘calm but steely’** approach to big-ticket disputes.”

*Chambers 2010* – “Insurance expert Andrewartha is acclaimed for possessing **‘one of the finest mediator minds around’**.”

*Chambers 2009* – “Hailed by one client as **‘the best mediator in the country’**, Andrewartha is a renowned expert in managing multiparty disputes, many of which have an international element. Famed for her **‘incisive mind and creative ability, she has a tremendous skill with language and gets right to the heart of the dispute’**. Recently appointed by the Commercial Court on several high-value mediations, the main focus of her practice is in litigation and arbitration arising from insurance and reinsurance contracts, though she is active in the areas of pensions, employment, professional liability, partnership and joint ventures and disputes involving the marine industry.”

*Legal 500 – 2008* – “Among premier league mediators, Jane Andrewartha of Clyde & Co LLP is unique in meeting the demands of private practice at the same time as mediating regularly. Clients find her mediation style **‘incisive and vigorous’**, and praise her ability to **‘identify points of conflict’** from background reading. Some laud her patience; others note her **‘ability to push hard, but constructively’** when a deal is in sight. On insurance and reinsurance disputes, she is regarded as **‘a clear first choice’**.”

*Chambers 2008* – “Andrewartha combines a **‘keen intellect and high level of attentiveness’** that inspires admiration in all those who have used her in high-value, often multiparty, mediations. According to her peers, her responsibilities as a senior partner in a major insurance department make her achievements **‘even more impressive’**.”

*Legal 500 – 2006* – “She combines a stellar litigation practice with a corresponding mediation practice. She commands **‘tremendous respect’** from clients for her **‘great precision’**, speedy distillation of the issues and her ability to be **‘sharp and cutting’** while **‘remaining polite and constructive’**. She **‘calls the shots quickly’** and favours a facilitative approach but leans towards the evaluative in reality testing.”

*Chambers 2004-2005 (p751)* – “She is considered **‘a true star’**. Only her heavy involvement in private practice precludes Andrewartha’s promotion to the highest rank. A **‘brisk and nimble thinker’**, she **‘really grabs hold of the issues’**, acknowledge sources. Commercial disputes, often of an international and multiparty nature, remain central to Andrewartha’s practice. She is most active in insurance, reinsurance, financial, energy and transport sectors.”

*Chambers 2003-2004 (p679)* – “A **‘real star’** Andrewartha was praised for both her hands-on approach and ability to get the parties to believe in her.”

*Chambers 2002-2003 (p65)* – A **‘tough but wonderfully warm’** and **‘straight talking’** lawyer of **‘great talent and charm’** she is **‘vastly experienced’** as both mediator and representative. Clients credit her with a **‘clearer picture and fuller understanding than most’** and an **‘almost instinctive awareness’** of the distinction between ADR and mainline litigation and arbitration. ... applauded for **‘great insurance work in all its guises’** and for a **‘polished, effective and sometimes tough’** style. She also has a fine reputation in mediation.

*Chambers 2001-2002 (p77)* – “**‘Extraordinarily good’** ... remains the typical description of Andrewartha’s ability. Clients and peers alike are **‘profoundly impressed’** by her **‘articulate intelligence, warm personality, and tough-minded determination to move proceedings on at a fast pace’**...”

(Various other professional directory recommendations for Reinsurance, Insurance or Aviation skills.)

#### Other ADR Involvement

CEDR accredited mediator and member of the Chartered Institute of Arbitrators. Member of the appointed ICAEW / ADR Group Panel for resolving Boardroom disputes (alongside Lord Woolf and Cherie Booth). Member of the Panel of Independent Mediators (PIM). Member of European Advisory Committee of CPR Institute for Dispute Resolution, member of Panel of Distinguished Mediators CPR Institute for Dispute Resolution (New York). Former Director of CEDR, a member of the original Marine Market Mediation Working Group and Reinsurance Market Mediation Working Group. Was a member of the Editorial Board of the Journal of Maritime Law and Commerce (published Baltimore, Maryland). Involved in Mock Mediation initiative, jointly with IUA and Nottingham University, for benefit of reinsurance market and other such initiatives. Frequent speaker both in this country and abroad on Alternative Dispute Resolution and has written a number of articles.