



(Please read Membership Criteria and on pages four and five before completing this application)

1. **Sponsor:**
2. **Co-sponsor:**
3. **Nominee Information** Include the following: Name, Firm, Address, City, State/Province
Zip/Postal, Country; Phone/Fax, and email
4. **Description of Nominee's Practice** (include information regarding the market in which the Nominee practices, eg., whether courts mandate mediation and how frequently mediation is utilized in that market)
5. Please attach the Nominee's current curriculum vitae, including mediation certifications, training, speaking, writing, teaching and training.
6. **IAM Conference Attendance**
Please list the place and date of all IAM Conferences attended by the Nominee:
7. **IAM Members Known.** Please identify any IAM members the Nominee knows

8. Mediation Experience

a. How many years has the Nominee served as mediator for compensation in commercial disputes? ____

b. How many days has the Nominee served as a mediator for compensation in commercial disputes?

i. In the past 12 months _____

ii. In the past 3 years _____

iii. in the Nominee's career _____

(Commercial disputes do not include residential landlord/tenant or dissolution of marriage matters. A day is at least 4-6 hours or more, including preparation time.)

c. Please attach a description of any other mediation-related experience that the Nominee considers to be relevant to this nomination for membership (eg., mediation training, teaching, presiding over settlement conferences as a judge or magistrate, etc.).

9. References

Please list three references whom the Sponsors have contacted and submit summaries of each reference's comments along with this form. References should be counsel, parties, or party representatives with whom the Nominee has worked in a mediation session in the past year.

Name/Address/Phone/Email

Name/Address/Phone/Email

Name/Address/Phone/Email

10. Background

Has the Nominee ever been convicted of or are charges pending regarding a violation of any criminal law (other than minor traffic offenses), ethical, code of conduct, or disciplinary rules of any state government or provincial agency, bar association or private or public professional entity? _____

If yes, please explain status and/or resolution in an attachment.

Nominee Affirmation

The undersigned Nominee affirms and verifies that he or she has read and understands the information provided herein, and that the information is true and complete to the best of his or her knowledge, information and belief. Nominee also confirms that he or she understands this submission does not create any obligation on the part of the International Academy of Mediators to admit me as a member. If granted, membership is subject to the conditions of the IAM By-laws and Constitution, including but not limited to dues and conference attendance requirements.



Nominee's Signature/Date

Sponsors' Affirmations

We the undersigned sponsor and co-sponsor of this Nomination, affirm that based on our personal knowledge and review of at least three professional references, the Nominee meets all the qualifications for membership in the IAM and accordingly, we are pleased to nominate _____ to become a Fellow/Distinguished Fellow (circle one) of the IAM immediately upon approval of this Nomination by the Board of Governors. (Please attach any additional comments regarding this Nomination that you believe will be helpful to the Board in reviewing the Nomination)

Sponsor's Signature/Date



24/9/20

Co-sponsor's Signature/Date



Phone: +64 9 363 9565

Mobile: +64 21 471 670

Website: www.ninakhouri.co.nz

EXPERIENCE

- Broad-ranging mediation experience in New York, London, and throughout New Zealand. Particular expertise in property, construction, professional negligence/breach of fiduciary duty, insurance (including natural disaster insurance, income protection insurance and liability insurance), product liability, public/private partnerships, claims against public authorities, general commercial (including retail and real estate), partnership, company, general contract, tort and trusts.
By way of example, recent mediations have involved disputes about freight logistics, copyright licensing, earthquake repairs, Māori land, health funding, ground leases, “leaky building” construction defects, supermarkets, private equity/M&A, professional liability (lawyers, surveyors, real estate agents, architects), income protection insurance, defective household appliances, dairy farming, recovery of bank and finance company lending, defamation, and electricity distribution infrastructure.
- Barrister sole of the High Court of New Zealand (admitted 2004, barrister sole since 2016). Formerly with Russell McVeagh and Gilbert Walker, specialising in civil litigation, particularly contract, negligence and insurance litigation.
- Legal academic, teaching and research in dispute resolution, civil justice, evidence and advocacy.

Nina Khouri first began mediating in 2005 at the Brooklyn Night Court, while she was reading for her LLM at NYU School of Law. She then worked in the United Kingdom at the Centre for Effective Dispute Resolution (CEDR), one of the largest commercial mediation organisations in the world. There she qualified as a CEDR mediator and was fortunate to work and mediate alongside some of the UK’s top commercial mediators. She then returned to commercial litigation practice in New Zealand, specialising in

(August 2020)

contract, negligence and insurance litigation and representing clients in the Supreme Court, Court of Appeal and High Court and in numerous mediations. She became a pro bono mediator of complaints against lawyers for the [New Zealand Law Society](#), and began lecturing in dispute resolution at the [University of Auckland Faculty of Law](#). In 2011-2012 she spent a year as a Visiting Professor at the [University of Western Ontario Faculty of Law](#) in Canada, where she taught dispute resolution and contract law. She returned to New Zealand in 2013 to a permanent senior lecturer position at the University of Auckland Faculty of Law, where she taught dispute resolution (at undergraduate and Masters level), evidence and advocacy and researched in the areas of dispute resolution and civil justice. During this time she was increasingly instructed to mediate civil and commercial disputes throughout New Zealand. She now mediates full time but maintains an academic connection with the University of Auckland Faculty of Law. (See Legal Academia below.)

QUALIFICATIONS

- BA/LLB(Hons), University of Auckland (2003).
- LLM in dispute resolution and legal theory, New York University (Fulbright and Vanderbilt Scholar, 2006).
- Barrister sole of the High Court of New Zealand (admitted 2004, barrister sole since 2016).
- Accredited mediator: Centre for Effective Dispute Resolution (UK, 2006), Resolution Institute (formerly LEADR) (Australia/New Zealand, 2008), National Mediation Accreditation Scheme of Australia (2014), and the New Zealand Farm Debt Mediation Act 2019 (2020).

RECOGNITION AND APPOINTMENTS

- Recognised as a leader in the field of mediation, Who's Who Legal 2019, 2020.
- Mediator of the Year finalist, [New Zealand Law Awards 2017](#), [New Zealand Law Awards 2018](#) and [New Zealand Law Awards 2019](#).
- Various academic awards, including the Legal Research Foundation Sir Ian Barker writing award for the best article published by a New Zealand author in 2014, for her article "Sorry Seems to Be the Hardest Word: The Case for Apology Legislation in New Zealand" [2014] NZ L Rev 603, the [Auckland District Law Society prize](#) for the law student with the best overall academic record, 2004, and a Fulbright Scholarship and NYU Vanderbilt Scholarship, 2005-2006.

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- Governing board of LEADR New Zealand (now Resolution Institute) from 2007 to 2013.
- Academic member of the Senior Courts Education Committee of the Institute of Judicial Studies, responsible for organising continuing education of the judges of the Supreme Court, Court of Appeal and High Court of New Zealand, from 2014 to 2019.
- Now serving on the International Standards Commission of the International Mediation Institute, accrediting mediator and mediation advocate training programmes from around the world.
- Pro bono mediator for the New Zealand Law Society Complaints Service.
- Ministry of Business, Innovation and Employment, Weathertight Services Mediation Panel.
- Ministry of Business, Innovation and Employment, Greater Christchurch Claims Resolution Service Facilitators Panel (until 2019).

LEGAL ACADEMIA

- Nina Khouri has lectured undergraduate law students at the University of Auckland Faculty of Law in negotiation, mediation and dispute resolution theory and practice for over 10 years. She also teaches mediation law, theory and advocacy at Masters level.
- Between 2013 and 2018 she was a permanent senior lecturer at the Faculty of Law, teaching and researching in dispute resolution, civil justice, evidence law and advocacy. In 2018 she transitioned to an Academic Fellow role to enable her to mediate more. She continues to teach and research in dispute resolution and civil justice in an adjunct capacity.
- During her time at Auckland Law School Nina coached the Law School's team for the international commercial mediation advocacy competition run by the International Chamber of Commerce in Paris. This is an international competition for law and business students in which they are required to solve complex cross-border commercial disputes through mediation. Her teams placed second overall in 2013, in the top eight in 2014, second overall in 2016 and in the top four in 2017. The Auckland Law School teams went on to win the world competition in 2019 and 2020. She now acts as a mediator and judge at the Asia-Pacific commercial mediation competition organised by the International Chamber of Commerce in Australia.
- Nina has also lectured in dispute resolution and contract law in Canada, as a Visiting Professor at the University of Western Ontario Faculty of Law (2011-2012).

PUBLICATIONS

Nina Khouri regularly publishes and speaks at conferences in New Zealand and overseas on topics relevant to the theory and practice of mediation and mediation advocacy, as well as the broader civil justice context. She also writes on the law of evidence. See, for example:

- N Khouri “Civil justice responses to natural disaster: New Zealand’s Christchurch High Court Earthquake List” (2017) 36 (3) CJC 316 (available [here](#)).
- N Khouri “Mediation” [2018] NZ L Rev 101. Nina Khouri writes the Mediation subject review in the New Zealand Law Review. This summarises and comments on legal updates relevant to the theory and practice of mediation in New Zealand.
- E McDonald, S Optican and others *Mahoney on Evidence: Act & Analysis* (Thomson Reuters, Wellington, 2018). This is the leading text on the law of evidence in New Zealand. Nina is responsible for writing the portions of the text concerning the law of privilege and confidentiality.
- N Khouri “Should you “lay bare your soul”? The shifting landscape of mediation privilege in New Zealand” (2016) 27 ADRJ 11.
- N Khouri “Sorry Seems to Be the Hardest Word: The Case for Apology Legislation in New Zealand” [2014] NZ L Rev 603 (winner of the Legal Research Foundation Sir Ian Barker writing award for the best article published by a New Zealand author in 2014).
- N Khouri & M Dew “International commercial mediation under the spotlight at UNCITRAL [2016] NZLJ 322 and N Khouri & M Dew “International commercial mediation and the UNCITRAL initiative” [2017] NZLJ 21.

From: **mark kelly** mark@markkelly.co.nz 

Subject: Nina Khouri

Date: October 9, 2020 at 4:03 PM

To: Rob Daisley rob@daisleymediation.com, Jeff A. Hand jhand@ilslaw.ca, Richard Rejino richard@iamed.org

Cc: geoff.sharp@cliftonchambers.co.nz

MK

Gentlemen,

I hope you are all as well as can be.

I **attach** Nina's nomination form, signed by me as co-sponsor.

I support Nina's nomination wholeheartedly. We have been colleagues, collaborators, competitors, and great friends for some years now. She is one of the leaders in our field here in New Zealand. She is:

- A leading mediation academic, undertaking teaching and writing work through her role with the Auckland University Law School ("AULS");
- A generous mentor and coach to students with a passion in our field. Nina's particular achievement in this regard has been as the original coach, and ongoing leader-behind-the-scenes, of the ICC world-championship winning AULS mediation teams;
- A highly sought after commercial mediator. I know this from others, and also through my own affectionately bitter experience ("*you and Nina were in the mix, but we've gone for Nina this time...*"); and
- A very kind person, of great integrity.

I have checked in with her referees, who speak glowingly of her, including as follows:

Nina is an excellent mediator and I often recommend her to other practitioners. Nina has a high level of technical and academic knowledge of disputes and mediation but also a good deal of practical knowledge and an ability to empathise with aggrieved parties (and aggrieved lawyers). Nina puts in a lot of preparation for mediation but is able to throw the preparation out the window and adapt to different circumstances as they inevitably arise throughout the day.

Andrew Ferguson

I always recommend Nina to others; a fantastic mediator, with excellent processes (and flexibility within those processes).

Nathaniel Walker

*I have been counsel in about 30 mediations with Nina Khouri
She is very well prepared
Takes time to know the parties and lawyers*

Shows empathy
Achieves results
Gets repeat business
Keen to learn new strategies and is flexible

Grant Shand

Please let me know if there is anything further you need from me.

Have great weekends.

Kind regards

Mark

MARK KELLY

BARRISTER & COMMERCIAL MEDIATOR

BANKSIDE CHAMBERS

Level 22, 88 Shortland Street, Auckland 1010, New Zealand | PO Box 141, Shortland Street, Auckland 1140
p: +64 9 200 1504 | m: +64 27 454 9661 | e: mark@markkelly.co.nz | www.markkelly.co.nz



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INTERNATIONAL ACADEMY OF MEDIATORS MEMBERSHIP CRITERIA

Overview

New IAM members will be admitted to membership in the Academy under the following guidelines:

- Membership is by **invitation only**
- Membership is limited to **professional commercial mediators** who are **well established and recognized** in their local or regional community as **leading mediators** in the field
- The IAM is dedicated to **inclusiveness** and **diversity** across a full spectrum
- The Membership and Recruiting Committees assist Academy members in identifying mediators who meet the criteria for invitation by the Board of Governors to join as **Fellows** or **Distinguished Fellows**

Criteria for Admission to Membership as Distinguished Fellow

Nominees for membership in the Academy in the **Distinguished Fellow** category must generally meet the following **minimum qualifications** with respect to **mediation experience**:

- in commercial mediation practice at least **5 years**, with corresponding certification for those mediators who practice in jurisdictions that have certifications for commercial mediation
- at least **a majority of their professional efforts** are dedicated to commercial mediation
- in developed markets, must have worked at least **600 commercial mediation days**
- in emerging markets¹, must have worked at least **300 commercial mediation days**
- in undeveloped markets², must have worked at least **100 commercial mediation days**
- **mediation days** consist of **at least 4 hours** of work focused on **mediation of commercial disputes** (including teaching, training or facilitating as well as mediating disputes and excluding days spent mediating pro bono, small claims and domestic relations matters)
- **alternative mediator experience** may be considered provided it is **substantially equivalent** (participation in mediations as party or counsel is not considered mediator experience)

Criteria for Membership as Fellow

Nominees for membership in the Academy in the **Fellow** category must generally meet the following **minimum qualifications** with respect to **mediation experience**:

- in commercial mediation practice at least **3 years**, with corresponding certification for those mediators who practice in jurisdictions that have certifications for commercial mediation
- at least **a substantial proportion of their professional efforts** are dedicated to commercial mediation
- in developed markets, must have worked at least **300 commercial mediation days**
- in emerging markets, must have worked at least **150 commercial mediation days**
- in undeveloped markets, must have worked at least **50 commercial mediation days**

¹ “Emerging” markets are those areas or regions where relatively fewer commercial disputes are mediated, in contrast with developed markets where the majority of commercial disputes get referred to mediation, whether by courts, counsel or parties. Factors include: the extent to which mediation is mandatory, the length of time mediation has been in use, the types of disputes that go to mediation and the numbers of mediators who practice on a full or substantial-time basis.

² “Undeveloped” markets are those areas or regions where mediation is just beginning to be utilized and thus very few commercial disputes are mediated and very few mediators practice on a full or substantial-time basis.

- **mediation days** consist of **at least 4 hours** of work focused on **mediation of commercial disputes** (including teaching, training or facilitating as well as mediating disputes and excluding days spent mediating pro bono, small claims and domestic relations matters)
- **alternative mediator experience** may be considered provided it is **substantially equivalent** (participation in mediations as party or counsel is not considered mediator experience)

Membership Nomination Process

Invitations to join the Academy are issued only upon **approval** by the **Board of Governors** of a **Nomination** from a qualified **Sponsor** and **Co-sponsor**

- **Sponsors** must be **Distinguished Fellows** who have been **members** of the IAM **for at least two (2) years** or **who have attended at least four (4) conferences**
- **Nominations** are **submitted** to the Board of Governors **only from** qualified **Co-Sponsors** on a form that includes **attestations vouching** that the prospective new member is a ***pre-eminent distinguished or rising star mediator*** in their local community
- **Nominees for membership** must **previously have attended at least one IAM conference** at the **invitation of a member** (any Fellow or Distinguished Fellow may invite with approval of the Recruiting Chair)
- **Mentees** in the Mentorship Program who have gained the **requisite experience** are encouraged to seek Sponsors for nomination as **Fellows**

Fellows who have gained the **requisite experience** are encouraged to seek Sponsors for nomination as **Distinguished Fellows**