



(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

Co-sponsor's Signature/Date

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**

	First / Given Name:	Paul
	Family / Surname:	Sills
	Post-Nominals:	FAMINZ (Med), FCIArb, FPD, FMIArb.
	Address:	Ground Floor, 33 Shortland Street, Auckland.
	Telephone:	<u>Mobile:</u> + 64 027 880 007 <u>Landline:</u> +64 9 302 3040
	Email:	paul.sills@paulsills.co.nz
	Nationality(ies):	New Zealand/European

Awards / Recognitions

1. 2019 – Arbitrators and Mediators Association of New Zealand (AMINZ), Anne Edge Memorial Award for Excellence in Fellowship Examinations.
2. 2019 - Arbitrators and Mediators Association of New Zealand (AMINZ), Fellowship Mediation Prize for Top marks in Written Examinations.
3. 2019 – New Zealand Awards: Mediator of the Year Finalist.
4. 2019 – LawFuel New Zealand’s 10 Leading Mediators.
5. 1995 – New Zealand Law Society Bar Examinations, First place in Auckland.
6. 1994 – New Zealand National Champion University Witness Examination

Positions

A] Current:

1. International Arbitrator and Mediator.
2. Commercial Barrister.
3. Chairman of the Registered Master Builders Association of New Zealand Code of Conduct Committee.
4. New Zealand Regional Councils – Investigations and determinations on complaints concerning the conduct of elected officials.
5. New Zealand Resolution Institute Determinative Committee
6. New Zealand Resolution Institute Arbitration Subcommittee
7. Arbitrators and Mediators New Zealand – Farm Debt Mediation Panel
8. Netball New Zealand disciplinary committee Chairperson.
9. Triathlon New Zealand Age Group Adjudicator.
10. Independent Director.

B] Previous:

1. 2020 - International Chamber of Commerce (ICC), Mediation Competition Adjudicator (Paris).
2. 2019 – International Chamber of Commerce (ICC), Mediation Competition Adjudicator (Melbourne).
3. 2008 – 2018: Company Receiver under the New Zealand Receiverships Act 1993.
4. 2006 – 2008: Managing Director & CEO – Sensation Yachts Group.

Professional Accreditations

1. **Fellow** (FCIArb): Chartered Institute of Arbitrators, U.K.
2. **Fellow** (FAMINZ (Med): Arbitrators’ and Mediators’ Institute of New Zealand.
3. **Fellow** – Prime Disputes London.
4. **Fellow** – Malaysian Institute of Arbitrators.
5. LLB (Hons): University of Auckland, New Zealand.

ADR / Professional Experience

International and Domestic Arbitration:

1. Acted as senior counsel in 4 International arbitrations involving disputes over superyacht construction contracts
2. Acting as arbitrator in a domestic arbitration under the Arbitration Act 1996 (NZ) regarding a commercial contract dispute.
3. Acting as arbitrator in a domestic arbitration under the Arbitration Act 1996 (NZ) regarding a family estate dispute.
4. Chairperson of the Registered Master Builders Association of New Zealand complaints committee – 15 hearings conducted and determinations issued in the last 12 months.
5. New Zealand Regional Councils – 3 investigations and determinations issued into the conduct of elected officials in the last 12 months.

International and Domestic Commercial Mediation:

1. Property Joint Venture - This matter involved a significant property development joint venture involving three large scale residential developments.
2. Government Department and Commercial Supplier - This dispute involved a government department who regularly engages with commercial suppliers.
3. Shareholders Disputes - I have worked on numerous shareholder disputes
4. Transborder Public Company Dispute - This dispute involved a publicly listed company in New Zealand and a publicly listed company in California.

Commercial litigation

1. Lead counsel in a superyacht refit dispute in the Melbourne High Court.
2. Lead counsel acting for the Fijian Tax Authority in a transfer pricing claim against Fiji Water (estimated damages \$1.6 billion Fijian dollars).
3. Lead counsel on numerous disputes for IATA - New Zealand and Pacific islands.
4. Lead counsel acting for the receivers of Hartner Construction Limited (at the time the largest construction failure in New Zealand).
5. Lead counsel acting for the receivers of Carich Training (largest education provider receivership in New Zealand).
6. Junior counsel acting for New Zealand public company in partnership dispute with CITIC (\$2.6 billion).
7. Junior counsel acting for Air New Zealand on the collapse of Ansett Australia.
8. Junior counsel acting on behalf of Tainui - the first Maori land settlement with the New Zealand government – value \$170 million.

9. Lead and Jr counsel on numerous aviation disasters including loss of Ansett New Zealand Dash-8, Southern Air fatality, Whanganui Aeroworks fatality.

Receiverships

1. Acted as receiver on behalf of Caterpillar Finance (Singapore) in the closure and sale of New Zealand Yachts Ltd – an international superyacht company based in New Zealand.
2. Acted as receiver on behalf of the secured creditor in relation to the failure of a finance company in New Zealand (Hopscotch).

Panel Admissions

1. Arbitrators' and Mediators Institute of New Zealand Inc (AMINZ) – Mediation and Arbitration Panels. Farm mediation panel.
2. Franchise Association of New Zealand – Mediation Panel
3. Marine Industry of New Zealand – Mediation Panel
4. New Zealand Law Society – Early Resolution Service and Mediation Panel.

Core Areas of Focus / Expertise (*indicative, not exhaustive*)

1. Commercial Arbitration.
2. Disciplinary and Code of Conduct determinations (Master Builders etc)
3. Commercial Mediation.
4. Commercial litigation.
5. Early conflict resolution.
6. Areas of focus/expertise: construction, contract, banking and finance, commercial and corporate, transport, marine.

Publications

1. Paul Sills 'Cognitive Bias in Mediation' Kluwer Mediation Blog 10 May 2020.
2. Paul Sills, 'Cognitive Bias in Ethical Decision making' (2020) 9 JOFOI 1.
<https://www.fsprivatewealth.com.au/article/cognitive-biases-in-ethical-decision-making-158322443>
3. *Legalwise Seminars*, (New Zealand & Australia).
Have published a monthly article on ADR in Legalwise (online) 2018 - present.
4. New Zealand Law Society, '*LawTalk*', (New Zealand Law Society, 2016 - present).
Have published a monthly article on ADR in LawTalk since 2016.

Speaking / Lecturer Engagements

1. 2020 – Paul Sills, 'Mediation Best Practice Masterclass' (Presentation for Legalwise Australasia Seminars, April 2020).
2. 2019 - Paul Sills, 'Mediation Best Practice Masterclass' (Presentation for Legalwise Australasia Seminars, April 2020).
3. 2019 – Paul Sills, 'Cognitive Bias in Ethical Decision Making' (Presentation for the Arbitrators & Mediators Association New Zealand, September 2019).
4. 2019 – Paul Sills, 'The Influence of the Law regarding Mediation' (Presentation for the Arbitrators & Mediators Association New Zealand, July 2019).
5. 2019 – Paul Sills, 'Cognitive Bias in Ethical Decision Making' (Presentation for Legalwise Australasia Seminars, June 2019).
6. 2018 - Paul Sills, 'How to get the Best out of the Opportunity' (Presentation for Lowndes Corporate & Commercial Lawyers, July 2018).
7. 2018 - Paul Sills, 'Negotiation, Mediation and Dispute Resolution' (Lecture to the University of Auckland Law School, May 2018).

8. 2016 – Paul Sills, ‘Alternative Dispute Resolution’ (presentation for the Australian National Mediation Conference).
9. 2014 - Paul Sills, ‘Diversity’ (presentation for the Australian National Mediation Conference).

Languages

1. Active (*for oral hearings*): English (native)
2. Passive (*for reading documents*): English (native)
3. Drafting (*for writing Awards/Decisions/etc.*): English (native)

Education

1. 2020 - Chartered Institute of Arbitrators (CI Arb) Fellowship.
2. 2019 - Arbitrators & Mediators Association New Zealand (AMINZ) Fellowship.
3. 2018 - Harvard Programme on Negotiation Advanced Mediation Course - Mediating Complex and Multi-party Disputes.
4. 1995 - University of Auckland, LLB (Hons).
5. 1984 - Queens Commission – Royal New Zealand Air Force.

Professional Memberships

1. Chartered Institute of Arbitrators, U.K (CI Arb) – Fellow.
2. Arbitrators and Mediators Association of New Zealand (AMINZ) – Fellow.
3. Resolution Institute – Australasia.
4. Prime Disputes London.
5. Malaysian Institute of Arbitrators.
6. New Zealand Law Society.
7. New Zealand Bar Association.
8. Admitted to practice at the AFIC Court – Kazakhstan.
9. Previously admitted to practice in Fiji - acting on behalf of the Solicitor General.