



**Donna Ross, LL.M., FCI Arb, FRI**

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LIV-accredited specialist mediator, arbitrator, negotiator, advocate and adviser. I am admitted as a lawyer in Australia and New York with both a common and civil law background and significant experience in domestic and international litigation, arbitration and mediation.

My legal practice is focused on commercial and contract disputes, contract negotiation and drafting, including dispute resolution clauses, for clients from common and civil law jurisdictions and different cultures. I also have a broad-based professional background in business and technology.

I provide training on mediation, mediation advocacy, arbitration and principled negotiation, based in large part on the Harvard School Program on Negotiation. I am presently conducting all sessions and hearings on-line.



**ADMISSIONS AND ACCREDITATIONS**

- Admitted as a lawyer in Australia and New York
- Fellow of the Chartered Institute of Arbitrators (CI Arb)
- Fellow of Resolution Institute
- Resolution Institute (IAMA) Graded Arbitrator
- Australasian Law Awards Winner Arbitrator of the Year 2020
- Accredited Specialist in Mediation by the Law Institute of Victoria
- NMAS Accredited Mediator
- IMI Certified Mediator
- Leading Mediator, *Doyle's Guide* 2018, 2019 and 2020

Faculty Positions

- Mediation Accreditation Trainer for the Australian Disputes Centre (ADC)
- Lecturer at La Trobe Law School
- CI Arb Faculty for Mediation and International Arbitration
- Speaker and Coach, Monash Law, Mooting and Advocacy

ADR Panels

- Victorian Small Business Commission
- VCAT Mediator Panel
- Magistrates' Court of Victoria
- Australian Small Business and Family Enterprise Ombudsman (ABSFEO)
- Australian Disputes Centre
- Australasian Dispute Resolution Centre
- Asia Pacific Centre for Arbitration & Mediation (APCAM) International Certified Mediator and Arbitrator
- Instant Mediations (On-line Dispute Resolution)
- Immediation (On-line Dispute Resolution)
- Code of Conduct for Australian Winegrape Purchases
- NBN Industry Disputes Arbitrator
- Asian International Arbitration Centre (*formerly KLRCA*)
- World Intellectual Property Organization
- ACICA Tribunal Secretaries Panel



Law Institute of Victoria Arbitrators Directory  
New York State Court, Commercial Division  
Part 137 Attorney-Client Fee Dispute Program  
Better Business Bureau of New York (2004 – 2010)

### **PROFESSIONAL EXPERIENCE**

#### **DONNA ROSS DISPUTE RESOLUTION**, Melbourne, VIC

*Principal, 2015 - Present*

International dispute resolution practitioner: arbitrator, mediator and advocate (both pre and during litigation) in ADR proceedings. Legal and business adviser to individuals, companies and counsel on governance, negotiation options and strategy, with particular emphasis on dispute prevention and dispute resolution clauses in domestic and international contracts as well as issues related to U.S., French and international law. Adviser and drafter of arbitration and mediation rules for private and statutory bodies.

#### **LA TROBE LAW SCHOOL, LA TROBE UNIVERSITY**, Melbourne, VIC

*Lecturer, 2016 to Present*

Lecturer for negotiation course at the La Trobe City Campus, based primarily on the Program on Negotiation, Harvard Law School (PON).

#### **THE ROSS LAW FIRM**, N.Y.

*Principal, 2003 – Present; Associate, 2001 – 2003*

U.S. and international commercial lawyer and outside general counsel to small businesses.

Advocate in domestic and international litigation and ADR primarily involving breach of contract, wrongful termination and shareholder and employment issues in state and federal courts and administrative tribunals (tax and employment) in New York and New Jersey with parties from Australia, Belgium, Chile, France, Germany, Italy, New Zealand, Spain and the U.S. and in settlement negotiations during litigation.

Arbitrator: Attorney-client fee disputes, Better Business Bureau disputes, private arbitrations.

Mediator: Court-annexed and private mediations.

#### **B-LEGAL**, Paris, Munich

*Consultant, 2001 to present; Associate 1996 - 2001*

Legal advice and opinions on U.S. law including litigation, contracts, M&O and international employment issues, dispute resolution and French and international litigation and arbitration in the lower courts and before the *Cour de Cassation* and the European Court of Human Rights.

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### **REPRESENTATIVE AREAS OF EXPERTISE**

**Retail tenancy disputes:** Payment of rent and outgoings, repairs, options to renew, make good obligations, lock-out, etc.

**Partnership disputes:** Derivative actions, breach of fiduciary duty and self-dealing, tortious interference, breach of duty of care, alter-ego and successor liability, foreclosure negotiations and violation of non-compete clauses, indemnity and guarantees, non-payment and sales tax issues.

**Employment law:** Wrongful termination, independent contractor misclassification, unpaid wage claims, employee-rights violations, vesting of bonuses in international IPO, E.U. commercial agency, Australian, U.S. and French employment law.

**Private equity:** Shareholder, management, employment agreements, warrants, bank guarantees, contribution, indemnization, D&O and employee liability and Title IV (education) claims.

**Franchise law:** Disputes under the Franchising Code of Conduct, franchise disputes including unintentional franchising cases in New York, New Jersey, Australia and New Zealand.

**Information technology:** Data bases, open source software, websites, networks, WiFi, CMS, computer languages, cloud, virtualization, replication technologies, disaster recovery and



redundancy, and enterprise back-end software, the U.S. Federal Computer Fraud and Abuse Act, defamatory postings, ownership of websites and email accounts.

*The wine and alcohol industry:* Breach and drafting of distribution and import agreements, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) regulations, Patriot Act requirements, three-tier system, state franchise laws, internet sales, shipping and trade credit agency issues.

*Professional negligence and lawyer/client disputes:* Unauthorized practice of law, accountant and attorney negligence, professional licensing.

*Property matters:* Retail Leases Act 2003 disputes, property settlements, refinancing, caveats, foreclosures ownership of cascading entities, design-build projects, inter-family and investor loans.

*Health care law:* Corporate practice of medicine fee-splitting/profit sharing prohibitions under state and Federal anti-kick-back statutes, leases, licensing and JVs.

#### **Past business and law-related work**

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

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#### **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
- *Licence* (B.A.) in Applied Foreign Languages and Interpretation, Sorbonne Nouvelle, Paris
- B.A. in French and Political Science, Stony Brook University, New York

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#### **PROFESSIONAL EDUCATION AND DEVELOPMENT**

- CI Arb Tribunal Secretaries' Course, 2016
- CI Arb Award Writing course, 2015
- CI Arb Accelerated Route to Fellowship, 2014
- The Negotiation & Leadership Conference at Harvard University, 2012
- NYSBA Commercial Mediation and Advanced Commercial Mediation Training, 2010
- Part 137 Fee Dispute Program Training in Arbitration and Mediation, 2009
- ICC International ADR Training, 2008
- Fordham Annual Conference on International Arbitration and Mediation, annual, speaker in London 2012
- ADR in the Entertainment Industry, 2002
- Harvard Program based negotiation course at Cardozo School of Law, 2002
- Negotiation courses at the Université de Paris I – Panthéon Sorbonne

#### **PUBLICATIONS AND SPEAKING ENGAGEMENTS**

- Provider of CPD Training on Mediation Advocacy to Law Firms
- Hong Kong Department of Justice, May 2019: Mediate First – Unlocking Potential: "Can Mediators be Deal Makers?"
- ADC Bulletin, January 2019: Beware the Champagne Clause: When the Effervescence Fades, It May Just Be Pathological.
- Leo Cussen Centre for Law, December 2018: Drafting Dispute Resolution Clauses - Which is the Best Option?
- Legalwise, September 2018: Retail and Commercial Leasing: Practice and Procedure - Interactive Case Study Landlord vs. Tenant: Working through the Issues



- AIAC, July 2018: Connecting Asia with Africa through The Belt and Road Initiative: Opportunities for investment and opportunities for dispute resolution through ADR mechanisms
- Regional Arbitral Institutes Forum (RAIF) Conference, 2016: Organizing Committee, Conference Chair.
- Speaker at Resolution Institute Arbitration Committee PD session 2016: The Arbitration Agreement and the Jurisdiction of the Arbitrator
- Speaker at Resolution Institute Mediation Committee PD session 2016 Managing Parties and Party Representatives in Mediation: Tools for Lawyer and Non-Lawyer Mediators
- Speaker at HKIAC 2016: Cooperating with the Facilitator While Protecting Client Rights
- Speaker at CIArb Australia/ ACICA symposium 2015: "The International Arbitration Landscape in the United States: Implications for Australian Practitioners".
- Speaker at 'Kongres 2015 (Leadr/lama) in Sydney and Melbourne: Med-Arb or Arb-Med: Ethical and practical considerations for single neutrals.
- Speaker at the 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?
- Paper of same name published in Contemporary Issues in International Arbitration and Mediation, The Fordham Papers 2012 Edited by Arthur W. Rovine.

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### **PROFESSIONAL AFFILIATIONS**

- Resolution Institute: Victorian Arbitration and Chapter Committees, Chair; National Arbitration Working Group, Member, Graded Arbitrator
- Chartered Institute of Arbitrators, Fellow, Faculty Member
- Lighthouse Club Australia
- Arbitral Women
- Society of Mediation Professionals (Singapore)
- ICC Australia Mediation Committee and the ICC Mediation Moot Steering Committee, Member
- AFIA Asia-Pacific Forum for International Arbitration
- ACICA (Australian Centre for International Commercial Arbitration)
- AIIA (Australian Institute for International Affairs), Victoria
- French-Australian Chamber of Commerce
- Italian Chamber of Commerce and Industry
- 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

- ArbitralWomen
- Instant Mediations: Advisory Board Member
- French-Australian Lawyers Society: Board Member
- Australian Italian Lawyers Association: 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.

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### **LANGUAGES**

Bilingual in French; Native Fluency in Spanish; Fluent in Italian; Basic ability in German; Ability to read Portuguese; Notions of Hebrew and Arabic.