

## PAUL SILLS

**Nationality:** New Zealander

**Languages:** English



Paul Sills is a leading independent international arbitrator and mediator with over 27 years legal experience, often involving multi-parties and complex commercial issues.

Prior to becoming a full time neutral, Paul spent time as a CEO and Director for a number of international businesses including in international freight and transportation where his focus is on energy transition and ESG issues. Paul has also been the Managing Director of an international construction company.

He now specialises in long-term dispute resolution projects including facilitated negotiation, Dispute Avoidance Boards and Investor State mediation.

Paul regularly lectures and publishes on dispute resolution in the UK and internationally. He runs the advanced training for mediators and arbitrators in New Zealand where he was originally based. He has trained at the Harvard Program on Negotiation, focusing on complex and multi-party disputes, particularly those with a public policy or public interest component. Paul's engagements in the energy transition sector include a long-term facilitated negotiation project dealing with solar energy.

Paul has recently been named as one of the change makers in New Zealand's Lawyer's inaugural Most Influential Lawyers list 2021.

His commercial background and unique understanding from a client's and lawyer's perspective means he is well placed to accept appointments in the below sectors.

## Sector Expertise

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- Mediation & Disputes Boards
- Construction, Engineering & Infrastructure
- Conflict Avoidance Boards (CABs) & Corporate Diplomacy
- Commercial Dispute Resolution
- Energy & Natural Resources
- Aviation & Aerospace
- Marine, Shipping & Superyachts
- Banking, Finance & Fintech
- Transport
- Sports

## Mediation & Dispute Boards

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Paul is a highly qualified and experienced commercial and civil mediator who specialises in the resolution of complex multi-party disputes. Paul uses his extensive commercial experience (as director, CEO and company receiver) to assist the parties explore pragmatic, commercial solutions to their disputes.

Paul is active in both traditional one-day mediations (typically litigated disputes) and early facilitated negotiations between commercial parties (whether as mediator or member of a disputes board). Paul has significant first-hand commercial experience of the benefits of early and continuous engagement by either a single mediator or Dispute Board in long-term projects and commercial relationships.

## Construction, Engineering & Infrastructure

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Paul has decades of experience in construction, engineering and infrastructure issues. Paul has also acted as counsel on numerous construction disputes (from superyachts through to high-rise buildings) both in the courts and in arbitration (international and domestic). Paul acted for the receivers on the receivership of Hartner Construction Ltd in 2000 – at that stage the largest construction company failure in New Zealand.

Paul has also mediated numerous multi-party disputes involving construction, engineering and infrastructure issues. Paul sits on the advisory board of one of New Zealand's largest infrastructure companies.

Paul is the chairperson of the Master Builders Association Standards Committee – which investigates, hears and determines all disputes regarding registered Master Builders in New Zealand.

## Conflict Avoidance Boards (CABS) & Corporate Diplomacy

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Conflict avoidance techniques and engagements are a specialty of Paul's and where he spends significant time as a dispute resolution practitioner. Paul has designed a number of dispute avoidance processes for businesses and joint ventures where the parties involved have been at various stages of dispute (from early warning signs through to stalemated boards of directors or shareholders).

Paul's experience makes him ideally suited for conflict avoidance and corporate diplomacy engagements that require a long-term engagement and the ability to bring together multiple parties and stakeholders to build and maintain strategic relationships and achieve results that are of mutual benefit to all stakeholders.

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**Arbitra London**  
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London  
EC4M 8BU  
info@arbitra.co.uk

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## Commercial Dispute Resolution

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Paul has decades of experience as counsel (predominantly as lead counsel) and more recently as arbitrator in general commercial arbitration matters across a wide range of legal issues and subject matter. That experience is all based in jurisdictions that have adopted the UNCITRAL Model Law – New Zealand, Australia or International (Ad hoc).

Paul's arbitration work is supported by 26 years as counsel at all levels in the New Zealand courts plus appointments in Australia and Fiji. Paul has also worked alongside senior counsel in Hong Kong in an international matter involving publicly listed companies in Hong Kong (and elsewhere) investing in the New Zealand dairy industry.

Paul is a Fellow with CIArb and a number of arbitration institutes worldwide, as well as an arbitration panel member in numerous jurisdictions.

## Aviation & Aerospace

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Aviation was Paul's first love – as a navigator in the Royal New Zealand Airforce. It is where he also experienced the law for the first time, acting as witness on the prosecution of numerous fishing vessels caught fishing illegally inside New Zealand's territorial waters or Exclusive Economic Zone.

Since then, Paul has acted in a wide range of aviation matters from cargo claims through to aviation fatalities and personal injury claims. Paul acted for IATA for a number of years dealing with a wide range of disputes involving international travel, several underwriters and airlines including Air New Zealand, Singapore Airlines and Air Pacific. Paul's work has included a number of aviation disasters, both in New Zealand and internationally. Given his legal and military aviation experience Paul was accepted as an aviation accident investigation officer in New Zealand.

Paul has also acted for secured creditors on a number of airline receiverships, including the Voluntary Administration of Ansett Australia.

## Marine, Shipping & Superyachts

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Paul has extensive experience in the marine industry and shipping disputes – from construction disputes through to international ship arrests. This experience ranges from Paul's early career conducting search and rescue missions or Exclusive Economic Zone patrols in the Royal New Zealand Air Force through to his experience in the finer detail of superyacht construction, chartering and finance work. Paul's experience also covers matters such as cargo claims, leasing arrangements and international resource disputes – typically involving fishing rights.

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Paul also acted as a receiver for Caterpillar Finance (Asia Pacific) on the receivership and sale of an international superyacht business.

## Banking, Finance & Fintech

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Paul has years of experience acting on complex banking and financial disputes as receiver, counsel or mediator. His receivership work includes acting as receiver of a failed finance company following the 2007 GFC. As counsel he acted on the largest joint venture receivership in New Zealand history – between New Zealand based forestry interests and CITIC in China.

Paul is accustomed to working on matters with complex debt and securitisation issues that need careful analysis, often involving a consortium of banks – both domestic and international – with competing interests or priorities that need to be resolved.

Fintech is a strong interest of Paul's where he is actively engaged in, and publishing on, the use of arbitration and mediation for the resolution of complex Fintech matters involving smart contracts, cryptocurrency and other distributed ledger technology.

## Transport / Freight

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Coupled with his marine practice, Paul has strong interest and experience in the freight and transport sectors. He has been for over a decade now an independent director of New Zealand's largest family-owned freight business – which has domestic freight, logistics and international freight divisions.

This expertise sees Paul regularly asked to advise on strategic planning initiatives for the future direction of transport, both nationally and internationally, including green initiatives.

## Sport

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Paul has extensive experience in sports law and has represented individuals at an international level in cycling, squash, motor racing and rugby (including All Blacks).

He is the chairperson of the appeals committee for Netball NZ and was an age group adjudicator for Triathlon NZ. Paul has also lectured in sports law at UNITEC Institute of Technology.

Paul is a panel member for the New Zealand Government Sport and Recreation Complaints and Mediation Service

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## Experience

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### As Arbitrator /neutral / Counsel

- Acting as arbitrator in a number of arbitrations under the Arbitration Act 1996 (UK).
- Acting as arbitrator in a number of domestic arbitrations under the Arbitration Act 1996 (NZ) regarding commercial contract disputes.
- Acting as arbitrator in a domestic arbitration under the Arbitration Act 1996 (NZ) regarding a family estate dispute.
- Chairperson of the Registered Master Builders Association of New Zealand complaints committee – 15 hearings conducted and determinations issued in the last 12 months.
- New Zealand Regional Councils – 3 investigations and determinations issued into the conduct of elected officials in the last 12 months.
- Acted as senior counsel in 4 International arbitrations involving disputes over superyacht construction contracts.
- Lead counsel in a superyacht refit dispute in the Melbourne High Court.
- Lead counsel acting for the Fijian Tax Authority in a transfer pricing claim against Fiji Water (estimated damages \$1.6 billion Fijian dollars).
- Lead counsel on numerous disputes for IATA - New Zealand and Pacific islands.
- Lead counsel acting for the receivers of Hartner Construction Limited (at the time the largest construction failure in New Zealand).
- Lead counsel acting for the receivers of Carich Training (largest education provider receivership in New Zealand).
- Junior counsel acting for New Zealand public company in partnership dispute with CITIC (\$2.6 billion).
- Junior counsel acting for Air New Zealand on the collapse of Ansett Australia.
- Junior counsel acting on behalf of Tainui - the first Maori land settlement with the New Zealand government – value \$170 million.
- Lead and Jr counsel on numerous aviation disasters including loss of Ansett New Zealand Dash-8, Southern Air fatality, Whanganui Aeroworks fatality, Fiji Air fatality, Air New Zealand cargo claims.

### As Mediator

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

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## Academic & Professional Qualifications

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- Independent Arbitrator and Mediator.
- Commercial Barrister (since 2004).
- AMINZ Deputy Director of Professional Studies (Mediation).
- AMINZ Deputy Director of Professional Studies (Arbitration).
- Chairman of the Registered Master Builders Association of New Zealand Code of Conduct Committee.
- New Zealand Regional Councils – Investigations and determinations on complaints concerning the conduct of elected officials.
- Resolution Institute Determinative Committee.
- Resolution Institute Arbitration Subcommittee.
- Resolution Institute Diversity, Equality and Inclusion Committee.
- Arbitrators and Mediators Institute of New Zealand – Mediation, Arbitration and Farm Debt Mediation Panels
- Netball New Zealand disciplinary committee Chairperson.
- Ministry of Justice Landlord/Tenant Dispute Scheme – Mediation and Arbitration Panels.
- New Zealand Sport and Recreation Complaints & Mediation Service – Mediation Panel.
- Maritime Mediation Centre (Athens) – Panel member.
- London Maritime Arbitration Association - Supporting Member
- Abu Dhabi Global Market (ADGM) – Mediation Panel Member.
- Shanghai Arbitration Commission (SHAC) - Arbitration Panel member.
- London Maritime Arbitration Association (LMAA) - Supporting Member.
- Asian International Arbitration Centre (AIAC) – Panel of Arbitrators & Mediators.
- Independent Director.

### Previous:

- 2020 - International Chamber of Commerce (ICC), Mediation Competition Adjudicator (Paris).
- 2019 – International Chamber of Commerce (ICC), Mediation Competition Adjudicator (Melbourne).
- 2008 – 2018: Company Receiver under the New Zealand Receiverships Act 1993.
- 2006 – 2008: Managing Director & CEO – Sensation Yachts Group.
- 1993 – 2004: Litigation Solicitor.
- 1983 – 1991: Navigator Royal New Zealand Air Force.
- 2020 - Arbitrators & Mediators Institute of New Zealand (AMINZ) Fellowship – arbitration.
- 2020 - Chartered Institute of Arbitrators (CIArb) Fellowship.
- 2019 - Arbitrators & Mediators Institute of New Zealand (AMINZ) Fellowship - mediation.
- 2018 - Harvard Program on Negotiation Advanced Mediation Course - Mediating Complex and Multi-party Disputes.
- 1995 - University of Auckland, LLB (Hons).
- 1984 - Queens Commission – Royal New Zealand Air Force.

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## Professional Associations & Recognitions

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- Chartered Institute of Arbitrators, U.K (CIArb) – Fellow.
- Civil and Commercial – CMC Mediator.
- Arbitrators and Mediators Institute of New Zealand (AMINZ) – Fellow Arbitration & Mediation.
- Distinguished fellow with International Academy of Mediators (IAM)
- Member of the London Court of International Arbitration (LCIA)
- Member of the Dispute Resolution Board Foundation (DRBF)
- Member of International Congress and Convention Association (ICCA)
- Member of Arbitration Ireland
- Member of the International Bar Association (IBA)
- International Academy of Mediators – Fellow.
- Resolution Institute – Australasia – Fellow.
- Prime Disputes London - Fellow.
- Malaysian Institute of Arbitrators - Fellow.
- Appointed to Maldives International Arbitration Centre List of Arbitrators.
- New Zealand Law Society.
- New Zealand Bar Association.
- Admitted to practice at the AFIC Court – Kazakhstan.
- Previously admitted to practice in Fiji - acting on behalf of the Solicitor General.
- 2021 – NZ Lawyer Most Influential Lawyer Award (change maker category)
- 2020 - New Zealand Law Awards: Mediator of the Year.
- 2020 – Prime Dispute “Equality and Diversity Leader Award in Dispute Resolution”.
- 2019 – Arbitrators and Mediators Institute of New Zealand (AMINZ), Anne Edge Memorial Award for Excellence in Fellowship Examinations.
- 2019 - Arbitrators and Mediators Institute of New Zealand (AMINZ), Fellowship Mediation Prize for Top marks in Written Examinations.
- 2019 – New Zealand Awards: Mediator of the Year Finalist.
- 2019 – LawFuel New Zealand’s 10 Leading Mediators.
- 1995 – New Zealand Law Society Bar Examinations, First place in Auckland.
- 1994 – New Zealand National Champion University Witness Examination

## Publications, Articles & Thought Leadership

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- Author of the country chapter on Arbitration for New Zealand, Lexology - 2022
- Assistant Editor at the Kluwer Mediation Blog
- 2021 Lexology Getting the Deal Through (Mediation Edition) – New Zealand Chapter.
- Paul Sills ‘Cognitive Bias in Mediation’ Kluwer Mediation Blog 10 May 2020.
- 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>

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- *Legalwise Seminars*, (New Zealand & Australia).
- New Zealand Law Society, '*LawTalk*', (New Zealand Law Society, 2016 - present). Have published a monthly article on ADR in *LawTalk* since 2016.
- 2021 - Legalwise Mediation Masterclass – both New Zealand and Australia
- 2020 – CIArb Mediation Symposium (London) – Workshop on the Evolving Mediator and Cognitive Biases (Plus Plenary Session)
- 2020 – Paul Sills, 'Mediation Best Practice Masterclass' (Presentation for Legalwise Australasia Seminars, April 2020).
- 2019 - Paul Sills, 'Mediation Best Practice Masterclass' (Presentation for Legalwise Australasia Seminars, November 2019).
- 2019 – Paul Sills, 'Cognitive Bias in Ethical Decision Making' (Presentation for the Arbitrators & Mediators Association New Zealand, September 2019).
- 2019 – Paul Sills, 'The Influence of the Law regarding Mediation' (Presentation for the Arbitrators & Mediators Association New Zealand, July 2019).
- 2019 – Paul Sills, 'Cognitive Bias in Ethical Decision Making' (Presentation for Legalwise Australasia Seminars, June 2019).
- 2018 - Paul Sills, 'How to get the Best out of the Opportunity' (Presentation for Lowndes Corporate & Commercial Lawyers, July 2018).
- 2018 - Paul Sills, 'Negotiation, Mediation and Dispute Resolution' (Lecture to the University of Auckland Law School, May 2018).
- 2016 – Paul Sills, 'Alternative Dispute Resolution' (presentation for the Australian National Mediation Conference).
- 2014 - Paul Sills, 'Diversity' (presentation for the Australian National Mediation Conference).

## Client Quotes

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*“Very sharp intellectually and gets a very good result for the client – is very good tactically”*

### Chambers & Partners, UK, 2021

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