



## **JON LANG - MEDIATION BIOGRAPHY**

### **Overview**

Jon Lang is a CEDR accredited independent commercial mediator and has mediated regularly for many years. In May 2005, after almost twenty years as a solicitor in private practice, the last six as a partner in the disputes group of White & Case in London, Jon became a full-time mediator.

Jon has acted as an expert in mediation and is a panel member of the Court of Appeal mediation scheme, immediate past Chair of the Mediation Committee of the International Bar Association, a former Vice-Chair of the American Bar Association's International Mediation Committee and a member of CPR's Panel of Distinguished Neutrals. Jon is also the author of the book, 'A Practical Guide to Mediation in Intellectual Property, Technology & Related Disputes' published by Sweet & Maxwell in 2006.

Jon is recognised as one of the top mediators in the UK by the Chambers & Partners and Legal 500 directories, the two leading independently researched legal directories published annually. A selection of comments from various editions appear below.

### **Independent ratings**

#### **Legal 500 (2011)**

*The 'highly effective', 'excellent, hardworking and intelligent' Jon Lang...(In Place of Strife)...climbs a tier on the back of some very good feedback from clients, who praise him as 'not afraid to engage and challenge views or strategies in a constructive manner', and 'always working extremely hard to exhaust every avenue to reach an agreement'. 'His patience and good humour can enable even the most intractable disputes to be resolved, and he goes the extra mile in pursuing settlement.' While he covers all manner of mediations, clients note that his background as an IP partner at White & Case LLP makes him a very good choice for IP mediations.*

#### **Chambers and Partners (2012)**

*Lang moves up the rankings this year following widespread praise for his "quick understanding of the parties' aims and great ability to find common ground." Whilst he is best known for mediating IT, technology and IP disputes, his practice covers the full range of commercial cases.*

#### **Legal 500 (2010)**

*Jon Lang (In Place of Strife) is an increasingly prolific full-time mediator and 'a hit with commercial clients'. A former White & Case LLP IP partner, Lang is credited as 'dependable', 'thoughtful', and 'well prepared'.*

### Chambers and Partners (2011)

*Lang has developed a booming commercial mediation practice centred on general commercial matters, including professional negligence and construction. He also has expertise in IT, IP and technology disputes. "He is very good at getting deals done and is extremely sharp," say market commentators.*

### Legal 500 (2009)

*'Young, exceptionally bright' and 'commercially sound', Jon Lang .... has quickly established the confidence of large swathes of the legal profession. They find him 'an honest broker', able to 'engender trust .... a good lawyer, tenacious where necessary' and 'always well prepared'.*

### Chambers and Partners (2010)

*Lang's full-time practice continues to broaden in scope .... He is respected for 'painting a realistic picture of the situation', and clients observe that he prepares tirelessly, which 'establishes immediate trust with the parties', and that he will push hard for a deal.*

### Legal 500 (2008)

*Jon Lang (Independent) has rapidly established himself among the UK's leading mediators.....clients find he is 'approachable', 'pragmatic', 'commercial' and 'resolution focused'. He is considered good with 'difficult' clients and his persistence in pushing for settlement, where necessary, after the day of the mediation has impressed.*

### Chambers and Partners (2009)

*Prior to establishing his own mediation practice, Lang was a partner of the disputes group at White & Case. He is regarded by many observers as 'a cut above the rest' and mediates on a wide variety of commercial and IP disputes, both in the UK and abroad'.*

### Legal 500 (2007)

*Jon Lang is a name to watch out for. Described as 'very bright', and 'robust, but without causing offence', he demonstrates a talent for simplification of the issues, and deep market knowledge of the IT industry. Clients value his creativity in problem solving...'*

### Chambers and Partners (2008)

*Interviewees hold Lang's previous incarnation as a litigator at White & Case in high esteem and ascribe his success in commercial mediations to this fact. The 'inside-out knowledge' this has granted him is anchored to a facilitative style of mediating that is 'authoritative without being overbearing.' According to one barrister, 'Lang strikes just the right balance.' His workload, which is frequently multiparty, encompasses joint venture, international trade, insolvency and professional negligence disputes. He has also mediated in the sports and entertainment sectors.*

## Legal 500 (2006)

*Former White & Case partner Jon Lang has fast established a high-quality general mediation practice which has grown off the back of particular expertise in IT/IP... 'he is sensible and constructive' and 'handles histrionic parties with ease'.*

## Chambers and Partners (2007)

*Lang 'instills confidence' in his clients, particularly when mediating vitriolic disputes. His ability to 'get to grips with the industry issues' impresses clients, as does his talent at 'seeing the commercial angle and the bigger picture.' He is also 'not afraid to get into the detail.' Lang is a full-time commercial mediator. The disputes he handles are largely high value and often involve sophisticated clients. He possesses 'an instinct for mediation.'*

Comments from parties and their advisors reflecting Jon's mediation approach and style are set in the Feedback digest at the end of this biography.

## **Mediation experience**

Jon has mediated many disputes, both in the U.K. and overseas, in a wide variety of areas. Examples appear below. (Further information on some of the IP, IT and related disputes mediated by Jon are contained in the separate **IP/IT Annex** available on Jon's website).

### **General commercial**

- Shareholder disputes
- Boardroom disputes
- Transfer of business agreements
- Share purchase agreements
- Share valuations
- Disclosure letters
- Agency and distribution agreements
- Partnership disputes
- Transfers of goodwill
- Product development agreements
- Unpaid professional fees
- Quality of goods & services
- Supply of goods and services
- Buying group disputes
- Franchise agreements
- Sale and leaseback agreements
- Unlawful competition
- Misrepresentation claims
- Joint ventures
- Business funding disputes
- Insurance
- Procurement of breach of contract
- Restrictive covenants
- Quantum of damages calculations
- Conversion and ROT claims
- Guarantee, warranty and indemnity claims
- Factoring
- Asset leasing
- Loss of chance claims
- Aviation disputes
- Outsourcing
- Damages/account of profits calculations
- Company valuations
- Claims scheme funding disputes
- Non-compete agreements
- Directors' duties
- Trusts and probate
- Family business disputes

### **Engineering/construction**

- project management
- design and manufacture
- safety critical components/software
- refurbishment projects
- quality/delay/LD disputes
- major project disputes e.g. port construction
- overvaluation of works
- interim certificates/final accounts
- JCT contracts
- house building and retail projects
- property development

- bathymetric and other survey disputes
- drilling/piling disputes

### **Professional negligence**

- Quantity surveyors
- Accountants
- Solicitors
- Insolvency practitioners
- Tax advisors

### **IT**

- major infrastructure projects
- licensing
- change control
- 'life of requirements' provisions
- epidemic failure of components
- systems design/supply
- functionality/programming
- outsourcing
- framework agreements
- support agreements
- requirements specifications
- user acceptance procedures
- scoping agreements

### **Telecoms**

- service development projects
- satellite broadcasting rights
- network providers
- service providers

### **Media, sports and gaming**

- exploitation of rights to major sporting events
- sponsorship/promotion
- endorsements
- disputes with agents
- media campaigns
- media buying agreements
- misleading advertising

### **Defamation/malicious falsehood**

- website postings
- radio broadcasts

### **Database rights**

- infringement

- contract administration
- tender disputes

- Management consultants
- I.T. service providers
- Insurance brokers
- Banking
- Architects
- Auctioneers

- master software, services and training agreements
- data migration
- software/software drivers
- printed circuit board development
- compatibility/integration issues
- e-commerce projects
- safety critical components
- telematics
- smart card technology
- ticketing/CRM systems
- installation/maintenance/reseller agreements
- authorisation/standards issues

- product development
- co-location agreements
- dark fibre agreements
- software
- 'churn'/'spinning' disputes

- radio advertising
- joint ventures in TV
- online gaming disputes
- internet - content, search, traffic, advertising agreements
- film production/financing
- animation
- publishing

- news print
- disciplinary proceedings

- amalgamation/mixing of data
- management

### **Trade marks/passing-off**

- split marks/co-existence agreements
- revocation/opposition registry proceedings
- switch selling
- key-words
- groundless threats
- counterfeiting
- validity/infringement
- royalties
- account of profits/damages
- negotiation of trade mark specifications
- endorsements/sponsorship

### **Copyright**

- software code
- sound recordings
- music/literary copyright
- performers' rights
- artwork
- moral rights
- damages
- publishing
- joint ownership

### **Breach of confidence**

- NDA's
- fiduciary obligations
- contractual/employment
- deletion/verification exercises

### **Design right**

- registered/unregistered
- UK/Community
- ownership/validity
- groundless threats
- similarity/ commonplace designs
- methods/principles of construction
- technical function
- licences of right
- assignment/licensing

### **Patents**

- validity
- infringement
- employee inventions
- declarations of non-infringement
- groundless threats

### **Competition**

- parallel imports
- exhaustion of rights
- authorised distribution networks

### **Domain names**

- first instance/appeal
- protest sites

### **Miscellaneous**

- Personal injury/fatal accident claims
- Constitution of a union
- Banking and financial services
- Property ownership
- Employment - restrictive covenants/unfair dismissal/age discrimination/disability/whistle-blowing (protected disclosures)/TUPE
- Landlord and tenant (e.g. '54 Act applications)
- Executive plans
- Insolvency - liquidators, administrative receivers and administrators
- Insurance broking
- Public procurement
- Auctions (provenance, valuations, negligence)
- Contentious probate
- Inter-bank disputes
- Regulatory

## **Professional background**

- Independent Commercial Mediator, May 2005 to date
- Partner, White & Case, 1999 to May 2005
- Partner, Llewelyn Zeitman, 1996-99
- Solicitor, McKenna & Co, 1988-96
- In-house counsel, London International Financial Futures & Options Exchange, LIFFE, 1987-88
- Solicitor, Elborne Mitchell, 1986-87

### **Work whilst in private practice/in-house**

In a legal career spanning over 20 years, spent primarily in the field of dispute resolution, Jon has acted for clients at all levels of the judicial system, in domestic and international arbitration and mediation. He has represented clients from a wide variety of industry sectors, from aviation to underwriting and in most types of commercial dispute, from shareholder actions to professional negligence. Whilst in-house counsel at LIFFE, Jon advised on matters relevant to the then financial services regulatory regime. Jon has represented clients in a number of reported cases.

## **Miscellaneous**

Author of the book, 'A Practical Guide to Mediation in Intellectual Property, Technology and Related Disputes', published by Sweet & Maxwell in 2006

Member of CPR's Panel of Distinguished Neutrals

Author of various papers and articles on a wide range of subjects including ADR

Immediate past Chair of the Mediation Committee of the International Bar Association (and former editor of the IBA Mediation Newsletter)

Former Vice-Chair of the American Bar Association's International Mediation Committee

Member of the Court of Appeal Mediation Scheme (CAMS) panel of mediators

Law Society accredited civil and commercial mediator

Member of the Chartered Institute of Arbitrators (CI Arb) and its Panel of Mediators

Member of MATA's teaching faculty for the CI Arb mediation training course

Former member of the legal scrutiny committee of the Futures & Options Association

Member of INTA's Panel of Neutrals

Member of WIPO's Panel of Neutrals

Represented the U.K. as an expert in mediation at an international meeting of financial services regulators in Paris

### **Feedback digest (feedback from appointing parties and their advisors)**

With twenty years litigation experience behind him, Jon draws on his extensive experience of negotiating settlements on behalf of clients and representing them at mediation. He has a calm and measured approach to mediation and works hard with the parties to reach a deal. Comments from parties and their advisors reflecting Jon's style include:

"Thanks again for your help - we and the clients appreciate the great work you did"

"...for your persuasive powers, charm and patience I am truly grateful"

“Jon was excellent - he kept us focused on the key issues that would lead to settlement”

“Impressive - struck exactly the right note”

“It was a fascinating illustration of mediation in action. The result achieved was one that no court would have been able to order”

“He grasped what were the live issues impressively quickly”

“I would definitely recommend him and use him again”

“...efficient, client friendly and well prepared”

“The mediation was successful.... This was a remarkable achievement given the grave reservations....at the start of the process”

“...very insightful, very focused, very effective”

“The service you provided was exceptional...resulting in the resolution of this matter”

“....my clients were delighted with the outcome. I found the process fascinating”

“...worked tirelessly, with humour and ingenuity, at trying to find a solution with which both sides could live”

“It was a success and Jon Lang was excellent...helped us secure a result...very positive and very commercial”

“Very professional, good grasp of the issues and engineered some very good discussions of the key issues”

“....parties found Jon to be a mediator they could work with, someone who could keep up momentum, even at the difficult times.... We liked his style of reality testing and his robust but friendly and equable manner, which ensured that the mediation was not just managed properly with no time being wasted, but that the parties became more and more deal focused as the day went on, culminating in settlement.”

“subtle and effective”

“...came up with some very good creative suggestions on how we might go forward”

“...very good....very well prepared”

“...impressed by your mediation skills and will definitely recommend you in the future”

“Jon showed a clear understanding of the facts in issue.... and was able to give helpful guidance to the parties and their solicitors. We would certainly recommend his appointment as a mediator in the future”

“He worked hard, and no time was wasted”

“Thank you very much for your help today in making it happen. Much appreciated and impressive”

“It was extremely important that you were able to build a rapport with the individuals on each side and so diffuse what might otherwise have been an extremely volatile situation. I would not hesitate to recommend you as a mediator”

“He created a lot of momentum and enabled some significant changes of position.”

“...calm and pleasant manner”

“...conducted the mediation positively.”

“...was able to get to the nub of the relationship...and move things along”

“I am writing to express my sincere thanks for all of the hard work and effort that you put in in the cause of delivering a resolution in this matter. .... impressed by your ... genuine dedication to the process and by the fact that it was such a pleasure to deal with you”

“...used his personal charm and diplomatic qualities to aid the process throughout”

“...moved the process along with speed and care”

“I think the mediator's approach was exactly right”

“..brought the key decision maker of each side together from an early stage...a shrewd move that worked well.”

“...we were impressed. He was affable, fair, grasped the issues and quickly identified where a deal could be done.”

“Of particular note was his ability to know when to leave us alone and when to come back and assist with the discussion. He had an almost preternatural sense of timing...”

“I can't thank you enough for all your help and guidance prior to the mediation...”

“Thank you once again for all your hard work on Friday. I'm very pleased we were able to get an agreement.”

“very good, friendly, very well prepared”

“I was most impressed with the mediation, particularly coming from the South African jurisdiction where mediation is still in its infancy. I will certainly use my best endeavours to persuade my clients to mediate in appropriate cases in the future.”

“I would just like to express our thanks for the way in which you conducted the recent mediation...appreciate your patience as it achieved a resolution and an end to what has been an extended dispute.”

“Jon did a very good job in a case where there was a lot of distrust and bad feeling”

“The fact that such substantial progress was made....is purely as a result of his skills as a mediator”

“Your appreciation of the personalities and subtle approach to getting the best out of them made all the difference, not only bringing settlement but bringing it much earlier than might otherwise have happened.”

“Excellent - ...got us there. Jon’s sense of humour was much needed and an added benefit.”

“Certainly the mediation was the catalyst that procured the settlement at the end of the day”

“Jon - thank you also for your considerable efforts yesterday and achieving an outcome”

“...thanks for recommending Jon Lang for the mediation on Tuesday. He did an excellent job.”