

## OVERVIEW

Gillian Carmichael Lemaire is a bilingual (English/French) international mediator and arbitrator based in London. She is a UK national, from Scotland. Gillian has been immersed in disputes work throughout her career, including positions as partner in international law firms in Paris. She founded her own firm in 2014 and retired from legal practice as a solicitor and as a member of the Paris Bar at the end of 2024 to focus on serving as mediator and arbitrator.

Gillian has significant disputes experience in the environmental, construction & infrastructure, energy, and commercial & corporate sectors. She also has strong transactional experience gained both in private practice and during a long-term secondment to an international environmental services corporation active in the waste, water, transport and energy sectors. Her experience spans both private and public international law and she has worked on many complex projects and disputes involving public/private partnerships, handling both commercial and investor-State arbitrations in English and French. She has extensive experience of the principal arbitration institutions and rules, as well as deep knowledge and practical experience of both common and civil law systems. She has worked on disputes worldwide, with a particular focus on France, Scotland, England, the Middle East and Africa.

## CAREER

2014 to date	Founder of own firm in Paris in 2014; Carmichael Lemaire Ltd founded in London in 2016.
2010 – 2014	Managing Partner - Hafez, Paris.
2007 – 2010	Senior Counsel - Dewey & LeBoeuf, Paris.
1999 – 2007	Associate, then Partner - Dechert, Paris.
1993 – 1999	Manager - Archibald Andersen, Paris.
1988 – 1993	Solicitor - McGrigor Donald, Glasgow.
1986 – 1988	Solicitor - Cabinet Sefrioui, Paris.
1983 – 1985	Trainee - Digby Brown & Co, Glasgow.

## EDUCATION AND QUALIFICATIONS

2024	Fellow of the Law Society of Scotland.
2023	Registered Mediator with the Civil Mediation Council (England & Wales) and Scottish Mediation.
2021	CEDR Accredited Mediator.
2020	ICSID/CEDR/Energy Charter Investor State Mediation Programme.
2020	Certified Specialist in Cyber Security – Law Society of Scotland (renewed 2024).
2020	United Nations Institute for Training and Research certification in the Law of Treaties.
2017	Certificate of Competency in Mediation, Negotiation and Skills as a Professional (Core Solutions, Scotland).
2014	Accredited for mediation by the Paris Bar.
2013	Accredited for mediation by the Institute for Expertise, Arbitration and Mediation (Paris).
2008	Fellow of the Chartered Institute of Arbitrators.

- 1994 Avocate à la cour (Hauts de Seine Bar, then Paris Bar).
- 1984 Solicitor (Scotland).
- 1983 Postgraduate Diploma in Legal Practice, University of Strathclyde, Scotland.
- 1982 LL.B. (Bachelor of Laws), University of Strathclyde, Scotland.

## EXPERIENCE AND EXAMPLES OF WORK

### Mediation

Gillian was one of the first members of the Paris Bar to become accredited for mediation under their 2013 training scheme. She has since obtained further accreditations for civil and commercial, investor-State and community mediation. She is a Registered Mediator with the Civil Mediation Council (England & Wales) and Scottish Mediation.

Gillian has a developing mediator practice and is committed to raising awareness of the benefits of mediation as a key process for addressing many environmental and climate-related disputes. She is a signatory to the Mediators' Green Pledge (World Mediators Alliance on Climate Change).

Selected examples of recent work include:

- Mediator in a commercial dispute between US and European parties (insurance sector).
- Mediator in a commercial dispute between UK parties and a European State.
- ICC-appointed mediator in a commercial dispute between US and French parties (freight sector).
- Mediator in a complex, long-standing dispute between an individual and a public authority further to a Public Inquiry into the whistleblowing and organizational culture of the authority.
- Mediator in several civil disputes involving rights of way.
- Mediator in several civil disputes involving environmental nuisance.
- Mediator in a dispute between French and US parties regarding integration of software into an office system (product liability).
- Mediation counsel to a NYSE-listed chemical manufacturer in relation to an environmental dispute in Europe.
- Mediation counsel in a series of real estate/construction disputes.

### Arbitration

Gillian has been working in the arbitration field since 1985 and is a longstanding Fellow of the Chartered Institute of Arbitrators. After 35+ years of practice as counsel in mainly complex, high-value arbitrations, she now focuses on serving as arbitrator. Gillian has worked on arbitrations worldwide and, in addition to her main areas of Scotland, England and France,

has strong experience in disputes involving Middle Eastern and African countries: Angola, Cameroon, Egypt, Iraq, Kuwait, Libya, Morocco, Oman, South Africa, Sudan, UAE and Uganda.

Gillian is a signatory to the Green Pledge (The Campaign for Greener Arbitrations).

Selected examples of work include:

- Party-appointed co-arbitrator in a commercial dispute in the energy sector administered by the SCC (Stockholm seat).
- Party-appointed co-arbitrator in a commercial dispute administered by the SCC (Stockholm seat).
- ICC-appointed co-arbitrator in a commercial dispute in the communications sector (Paris seat).
- CIArb-appointed sole arbitrator in a financial services dispute between UK and US parties (London seat).
- CIArb-appointed sole arbitrator in a financial services dispute between UK and South African parties (London seat).
- CIArb-appointed sole arbitrator in a financial services dispute between UK and Indian parties (London seat).
- ICC arbitration for the owner and operator of a chemical manufacturing plant in the Middle East against the owner and operator of a refinery (London seat).
- ICC arbitration for an energy corporation in a dispute arising out of technical environmental services to be carried out offshore Africa (Paris seat).
- Series of PCA-administered UNCITRAL arbitrations relating to an oil pipeline project in Africa (London and Dubai seats).
- Two investor-State arbitrations (ICC, London and Paris seats) relating to a water pipeline construction project and a public housing and commercial development project, both in Africa, affected by civil conflict.
- Series of ICC arbitrations for a European hotel management company arising out of management contracts for new-build hotels in Egypt and parallel litigation (Paris and Cairo seats).
- Series of institutional arbitrations (ICC and CRCICA) in connection with a new-build hotel and leisure project in Egypt and parallel litigation (Paris and Cairo seats).
- CRCICA arbitration for a Middle Eastern joint venture arising out of the design and construction of a major commercial, residential and office development in Egypt. Delay and disruption claim involving several methods of delay and disruption analysis, including system dynamics. FIDIC-based contract (Cairo seat).
- Ad hoc arbitration for an Egyptian company against a US company arising out of the construction of military facilities. Delay and payment claims (Washington, D.C. seat).

- Preparing a series of commercial arbitrations for a US government agency running in parallel to investment treaty arbitrations concerning the expropriation of high-pressure natural gas injection facilities in South America.
- Arbitration under the Procedural Rules on Conciliation and Arbitration of Contracts Financed by the European Development Fund for a contractor in an arbitration arising out of a road construction project in Africa. Delay and disruption claim (Paris seat).
- ICC arbitration for a public works authority of a Middle Eastern State in regard to disputes arising out of the construction of a water distribution system (Paris seat).
- ICC arbitration for a European environmental services company arising out of a BOT project for the construction of a waste management plant in Asia. Satellite litigation and parallel public inquiry. Project financing, shareholder and third party funding issues (The Hague seat).
- ICC arbitration for a global leader in wine and spirits against an Eastern European company in relation to an acquisition (Paris seat).
- ICC arbitration for a European retailer against a Middle Eastern distributor. Supply dispute (product liability) (Paris seat).
- Series of ICC arbitrations for the Ministry of Public Works of a Middle Eastern State concerning the construction of an entertainment complex, a motorway and a bridge. FIDIC contracts (Paris seat).
- Advising a US group in relation to a potential investment treaty arbitration against a State in relation to default on global bonds, ultimately resolved in the US courts.
- Pre-arbitration: representation of a European contractor in a delay and disruption dispute regarding construction of subsea facilities offshore West Africa.

## **Other**

- **Litigation**
  - Started out as a litigator in Scotland; personal injury, professional negligence, environmental and general commercial disputes.
  - Transnational litigation work has included representing a French-based public works contractor before the US courts in relation to a consultancy dispute arising out of the construction of a toll road project in Eastern Europe; representation of a Scandinavian energy company in multi-party litigation in France arising out of shipbuilding.
- **Transactional environmental project work**
  - Seconded long-term to Veolia in Paris. Gained strong transactional experience of a broad range of international projects in the waste, water, transport and energy sectors.
- **Dispute resolution advisory**
  - Advising a consortium constructing a metro system in a European city in relation to the contractual dispute resolution mechanisms and multiple disputes before the local courts.

- Co-led the team responsible for producing the Queen Mary University of London/Pinsent Masons 2022 Energy Arbitration Survey.
- Serves on the Rules Committee of the Scottish Arbitration Centre's Board; part of the team that drew up the Centre's Arbitration Rules launched in 2022.

## SELECTED AFFILIATIONS AND MEMBERSHIPS

### Arbitration:

- Member of the Board of Directors of the Scottish Arbitration Centre.
- Member of the Advisory Council to the Board of Directors of ArbitralWomen.
- Past Vice-Chair of the London Branch of the Chartered Institute of Arbitrators (2022-2023).
- Visiting lecturer in international arbitration, University of Aberdeen Law School.

### Mediation:

- Registered Mediator with the Civil Mediation Council (England and Wales).
- Registered Mediator with Scottish Mediation.
- CEDR – member.
- Volunteer community mediator, Smile Mediation (Resolve UK).

### Other memberships:

- UK Environmental Law Association.
- Franco-British Lawyers Society.
- Society of Construction Law.

## PRO BONO

Gillian has worked on numerous pro bono projects over the last 35 years. She is currently a volunteer community mediator for Smile Mediation/Resolve UK.

## RECENT TALKS AND PUBLICATIONS

- Moderator on a panel addressing *Arbitration and Psychology – Focus on Appointments and Unconscious Bias*, Scottish Arbitration Centre, ArbFest, 6 September 2024.
- Training sessions on the Arbitration Act 1996 (England & Wales), the Bill to amend the 1996 Act and Mediation for a delegation of Nigerian judges at the Scottish Arbitration Centre, 20 August 2024.
- Speaker on mediation on a panel addressing *Dispute Resolution – The Crucial Role of the Contract Drafter* at the Law Society of Scotland In-House Annual Conference 2024, 18 June 2024.
- *11th ICC Mediation Roundtable: The Future of Mediation*, ICC Dispute Resolution Bulletin | 2024 Issue 1, p.164.
- Co-moderator at the Mediation Roundtable (19<sup>th</sup> ICC International Mediation Competition) on *The Future of Mediation*, Paris, 9 February 2024.

- Speaker at Franco-British Lawyers Society event, Paris, 9 November 2023, on *Which seat of arbitration to choose? International public policy and challenge of arbitral awards*.
- Speaker on mediation at the Energy Arbitration in the Middle East and Africa Conference, London, 27 June 2023, on *The African Energy Mix – comparing and contrasting dispute techniques in African regions and energy sectors*.
- Speaker on *Fact Witness Evidence in Construction Disputes*, joint CIARB London/King's College London event, 1 March 2023.
- Speaker on system dynamics in construction disputes at CIARB European Chapter / Ciarb London joint event in Paris, 10 February 2023 on *How Can Technology Help a Party Win Its Case?*
- Webinar for ODR Africa Network, 29 September 2022, on *ODR in Construction Disputes*.
- GAR Live: Energy Disputes conference, Edinburgh, 22 September 2022, moderator of panel on *Disputes arising from energy transition*.
- Guest blog on the invitation of Professor Derek Auchie on the role of lawyers in mediation, [https://lnkd.in/dr\\_vHSiC](https://lnkd.in/dr_vHSiC), January 2022, *The dream team or too many cooks?*
- Scottish Arbitration Centre at COP26: Dispute Resolution and Climate Change, Edinburgh, 11 November 2021, moderated panel on *ESG and Greener Arbitration*.
- Co-author, International Journal of Online Dispute Resolution 2021, Issue 2, 7 April 2021, *Paperless arbitration – The New Trend?*
- Convenor of a webinar on *Streamlining Evidence in Construction Disputes*, 11 February 2021, Ciarb London/King's College London.
- Speaker at *Online surgery on arbitration procedure and practice*, 9 December 2020, Ciarb London.
- Webinar for a global energy corporation, 17 November 2020, *Covid-19 – Steps for Dispute Prevention, Management and Resolution*.
- Speaker at webinar, 24 April 2020, on *Paperless Arbitration: the new trend?*