

Curriculum Vitae

NAME: Nicholas John Floreani

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DATE OF BIRTH: 21 October 1971

QUALIFICATIONS: Barrister /Solicitor of the Supreme Court of SA [1997]
Solicitor of the Supreme Court of NSW [1997]
Barrister of the Supreme Court of NSW [1998]
Barrister of the High Court of Australia [1998]
Solicitor of England & Wales [2001]
Grade 3 Arbitrator [2004]
Accredited Mediator [2004]

EDUCATION: University of Adelaide,
Bachelor of Commerce [1990 - 1992]

Queensland University of Technology,
Bachelor of Laws [1993 - 1995]

University of South Australia,
Graduate Diploma in Legal Practice [1996]

MEMBERSHIPS:

Young International Arbitration Group (YIAG)

South Australian and New South Wales Bar Associations

Australian Forum on International Arbitration (AFIA)
- SA Representative

Institute of Arbitrators and Mediators Australia (IAMA) - Associate Member

Australian Centre for International Commercial Arbitration (ACICA)

ADR Committee of Law Society of South Australia

SHORT COURSES:

The Practitioners Certificate in Mediation and Conciliation [2004]

Professional Certificate in Arbitration [2004]

PUBLICATIONS:

Law Society of New South Wales *Law Society Journal*

Building and Construction Law Journal

Institute of Arbitrators and Mediators Australia
National Newsletter

Journal Committee Member of the *Journal of the Institute of Arbitrators and Mediators Australia*

RELEVANT EMPLOYMENT HISTORY & ADR EXPERIENCE:

Barrister at CHRISTOPHER LEGOE CHAMBERS, Adelaide [2003]

Independent Bar

- Acting as counsel in arbitration, mediation, tribunal and court (Magistrates, District and Supreme) proceedings.
- Specialising in Alternative Dispute Resolution, Commercial and Building Construction Law.
- Member of the Magistrates Court Mediation Panel. Acted as mediator in numerous pre-lodgment mediations.

Attorney at THE CLAIMS RESOLUTION TRIBUNAL, Zurich [2002]

Mass Claims Processing

- Adjudicated claims submitted in English, French and German, which were filed against Swiss bank accounts in connection with the Settlement Agreement reached in the Holocaust Victims Assets Litigation in the United States.
- Drafted decisions and awards for approval by the Court.
- Responsible for one of three legal teams, consisting of Staff Attorneys, Paralegals and administrative staff. In this regard, was involved in the design and development of a mass claims process and participated in the identification of policy issues and the development of policy. Responsibilities within team included the supervision of team members regarding their output and quality, the implementation of new policies, the organisation and allocation of work, the coordination and supervision of file movement and filing, as well as the participation in the resolution of any personnel issues, including the recruitment of new staff. In addition, responsible for the development of training methods and the preparation of training materials, as well as the training of the new Staff Attorneys at the Tribunal.
- Preparing memoranda on the Tribunal's mandate, developing Tribunal policy arising out of the Tribunal's Rules of Procedure and developing and implementing a Tribunal appeals process. Regularly liaising with the Special

Masters appointed to oversee the process, the Tribunal's Secretary General and other senior member of the Secretariat's staff.

- Resolving complex legal issues including the Tribunal's jurisdiction, conflict of laws, banking secrecy and inheritance. Reviewing decisions drafted by other attorneys to determine consistency of analysis and compliance with the Tribunal's Rules.

Solicitor at CLIFFORD CHANCE, London

[2001]

International Commercial Arbitration and Mediation

- Practical experience in international commercial mediation and arbitrations under the London Court of International Arbitration (LCIA), International Chamber of Commerce (ICC) and UNICTRAL Rules.
- Acted on behalf of a North American power producer in a dispute with a United Kingdom power station asset company. Arbitration was conducted in London under the LCIA Rules. The dispute arose out of the cross-border acquisition, by the US firm, of power station assets in the UK. I was involved in preparing the request for arbitration, the statement of case, cross-claim and reply, as well as witness statements, opening and closing submissions. My role also included supervising discovery, disclosure, preparing cross-examination material and proofing of witnesses.
- Acted on behalf of a multi-national Canadian rail stock manufacturer in a dispute with a United Kingdom rail transport authority. Mediation was conducted in London. I provided tactical advice and participated as counsel in the mediation process.
- Acted on behalf of a state-owned Chinese pipeline construction company in a dispute with a trans-national consortium (including a sovereign state) involving the engineering, procurement and construction of an oil pipeline in the Sudan. I was involved in preparing an advice on liability and quantum and an assessment of the prospects of a successful arbitration under ICC Rules (including issues of enforcement).
- Acted on behalf of a state-controlled arms manufacture against a sovereign state in a Dutch Court action to defeat enforcement proceedings. I was involved in preparing witness statements and submissions for the court.

- Acted on behalf of a French bank in a dispute with a United States car hire company. The dispute arose out of the cross-border acquisition of United Kingdom and European interests in the fleet car hire business. I was involved in advising on liability and quantum and preparing the claim documentation for arbitration under ICC Rules.

Barrister at THE NEW SOUTH WALES BAR, Sydney [1998-2000]

- Acted as counsel in arbitration, mediation, tribunal and court (Local, District and Supreme) proceedings.
- Acted for a scaffolding contractor in arbitration commenced by an event organising company for failure, by the contractor, to provide an adequate scaffolding structure, leading to the collapse of a video screen during a major international sporting event.
- Acted on behalf of a contractor in arbitration proceedings against a state government body involving the construction of an underwater pipeline for a marine laboratory. The dispute concerned the determination, as a preliminary issue, of whether the client was barred from prosecuting its claim by reason of a signed release. The central issue of the arbitration was the determination of extension of time and delay claims.
- Acted as co-counsel in a state government inquest (coronial inquest) into the deaths of 18 people caused by a landslide at Thredbo Village, New South Wales. There were 19 government and private organizations involved in the inquest. I was involved as a member of a team of Barristers (2 junior counsel and 1 senior counsel) who assisted the Coroner during the inquest. As a team we were responsible for presenting the police investigation, including expert investigations, to the Coroner. The hearing ran for 160 days. At the conclusion of the evidence our role was to prepare closing submissions and assist in the drafting of the Coroner's final report.

Solicitor at ALLEN ALLEN & HEMSLEY, Sydney [1997-1998]

Dispute Resolution

- Practical experience of advising the acting on behalf of construction and engineering contractors, sub-contractors, consultants and proprietors in relation to the making and defending a wide variety of claims.

- Acted on behalf of a power station proprietor in a dispute against an international mechanical engineering firm. An *ad hoc* arbitration was conducted in Sydney. I was involved as a member of the arbitration team for two years (the hearing ran for over 100 days). I was involved in preparing the arbitration pleadings, discovery, witness statements, cross-examination, opening and closing submissions and assisting counsel during the hearing.

REFEREES

Justice Ruth McColl (S.C.)
The New South Wales Court of Appeal
Sydney, New South Wales
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Mr. John Dorter
Former President, The Institute of Arbitrators Australia
Partner, Allen Arthur Robinson (formerly Allen Allen & Hemsley)
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