

PROFILE - ALAN L. LIMBURY
MA (Jurisprudence) (Oxford), MDR (UTS)
Advanced Mediator (Resolution Institute)
Certified Mediator (International Mediation Institute)
SIMI Accredited Mediator
NMAS Accredited Mediator

LAWYER, NEGOTIATOR, MEDIATOR and ARBITRATOR



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Mediation experience

Having practised as a litigation lawyer before turning full time to mediation and domain name arbitration, Alan has over 30 years of experience mediating commercial and intellectual property disputes of all kinds in Australia, New Zealand and the UK, in which parties are legally represented. He was described by Who's Who Legal in 2018 as "one of the best mediators in the world", in 2019 as one of the three "Most Highly Regarded" mediators in Australia "for their expertise in handling sophisticated disputes across a wide range of industries", and in 2021 as one of the Asia Pacific Global Elite Thought Leaders in Mediation.

Other dispute resolution experience

1964-1996 Commercial litigation lawyer in Sydney law firms.
1976-1996 Partner, Minter Ellison, Sydney. Chairman, Trade Practices, Intellectual Property and Alternative Dispute Resolution Groups.

Wide experience as a litigation lawyer at trial and on appeal in commercial disputes, including intellectual property (trade marks, patents, copyright and confidential information), restrictive trade practices, unfair competition and administrative law.

1996-2017 Solicitor – sole practitioner.

Since 2000 Experience in 11 commercial arbitrations raising issues of contractual interpretation, misleading and deceptive conduct, intellectual property rights, international technology licensing, margin lending and estoppel.

Experience as arbitrator in over 800 domain name disputes.

Eight years as initial Chairman of the Complaints Resolution Panel established under the Australian *Therapeutic Goods Regulations* to determine complaints about the advertising and promotion of therapeutic goods to consumers; and Member, Therapeutic Goods Advertising Code Council.

Three years as a member of the Australian Administrative Appeals Tribunal, in determining appeals from governmental administrative decisions.

Qualifications

- BA (Hons.)(Jurisprudence), University of Oxford, 1963.
- MA, University of Oxford, 1968.
- Master of Dispute Resolution (MDR), University of Technology, Sydney, 1997.
- Barrister, United Kingdom (Inner Temple), 1964.
- Legal Practitioner, High Court of Australia and Supreme Courts of the Australian Capital Territory, New South Wales, Queensland and Victoria 1965-2017.
- Trained in negotiation and mediation at Harvard University in 1986, 1987 and 1991.
- Trained in mediation by ACDC, 1986; CDR Associates, Colorado, 1988; Institute of Arbitrators Australia (Advanced), 1989; Law Society of New South Wales (Advanced), 1993 and University of Technology, Sydney (Advanced), 1993.
- Specialist Accredited Mediator, Law Society of NSW, 1995-2017.
- LEADR Advanced Mediator since 1997 (now Resolution Institute).
- Trained in arbitration by the World Intellectual Property Organization, 2000 and 2004 and by the Chartered Institute of Arbitrators, 2003-4.
- Member, Accredited Mediator and Grade 1 Arbitrator, Institute of Arbitrators & Mediators Australia, 2005-2012.
- Accredited as an Experience Qualified Mediator under the Australian National Mediator Standards since 2008.
- International Mediation Institute Certified Mediator since 2011.

Current positions

- Managing Director, Strategic Action Pty Ltd t/a Strategic Resolution.
- Chairman, Complaints Panel of Consumer Healthcare Products Australia.
- Assistant lecturer in Negotiation (postgraduate) and Dispute Resolution (undergraduate and postgraduate) at the University of New South Wales.
- Senior Fellow, Melbourne Law School, teaching Mediation in Practice.
- Member of several mediation panels around the world.
- Member of several domain name arbitration panels around the world.
- Honorary Life Member, Business Law Section, Law Council of Australia.
- Life Member, the Law Society of New South Wales.
- Associate Member, Crown Office Chambers, London.

Previous positions and activities

- Solicitor and Barrister of the Supreme Court of New South Wales (1970–2017).

- Distinguished Fellow, International Academy of Mediators (2016)
- Chairman, Medicines Australia Code of Conduct and Appeals Committees (2006-2016).
- Chairman, Code Appeals Committee, Medical Technology Association of Australia Limited (2010-2016).
- Adjunct Professor, Faculty of Law, the University of Sydney (2009-2010).
- Chartered Arbitrator and Fellow, the Chartered Institute of Arbitrators, (2005-2010).
- Professional Dispute Board Member, the Dispute Board Federation (2008-2009).
- Chairman, Standing Expert Committee on ADR, Law Council of Australia (member 1989-2009).
- Deputy Chairman, National Electricity Tribunal (1998–2007).
- Member, Health Services Advisory Committee (2001-2007).
- Chairman, Complaints Resolution Panel to determine advertising complaints under the *Therapeutic Goods Regulations* and member, Therapeutic Goods Advertising Code Council (1998-2006).
- Member, Administrative Appeals Tribunal (Commonwealth of Australia) (2001-2004).
- Founding member and director of LEADR (now Resolution Institute), (Chairman 1991-1993).
- Chairman, Business Law Section of the Law Council of Australia (1987–1989) and of its Trade Practices Committee. Member, Intellectual Property and Customs Law Committees.
- Member, Advertising Review Expert Committee concerned with Trans-Tasman harmonization of therapeutic goods advertising (2002).
- Conciliator under s.89 of the *Health Care Complaints Act 1993* (NSW).
- Legal advisor to the Medical Services Committee (NSW).
- Member, the Australian Institute of Company Directors.

Some Publications

- How not to do Arb-Med-Arb: Kluwer Mediation Blog, July 2018
http://mediationblog.kluwerarbitration.com/2018/07/05/not-arb-med-arb/?doing_wp_cron=1587370440.7804660797119140625000
- Hybrid Processes and Inadmissibility: Who's Who Legal Briefing, October 2016
<http://whoswholegal.com/news/features/article/33249/hybrids-inadmissibility/>
- "Don't be scared, this is the future – avoiding the pitfalls of arb-med-arb": Australian Alternative Dispute Resolution Law Bulletin 2014, Vol 1 No 4 p.84.
- "Some Aspects of Mediation in Australia" Vadim Abolonin, Svetala Zagaynova (eds) Kommercheskaya mediatsia; teoria i praktika, Infotropic Media, Moscow, 2012.
- "Should Mediation be an Evidentiary 'Black Hole'?" UNSW Law Journal Volume 35(3) 914, November 2012.
- "Getting the best of both worlds with Med-Arb": Law Society of NSW Journal, September 2010, Vol. 48 No. 8, 62-65.
- "Resolving IP disputes by mediation": Law Society of NSW Journal, August 2010, Vol. 48 No. 7, 75-77.
- "Practical Skills Workshop: Hybrid dispute resolution processes: Getting the best while avoiding the worst of both worlds?": CI Arb's Mediation Compendium (London, 2009).
- "Making Med-Arb work in Australia": New York Dispute Resolution Lawyer, Spring 2009, Vol. 2 No. 1.
- "Should there be a distinct 'Mediation Privilege'?" Chapter III, the Newsletter of the Law Council of Australia Federal Litigation Section, March 2009, Vol.2.
- "Compulsory ADR before proceedings begin?": LEADR Update, March 2009.
- "Observing mediation from the public gallery – Opes Prime": LEADR Update, December 2008.

- “Reaction to Amanda’s corner - Mindfulness: expanding the use of mediation in public law and policy making”: IBA Legal Practice Division Mediation Committee Newsletter, July 2007.
- “Whither confidentiality? - Some thoughts prompted by *Brown v. Rice and Patel* [2007] EWHC 625 (Ch) (14 March 2007)”: Chartered Institute of Arbitrators Mediation Seminar “The Experts Speak”, London, 11 June, 2007.
- “Making Med-Arb Work”: ADR Bulletin, Vol. 9 No. 7, May 2007.
- “An Australian Perspective on Some Topical Issues in Mediation”: Chartered Institute of Arbitrators Mediation Lecture Series, London, 20 September 2006, Arbitration, Vol. 73 No. 1 (2007) at p.64.
- “Why judges shouldn’t be mediators’ and ‘mandatory mediation’ – an Australian perspective”: The Expert & Dispute Resolver, Summer 2006, Vol. 11, No. 1.
- “Online Alternative Dispute Resolution”: IAMA News, June 2006, p25.
- “Med-Arb, Arb-Med, Neg-Arb and ODR”: Institute of Arbitrators and Mediators Australia Forum, 3 August 2005.
- “How should mediators communicate online?”: Institute of Arbitrators and Mediators Australia 30th Anniversary Conference, Canberra, May 28, 2005.
- “Domain Name Disputes: when must trade mark rights exist?”: Internet Law Bulletin, Butterworths, March/April 2005, Vol. 8, No. 1, 9-10.
- “Difficulties and Skills of ODR Mediation Practice”: Third United Nations Annual Forum on Online Dispute Resolution, Melbourne, Australia, 5-6 July 2004.
- “How to Resolve Disputes Online”: NSW Law Society Journal, October 2002.
- “Online Dispute Resolution – A Practitioner’s View”: Domain Name Systems and Internet Governance Conference, Sydney, May 2002.
- “The Regulation and Approval of Pharmaceutical Substances”: Changing Dynamics in the Pharmaceutical Industry Conference, Sydney, October 1994.
- “Intellectual Property Litigation in Australia - The Cimetidine Example 1987-1994”: ARCS Symposium, Sydney, September 1994.
- “Alternative Dispute Resolution: How Should it be Used?” (with G.L. Davies QC): Australian Legal Convention, Adelaide, 1991.
- “Application of the Trade Practices Act to Intellectual Property” (with Michael O’Byrne): Trade Practices Commission, July 1991.
- “A Practitioner’s View of ADR”: 1990 Annual Conference of the Australian Institute of Judicial Administration.
- “Alternative Dispute Resolution - A Better Way of Dealing with Trans-Tasman Differences”: CER and Business Competition - Australia & New Zealand in a Global Economy, CCH, 1990.
- “Mediation and the Role of the Lawyer in Alternative Methods of Dispute Resolution”: Licensing Executives Society Conference, January 1989.
- “Appellations of Origin”: Intellectual & Industrial Property Society Conference, Melbourne, March 1989.
- “Part of the Impact of the ADR Movement: Focus on Negotiation”: University of Sydney Faculty of Law Seminar, October 1987.
- “How ADR Can Be Used in Licensing”: joint meeting of LES Australia & New Zealand and the Intellectual & Industrial Property Society, April 1987.