



<b>CEDR Accreditation:</b>	2007
<b>CEDR Panel:</b>	2008
<b>CEDR Faculty:</b>	2012
<b>CEDR Chambers:</b>	2015
<b>Foreign Languages:</b>	French – C2 Spanish – B2
<b>Location:</b>	United Kingdom

***"Eve Pienaar is an excellent mediator and is very good at getting to the essence of complex issues and explaining the risks of these issues to the parties participating." Chambers & Partners 2024***

***"Eve's persistence, coupled with her diplomatic approach, was remarkable. Although settlement was not reached on the day, Eve continued to facilitate settlement discussions between the parties thereafter and kept momentum going resulting in a settlement being reached within a week of the mediation. Eve is a truly exceptional mediator."***

*Partner, law firm*



Index Ranking: Global Elite Thought Leader  
Client Choice

Category: Client Choice - Mediation

## Eve Pienaar

### Overview

Eve is a highly regarded commercial mediator, working across a range of commercial sectors including property and construction, professional negligence, intellectual property, general commercial including shareholder disputes and insolvency. Eve has considerable experience of contentious probate cases, as well as workplace disputes and defamation claims. Eve is ranked as Tier 2 in *Legal 500* and Band 2 with *Chambers & Partners*. She has mediated over 350 commercial cases and is regularly sought after for complex, high value or multi party cases.

Eve's practice includes complex projects mediated over a longer period of time. For instance, mediating the division of assets between beneficiaries of a trust fund, where one beneficiary



demanded an early exit. Or working through difficult patterns of work amongst Governors of a private sector boarding school, whose dysfunctional working relationships compromised running the school, over a period of six months.

Eve regularly contributes articles in the field and speaks on mediation related topics at conferences and panels. She is a Fellow of the CMC and member of Faculty of CEDR. She also mediates for the ICC and LCIA. Eve is an IMI certified commercial mediator. Eve is a panel member of Equanim International.

## Professional Background

Eve was educated in France and began her career in private practice, with Clifford Chance, in London. Preferring to work in industry, Eve then held a number of senior in-house Counsel roles with global organisations, including Warner Bros., RICS<sup>1</sup>, RIBA<sup>2</sup> and supply chain compliance technology platform, Sedex<sup>3</sup>. Eve is currently a full time mediator with a busy practice.

Eve invests time thoroughly preparing for each case, with the parties and their advisers, ahead of the mediation day. This helps the parties “hit the ground running” on the day, maintaining a focussed pace during the mediation. She combines keen legal analysis with strategic business insight and works with parties to find pragmatic and long lasting solutions to their disputes. Noted for her calm and professional approach, Eve will challenge parties to help broker a deal, where appropriate. She will adapt her mediation style to best suit the parties, adopting a pro-active approach to help identify a solution or generate options.

Parties welcome her thorough preparation as well as her tenacity and pragmatism on the day. Eve is used to working with public sector and international organisations, but is also comfortable working with litigants in person (including on CLCC cases).

## Expertise

- Property and construction
- Intellectual property
- Insolvency
- Trusts, Wills and Probate
- Commercial contracts
- Defamation
- Professional negligence
- Partnership & shareholder
- Employment, workplace

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<sup>1</sup> Royal Institution of Chartered Surveyors - <https://www.rics.org/uk/>

<sup>2</sup> Royal Institute of British Architects - <https://www.architecture.com/>

<sup>3</sup> Sedex - <https://www.sedex.com/>

## Dispute Experience

### Property (including boundary)

- Claim by long leasehold Purchaser of a flat bought “on plan”, where as built property differed from the plans. Multi-party case involving the developer, current freehold owner and managing agents. Mediation hybrid process: one day in person with all 4 parties, followed by online meetings;
- Claim by penthouse flat owner in new development where defective roof design caused frequent water ingress, causing damage to property and alleged diminution in value. Claim brought against national housebuilder organisation and managing agents;
- Numerous boundary and planning disputes, including disputed expert evidence identifying the true boundary, encroachment claims, planning disputes , allegations of trespass and sometimes harassment. These cases are often best handled on-site and require a neutral venue near the relevant properties to manage joint sessions;
- Dispute in relation to costs charged by managing agency, failure to repair and failure to extract competitive rental income. Claim brought by owner of the flat, resident abroad;
- Claim by (new) Landlord, against owners of flats on the top floor of a mixed use, high end mansion block, seeking to re-open leases of roof terrace spaces granted by management company, on technical issues relating to service of Notices to Alter;
- Numerous commercial property claims for rent and service charge arrears, defects or service charge disputes before the County Courts and/or First Tier Tribunal;

### Construction

- Claim brought by statutory water underwriter, against 4 contractors involved in different aspects of constructing a wind and solar renewable energy farm, in circumstances where the underground services of the Claimant were damaged, resulting in multi-million pound penalties being charged by the regulator, due to service interruption of a large UK region;
- Final account claim brought by litigation funder, against Employer, in circumstances where main Contractor had become insolvent and purported to assign its right of action to the Claimant. Mediation carried out over a 2 day period. Claim value over £1m;
- Claim brought by residential owners of prestigious London property, against construction company, following a 2 year design and refurbishment project. Counterclaim for monies owed under the Final Account (disputed). £235k claim value (£67k counterclaim);
- Claim brought by storage tank operator, against supplier/installer of radar measuring equipment, where such equipment allegedly defective and unable to operate tank readings to the contractual accuracy specification ;

- Claim brought by houseboat owner against specialist ship repair company, in circumstances where the vessel became irretrievably damaged and unseaworthy following a sand and blast repair operation. Claimant's insurance cover capped beneath its replacement value. Argument over differing expert evidence on causation.

## **Trusts, wills and probate**

- Numerous disputes under 1975 Inheritance (Provision for Family and Dependants) Act ("IPFDA"), where Claimants seek share of Settlor's estate, whether under Intestacy Rules or a Will is in dispute. These cases tend to be emotive, and can polarise family members against one another. Such claims are often well-suited to mediation as a confidential, pragmatic and relatively quick process, allowing the family to grieve after settlement is reached;
- Claims against Executors, for breach of trust or breach of fiduciary duties in relation to administration (or lack of progress in administration) of the Estate;
- Dispute over validity of Settlor's Will, including a case where the original was not found (after last being seen in Settlor's possession), and the surviving wife alleged Settlor had destroyed it, or invalidity claims relying on allegations of undue duress, lack of capacity or even mistake;
- Co-mediation of complex family trust (assets worth in excess of \$250m in multiple jurisdictions and across property and financial market sectors), in the context of allegations of mismanagement against Trustees. Project ran for five months;
- Dispute relating to terms of her Will, by the late mother, who left indivisible property interests to her 3 sons, jointly. The mediation project took place across a number of different meetings over a period of a month, and brought to an end deadlock over administration of the Estate;
- Many TOLATA<sup>4</sup> cases involving disputes between children or close partners of deceased, regarding assets left under intestacy provisions. These cases tend to be highly emotive and often involve acute housing needs requiring creative solutions;
- Claim brought under IPFDA and estoppel, by brother of traveller siblings all living on the same plot of land, where Settlor (mother) had excluded him from legal ownership under her Will. Life tenancy, easements and rights of way issues relevant to the mediation;

## **Professional liability - negligence**

- Numerous professional liability negligence claims against surveyors, where purchasers of commercial or residential property are unable to realise value on redevelopment (eg: for failure to identify coastal erosion risk and therefore negating opportunity to obtain planning). These claims can run into high six figure claims due to constraints on ability to sell, for owners;

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<sup>4</sup> Trusts of Land and Appointment of Trustees Act 1996

- Many professional liability negligence claims against firms of solicitors, or accountants, in relation to advice rendered in breach of duty. Scope of duty as well as quantum and mitigation issues. These cases typically involve contribution by PI insurers for Defendant;
- For instance:
  - claim brought by related family Trust companies against accounting firm in circumstances where VAT had been incorrectly assessed and penalties incurred over a period beyond recoverability. Whether professional fees incurred by Claimants were reasonable;
  - claim brought by purchaser against firm of solicitors who failed, as part of their conveyancing services, to identify that the property had been converted from farm to holiday accommodation, and since to residential purpose, without the benefit of an NHBC or similar certificate – causing the property to be un-mortgageable;
- Many professional negligence claims against construction companies, including:
  - Defects claim in relation to new roof, leaks and allegations poor workmanship;
  - Standard of care in construction of residential rear extension and conservatory;
  - Whether works in relation to new multi-occupancy development had been constructed in line with Schedule of Conditions;
  - Redevelopment of flat, where required standard of works said to have differed from original scope and against background of relatively modest contract sum;
- Professional negligence claims against architects of high-end residential properties in London – various. Scope of design works/ variations by clients/ basis for remuneration.

### **Commercial (and intellectual property)**

- Injunction proceedings brought by previous business and life partner of prestigious couture boutique designer firm, following their parting of ways and where Defendant sought to auction images of famous gowns designed while the partners were together, as sole author and designer. The litigation costs became disproportionate and the parties managed to settle this long running dispute at mediation;
- Mediation of claim intimated by privately held software solutions company, against London Borough Council, where Claimant had spent 2 years and significant resource trying to enable the LBC to update their finance systems to be able to adopt the new software but in circumstances where LBC lost interest and failed to implement the software and claimed it had no obligation to do so under the relevant Framework Agreement;
- The Claimant, a London based company, provided foreign currency hedging services to the Defendant, a Romanian based recycled materials trading company. Citing new governance clearance processes, the Claimant had ceased to provide the \$33.5m line of credit to the Defendant over a period of time causing the Defendant a currency fluctuation loss. Various

international procedural issues caused the matter to stall but the matter progressed at mediation;

- Claim by service provider against client, where the latter sought to rescind an IT hardware, maintenance and software services contract for breach of Service Legal Agreement obligations. Claimant sought damages for loss of profit based on standard support monthly fees, as well as margin on hardware and software service procurement;
- Dispute over early termination rights under software services and maintenance contract. Whether the customer law firm had been induced to commission the services under misrepresentation;
- Franchise dispute over Health & Safety compliance requirements, whether Franchisee had the right to terminate early and return of crane equipment supplied as part of the Franchise.

## **Partnership and shareholder**

- Overall claim of Euro 3.5m brought by 3 corporate shareholders of online payment platform, against Purchaser, where Purchaser had inherited the right to pursue a significant sum by way of overcharged tax, under Czech Republic administrative and legal systems. Purchaser had recovered a significant value and had failed to disclose/share relevant amounts with the Claimants (pursuant to the terms of the Share Purchase Agreement);
- Breakdown in relations between 2 founding partners of boutique communications agency leading to mediation over commercial terms of exit by one partner, including negotiating floor and ceiling to earn-out amounts over a period of time following her departure;
- Breach of warranty allegations brought against Vendor, in relation to purchase of a food services businesses, where Purchaser alleged accounting treatment of cost of sales and profitability leading up to sale misrepresented the true position of the business;
- Minority shareholder claim brought against other shareholders acting to frustrate the light distribution business operated by the Company. Whether the minority shareholder and managing director had allocated unreasonably high remuneration for himself and other claims;
- Dispute over terms on which member of LLP had been exited from the partnership, whether the employer had the right to vary Drawings and Profit Share during period of garden leave;
- Dispute between widow and deceased's siblings, in relation to administration of property portfolio partnership accounts and distributions (value in excess of £1m), under Partnership Act. Assets in the UK and India;

## **Insolvency**

- Claim for £1.5m by company in administration, brought by insolvency practitioner acting for

creditors, against prior Managing Director. Allegations of fraudulent mismanagement. The mediation process ran for a period of 3 weeks, and resulted in full settlement;

- Claim against (i) Seller and (ii) financial advisors, in relation to sale of local school transport business, where advisers had incorrectly applied TOMS<sup>5</sup>, leading to claims for refunds from Local Authorities. Whether Sellers were in breach of warranty. Insolvency of the business;
- £1.5 insolvency claim against former Senior Partner of mid-size accountancy firm, after significant loss of business due to Covid-19 lockdown, brought by litigation funder on assignment of claims by insolvency administrator;
- Claims against former Senior Partner of Accounting Firm, by Plc litigation funder (under assignment of claims by creditors), for sums in excess of £1m.

## **Public sector**

- 7 figure claim by provider of a new software services provider, against London Borough Council, after the latter sought to terminate the procurement of new invoice payment system, for incompatibility. Whether misuse of public funds was invoked;
- £1.3m claim by online supplier invoice management provider, upon LB Tower Hamlets seeking early termination of supply of services, due to technical interface issues. Claim for loss of projected profits and revenue;
- Claim brought by TfL alleging abuse of position and fraud, in relation to procurement of survey and analysis services contract, by parties connected to TfL;
- Claim against LB Hackney by education services provider, alleging breaches of funding agreement and unfair early termination of license to operate.

## **Defamation**

- Defamation claim by one Professor against another, for bringing a grievance alleging discrimination to the Head of Department, in circumstances where the grievance had been copied to other staff of the relevant College. The parties were unable to meet at the mediation, but settlement was reached with the wife of the Defendant, at a joint session;
- Claim for slander and intimated claim for personal injury by customer of superstore, allegedly accused of shoplifting and assault by security guard. Claimant a self-confessed serial litigator and mediation was very effective at discounting his claim materially;
- Claim of sexual harassment brought by teacher against her line manager, in secondary school, where the Claimant had been off sick with stress for a prolonged period of time. The mediation process was adapted to provide a sensitive and safe environment for both parties, enabling a settlement on the day (including agreed phased return to work);

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<sup>5</sup> Tour Operators Margin Scheme (VAT treatment under Tour Operators Order 1987)

- Injunction proceedings sought by individual whose private life was included in forthcoming “tell all” book, where author and Claimant had previously been romantically involved. The mediation process enabled the parties to find a compromise, such that the injunction proceedings were lifted (and a working relationship was restored); and
- Defamation proceedings brought by school Governor, against a group of other Governors who had made various damaging allegations about the Claimant, on social media. The mediation was part of a months long governance and ways of working mediation project, resulting in changes to management structures of the school.

## Employment and workplace

- Project mediation over six months, to re-build trust and communication between Governors of a renowned English boarding school, against backdrop of reputationally damaging social media and press allegations;
- Grievance within senior management of statutory police oversight body: allegations of bullying, harassment and discrimination;
- Discrimination and false imprisonment claim by private individual, against Chief Constable of British Transport Police, in the CLCC. Case settled on a creative and respectful basis. Claimant was a LIP;
- Claim against prominent music Academy, alleging bullying and marginalisation by Supervisor, leading to serious mental health issues by Claimant; inability to complete Masters degree. Creative settlement resulting in changes to policies of education establishment;
- Employment claim for £160k “Strain Payment” in respect of loss of pension rights, as a result of the transfer of employer Housing Group (registered as a Community Benefit Society<sup>6</sup>), to a limited liability entity;
- Breakdown in relationship between senior managers of a small charity, in Coventry, hampering delivery of public services.

## Personal Style

Legal directories say of Eve that she *“has that rare ability to control a mediation through her robust, no-nonsense style, while at the same time lending a sympathetic ear to the parties’ grievances, which allows her to gain the parties’ confidence”*.

Eve is empathetic and builds trust and rapport easily with clients, including in emotionally charged disputes. She is calm and persistent and knows when to challenge parties to help them overcome

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<sup>6</sup> Community Benefit Society under the Co-operative and Community Benefit Societies Act 2014





deadlock. Her in-depth preparation and pre-mediation interaction with clients help to set the mediation up to a constructive start and encourage progress to offers on the day.

## Feedback (Recent)

- *“Eve is a highly experienced mediator who is at the top of her game. She is truly passionate about her role as a mediator and invests herself fully in trying to facilitate a settlement between the parties. She prepares meticulously and arrives at a mediation knowing the documents inside out and having identified the key issues. Eve is a warm person with great compassion who connects with people quickly and has deep reserves of patience and persistence. She combines these qualities with a steely determination to move towards resolution on complex, high-value cases involving big personalities. I recommend her without hesitation.”*
- *“Eve acted as the mediator in a complex multi-party case between family members, involving various legal issues including contentious probate and trusts, partnership law, professional negligence and land disputes. Eve demonstrated exceptional skill and professionalism throughout the mediation process. Her thorough preparation allowed her to navigate the intricacies of the case with ease.”*
- *“Her ability to approach sensitive matters with care and tact meant she was able to connect with the parties and create an environment where open dialogue was possible, even among parties who initially seemed irreconcilable.”*
- *“In essence [Eve] was fantastic. She has a natural calming manner and managed to help keep us all cool and focused even after 11 hours of mediation.*
- *The amount of preparation she put in prior to the meeting wasn't only impressive and showed her experience, but paid dividends for us all on the day.”*
- *“Eve comes with the very highest recommendation. She invested considerable time (including the weekend) in getting to know the case and in creating a relationship with the parties involved. On the day she again committed more than the allocated time and in the closing minutes managed to bring the parties to an agreement.”*
- *“Eve was amazing at handling quite a difficult mediation for us and would highly recommend her to anyone looking for an experienced mediator with the perfect balance of a firm hand but with a kind touch. We had shortlisted a few mediators that were recommended by our lawyers and really glad we selected her above the others.”*
- *“Thank you for all your support through the mediation journey. You made a very stressful and unpleasant experience a little better and more comprehensible. My family and I really appreciate your help to bring this matter to a close.”*

- *“Thanks for your perseverance. I was not convinced it was worthwhile and I am glad you proved me wrong.”*
- *“Eve was very good, absolutely top notch. The other side were very difficult and I was not expecting any resolution at all. She mediated very well and did extremely well to get the resolution she did in very difficult circumstances.”*
- *“Eve has an ability to match endless patience and tact with a clear vision of what is actually going on.”*
- *“How can we begin to thank you for your excellent, professional and calm mediating. We really could not see any light at the end of the tunnel before the mediation...”*

**ends**

