

**Kirstin S. Dodge, J.D.**

[kirstin@kdodgemediation.com](mailto:kirstin@kdodgemediation.com)



---

### **EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS**

I am a US-qualified lawyer with 30 years of experience representing clients in high-stakes commercial litigation, international arbitrations, and mediations. In addition to a J.D. from Harvard Law School and a B.A. in Political Science from Yale University, I have a Certificate of Advanced Studies (CAS) in Mediation from the University of St. Gallen Law School and am an accredited mediator with the Swiss Chamber for Commercial Mediation.

---

### **LANGUAGES**

Mother tongue: English

Working languages: English, German

---

### **PRESENT POSITION**

In May 2021, I joined the Swiss litigation funder Nivalion, where I am Head of the Americas and Southern Europe, responsible for Nivalion's legal funding activities in the United States and Canada as well as Latin American and Southern European countries. I also continue to serve part-time in my private capacity as an independent mediator and I remain actively involved in the Swiss Chamber for Commercial Mediation.

---

### **PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION**

The first 14 years of my career were spent as a commercial litigator in the US, where I was a Partner in the Seattle-based law firm Perkins Coie LLP. My home jurisdiction in the US required mediation as part of the pre-trial process, so I represented clients in many US-style mediations. In 2006, I relocated to Switzerland and joined the Zurich law firm Homburger as Special Counsel for International Litigation and Arbitration. In that capacity, I primarily represented clients in international arbitrations, including with respect to post-M&A, intellectual property and investment treaty disputes as well as the energy,

telecommunications and pharmaceutical industries. Most of the arbitrations required application of Swiss law, which I assisted my Swiss colleagues in briefing. I also served as Homburger's mediation specialist, including consulting with clients and colleagues regarding mediation clauses and strategy as well as serving occasionally as a mediator.

---

### **EXPERIENCE IN ARBITRATION**

- Representation of Swiss energy company Alpiq in ICSID arbitration against Romania relating to termination of a long-term power purchase agreement
  - Representation of an investor in ICSID arbitration against the Czech Republic relating to interference with a real estate development project
  - Representation of a Middle East state entity against a billionaire in a high-stake dispute relating to a joint venture agreement
  - Representation of a Japanese pharmaceutical group in complex ICC arbitration against a US distributor relating to FDA Good Manufacturing Practices
  - Representation of Swiss energy company Alpiq in a VIAC arbitration against the Polish electricity company PGE relating to long term electricity supply and transit agreements
  - Representation of a Central European gas importer in various disputes arising under long term gas supply and gas storage agreements
- 

### **PROFESSIONAL TRAINING IN MEDIATION**

I have a Certificate of Advance Studies (CAS) in Mediation from the University of St. Gallen Law School comprising over 200 hours of practical experience and role play. My continuing legal education coursework includes seminars on commercial mediation and shuttle-mediation. I have given numerous presentations and provided training sessions on mediation to in-house lawyers as well as external national and international law firms, both within Switzerland and abroad.

---

### **EXPERIENCE IN MEDIATION**

- Mediator under the ICC Mediation Rules in a patent and know-how licensing dispute between a Swiss company and a European-owned Asian company, which resulted in agreement during the mediation to amendments to the existing contract and an enlarged scope of cooperation
- Mediator under the UNCITRAL Mediation Rules in a dispute regarding pharmaceutical equipment design and manufacturing between two Swiss companies and a US company which settled shortly after the mediation, prior to commencement of litigation
- Mediator under the WIPO Mediation Rules in a dispute involving the scope of a cross-licensing agreement and related patent infringement litigation and arbitration

- Co-mediator in ad-hoc mediation of a dispute regarding whether certain improvements were within the scope of a patent licensing agreement
  - Counsel in more than a dozen mediations, including in disputes regarding pharmaceutical distribution and construction contracts, real estate, telecommunications, and regulated telecommunications and energy tariffs
- 

### **MEMBERSHIP IN PROFESSIONAL BODIES**

- American Bar Association:
    - Section of International Law: International Arbitration Committee (Co-Chair 2015-2018; Senior Advisor 2018 - present); International Mediation Committee
    - Central European and Eurasian Law Initiative (CEELI), Council Member, 2019-present
  - Swiss Chamber for Commercial Mediation
  - Swiss Arbitration Association
  - Arbitral Women
  - Washington State Bar Association
- 

### **RECENT PUBLICATIONS**

- Can Third-Party Funding Find the Right Place in Investment Arbitration Rules? (Kluwer Arbitration Blog, January 31, 2022)
  - Third-Party Funding in Switzerland in: Handbook on Third-Party Funding in International Arbitration (Nikolaus Pitkowitz, ed.) (Juris 2018)
  - ICC Rules Article 22 (Conduct of the Arbitration), Article 25 (Establishing the Facts of the Case) and Article 26 (Hearings) in: Arbitration in Switzerland: The Practitioner's Guide, 2d edition (Arroyo ed.) (Wolters Kluwer 2018)
  - Investment Treaty Arbitration: Switzerland in: Getting The Deal Through (2014-2021, updated annually)
-