

RICHARD W. HILL

Geneva, Switzerland

Education: **Harvard University:** Ph.D. (1977) in Statistics.
Massachusetts Institute of Technology: B.S. (1973) in Mathematics.
Liceo Scientifico A. Righi, Rome, Italy (1962-1967).
Center for Dispute Resolution (CEDR): Accredited Mediator.
CEFOC/INPER: divorce mediation training.
World International Property Organization: Mediation program. Arbitration program.

School of Law, University of Geneva: Courses in intellectual property.
School of Law, University of Lausanne: Courses in international arbitration.
UK Law Society Continuing Development: over 30 hours.

Professional Societies: Association for Computing Machinery; Society for Computers and Law; Swiss Arbitration Association; American Arbitration Association; American Association for the Advancement of Science.

Personal: Languages: bilingual English/Italian. French, German and some Spanish.
Hobbies: theater, writing, reading, traveling, diving, sailing, music appreciation.
Date of birth: Feb. 7, 1949. Married, two children.

Career Summary:

August 1996 - present

Hill & Associates, Geneva, Switzerland

- Partner

September 2001 - present

International Telecommunications Union, Geneva, Switzerland

- Counsellor, ITU-T Study Group 2

July 1999 – August 2001

Orange Communications, Lausanne, Switzerland

- Information Technology Services Manager

July 1997 - June 1999

University of Geneva, Geneva, Switzerland

- Head, Information Technology Division

January 1982 - June 1997

Hewlett Packard, Geneva, Switzerland

- Advanced Learning Technologies and Working Methods Program Manager - Europe

- Mobile Communications Services Manager - Worldwide

- Western European EDIFACT Rapporteur

- Voice and Messaging Services Manager - Europe

- EDI Program Manager - Europe

- Information Systems Manager - Middle East and Africa

- Economics Forecasting Analyst

May 1978 - December 1981

A. C. Nielsen Co. International Statistical Research Group, Lucerne, Switzerland

- Executive Research Statistician

October 1976 - April 1978

Dynamics Associates, Boston, Massachusetts, U.S.A.

- Senior Consultant

May 1971 - September 1976

National Bureau of Economic Research Computer Research Center, Boston

- Assistant Director

- Manager of Application Programming

- Systems Programmer

June 1969 - April 1971

Massachusetts Institute of Technology, TROLL Project

- Systems Programmer

Key Accomplishments:

Defined and implemented mobile communications, private voice network, X.400, and EDI programs at European and world-wide level for HP by negotiating contracts resulting in savings of over \$2M/year. Led the world-wide EDI standardization effort and introduced major simplification to its processes. Mediated between conflicting parties to find commonly acceptable solutions. Edited the X.435 standard and common CCITT/ISO style guidelines. Designed and implemented several computer systems to improve existing production processes. Taught marketing research, network standards, network security, management development; facilitated organizational development.

Career Profile:

Over the years, I have successfully combined my communication, management, conciliation, and analytical skills with technical and professional knowledge to implement significant improvements or new programs in organizations comprising economics, finance, market research, information technology, and telecommunications.

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Professional Experience:

August 1996 - present

Partner, Hill & Associates, Geneva, Switzerland.

Domain Name arbitrator (45 cases). Divorce mediator. Provided tactical and strategic consulting for a party in a \$10 million ICC arbitration. Provided strategic consulting for a party involved in a mediation as part of a very large ICC arbitration. Arbitrator and evaluator for the Willem C. Vis International Arbitration Moot (Vienna, Austria). Designed and delivered highly appreciated three-day mediation training for the Swiss Bar Association and four-day for the Swiss Nurse's Society; two-day introduction to labor dispute mediation for the State of Geneva and a major industrial company; several sessions of introduction to mediation for the Geneva Geriatric Hospital; and 2-hour module for the judiciary of the Canton of Vaud. Chaired the International Forum on Dispute Resolution in Telecommunications. Member of the ICC Commission on International Arbitration Working Group on Arbitration, Telecommunications, and Electronic Commerce; of the Geneva Chamber of Commerce and Industry committee on online arbitration; consultant to the LCIA Committee on the Impact of Technology on ADR.

September 2001 – present

Counsellor, ITU-T Study Group 2, International Telecommunications Union, Geneva, Switzerland

Technical secretary for the ITU group dealing with operational aspects of service provision, networks and performance, including numbering issues (for example, assignment of international country codes). Liaison between ITU and Internet governance and standardization bodies such as ICANN and IETF. Mediator for labor disputes within ITU.

July 1999 – August 2001

Information Technology Services Manager, Orange Communications, Lausanne, Switzerland

Responsible for the network, central systems, over 1200 PCs, user support, and Internet and Intranet services. Supervision of a team of 50 people.

July 1997 - June 1999

Head, Information Technology Division, University of Geneva, Geneva, Switzerland

Responsible for the network, central systems, over 6000 work-stations and PCs, user support, administrative applications, library infrastructure, and audio-visual services. Supervision of a team of 78 people.

March 1995 - June 1997

Advanced Learning Technologies and Working Methods Program Manager - Europe, Hewlett Packard European Headquarters, Geneva, Switzerland.

Responsible for defining and implementing a European strategy for the use of distance learning, computer based training, telecommuting and related well-known or emerging technologies that are likely to transform working methods within Hewlett-Packard in the future. Invited as guest lecturer on negotiation at the School of Law, University of Lausanne and on mediation at the School of Law, University of Geneva. Achievements include delivery of an agreed strategy and implementation plans for specific projects.

February 1991 - March 1995

Western European EDIFACT Rapporteur, Mobile Communications Services Manager - Worldwide, and Voice and Messaging Services Manager - Europe, Hewlett Packard European Headquarters, Geneva, Switzerland.

From September 1992, responsible for defining and implementing a worldwide strategy for the use of cellular phones and emerging radio-driven mobile communication devices within Hewlett-Packard. Achievements include delivery of an agreed strategy, worldwide implementation plans, and negotiation of contracts to deploy GSM phones throughout Europe.

From September 1991 to June 1993, chief executive officer of the EDIFACT (electronic data interchange) standardization bodies in Western Europe, responsible for organizing and directing the work of some 300 experts, and of coordinating Western European work with the work done in other regions of the world. Conducted many two-party and multi-party mediation and conciliation sessions.

From February 1991, responsible for reducing the cost of telephone services for Hewlett-Packard Europe, while maintaining a high level of end-user satisfaction. Savings in voice costs were increased from \$0.3M/year in 1991 to \$1.2M/year in 1994 and plans put in place to achieve savings of \$2.5M/year in 1995. A major Request for Proposals for Virtual Private Network services was issued and evaluated. Administration of voice mail services was outsourced throughout Europe. Conducted negotiations with major suppliers.

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From February 1991 to September 1992, also responsible for providing electronic mail services. Achievements include definition of a strategy to consolidate E-Mail operations, implementation of X.400 gateways to enable external messaging, and merging the HP and Apollo E-Mail networks in Europe in three days.

Most lasting achievements: Introduced major process simplification to EDIFACT and successfully mediated many conflicts. Managed doubling of HP's private voice network in Europe. Defined mobile communications strategy for HP world-wide. Defined and implemented GSM cellular telephone deployment program for Europe, including negotiation of volume discounts with potential savings of over \$1M/year. In 1992, defined and implemented X.400 gateway and addressing strategy, still being used in 1994. In 1992, studied HP's European network traffic and defined a new topology to increase throughput at constant cost. This topology was still being used in 1994.

November 1987 - February 1991

EDI Program Manager - Europe, Hewlett Packard European Headquarters, Geneva.

Defined and implemented HP's Electronic Data Interchange (EDI) strategy for Europe. The number of EDI links increased from 30 in 1987 to 150 in 1991 and 600 in 1994; the time required to implement a link decreased from months to 2 days. Chair of EDIFICE in 1989, vice-chair in 1988. Editor of CCITT Recommendation X.435 for EDI and X.400. Taught Marketing Research at Webster University. Taught seminars on X.400 and network security. Helped evaluate, develop, or deliver several development courses. Wrote the industry standard reference book on EDI and X.400 (*X.400 and EDI using Pedit*, published by Technology Appraisals, London). Designed and co-authored multimedia, self-paced EDI training for sale to HP customers.

Most lasting achievements: Creation of a European-wide EDI gateway in Germany, which allowed rapid growth in the number of EDI links. Editing of the X.435 standard. Creation of common CCITT/ISO style guidelines, still being used as late as 1994.

November 1983 - November 1987

Information Systems Manager, Hewlett Packard Middle East and Africa sales office, Geneva.

Management of information systems required to support the sales office: order processing, accounting, office automation, and telecommunications links to offices in the Middle East.

Supervision of 3 operators, 2 programmers and 4 systems administrators. Budgeting and hardware planning for two EDP centers in Geneva (1.8 million dollars of hardware, 0.9 million dollar operating budget), supporting 150 users. Achievements include introducing laser-printing technology to streamline the invoicing process and improve productivity.

Most lasting achievement: Design and implementation of an online invoicing process based on laser printing, resulting in significant process simplification. The computer program supporting this process was subsequently enhanced and distributed world-wide; it was still in use as late as 1994.

January 1982 - October 1983

Economics Forecasting Analyst, Hewlett Packard European Headquarters, Geneva.

Provided monthly and quarterly forecasts of orders, and quarterly economic reviews, to top management. Achievements include design and implementation of an improved method for forecasting orders. Also participated actively in the planning process.

May 1978 - December 1981

Executive Research Statistician, A. C. Nielsen Co. International Statistical Research Group, Lucerne, Switzerland.

Support and supervision of statistical operations for marketing research in several countries. Statistical research and dissemination of new methods and software tools. Achievements include development of quality control methods and software, and development, processing, and analysis of several large-scale surveys.

Most lasting achievement: Design of the statistical method, and implementation in a computer program to automatically detect and flag errors in store audits. The program was still being used in several countries as late as 1990.

October 1976 - April 1978

Senior Consultant, Dynamics Associates, Boston, Massachusetts, U.S.A.

Evaluation and enhancement of existing business-oriented interactive software. Statistical consulting for several large clients in the areas of portfolio management and risk analysis.

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May 1975 - September 1976

Assistant Director, National Bureau of Economic Research Computer Research Center, Boston.

Assisted the director in planning, budgeting, and supervising a portion of the staff. Supervision of the design, documentation, and implementation of interactive software packages for econometric analysis.

May 1971 - April 1975

from Systems Programmer to Manager of Applications Programming, National Bureau of Economic Research Computer Research Center.

Design, documentation, and supervision of the implementation of several software packages for quantitative analysis. Employment during this period was on a 3/4 time basis because of educational commitments.

Most lasting achievement: Enhancements to the TROLL system for economic and time series analysis and modelling, which was still being used as late as 1988 in a PC version.

June 1969 - April 1971

Systems Programmer, TROLL Project, Massachusetts Institute of Technology.

Design and implementation of major portions of a large interactive system for econometric analysis on the IBM 360/67 under the CP/CMS operating system.

Recent Publications:

EDI and X.400 Using Pedi: The Guide for Implementors and Users, Technology Appraisals (1990). Also translated into French and published by AFNOR.

"What is the smallest copyrightable element in a multi-media work?", *Computers and Law* (Vol. 6, No. 3, August/September 1995), p. 15.

"Non-adversarial Mediation", *The Dispute Resolution Journal* (Vol. 50, No. 3, July-September 1995), p. 43; and (expanded version) *The Journal of International Arbitration* (Vol. 12, No. 4, December 1995), p. 135.

"Mediation and Lean Arbitration", *International Commercial Litigation* (November 1995), p.34.

"Establishing an Internet Presence", *Computers and Law* (Vol. 6, No. 4, October/November 1995), p. 6.

"Constituting Arbitral Tribunals in High-Tech Cases", *Murdoch University E-Law Journal* (January 1996).

"The Draft UNCITRAL Model Law for Electronic Commerce: Issues and Solutions" (with Dr. Ian Walden), *The Computer Lawyer* (Vol. 13, No. 3, March 1996), p. 18.

"A Businessman's View of the UNIDROIT Principles", *Journal of International Arbitration* (Vol. 13, No. 2, June, 1996), p. 163.

"Compagnie de Navigation et Transports S.A. vs. MSC Mediterranean Shipping Company SA Revisited: the Writing Requirement of the New York Convention", *Bulletin of the Swiss Arbitration Association* (Sept. 1996, no. 3), p. 488.

"Dispute Avoidance and Resolution Mechanisms", *The Arbitration and Dispute Resolution Journal* (Part 4, December 1996), p. 287.

"Electronic Commerce, the World Wide Web, Minitel, and EDI", *EDI Forum* (Vol. 9, No. 2), p. 89; and *The Information Society* (Vol 13, No. 1, Jan-Mar 1997), p. 33.

"MED-ARB: Swatch or New Coke?", *Arbitration International* (Vol. 13, No. 1, 1997), p. 115.

"Comments on the Interpretation of 9 USC and The New York Convention", *Mealey's International Arbitration Report* (Vol. 12, no. 8, August 1997), p. 23; and *Bulletin of the Swiss Arbitration Association* (1997, no 3), p. 523.

"Will Cybercourts use Cyberspace?", *International Commercial Litigation* (October 1997), p. 33.

"Formal Requirements for Arbitration Agreements: Does Kahn Lucas Lancaster v. Lark International Open Pandora's Box?", *Mealey's International Arbitration Report* (Vol. 12, no. 10, October 1997), p. 18; and *Bulletin of the Swiss Arbitration Association* (1997, no. 3), p. 523.

"Enforceability of a mediation clause", *Arbitration* (November 1997, Vol. 63, no. 4), p. 302.

Book review of *Arbitration and Mediation in International Business*, by Christian Buehring-Uhle, *Arbitration* (November 1997, Vol. 63, no. 4), p. 317.

"The Internet, Electronic Commerce, and Dispute Resolution: Comments", *Journal of International Arbitration* (December, 1997), p. 103.

"Disputes regarding Electronic Commerce - their resolution online and otherwise", in *The World Business Agenda for Electronic Commerce* (ICC Publishing, 1997), p. 140.

"The Theoretical Basis of Mediation and ADR: Why They Work", *Arbitration International* (Vol. 14, no. 2, 1998), p.173.

"New Paths for Dispute Resolution", *Improving International Arbitration: Liber Amicorum Michel Gaudet* (ICC Publishing, 1998), p. 57.

"Ways to speed technology disputes", *International Commercial Litigation* (November 1998), p. 27.

"The Writing Requirement of The New York Convention: Are There Black Holes in International Arbitration?", *Mealey's International Arbitration Report* (Vol. 13, no. 11, November 1998), p. 17.

"Remunerating Authors and Publishers in a Digital World", *Journal of World Intellectual Property* (Vol. 2, no. 1, January 1999), p. 35.

"Online Arbitration: Issues and Solutions", *Arbitration International* (Vol. 15, no. 2, 1999), p. 199.

La médiation familiale et d'autres types de médiation: Tronc commun et branches divergeantes, unpublished work for the Certificat of Family Mediation, CEFOC (May 1999).

"La prévention des différends, un besoin réel de la pratique ou une invention de juristes?" (with Catherine Kessedjian), *International Law Forum* (Vol. 1, no. 2, 1999), p. 10.

Guest editor, with prof. C. Kessedjian, of the Recurring Themes section of Vol. 1, no. 2, 1999 of *International Law Forum* (on dispute prevention).

"Common Points and Differences among Different Types of Mediation", *The Arbitration and Dispute Resolution Law Journal* (Part 2, June 2000), p. 95.

Available on the Internet at <http://www.batnet.com/oikoumene/tacr.html>:

"Using Contracts to Resolve Electronic Commerce Issues"

"An Overview of Dispute Resolution"

"Dispute Resolution in Telecommunications"

"Non-Adversarial Mediation"

"Lean Arbitration and Mediation"

"Primer on International Commercial Arbitration"

"Constituting Arbitral Tribunals in High-Tech Cases"

"Remunerating Authors and Publishers in a Digital World"

"What is the Smallest Protectable Element in a Multimedia Work?"

Numerous papers delivered at conferences on the following topics:

EDI

X.400

Network security

Acquisition and use of GSM telephones

Dispute resolution in the telecommunications sector

Mediation

Internet legal issues

Co-chair (with John Watkinson) of conference on *Dispute Resolution and Telecommunications Contracts* (IBC) in 1995, 1996, 1997.

Presenter of 20 March 1996 seminar on *Legal Aspects of Electronic Commerce: A Practical Business Guide* (Technology Appraisals)

Member of organizing committee and presenter at 10 October 1996 conference on *Mediation* (University of Geneva)

Co-chair of the legal and regulatory track at the 20-24 July 1998 *INET* conference (Internet Society).

Member of the organizing committee of the 2-4 September 1999 Round Table on Internet Legal Issues (Hague Conference on Private International Law in conjunction with the University of Geneva).