



## MICHEL ESNAULT

LLB(Hons), BSc, Nationally Accredited Mediator

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### MEDIATION PRACTICE AREAS

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- Commercial Disputes
- Building & Construction
- Professional Indemnity
- Insolvency
- Common Law Claims
- Public Liability

### MEDIATION APPROACH

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Michel's commercial experience (running businesses, doing deals, managing teams and fostering commercial relationships), together with his extensive litigation experience (across both private practice & in-house) gives Michel a multitude of tools to explore resolution options beyond the traditional legal landscape.

Having been involved in mediations as both a lawyer and a client, Michel has a well rounded understanding of the strengths and weaknesses of the mediation process. Michel draws upon his unique background to assist parties to resolve disputes as he understands:

- the practical costs of disputes including business disruption and relationship impacts;
- the legal issues impacting liability, quantum and costs; and
- the different perspectives that the client, in-house lawyer and the private practitioner bring to a mediation.

Most importantly, Michel understands the human strengths and frailties that can hinder resolution of disputes and brings his empathy and lateral thinking to assist the parties in navigating these issues to find a resolution.

Michel is known for helping parties to resolve disputes by actively exploring the merits of the case vs the likelihood of success and the various costs/burdens the parties will incur if the dispute is not resolved. He is genuinely interested and passionate about resolving disputes and will explore all avenues for resolution.

Michel's extensive negotiation experience allows him to tailor each mediation to achieve the best outcome for all parties.

## BACKGROUND

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Michel has 20 years legal and commercial experience across private practice, in-house legal, corporate strategy, national sales, business development, technology, M&A and partnerships.

Michel was a commercial litigator in private practice for over 10 years. His diverse practice covered:

- contractual and tortious disputes;
- joint venture and royalty disputes;
- international and local arbitrations;
- common law claims brought by injured workers and recovery proceedings brought by the Victorian WorkCover Authority;
- all forms of alternative dispute resolution including mediations conducted in proceedings before the Supreme Court, County Court, Magistrates' Court, Federal Court, VCAT and AAT

Following private practice, Michel moved into an in-house role managing a broad range of disputes for a multi-national corporation. These disputes included commercial disputes, employment issues, consumer complaints and public liability claims.

Michel then transitioned from his legal roles and has spent the past eight years as a senior commercial executive. In these commercial roles, Michel has managed business units and teams and has gained a strong understanding of the commercial drivers and pressures impacting decision making.

## EXPERIENCE

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### CONSENSUS MEDIATION

Principal | Oct 20 – Present

- Specialist mediation practice.

### ASAHI BEVERAGES / SCHWEPPE AUSTRALIA | Jul 13 – Dec 20

*Australia's largest beverage company with 4,500+ staff, 16 manufacturing sites and >\$4 billion annual revenue.*

Group Senior Manager | Oct 18 – Dec 20

- A senior member of the Group Strategy team that worked with the Executive Team and the Board to set the medium-to-long term direction of the company and drive M&A activity.

National Business Manager | June 15 – Oct 18

- Responsible for 3 business units with \$200m revenue. Also led commercial relationships with existing partners (PepsiCo, Sunkist, Brown Forman and Monster) and negotiated new partnerships (Voss, Lipton, Vitaco).

Senior Corporate Counsel | Jul 13 – May 15

- A senior member (2IC) of the Asahi Group legal team comprising seven lawyers across ANZ covering all requirements of in-house legal practice. Managed a \$900m Federal Court proceeding for Asahi involving 20+ parties.

### K&L GATES / MIDDLETONS

Senior Associate | Mar 03 – Jun 13

- A senior member of the dispute resolution team.