

# DAVID RICHBELL

## COMMERCIAL MEDIATOR & TRAINER

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### WHAT ARE YOU LOOKING FOR IN A MEDIATOR?

Experience? See 2

Style? See 1

Expertise? See 4

Legal/Non-Legal? See 4

Low cost? See 7

Availability? See 5

Commercial Negotiator? See 1

Patience? See 1

Evaluative/Facilitative? See 1

Multi-party cases? See 2

Complex cases? See 2

High settlement rate? See 3

International experience? See 2

Ethnic experience? See 2

Availability? See 5

Co-Mediator? See 6

## 1. STYLE?

- **Rapport Building**

“A fantastic, intuitive mediator”

“Particularly recommended for his ability to gain the confidence of both parties”

“A superb communicator...really engages the parties”

“...supreme people-manager”

“Clients respond well to his forceful and credible style”

Effective mediation depends upon the Mediator building a relationship of trust with the parties. David creates rapport instinctively.

- **Patience**

“brings a courteous, calm and efficient manner”

Patience and tenacity are hallmarks of David's style. He believes the Mediator should be the last to leave.

- **Commercial Negotiator**

David's business background (he had his own Chartered Surveying business for 18 years up to 1996) gives him a powerful foundation for understanding commercial needs and imperatives. He has a strong understanding of, and ability in, commercial negotiation.

- **Evaluative/Facilitative**

David is a committed advocate and practitioner of facilitative mediation. Mediation gives the parties an opportunity, with the help of the Mediator, to find their own solution; it is not the Mediator's role to express opinions on the relevant law or on the merits of particular positions. However, David is an expert in reality-testing and challenging party's positions, whilst ensuring that the responsibility for the problem and solution remains with the parties.

## 2. EXPERIENCE?

- **Mediating since 1992**

David was trained as a commercial mediator in 1991/2 and has practised full time since 1996. Although numbers do not make a good mediator, David has mediated over 500 cases. Most appointments are due to this considerable experience.

- **Multi-party**

“When it comes to multi-party mediations... considered a pre-eminent practitioner”

“...remains calm in multi-handed mediations”

Many disputes particularly in construction, are multi-party; the largest number of parties David has mediated is 13. Success depends on efficient management and keeping the parties engaged in the process.

- **Complex cases**

David has mediated cases valued from £4,000 to £650 million. It is not just value that causes complexity – high emotion, volume of documents, complexity of detail and commercial imperatives all bring their complications.

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**Low cost?** See 7

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**Commercial Negotiator?** See 1

**Patience?** See 1

**Evaluative/Facilitative?** See 1

**Multi-party cases?** See 2

**Complex cases?** See 2

**High settlement rate?** See 3

**International experience?** See 2

**Ethnic experience?** See 2

**Availability?** See 5

**Co-Mediator?** See 6

- **International**

A significant proportion of David's mediations have an international dimension, at least one party being non-UK. David has mediated cases in Italy, Bangladesh, Channel Islands, Isle of Man and Bermuda.

- **Ethnic parties**

Having a personal background working in multi-racial communities David has built a reputation in successfully mediating cases involving ethnic minority parties, both in business disputes and those within faith communities.

### 3. SETTLEMENT?

**"A remarkable settlement record"**

**"...numerate in a lateral way, devising novel and agreeable solutions"**

**"...knocking heads together only as necessary".**

- **2008**

David's settlement rate in 2008 was 87.5%. This includes three cases that did not settle on the day but did so, with his continued help, shortly after the mediation day.

### 4. EXPERTISE?

**"His busy practice extends considerably beyond the construction sphere"**

- **Legal/Non-Legal**

David is not a lawyer. However mediations do not settle because of legal argument or the mediator's legal knowledge but because of the mediator's ability to manage the mediation process and assist the parties in their commercial negotiation. David's business experience is therefore invaluable in assisting the parties in negotiating a deal.

- **Specialist**

David's background is construction and property and he published his award-winning book "Mediation of Construction Disputes" (for users of mediation) in 2008. However, it is true to say that a good mediator can mediate anything and so expertise is not as significant as experience. It is recognised that expertise may give comfort to parties but there is a danger that expert mediators get into the detail when the 'big picture' is more important.

### 5. CO-MEDIATOR?

**"Co-Mediation is another of his specialist areas"**

David wrote the chapter "Co-Mediation" in the acclaimed book "Mediators on Mediation" (Butterworths 2005) and also trains experienced mediators in co-mediation. Originally having a pairing with Presiley Baxendale QC (now retired) David has an established pairing with his training partner, Jane Gunn, and with Beverley-Ann Rogers of Serle Court Chambers. Co-Mediation is ideal for multi-party disputes and for large complex cases.

### 6. LOW COST?

David is a highly-experienced commercial mediator and his rates reflect this.

Generally a day's mediation including preparation costs between £3,000 and £5,000 but, as will be seen from the Guide to Fees ([www.richbell.org/mediationfees](http://www.richbell.org/mediationfees)), fees are 'negotiable according to need'.

### 7. AVAILABILITY?

David is a full-time mediator and trainer of mediators and so, subject to appointments for other cases, is generally more available, often at short notice, than other mediators who mediate as a 'bolt-on' to another profession. To check availability or confirm appointment please contact either Joanne at 01234 241242 or Clerks at IPOS Chambers 020 7917 9449.

Further background information and details of cases and sectors mediated may be seen on the website [www.richbell.org](http://www.richbell.org).