



Profile and mediation experience

Mediation experience

First became involved in ADR when the resident partner in Lovells' New York office in the mid eighties. This led to being involved in setting up CEDR in 1990 and becoming one of its original directors.

Accredited as a CEDR mediator in 1996. Acted on a large number of matters ranging from multi-million pound multi-party international disputes to Central London County Court cases.

In years 2001-2003, the total value of disputes mediated was over £390 million. Cases mediated include disputes in the professional negligence, insurance and reinsurance, partnership and company board, commercial contract, pensions, IT, franchise, railways & logistics and fraud fields. Further details of these cases are in the appendix to this cv.

Mediation style

Approach to mediation is facilitative rather than evaluative but will resort to strenuous reality testing where feels it is appropriate and necessary. Believes that building and maintaining momentum in a mediation is important but that time invested in building rapport with the parties, particularly the lead negotiators, is still crucial.

Comments relating to performance as a mediator include:

"relaxed yet professional style created the atmosphere for a settlement in a volatile dispute"

"very thorough in seeing the whole process through to a conclusion"

"focused rightly on the commercial aspect of the settlement"

"had good ideas .. good rapport .. got the parties to think creatively and reality tested well"

"on the ball", "authoritative and forceful", "very firm when necessary", "lots of character and determination"

Parties have also commented on "energy and commitment" and "ability to close the deal".

Professional background

Between 1981 and 1998 a partner in the leading UK based international law firm, Lovell White Durrant, now Lovells. Resident partner of the New York office between 1985 and 1988, and joint Managing Partner of the firm between 1991 and 1995.

Acted on a broad range of commercial cases including professional indemnity, corporate takeovers, insurance and reinsurance, tort and contract, and international asset tracing.

These cases included:

- fraud and international asset tracing case for an overseas investment banking group arising out of a commodity market transaction.
- extensive litigation for major US insurance group regarding claims emanating from London business
- litigation over a number of years for Bermuda oil captive re business written and reinsured in the London market
- mortgage indemnity guarantee litigation for major UK insurance company

- business takeover warranties claims

Other dispute resolution experience

Closely involved in training mediators and lawyers as a member of CEDR's training faculties since 1996.

Author of many articles on ADR and speaker at conferences, including:

- "Mediation: A commercial approach to dispute resolution" PLC Vol.X No.9 October 1999
- "Mediation in the dispute resolution spectrum", ACCA Europe Annual Conference, September 1999
- "Mediation – Recognising its Potential for Streamlining Dispute Resolution" Jersey Law Review June 2003
- Association of Pension Lawyers Annual Conference 2003 – Mediator on mock pension mediation

Listed as a "Leading Individual" in Chambers Guide to the Legal Profession and the Legal 500 since 1997/8.

Member of Rail Industry Dispute Resolution Council Mediation Panel

A lead member on a DFID-funded project to develop a pilot tribunal and conciliation system in Russia.

Other

Educated at Wellington College and Pembroke College, Oxford (MA Jurisprudence)
INSEAD Advanced Management Programme 1991

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Appendix - examples of cases mediated

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Professional negligence

- Financial services - £20 million claim arising out of pension mis-selling
- Chartered surveyors - leading firm of chartered surveyors re property valuation
- Solicitors - failure to report on restrictive covenant in title deeds (£250,000 claim)
- Accountants - Profit Related Pay schemes (incl post-trial)
- Accountant and solicitors - property loans (Guernsey)
- Pensions – actuaries/pension consultants on merger of company schemes
- Insurance broker – residual value insurance claim for c. £5m.

Insurance

- £25 million claim by pension fund trustees on E&O policy
- Business interruption (US supplier/Swedish insured) \$200m claim in London r/i market
- Claim against brokers and insurers for £1.5m on fire insurance policy
- Over US\$150m claim on US property damage r/i cover in London market
- Permanent health insurance claim by City professional (£1.2m)
- Korean company claiming £3.4m on export credit guarantee policy with Swiss insurer

Partnership and company board

- Retirement provisions in the partnership deed of a 35 partner professional firm
- Partner dismissal in a law firm
- Minority interests in an architectural firm
- Dissolution of veterinary practice
- Venture capital company board dispute

Commercial contract

- Sale or return - claim against store chain re electronic computer games
- Joint venture - property joint venture collapse
- Breach of warranties - on sale of a travel agency (claim for £2.7m)
- Agency - breach of restrictive covenants in contract between German multi-national and UK agent
- Distributorship - termination of sole distributor contract – German company, US distributor
- Computer lease - financing claim for £1.3m
- IT - consultancy agreement - claim against leading firm of estate agents
- IT – software development of financial markets system for merchant bank
- IT – supermarket chain & IT supplier re EPOS system (£10m)
- Telecoms – mobile phone components
- Government department - dispute with outsource contractor
- Commercial loan – recoverability of £4m+ loan
- Employment – directors’ breach of notice period and confidential information clause

Pensions

- Recovery of overpaid fund surplus of £1.1m (five parties)
- Trustees, solicitors and actuaries being sued in relation to pension fund underfunding (six parties/co-mediation)
- Statutory trustees claim against investment advisors
- (see also “Professional Negligence” above)

Franchise

- US food chain franchiser, Japanese franchisee
- UK sign franchisor, Irish franchisee

Railways and logistics

- Dispute on contract between two major train/rail companies
- Transport and logistics – termination by supermarket chain of a long-term distribution/trucking contract (£4m)

Fraud

- Commodity broking (co-mediation) - £12m claim

International - many of the disputes mediated have involved parties from different countries incl. UK, USA, France, South Korea, Netherlands, Japan, Ireland, India, Iraq, Germany, Poland & Sweden

July 04