



Top ranked mediator with over twenty years experience on a broad range of commercial cases, including multi-party, high-value and international disputes

## Mediation experience

CEDR Accredited in 1996, has been acting as a commercial mediator on a regular basis since then and as an independent mediator since 1998.

Cases mediated include disputes in the professional negligence, insurance and reinsurance, partnership and company board, commercial contract, pensions, IT, franchise, logistics and fraud fields including multi-party and international. Further details of these cases are below.

## Other dispute resolution experience

Involved in the development of ADR in USA and UK since the mid 1980's and one of CEDR's original directors.

Listed as a "Leading Individual" in Chambers Guide to the Legal Profession and the Legal 500 since 1997/8. Listed in the international directory, Who's Who of Commercial Mediation, since 2011.

A lead member on a DFID-funded project to develop a pilot tribunal and conciliation system in Samara, Russia. Advisor to Jersey judicial authorities on incorporating mediation into the Jersey legal system. Involved in a UK government funded project to introduce mediation into Turkish law.

## Mediation style

Approach to mediation is primarily facilitative rather than evaluative but will resort to rigorous 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.

## Directories

### Legal 500 2018

*'Genial'* **Charles Dodson** *'combines excellent and wide-ranging technical background with a determined ability to instil quietly and confidently an air of practical realism in any mediation; he is also charming and energetic, doesn't get bogged down in detail and constantly strives to keep things moving in a positive direction'*. In 2017, Dodson was particularly busy mediating cases relating to professional negligence claims involving solicitors, surveyors, valuers and other construction professionals, financial advisers and insurance brokers; the balance of Dodson's mediations were spread between construction, insurance and partnership, but he also mediated disputes in pensions, probate, insolvency, freight handling, franchising, inheritance, engineering, farm tenancy, government contract, software design, distribution and agency agreements, and business sales.

## Chambers & Partners 2019

**Charles Dodson** is highly experienced in a broad range of commercial mediations, including insurance, finance and professional negligence disputes. Clients value that *"he brings a lot of gravitas and experience to mediation."*

## Who's Who Legal: Mediation 2018

Listed as one of the World's top mediators in this International Directory, **Charles Dodson** is "a thorough and engaging mediator" who peers highlight his particular expertise in professional negligence, commercial contract and fraud cases. He has been listed in this directory since the first edition in 2011.

## Areas of Practice

### 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 German multi-national and UK agent
- Distributorship - termination of sole distributor contract - German company, US distributor
- Government department - dispute with outsource contractor
- Commercial loan - recoverability of £4m+ loan
- Property development - tri-partite dispute re major central London office development
- Marine - luxury yacht rejection
- Commodities - China rice shipment problems
- Business sale - claim re indemnities on sale of manufacturing company by European entity to US interests
- Compensation claim arising out of route of oil pipeline

### Competition

- Multi-party compensation claim for £38m arising out of cartel finding v various feed producers

### Franchise

- US food chain franchisor - Japanese franchisee
- UK sign franchisor - Irish franchisee
- US store franchisor - Far East franchisee (\$2.5m claim)

### Fraud

- Commodity broking (co-mediation) - £12m claim
- Metal refining - claim in excess of \$500m - seven parties

### Insurance

- E&O - £25 million claim by pension fund trustees
- Business interruption - (US supplier/Swedish insured) \$200m claim in London r/i market
- Business interruption - re fire at waste composting site - £15m
- Fire - claim against brokers and insurers for £1.5m
- US property damage - r/i cover in London market - US\$150m claim
- Permanent health - claim by City professional (£1.2m)
- Export credit guarantee policy with Swiss insurer - Korean company claiming £3.4m
- US contractor claim v insurers for over 25m euros re losses on major infrastructure project
- Life - £2.5m claim on an individual lost in private plane crash

### I.T.

- 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

## Partnership and corporate

- Retirement provisions in the partnership deed of 35 partner professional firm
- Partner dismissal in a law firm
- Minority shareholder interests in architectural firm
- Shareholder dispute in tech co.
- Shareholder buyout – dispute re valuation in light of non-disclosure of imminent sale of company
- Dissolution of veterinary practice
- Venture capital company board dispute

## 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” below)

## Professional negligence

- Financial services - £20 million claim arising out of pension mis-selling
- Chartered surveyors – bank claim for +£4m v 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 & solicitors - property loans (Guernsey)
- Pensions – actuaries/pension consultants on merger of company schemes
- Insurance broker – residual value insurance claim for c. £5m
- Fund management – incompetent investment policy.
- Auctioneers – alleged misattribution/undervalue of +£7m

## Family, trust & probate

- Farming – inheritance dispute between brothers over farm assets
- Family business – £5m+ rift between family members re food business
- Executors – breach of duty claim
- Inheritance – five party family fight over overseas assets etc
- Trust & probate – professional negligence claim against executors
- Multi-party claims arising out of Channel Island trust – claims for over £10m

## 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)

## International

Many of the disputes mediated have involved parties from different countries incl. UK, USA, France, Netherlands, Ireland, Germany, Poland, Bulgaria, Russia, Norway, Sweden, India, Thailand, Japan, South Korea, Tajikstan, Iran and Iraq.

## **Client comments**

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 memberships**

- International Mediation Institute Certified Mediator
- CMC Registered Mediator

## **Professional background**

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

Acted as a lawyer 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

## **Training/talks/books/articles**

Closely involved in training mediators and lawyers as a member of CEDR’s training faculty from 1996 to 2012. Also involved in Chartered Institute of Arbitrators and Core Solutions training programmes.

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
- Chapter in Butterworths “Mediators on Mediation” (2005)

## Personal

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

## Interests

- Hebrides – west coast of Scotland
- Sailing – coastal cruising
- Tractors – Ferguson
- Trees – planting, felling and pruning

## Contact details

### Independent Mediators

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