



Mark is a leading mediator with extensive experience in the commercial and common law fields, having mediated a wide variety of high-value commercial and insurance disputes. He was appointed recently as lead mediator in a seven-party dispute valued at over £120m that was settled after four days of mediation.

## Mediation experience

Mark became an Accredited Mediator with ADR Group in 2001; he was a Panel Member and Registered Mediator with Littleton Dispute Resolution Services Limited from 2001 to 2009. He ceased practice as an advocate to devote his full time to mediation in June 2009 when he joined Independent Mediators.

Mark has acted as sole or lead mediator in over 90 mediations a year since joining Independent Mediators in 2009, covering a wide variety of disputes in all areas of law listed overleaf, but with a particular emphasis on commercial, professional negligence and insurance cases following his many years of specialisation in those fields while in practice as a junior and a silk.

Mark also acts as arbitrator in commercial and insurance based disputes as a member of Littleton Chambers' International Arbitration Group.

Mark mediates regularly in all commercial, common law and related fields but has a particular reputation in the fields of professional negligence and insurance. He regularly conducts mediations in values ranging between £10m plus to £500k or less in a variety of areas including those listed below. His largest mediation to date was a 7 party commercial dispute worth over £120m involving four international insurers, settled in 4 days of mediation over two weeks.

He has been listed for some years in the top tier of mediators in the UK section of both Legal 500 and Chambers and Partners, the well known international legal directories. Past comments include: *His manner is 'amiable, polished and gentlemanly. He has a good sense of humour, and clients enjoy his company'.* He nevertheless *'asks tough questions, forces confrontation of issues'*, and wins confidence through a *'phenomenal grasp of detail'*. Strategically he has demonstrated outstanding creativity with great *'persistence and resilience'*.

Solicitors say he has 'a huge amount of legal experience' and 'a clear grasp of complex issues with the right level of persuasion', and describe his approach as 'confident and always in control; helpful, no nonsense, and all with a touch of humour'.

## Directories

### Legal 500 2018

**Mark Lomas QC** is 'one of the best mediators around; he has gravitas and quickly gets to the heart of what has to be done to resolve a dispute and is dogged in seeking a settlement, often going well beyond his original brief if permitted by the parties to do so'. One of the UK's busiest commercial mediators, Lomas averages 90 mediations a year; he regularly acts as sole or lead mediator in mediations, covering a wide variety of disputes in areas including commercial contract, professional negligence (against solicitors, accountants, architects, financial advisers and insurance brokers), insurance, banking and financial services, general common law disputes, construction, probate, and trusts.

### Chambers & Partners 2019

**Mark Lomas QC** is considered by clients to be "very good on both legal analysis and at gaining the confidence and trust of parties," and "a master of the art of getting the deal done." He mediates high-value disputes in a range of areas including construction, employment, finance and professional negligence.

### Who's Who Legal: Mediation 2018

Listed as one of the World's top mediators in this International Directory **Mark Lomas QC** is an "exceptional" mediator and wins praise from sources who highlight his particularly impressive experience in mediating insurance and professional negligence disputes. Mark has been listed in this directory since the first edition in 2011.

### Who's Who Legal: Thought Leaders - Mediation 2018

Mark features in WWL Thought Leaders for a second year. This is a new section launched in 2017. Who's Who Legal explain this new feature as 'bringing together for the first time the insight, expertise and wisdom of some of the world's foremost practitioners. They report that these practitioners obtained 'the highest number of nominations from peers, corporate counsel and other market sources in their most recent research cycle.'

### Who's Who Legal: UK Bar: Mediation 2017

Only 20 individuals are selected. Mark also features on the list of 'most highly regarded silks' of which only four are listed in total. The "first-rate" **Mark Lomas QC** is known for handling difficult mediations and the parties involved with "an assured and calm manner". He comes strongly recommended by peers for his proficiency in mediations relating to professional negligence, insurance and marine and quadrant-related disputes.

## Areas of practice

Mark has acted as sole or lead mediator in a wide variety of disputes ranging from multi-million pounds to tens of thousands of pounds in areas including:

- **Commercial contract disputes** involving sale of goods and businesses, property development, construction and sale of property, information technology, intellectual property, commercial supply, publishing, joint venture agreements and other areas;
- **Solicitors' negligence** in the conduct of litigation, mortgage lending, conveyancing, sale of businesses, commercial deals, taxation, probate, divorce, bankruptcy and other areas;
- **Barristers' negligence** in the conduct of litigation and advice in various areas;
- **Surveyors', Quantity Surveyors' and Architects' negligence** in building design, valuation, construction, mortgage lending and sale of residential, commercial and development property;
- **Accountants' negligence** in auditing and accounting services and advising on tax and other matters;
- **All aspects of Lenders' claims**, including issues as to scope of duty, securitisation and recoverable loss;
- **Financial Advisers' negligence** in advising and selling pension and tax management schemes, and the mis-selling of investments generally;

- **Banking and Financial Services**, including the mis-selling of swaps and other financial instruments;
- **Insurance disputes** in the commercial and professional indemnity fields;
- **Common law and tort-based claims** in a wide variety of matters both corporate and personal;
- **Property dispute** arising out of a criminal confiscation order, in what is believed to have been the first mediation in which the Serious Fraud Office was a party.
- **Contested Wills and Probate**
- **Construction dispute** in the residential, commercial and developments fields;
- **Trusts**

## Clients comments

Comments relating to performance as a mediator include:

"Mark Lomas has to be one of the best mediators I have instructed in the last ten years. I am amazed I haven't used him before. He helped the parties achieve a fantastic result."

"Excellent. Papers delivered very late, but was on top of issues and brought a case that was not going to settle to the settlement table. Clients are delighted."

"Conducted in a very professional and amicable manner."

"Very good. Mark Lomas QC was well prepared and able to establish a relationship of trust and openness with both parties which contributed greatly to the settlement."

"Absolutely brilliant. His legal knowledge commanded respect from three aggressive solicitors and he had excellent communication skills and determination to succeed."

"Tested the case firmly and kept the parties engaged and moving towards a deal. Great job."

"Very good. He grasped the issues quickly and was effective in making the client and the opposition see the risk factors, which helped facilitate a speedy settlement."

"Obviously, Mr Lomas has a huge amount of legal experience. An iron hand in a velvet glove. The case settled which was the aim of the day."

"Very good. Clear grasp of complex issues and the right level of persuasion."

"Excellent. Mr Lomas had a very good way of handling our clients and wears his learning lightly."

"Mark Lomas was confident and always in control. Impressive performance in a delicate case. Would use him again."

"Calm and authoritative. He brokered a realistic settlement within the timeframe. "

"Excellent. Established as informal an atmosphere as possible in the circumstances. Sensitive and clear understanding of the issues and personalities in the room."

"Very good approach to a complex case. Worked very hard to bring together parties with extremely divergent views about the likely outcome at trial."

"Very good. Helpful, no nonsense, and all with a touch of humour."

"Excellent. Mark Lomas has a very easy manner and encourages frankness without appearing to exert pressure."

"I cannot praise Mr Lomas enough, both for his handling of some difficult issues in the mediation and the way in which he put the lay clients at ease."

"Friendly and efficient. He got to grips with all the relevant issues and was very helpful in getting the parties to make steady progress throughout the day."

"Excellent. We thought the claim would be difficult, if not impossible, to settle and were extremely pleased that the mediator was able to prove us wrong."

"First class. Exceeded my expectations and achieved a most satisfactory result where it hardly seemed possible. His doggedness paid off. 10 out of 10."

"Excellent – achieved the impossible!"

"Please extend our sincere appreciation to Mark for the way he mediated this dispute. Mark's grasp of the issues, his considered presentation to the parties at the outset and skilled interaction with all parties to bring about a resolution is why we recommend him time and again. Without the result that Mark helped to achieve, our client's business would not have survived."

"He was extremely helpful in moving the parties toward settlement and helping us to fully consider the strengths and weaknesses of our respective positions. He contacted me the night before and I felt completely assured that he understood the salient issues. The facts of the case were complex but he understood the respective parties' positions and helped us achieve settlement."

"The Mediator was very competent and pragmatic. He emphasised the elements of the case that most needed addressing and prevented the parties from being side-tracked by less important issues. He made sure that all parties were making constructive offers and that momentum was maintained. He managed the expectations of the parties very well and assisted the parties with resolving the issues."

"Mark called me the evening before and it was clear from our conversation that he had already worked out what the central issues in the dispute were. ... Mark certainly gained the confidence of my client quickly. I thought he did an excellent job. He has a good way of getting to the nub of the dispute and he also has a good way of telling off the lawyers if he thinks they are being unreasonable!"

"Very impressive. He kept the momentum going and the pressure on both sides in a calm and relaxed manner. Adopted a firm approach with the client and with each side, and was very hands on, which is what was needed on the day."

"Excellent. Thoughtful, experienced and effective. Resulted in a good outcome for both sides."

"I was very impressed with how Mark moved the parties beyond the initial impasse to a settlement. I found him to be a very effective mediator and would not hesitate to recommend him."

"Mr Lomas dealt with the matter professionally and sympathetically throughout. The mediation on the day was extremely well structured and he built an excellent relationship with both lay clients and lawyers. Everyone came away from the mediation feeling that real progress had been made."

## Professional memberships

- International Mediation Institute Certified Mediator
- CMC Registered Mediator
- Member of the London Court of International Arbitration
- Member of the Chartered Institute of Arbitrators
- Member of PNBA
- Member of Association of International Arbitration

## Professional background

Mark was called to the English Bar in 1977 and appointed Queen's Counsel in 2003; he practiced as junior and leading counsel at the Commercial and Common Law Bar for over 30 years with a particular specialisation in Professional Liability and Insurance.

Mark has been mediating regularly since 2001, in combination with continuing practice at the commercial and common law bar. Since taking silk in 2003 mediation made up an increasing part of his overall practice, combined with the conduct of a number of large cases in the High Court. A recent reported case in the commercial field was *Mainstream Properties v Young* IRLR [2005] 964 in which he successfully defended a claim for deliberate inducement of breach of contract in the High Court and in the Court of Appeal, during which the test for intent in the tort of inducement was re-defined and subsequently upheld by the House of Lords. His most recent professional negligence case was *Daniels v Deville* in 2008, where he achieved summary dismissal of all claims against a firm of solicitors in the second week of a multi-party multi-million pound claim.

In June 2009 Mark ceased practice as an advocate to devote his full time to mediation and arbitration.

## Training/talks/books/articles

He regularly conducts training sessions for in-house for law firms, insurance companies and Others to enable them to represent their clients more effectively in mediation. In 2016 he chaired the annual conference of the PNLA in Southampton.

## Contact details

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