



Over 35 years dispute resolution experience. Former partner of Pinsent Masons LLP. A highly respected practitioner widely recognised as a leader for large commercial claims.

### Mediation experience

Andrew was accredited by ADR Net in 1990 and by CEDR in 1993. He has mediated in excess of 1100 cases. Whilst with Pinsent Masons he took on 60 cases per year. He is a former director of ADR Net Ltd; founder member of PIM (Senior Mediators), was Chairman of the Association of Midland Mediators for 12 years ending in 2012 and served on the CEDR training faculty from 1993 to 2005.

### Other dispute resolution experience

Listed in the top tiers of both Chambers & Partners and Legal 500. Listed in the international directory, Who's Who of Commercial Mediation.

### Mediation style

From initial appointment through to the final resolution (whether at or after the mediation itself) Andrew is "totally engaged" with the process. He brings with him conspicuous energy and enthusiasm and also has a sense of humour that, when appropriate, can be used to get past obstacles standing in the way of progress.

### Directories

#### Legal 500 2019

**Andrew Paton** *'has an engaging but firm style and does not take any nonsense; he is always on top of the documents, identifies the key issues, keeps mediations moving at a good pace, never gives up, and will remain involved even if the parties do not settle on the day'*. Paton undertook a total of 54 mediations in 2017, with just under half of the mediations relating to professional negligence claims involving solicitors, barristers, accountants, architects and other construction professionals, financial advisers and insurance brokers. The balance of his work was evenly spread between construction, insurance, property and commercial matters, but Paton has also mediated unfair prejudice, employment, public law, insolvency and Inheritance Act cases.

#### Chambers & Partners 2019

**Andrew Paton** has built a reputation among clients as *"one of the best mediators around"* due to his ability *"to focus on the key issues and help parties see the wood for the trees."* He offers exceptional expertise in professional negligence claims concerning solicitors, barristers, accountants and financial advisers, and is also appointed in various insurance, construction and insolvency matters.

## Who's Who Legal: Mediation 2018

Listed as one of the World's top mediators in this International Directory. **Andrew Paton** stands out as "a first-class mediator" who wins high praise for "the energy he injects into the process" in addition to his "well-prepared and hard-working approach".

## Areas of Practice

### Commercial contract cases

- Subrogated recovery action by insurers of savoury snack producer against pest extermination company. Claim value £12 million.
- Claim for damages for breach of contract to supply concrete planks.
- Claims in contract and tort against manufacturer and supplier of specialist valve devices for use in corrosion test chambers. Claim value £250,000.
- Claim by manufacturer of rebar for payment for goods sold and delivered. Counterclaim by reinforced concrete sub-contractor for damages for breach of contract relating to the quality of goods supplied. Total value of claim and counter-claim £2 million plus costs.
- Dispute between joint venture partners in relation to a residential property development over distribution of profit share.
- Claim by fish and chip proprietor for negligence/breach of contract against company which carried out a service of the cooking range in 2009, three weeks before a catastrophic fire which destroyed the premises. Claim £4 million.
- Claims and counterclaims following break down of joint venture agreement between companies engaged in the manufacturer of satellite dishes for domestic t.v. Claim £1.8m.
- Five party dispute concerning claims with end user distributor intermediate manufacturer and primary manufacturer relating to contact adhesive for use within the construction industry. Claim value £3-6 million.
- Claim by yacht owner against marina for direct and consequential damages when 72 foot ocean going sailing yacht fell from cradle shortly after being craned out. Claim £1.1m.

### Company/shareholders

- Dispute concerning value of 5% shareholding against catering company. Dispute concerning treatment of overdrawn director's loan account. Sums in issue £250,000.
- Various claims including negligence, fraud, deceit, mis-representation in the context of a family dispute over the distribution to shareholders of the proceeds after the winding up of a family farming business. Claim value £500,000.
- Two separate petitions issued in the Companies Court each seeking the winding up a company which had operated as a quasi partnership. Claim value £250,000.
- Claim for damages for breach of a share option agreement. Claim value £200,000.

### Construction and Engineering

- Claim by housing association against main contractor. Additional claim by main contractor against sub-contractor relating to the failure of an insulated render system on four 30 metre high tower blocks each housing 40 families. Claim value £2.5 million.
- Multi-party dispute between water company (claimant), local authority, main contractor, sub-contractor and sub-sub-contractor relating to loss and damage said to have been caused when works to stabilize a cliff lead to the blockage of a foul sewer. Claim value roughly £700,000.

### Employment

- Claim by chief financial officer against employer following summary termination of his employment contract. Claim value £1.7 million.

### Insurance/reinsurance (see also Professional Negligence below)

- Dispute between two insurers over which one should pick up liability for approximately £2.2 million worth of repair works to a dockside construction. All depended on the interpretation of the notification clause in a claims made policy.

## Other

- Claim under the Protection from Harassment Act for an injunction and damages by male against female.

## Professional Negligence

- Claim against architectural technician (1) and building contractor (2) relating to the failure of 91 windows and a defective parapet wall. Claim value £600,000.
- Solicitors and construction professionals who acted in connection with the making of and then monitoring a refinancing and development loan package. Claim value £2.4 million.
- Architect claim arising out of domestic house extension and renovation project. Claim value £240,000.
- Statutory auditor's negligence claim. Claim value £50 million.
- Valuation surveyor. Claim in relation to 65 valuations of buy to let properties. Claim £8m.
- Planning consultant. Alleged failure on the part of the consultant to advise property owners of a expiry of validity of planning consent. Claim value £6.5 million.
- Claim against broker following repudiation of liability under a policy of insurance against fire and other perils at an environmental recycling plant. Claim value £1.4 million.
- Group action by 129 claimants against solicitors alleged to have been negligent in connection with unregulated collective investment scheme concerning Spanish property.
- Claim by failed AIM listed power company against NOMAD and due diligence/verification solicitors for damages for breach of duty. Claim exceeds US\$90 million.
- Solicitors. Claimants (a group of ex-franchisees) alleged that solicitors acted in breach of duty and/or in breach of trust in the way in which they dealt with £2.5 million recovered by way of settlement on a claim against the franchisor. Claim value £1.5 million.
- Solicitors. Claim arising out of missed contractual time bar in contract for the carriage of goods by sea. Claim value £750,000.

## Property

- Claim by leasehold owners of first floor, two bedroom flat against owners of ground floor apartment, freeholder with related claims against property & liability insurers arising from destruction of property following negligent excavation in prep for basement extension.
- Claim by purchaser of residential property against vendor alleging Negligence / fraud / misrepresentation in respect of replies given to pre-contract enquiries.
- Dispute concerning alleged improper expenditure by residential management company of service charges.

## Regulatory

- Claim by health commissioning authority to recoup alleged overpayments from a dental practitioner. Claim value £450,000. Counterclaim £1.5 million.

## Client comments

"I thought Andrew did a good job. He was sufficiently serious and focussed around the issues but did bring a well needed sense of humour to, what was essentially a mediation about rat poo. As a Brummie, I would recommend Andrew to others in my firm. His involvement assisted process."

"Obviously a very experienced mediator, Andrew kept the process going and skilfully helped both parties move to a settlement they could live with."

"Andrew is an excellent Mediator who has with me a 100% record. He is very fair. "Andrew is highly regarded and his skills as a mediator are second to none. He kept the process moving and did so in a professional and friendly manner. His experience enabled him to keep the parties actively engaged in the mediation process throughout."

"Proof of the pudding..Andrew gently achieved a (thus far) successful conclusion to a very hard long drawn out matter."

"Andrew was adept at getting the parties to move towards settlement quickly. He cajoled where necessary and called parties on their cases/positions as necessary."

## Professional memberships

- Co-founder of the Panel of Independent Mediators – Senior Mediators
- Co-founder of the Lamport Hall Group
- Former director of ADR Net Ltd
- Former member of the training faculty of CEDR (10 years)
- Former Chairman of the Association of Midland Mediators for 12 years ending in 2012
- Former member of the Board of the Civil Mediation Council
- Former director of Solicitors Indemnity Mutual Insurance Association Limited (SIMIA)
- CMC Registered Mediator

## Professional background

Andrew joined Pinsent & Co (now Pinsent Masons) in 1981 as a newly qualified solicitor at their Birmingham office and became a partner in 1986. Andrew initially had a fairly general practice incorporating property, construction and general commercial litigation before developing an interest in professional indemnity insurance. He took over management of the Insurance Litigation Group at his firm in 1995 continuing through to 2003 when he moved to an in-house role being responsible for dealing with claims and complaints and handling all professional indemnity insurance matters. Andrew retired from Pinsent Masons in April 2016.

## Training/talks/books/articles

Closely involved in training mediators and lawyers as a member of CEDR's training faculty from 1993 to 2003. Author of many articles on ADR and speaker at conferences including, most recently, The Solicitors' Claims Conference at Clyde & Co. Regularly gives talks on mediation at solicitor firms around the UK.

## Outside Interests

In his spare time Andrew enjoys dinghy racing, cycling, walking and riding his motorbike.

### Contact details

#### Independent Mediators

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