



Phillip is one of the UK's top mediators who also has an enviable reputation in mediating international disputes. He has extensive experience of mediating all types of commercial disagreement

## Mediation experience

The whole range of commercial disputes have been mediated successfully. Claims mediated include: commercial contracts, international disputes involving governments, companies or individuals, finance and banking disputes, fraud, insurance disputes at all levels between insurers and with insured, professional negligence claims, insolvency, engineering, oil and gas, property, intellectual property, sport, employment, environment claims, and group actions involving large or small numbers of claimants.

## Mediation style

(As seen through the eyes of those who have mediated with him) Phillip is quick to gain parties' confidence and enjoys the rare distinction of combining dogged perseverance with insightful intervention and creative flair. Phillip is someone you can work with and he is also a hugely experienced, hands on mediator who is supremely effective across a range of disputes. Phillip has the ability to handle a complex case with ease and combines smoothness and charm with a first class mind.

## Directories

### Legal 500 2019

*'Highly recommended to those thinking about mediation', Phillip Howell-Richardson 'comes across as very calm and approachable and has a very good bedside manner'. Others report him to be 'an excellent mediator with a disarming and effective style as well as being always diligent, resourceful and excellent with clients'. Howell-Richardson has over 28 years experience of mediating the most complex cases in the UK and internationally. His workload covers commercial claims, banking and finance, professional negligence and insurance; he has also mediated disputes involving IP and IT, employment, partnerships, property and construction, and probate.*

### Chambers & Partners 2019

**Phillip Howell-Richardson** maintains a broad commercial practice with an excellent track record handling finance, contract and insurance disputes, and is singled out by clients for his understanding of the public sector. One client reports: *"In addition to his substantial experience as a mediator he has a brilliant legal mind, and quickly grasps the core issues and key interests of a dispute."*

### Who's Who Legal: Mediation 2018

Listed as one of the World's top mediators in this International Directory. **Phillip Howell-Richardson** has nearly 30 years of expertise in the field, and is highlighted by market sources as *"a natural mediator"* who boasts a prominent position in the market. Phillip has been listed in this directory since the first edition in 2011.

## Areas of Practice

### Commercial Contract

- A claim for the balance of monies due following the sale of hotels in Bermuda. Over \$10m claimed.
- A world-wide distribution arrangement between an American photographic retailer and Italian equipment manufacturers was terminated in the UK.
- A dispute between a media partnership and its project manager arising out of the installation of a £1.5 million IT project.
- A commercial contract dispute between two nation-wide engineering companies, arising out of the purchase of a subsidiary.
- Claim by manufacturer of aerosol products against component supplier following mass claims.

### Finance and Banking

- A claim by a Bank for £40 - £60m arising out of negligent valuation advice.
- A claim for breach of fiduciary duty against a French Bank brought by a Greek Shipping family. Claims £40m+ and mediation held in France.
- A claim for loss incurred due to extreme fluctuation in the £ against the \$ under an oil contract.
- A claim against a Bank in excess of £10m involving interest rate swaps, breach of duty and a whistle blower.

### Fraud

- A 20 party dispute involving £60m-£80m, fraud, offshore insurance arrangements and complex financial transactions.
- A dispute over disadvantageous terms in a lease caused by a £46m fraud. SFO involvement.

### Group Actions

- A Group claim for personal injury and loss brought following an air crash where settlement was first achieved for 46 passengers and then the air crew.
- A claim by 44 residents for nuisance caused by food smells from a food factory in a residential area.
- Several different claims involving groups of residents from 25 to in excess of 600 people for nuisance actions against industrial and waste tip operators.
- A Group claim from owners of flats in a multiple flat development against the freeholder and the management company.

### Insurance

- A dispute between a UK supermarket group and its insurers and between syndicates involved in the risk.
- A refusal by an Insurer to indemnify following a building and restaurant fire which occurred within days of the risk being accepted.
- A claim for £120-£130 million following a major fire at a University. The University and market insurers were involved.
- A 3 party dispute between a claimant, broker and insurer involving arguments on terms of cover, acting in excess of authority and extensive broker/insurer arguments.

### Insolvency

- Claims against a liquidator for failure to administer a liquidation correctly where extensive financial claims revolved around valuation, projection and historical data.
- A claim by a Liquidator against Directors and Accountants following dividend payments, movement of assets and Inter Group Transactions, £2.0m claim.
- A three day mediation involving three separate claims by a receiver against groups of directors and advisors for in excess of £10m.

### Intellectual Property

- A claim for royalties by a famous record producer against an international media corporation which involved extensive accounting issues for claims made over 20 years.
- A dispute over the IP rights in a complete range of office products was resolved by a transfer of the rights to one party, the creation of a licence, the purchase of shares in a deadlocked joint venture and freedom to both parties to develop their own business.
- A dispute following an acrimonious termination of employment which centred on whether the IP rights asserted by the employer had validity.

### International Disputes

- Claim by a Consultancy firm for fees arising out of know-how transfer and market intelligence about a Petro Chemical Project in the Middle East.
- A three week mediation in Africa involving bank trustees, a taxpayer and two African government departments. £85 million was involved in tax claims, tax evasion allegations, and criminal and civil claims by the government. Extensive proceedings in South Africa, UK, Guernsey and France.
- A dispute between global French and Swiss companies who clashed in one area of their international businesses. Activities in Africa resulted in mutual complaints being instigated in London. Potentially catastrophic public consequences for all. A process was designed which, after activity in Paris and London over a considerable period of time, resulted in peace.
- Commercial agency dispute mediated in Paris between a US Company and French Agents.
- A multibillion claim in arbitration between an African government and a global Indian corporation. Mediated successfully through the creation of a framework settlement agreement and six separate sub agreements that followed on. Highly complex processes, politically sensitive issues and large meetings at a variety of locations.
- A claim by a non-UK government agency against one of its most prominent oil supply companies. Mediated in the country of origin with local lawyers and parties. Politically sensitive claims.

### Oil and Gas

- A dispute between a purchaser of an oil tanker and a shipyard over delivery of a ship.
- A dispute with a supplier of personnel to oil rigs off Libya.
- A dispute over the ruling price for oil in an oil supply contract.
- A dispute over charges by a service contractor to an oil refinery.
- Claims arising out of the discovery of fraud in a European office of a global oil company.

### Professional Negligence

- Claims for damages for negligence arising out of work carried out by an insurance broker in connection with claims being made under a professional indemnity policy.
- A highly complex claim in inheritance tax and trust and commercial law involving settlement monies, large estates and negligence by lawyers with catastrophic potential for damage.
- A professional negligence dispute where a business venture was imperilled by a failure to obtain the correct lease following termination of an agreement for supply of components to the Aerospace industry.

### Property

- A dispute between an American corporation and a development corporation arising out of defective premises in an office development.
- A claim for professional negligence against advisers arising out of failed construction litigation. Complicated personal relationships and disastrous financial consequences for the claimant.
- A supplier of a key system incorporated in a waste disposal system faced claims for repair and remedial works for alleged failures. Extensive contract, engineering and accounting issues.
- A dispute between a vendor of development land and a developer with the developer frustrating the progress of the purchase and seeking to renegotiate the purchase price.

## Public Arena

- Porton Down Veterans and Ministry of Defence  
A group action by 360 veterans for compensation and recognition. Many years of action including inquests, police investigations, politicians & campaigning claimants' solicitors resulted in a mediation which reached a solution. A £3m settlement resulted in payments for each claimant and a public statement of apology in the House of Commons. A mediation of high visibility & historic importance.
- A dispute between a Regulator and a Utility Provider over the expansion of the Regulator's powers.

## Sport

- Working with a national rugby team and its governing body on issues that had arisen shortly before the Rugby World Cup.
- Working with two organisations within a sport on dissention that had arisen before the London Olympics.
- A dispute between a tennis star and his sponsor.
- A dispute between an international rugby player and his agent.
- A dispute involving an agent and a footballer with contractors over the construction of a large, expensive house.
- A dispute involving refusal to take delivery of a high tech racing yacht between the purchaser and the builder.

## Client comments

*"The mediator was excellent. He was very well prepared and took the time to scope out the issues in advance of the mediation. He understood the factual detail, as well as the commercial realities of the dispute and what had frustrated a settlement to date. One of the parties was a litigant in person and the mediator handled the situation perfectly and facilitated a settlement in a sensible way. He diffused the tension which existed between the parties and was a calming and constructive influence which ultimately led to a settlement being agreed."*

*"Please can you pass on my thanks to Phillip for his excellent work yesterday. This was a first mediation for my client and a rather upsetting set of circumstances and subject matter for him. Phillip conducted the entire day with stratospheric expertise, fortitude and compassion."*

*"Phillip's handling of the Porton Down mediation was undoubtedly key to resolving this litigation going back for a decade against the MoD. His handling was a "master class" in mediation in resolving issues between the Porton Down veterans and the MoD. Without his experience and devotion to the task I sincerely doubt that a resolution would have been achieved."*

*"Phillip, I haven't managed to get through to you this morning to thank you personally for your stalwart efforts yesterday so I am resorting to the email. As I said, I do not think I have ever met a more patient, a more professional or a more effective practitioner of the dark art of mediation. Many, many thanks. We most certainly could not have done it without you! What a difficult bunch!"*

*"I was extremely impressed by your professionalism, which clearly justifies the ranking you've achieved in the legal directories. I thought you showed real skill and experience in knowing when to deploy the various strategies available. Insofar as there were face to face meetings, they occurred at precisely the right moments and involved the right people. Your authority on the relevant commercial and business matters was useful when needed in order to inject some realism, and your assistance in keeping the drafting simple was also invaluable."*

*"It was indeed a pleasure to work with you and I hope we have the opportunity to do so again in the future."*

*"Phillip is very good; our professional client was very impressed by him. He had much more energy and drive than your average mediator."*

*"Many thanks Phillip for keeping the momentum going during the day and suggesting the "split" at the end which kept the claim beneath the psychologically important 7 digits."*

*"You really know how to get results" and "you have a great talent for building rapport, reading personalities and issue spotting."*

## **Professional memberships**

- Member of the International Chamber of Commerce Mediation Panel
- Mediator member of the World Intellectual Property Organisation
- Member of Sport Resolution (UK) panel
- Member of the London Court of International Arbitration
- Member of CMAP, Paris
- Fellow of the Institute of Professional Development, London
- Mediator member of Resolving Commercial Disputes, led by Institute of Chartered Accountants
- International Mediation Institute Certified Mediator
- CMC Registered Mediator
- Distinguished Fellow and Board Member of the International Academy of Mediators
- Fellow of CI Arb
- Mediator member of Hong Kong International Arbitration Centre

## **Professional background**

Phillip is one of the UK's most experienced and widely respected mediators. He has over 28 years experience of mediating the most complex cases in the UK and internationally.

In 2010 he joined Independent Mediators as a full time mediator.

Phillip became a full time independent mediator in 2005. At the same time he became a consultant in ADR with KWM SJ Berwin LLP, who had a worldwide reputation for leadership in mediation and ADR and head of their ADR Unit.

Previously Phillip was a Partner in Morgan Cole for 23 years and led their commercial litigation group for 12 years as well as serving as a member of firm's main board.

Phillip qualified as a solicitor in 1975. He first became an accredited mediator with ADR Group in 1991 and subsequently became their chairman for 14 years. He is also an accredited mediator with CEDR, an accredited mediator with the Hong Kong International Mediation Centre and a Court of Appeal mediator from that scheme's start. He has been a Visiting Professor at the University of Hong Kong. He was one of the first European mediators to be invited to join the International Academy of Mediators as a Fellow and became a board member. He is a mediation Fellow of the Chartered Institute of Arbitrators.

## **Training/books/articles**

### **Talks and Training Phillip has given include:**

- *"The Development of Mediation in Europe and Norway"* talk in Oslo to law firm and its clients.
- *"Trademark litigation and ADR"* conference for business leaders and lawyers with a demonstration mediation in Brussels.
- The Queensland Bar Association ADR Conference at Noosa, Queensland. Three talks given over the weekend conference on European Developments, Techniques and Ethics.
- Presenting at IAM Conferences in Paris and San Francisco on advanced negotiation techniques and international developments.

- Key note speaker and participant in three panel discussions on the concluding day of Mediation Week which was created by Hong Kong Ministry of Justice. Hong Kong judges, policy makers and 500-600 practitioners present.
- Training members of SFO and HMRC in the process of mediation and mediation techniques.
- "The Mediation Directive: What will it mean for us?" debate hosted by Phillip Howell-Richardson with guest speakers Sir Henry Brooke and Michel Kallipetis QC.
- "Mediation - what is it and what can my business get from it?" conference for business leaders organised by the Confederation of Danish Industries at their offices in Copenhagen.
- "The New EU Mediation Directive: What does it mean for you?" held at a University in Brussels as part of a seminar with the Association of International Arbitrators.
- "Mediation as a method of resolving commercial disputes" conference held at Moscow District Arbitration Court by Phillip Howell-Richardson and other members of SJ Berwin.
- Attending the joint AMNIZ/IAM conference in Wellington and Queenstown New Zealand both as a board member of IAM and as a Key Note Speaker on International developments.
- Speaking at the Guernsey Trust Conference 2015 before an audience of International Trust professionals.
- The IAM held its first international conference outside the US in London in September 2009. Phillip took a leading role in the creation of the conference which brought together more than 100 of the best practicing mediators from throughout the world. During the conference Phillip conducted a live interview of Lord Woolf.
- On the 30<sup>th</sup> Anniversary of CPR in January 2009, Phillip spoke at the main conference as part of a panel of expert international mediators.

#### Books/articles:

- Contributor to several publications including the chapter entitled "Concluding the Mediation" in the definitive work "Mediators on Mediation" published by Butterworths, and author of several articles including "Europe's Changing Mediation Landscape", a definitive article dealing with the content and likely impact of the European Mediation Directive, "Getting Past Impasse", and "Representation Skills for Successful Mediation".

## Contact details

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