



Bill Marsh is widely considered to be one of the most accomplished 'top-rank' mediators in the market. As well as UK mediations, he is also involved in numerous major international cases. In 2019 Bill was awarded 'Mediator of the Year' by Who's Who Legal.

Mediation experience

William ("Bill") Marsh is one of the UK's most experienced commercial mediators. Involved full-time in mediation since 1991, and independently rated by Chambers Directory as "...one of the greats...", he has successfully mediated a wide cross-section of commercial disputes. International recognition has led Bill to being awarded **Mediator of the Year 2019 by the international directory Who's Who Legal**. Operating both in the UK and internationally, his mediation practice has included disputes and parties from numerous countries including UK, Ireland, India, Cayman Islands, France, Switzerland, Belgium, Spain, Italy, Greece, Lebanon, Tunisia, Nigeria, Ghana, USA, Canada, Australia, Japan, China, Russia, Ukraine, Uzbekistan, Bahrain, Qatar, Saudi Arabia, Egypt and South Africa. Parties have included individuals, private companies and firms, public companies, public bodies/authorities, and national governments. His mediations cover a broad cross-section of commercial disputes, and range from relatively modest to multi-billion pound in value.

Mediation style (quotations from feedback from clients)

Bill "combines an assured reading of the law with robustness and commercial flair". He is "tenacious and willing to challenge the parties without being seen to chase a settlement". He has a "fluid style and an ability to really bring people together".

Directories (independently – researched clients opinions)

Bill is consistently ranked amongst the UK's top mediators in the independently-researched *Legal 500* and *Chambers & Partners*.

Legal 500 2022

Involved in full-time in mediation since 1991, **Bill Marsh** *'builds trust right from the start of the process, and is calm, professional, thorough, friendly and commercial – he is also extremely measured in his approach, while being direct with clients when required'*. Marsh's highly active mediation practice covers a broad range of commercial disputes (both UK and internationally), including commercial contracts, product liability, professional negligence, and insurance and reinsurance, along with shareholder, medical negligence, pensions, IT and shipping issues.

Chambers & Partners 2022

Bill Marsh of Independent Mediators excels at mediating high-value and international commercial disputes across a broad range of industries. His expertise covers professional negligence, employment and commercial contract cases.

"Bill is an absolutely first-class mediator who adapts and adjusts to the dynamics of the people and the dispute." "He brought a strong measure of calm and authority to the negotiations and was able to gain the confidence of the opposing factions. He is superb at dealing with people and is willing to listen and sympathise but stays very commercial when it comes to the negotiations."

Who's Who Legal: Mediation 2021

International recognition has led Bill to being awarded **Mediator of the Year 2019 by the international directory Who's Who Legal**. The award was presented to Bill at an awards ceremony in London in May 2019.

Who's Who Legal: Mediation 2021

Top of the list of the ten most highly regarded individuals in the World in the 2014 edition of this International Directory, having been listed in the World's top ten for the previous two years and listed at number two in 2015. In 2016 has been selected from all the mediation practitioners in this directory to feature within the list of **the top five mediators in England**. Bill has been listed in this directory since the first edition in 2011. The "excellent" Bill Marsh is a "go-to – his calibre and quality are simply fantastic". Respondents "highly recommend his style and approach" and exalt his "very successful" mediation practice. He is a "sensational mediator according to respondents. He "gets very high-profile work and is extremely experienced and capable". He is the WWL Mediator of the Year for 2019. He also features on the list of Global Elite Thought Leaders in mediation.

Who's Who Legal: Global Elite Thought Leaders - Mediation 2021

WWL Thought Leaders is a new section launched in 2017. **Bill features on the list of less than twenty individuals from around the World**. Who's Who Legal explain this new feature as 'bringing together for the first time the expertise and wisdom of some of the world's foremost practitioners. They state that these practitioners obtained 'the highest number of nominations from peers, corporate counsel and other market sources in their most recent research.'

Areas of practice

Cases which are in the public domain

- Long running dispute between Dame Shirley Porter and Westminster City Council
- Disputed take-over of Brighton & Hove Albion Football Club

Banking

- Various investment disputes
- Fraud claims
- Debt recovery claims

Commercial contract cases

- \$1.25billion pharmaceutical claim
- Claim concerning Russia commercial agency agreement
- Numerous disputes between telecoms companies
- Middle East/US/UK pharmaceutical business claim
- Russian JV transport facility dispute
- Ukrainian/Israeli/Dutch/Swedish shareholders dispute
- Italy/Spain/France pharmaceutical contract dispute
- Turkish/US media contract dispute
- Turkish banking claim
- Taiwan/US contract dispute
- Central Asian government banking dispute

- Polish distribution agreement dispute between US and Belgium companies
- English/Japanese dispute concerning distribution of luxury brand goods
- Oil futures dispute between international bank & African state-owned energy utility
- Open-cast mining dispute
- Gulf-based banking dispute
- Dispute concerning construction of Middle Eastern power station
- Claims between UK rail operator by French systems manufacturer
- Claim by US listed company against North African distributors
- Claim against French machinery manufacturer by UK companies and finance houses
- Dispute between a household name food producer and a distributor
- Several local authority waste disposal contract disputes
- Dispute over property development rights
- Termination of franchise arrangements
- Claim against national newspaper regarding confidential information

Commercial fraud

- 9-party £2million commercial fraud case
- £60million international banking fraud claim (4 party)
- US\$53million international fraud claim
- Multi-party and two-party UK fraud claims
- Multi-national asset-tracing claims

Company/shareholders

- Numerous shareholders actions (both two party and multi-party) including:
 - share valuations
 - share option agreements
 - minority shareholder (S. 459) actions (two- and multi-party), up to £40million in value
 - "misleading prospectus" claims (including a 6-party claim)
- Numerous breach of acquisition warranty claims:
 - involving listed companies
 - UK, French, Canadian, and others
 - two- and multi-party
 - ranging up to £32million in value
- Credit-trading disputed equity stake claim
- Disputed shareholder rights following take-over
- Break-up of family business disputes

Construction and Engineering

- Various claims relating to delays, defective design issues, engineering machine manufacture, construction of plant, etc
- Dispute over design and operation of high-tech defence equipment

Defamation

- Various defamation actions against media companies

Employment

- Senior executive employment disputes (usually coupled with disputed share options/ valuations disputes, bonus disputes, S. 459 petitions, restrictive covenants, etc)
- Unfair and wrongful dismissals including as part of larger claim e.g. as one component of a shareholders' action, and as part of claims relating to the transfer of businesses including TUPE elements
- Discrimination covering race, sex and age claims
- TUPE issues relating to insolvency actions both in employment based and insolvency based mediations

Insolvency

- Claims by and against liquidators /receivers and companies in liquidation/receivership former directors, and others

IT

- £12million claim by listed oil company against its IT suppliers
- Claim by local authority in respect of automated traffic control system
- IT contract management disputes
- IT license claim
- Numerous other IT-related claims

Insurance/reinsurance (see also Professional Negligence and Personal Injury below)

- £40million international re-insurance fraud dispute (4 party)
- Division of liability amongst insurers dispute
- Various reinsurance disputes
- Railway disaster claims

Intellectual Property

- World-wide trademark dispute between two household name companies
- Film copyright dispute
- Passing off action between household name retailer and branded food manufacturer
- Design rights dispute between designer and household name transport manufacturer
- Numerous other passing-off, trademark, copyright, design rights and other IP claims

Local and National Government

- Dame Shirley Porter and Westminster City Council
- Several disputes regarding waste disposal contracts with local authorities

Medical negligence

- The largest single medical negligence claim in UK history
- Various obstetric claims
- Plastic surgery claim

Partnership

- Removal of law firm partner
- Break-up of law partnership
- Break-up of interior design partnership

Pensions

- Numerous disputes concerning inappropriate administration and use of pension funds, fraud, etc, against former trustees and professional advisers – (including 3, 5 and 6 party disputes)

Personal Injury

- Allocation of liability between defendants for mass tort claims (c. 30,000 claims)
- Employers liability claims (eg. factory accidents)
- Diving accident claim

Product Liability

- Class action against a pharmaceutical company
- Claim concerning alleged contamination of food products

Professional Negligence

Numerous claims (both two- and multi-party) against:

- Solicitors (relating to "loss of chance" claims, property transactions, vicarious liability, acquisition transactions, etc), Accountants, Insolvency practitioners, Company directors

Property

- A broad range of property-related disputes, including those involving development and planning issues, occupancy, dilapidations, etc

Regulatory

- Financial services regulatory disputes

Shipping

- Multi-million pound luxury yacht dispute
- Shipping re-insurance claims

Sport

- Dispute between motor racing driver and his sponsors
- Directors and shareholders dispute in ocean racing enterprise
- Long-running multi-party dispute over board and shareholder control of a Brighton and Hove Albion Football Club (multi-party)
- Dispute between directors of football club (multi-party)
- Dispute between rugby clubs and national authority
- Dispute between football club and sacked manager
- Dispute concerning image rights of a premier league footballer
- Dispute between motor racing champion and racetrack company

Direct feedback from clients

"[Our clients – a major corporation] were very impressed and believe me [they] are very hard to please! They commented on a number of occasions just how good they thought you were"

Solicitor, multi-million pound international defence contract dispute

"Your tenacity was much appreciated and was a major contributor to us resolving the matter"

(Solicitor, shareholders action)

"I am in no doubt that your input, ideas and energy helped to keep the parties talking throughout a difficult and challenging day (and evening, and night!). We will certainly look for an opportunity to work with you again as a mediator" **(Solicitor, world-wide trademark infringement dispute)**

"[Our client] is very pleased to have settled the claim and most impressed with your help in achieving that"

(Solicitor, professional negligence/banking claim)

"I do not believe that the settlement would have been achieved without your skilful, persistent and patient intervention" **(Solicitor, 6 party pensions dispute)**

"Thank you for all your efforts in bringing this matter to a satisfactory conclusion from both sides point of view. It was something of an unusual case which, without your skill and judgment, had the potential to go horribly wrong...my clients have specifically asked me to thank you" **(Solicitor, international banking claim)**

"I left [the mediation] admiring both your skill and fortitude" **(Counsel, Share option dispute)**

"Thank you for your skilful handling of the mediation and for your success in guiding the parties to an entente cordiale" **(Paris-based lawyer, international multi-million pound IT dispute)**

Other dispute resolution experience

- Founder and Chairman of Inter-Governmental Mediation Forum for 20 Central and Eastern European Governments
- Has advised UK Government (HM Treasury, Department of Health, and other government departments) and numerous leading insurance companies, banks, trade associations and law firms, on their use of ADR
- Represented UK government at the United Nations (UNCITRAL) negotiations regarding the terms of an international model law of International Commercial Conciliation.
- Mediation Advisor to Government of Russia
- Mediation Advisor to Government of Ukraine
- Mediation Advisor to Government of Slovakia
- Mediation Advisor to Government of Romania
- Mediation Advisor to Government of Bulgaria
- Mediation Adviser to Government of Turkey
- Advised the Financial Services Authority on, and designed and implemented, the FSA's new mediation scheme for enforcement cases (the first use of mediation by a UK regulator)
- One of the first mediators in the NHS pilot clinical mediation scheme
- Mediator under court-annexed schemes for Commercial Court, Court of Appeal and Central London County Court
- Mediated internationally at request of Archbishop of Canterbury
- In 2016 awarded The Hubert Walter Award for Reconciliation and Interfaith Cooperation by the Archbishop of Canterbury for services to reconciliation.

Professional memberships

- Distinguished Fellow of International Academy of Mediators
- PIM Senior Mediator
- Panel Mediator for Singapore International Mediation Centre
- CEDR Solve mediator
- Mediator for CMAP (Centre de Mediation et d'Arbitrage de Paris), and speaks French
- ICC Mediator and Member of ICC's ADR Commission
- Court of Appeal Panel Mediator
- International Panel Mediator CPR Institute for Dispute Resolution
- International Mediation Institute Certified Mediator
- Member of IMI's Independent Standards Commission
- Law Society
- Advisory Board Member, UK All-Party Parliamentary Group on Conflict Issues
- Adjunct Professor, Hong Kong Shue Yan University
- CMC Registered Mediator

Professional background

Before becoming a mediator, Bill practised as a solicitor in the UK and Paris, handling international and domestic corporate and commercial matters (acquisitions and disposals, flotations, partnerships, commercial agreements, joint ventures, agency and distribution arrangements, insolvency, etc.).

He was for 11 years (until February 2002) Executive Director of CEDR. He has also worked with some of the major ADR organisations in Australia, Hong Kong, Singapore, Netherlands, France, Austria, Russia, Slovakia, Romania, Bulgaria and Canada.

He is the founder and director of **Conflict Management International**, a leading private consulting firm advising governments and businesses on the effective handling and resolution of conflicts and disputes.

Training/talks/books/articles

As a leading mediation trainer, Bill has trained literally thousands of lawyers, judges, business people and other professionals as mediators and in the skills of using mediation effectively for their own disputes. He has trained throughout Western and Eastern Europe, Russia, US, Africa, and Asia. He also conducts extensive training in-house for law firms, insurance companies and others. He co-authored *The ADR Practice Guide – Commercial Dispute Resolution* (Butterworths, 1995 and 2000), and contributed two chapters to *Mediators on Mediation* (Sweet & Maxwell, 2005), as well as numerous articles, and lectures widely on the subject around the world.

Editor Kluwer Mediation Blog, and regular contributor.

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