

ThirtyNine  
ESSEX STREET

mediation



## The Team

Members of chambers include CEDR and other accredited mediators and act as arbitrators and expert assessors. They can offer arbitration, mediation and ADR in the form of early neutral evaluation, as required.

Chambers possess a diverse client base which includes public and private companies, government departments and agencies, utilities, NGOs, insurance companies, professional indemnity insurers, local authorities, trade unions, educational bodies, health authorities and trusts, interest groups and individual litigants. There is also direct access work from recognised bodies and overseas lawyers.

Members are active as trained mediators in both the private and public sectors. In the private sector, their experience includes employment, commercial and construction mediations. In the public sector, chambers has been extensively involved in training the treasury solicitors in mediation skills, educating central government as to the utility of mediation and guiding various departments through the mediation process and mediating disputes involving government departments. At the local government level, chambers has been involved in similar initiatives as well as formulating with CEDR the best means for resolving local government disputes.

Members of chambers come from a wide range of backgrounds, including city law firms, local government, academia, architecture and parliamentary advisors

*“phenomenal strength, depth and breadth”*

Chambers & Partners 2008



## Areas of Work

As specialists, members of chambers are well placed and qualified to undertake the role of mediator in a wide variety of disputes. Each of our team has a professional qualification as a mediator and can confidently perform in the following areas of expertise:

- International Practice, including disputes in Australia, Belize, Bermuda, Cayman, Dubai, Gibraltar, Hong Kong, Malaysia, Singapore, the Caribbean and the USA
- Civil and commercial work
- Construction disputes
- Clinical negligence and Personal Injury
- Costs
- Employment
- Environmental and Planning
- Professional Liability
- Property including Landlord and Tenant Act disputes
- Judicial Review, Public Law, and tortious claims of a public nature
- Community Care
- Education
- Housing
- Local authority disputes
- Regulatory practice
- Sport

## Service Provided

We set out the choices clearly in a standard letter of introduction and in mediation agreements to which all parties must commit before the mediation will begin. Essentially, the choice is between neutral mediation (where the mediator will not express any view on the respective merits of any case or argument put forward by the parties) and evaluative mediation where the mediator will, if asked, give an honest opinion as to whether a particular point is good, bad or indifferent. We are happy to discuss which process might be best suited to a particular case.

*“extremely professional outfit, with strong practitioners who offer a good service”*

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## Areas of Speciality

### Arbitration

Several members of chambers are qualified arbitrators and they regularly take appointments to sit in domestic and international arbitrations. In international arbitration work, members appear (both as counsel and as arbitrators) under AAA, ICC, ICDR, UNCITRAL, LCIA, Geneva Chamber of Commerce, WIPO, DIAC, CIETAC and other international arbitration rules.

### Administrative and Public Law

Chambers has been extensively involved in training the Treasury solicitors in mediation skills, educating central government as to the utility of mediation and guiding various departments through the mediation process. Any dispute can be handled by a chambers mediator, whether it concerns health and community care, discrimination, European law, human rights or parliamentary and public affairs.

Members have appeared as counsel and as mediator in health and social care disputes and also in judicial review such as between County Councils and their Adult Social Services regulator; with regard to tortious claims against public bodies including false imprisonment and misfeasance, and between local authority social services and service users.

### Commercial, construction and engineering

We have a skilled team with substantial experience in this field and this experience includes all forms of ADR. We can respond quickly and comprehensively to parties' requirements.

Particular expertise relates to Dispute Boards, membership of Resolex Construction Mediators Panel, and the International Mediation Institute Panel. Recent mediations have included the mediation of a construction dispute in relation to a Caribbean airport, a large construction project in Belfast, and the contamination of Hong Kong airport.

As adjudicators, members are qualified adjudicators and participate in TCC adjudication related court cases.

### Costs

Every area and level of work in costs litigation is catered for. Chambers has developed considerable depth in costs disputes and members' expertise in mediated costs disputes is unrivalled.

### Clinical negligence and personal injury

Disputes of every nature, for example complex accident cases involving brain and birth injuries, road traffic, marine, equine accident disputes, some involving foreign law, employer's liability, assessment of damages both as lump sums and payable by way of periodical payments.



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## Employment and related contract disputes

In relation to employment, the resolution of a company law dispute concerning bonus and valuation of a shareholding, mediating a contract dispute between a FIFA football agent and premiership player over commission for contract renegotiation and transfer fees, and in relation to the sale and purchase of a FIFA football agency business, with disputes as to title, undisclosed commission and legal professional negligence.

## International law disputes including banking

Mediation of claims of all descriptions including the mediation of an international banking claim for \$240 million including damages for fraud, and franchise claims for breach of intellectual property rights, conducted partly in Japanese as well as English; mediation of a dispute over a business plan involving a telecoms joint venture; mediation of a dispute between the Hong Kong Government and 20 oil companies over the contamination of the Hong Kong airport.

## Professional liability

Our approach is to ensure that the barrister has an established knowledge and experience of the relevant substantive area of law. The breadth of our substantive areas of expertise permits our clerking team to find the right barrister for the type of mediated dispute in question.

## Insurance disputes

All members of our mediation team have tried and tested experience in insurance work, including coverage and avoidance issues and agency law. The experience covers the full range of general and long term insurance including employer's liability, public liability, professional indemnity, commercial risks, contractor's risk and marine.

## Environmental and planning

Members of chambers include accredited CEDR mediators in planning and environmental disputes. They specialise in expert determination of environmental indemnity claims as well as advising on mediation of major indemnity claims. Members of chambers also act as arbitrators in disputes concerning waste deposit contracts.

## Property disputes

Thirty Nine Essex Street has been involved with mediations in relation to Landlord and Tenant Act 1954, also mediations relating to property demarcation, construction and subsidence involving multi-parties.

## Sport

Members of chambers are appointed as arbitrators and mediators in sports liability disputes either ad hoc or by institutions, including Sport Resolutions UK, The Football Association, The Premier League and The Football League.



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## Training and Facilities

### Continuing Education

Thirty Nine Essex Street is accredited by the Law Society as a course provider. Members of Chambers, at every level, frequently give seminars and hold workshops in Chambers or at clients' offices as part of their continuing education programme.

### Facilities and Disabled Access

Chambers offers first class accommodation for conferences, mediations and settlement meetings, with full disabled access.

## Chambers

The members of Thirty Nine Essex Street possess a wide range of expertise, both as advocates and advisers. Our diverse client base includes public and private companies, government departments and agencies, utilities, NGOs, insurance companies, professional indemnity insurers, local authorities, trade unions, educational bodies, health authorities and trusts, and individual litigants. Members also undertake pro bono work and act for public interest organizations. Instructions are accepted through direct professional access from recognised organizations and overseas lawyers.

For more information please contact

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*“premier division”*

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We are committed to upholding the Bar Councils Equal Opportunities Policy, with regard to service provision and apply its principles rigorously to the recruitment of members, pupils and staff.