



## Phillip Howell- Richardson Commercial Mediator



**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.**

### Contact details

#### Independent Mediators

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### Professional background

Phillip is one of the UK's most experienced and widely respected mediators. He has over 19 years experience of mediating the most complex cases in the UK and internationally.

Phillip became a full time independent mediator in 2005. At the same time he became a consultant in ADR with SJ Berwin LLP and subsequently the head of their ADR Unit. SJ Berwin LLP is a leading city law firm with a worldwide presence and a long standing reputation for leadership in mediation and ADR.

Prior to joining SJ Berwin LLP Phillip was a Partner in Morgan Cole, a firm with offices in London, Thames Valley and Wales. Phillip was a Partner for 23 years and he led their commercial litigation group for 12 years as well as serving as a member of Morgan Cole's main board.

Phillip qualified as a solicitor in 1975. Phillip 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, a visiting professor in mediation at the University of Hong Kong and an accredited mediator with the Hong Kong International Mediation Centre. He was one of the first European mediators to be invited to join the International Academy of Mediators as a Fellow and he is a mediation Fellow of the Chartered Institute of Arbitrators. He is a member of the Executive Advisory Committee of CPR, New York.

## Mediation experience

The whole range of commercial disputes have been mediated successfully. Claims mediated include: commercial contracts, finance and banking disputes, fraud, insurance disputes at all levels between insurers and with insured, international disputes, professional negligence claims, insolvency, engineering claims, property, intellectual property, employment, environment claims and group actions.

## Other dispute resolution experience

- Mediator member of Resolving Commercial Disputes, led by the Institute of Chartered Accountants.
- Mediator member of the World Intellectual Property Organisation.
- Member of CMAP, Paris.
- Member of the International Chamber of Commerce Mediation Panel.
- Member of Sport Resolution (UK) panel.
- Member of the London Court of International Arbitration.
- Fellow of the Institute of Professional Development, London.

## 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

### Chambers & Partners

Lawyers favour Howell-Richardson for his "*charm, sense of humour, intellect and patience.*" He adopts a much-lauded "*even-handed approach*" in large-scale mediations originating in sectors ranging from insurance and IT to construction and property, and boasts profound experience of professional negligence and inheritance issues. While most of his workload is domestic, he recently cast his net further afield, mediating in Paris (and in other countries). Interviewees detailing his myriad strengths reserve particular praise for his excellence as a communicator. His ability to imbue intellectual rigour with a "*warmth and humanity*" means that he sustains superb relations with all parties. He excels at "*reducing complex issues to bite-sized amounts.*"

### Legal 500

Phillip Howell-Richardson ranks among the few to be gaining an international following. Equally in demand in the regions as well as the City, he is rated as "*outstanding*", with his blend of "*charisma, dedication and enthusiasm*" widely noted. He "*balances being approachable with being authoritarian, doesn't talk down to parties*", and uses his personality to great effect in "*keeping dialogue alive*"

## 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.

### 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.

### 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.
- A claim by a community of 160 people for nuisance against a waste tip operator.

### 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 J-V 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, the 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.
- 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 in many millions.
- A commercial agency dispute mediated in Paris between an American Company and French Agents following termination of an agreement for supply of components to the Aerospace industry.

## 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.

### 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 through 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 and campaigning claimants' solicitors resulted in a mediation which reached a solution. A £3 million settlement resulted in payments for each claimant and a public statement of apology in the House of Commons. A mediation of high visibility and historic importance.
- A dispute between a Regulator and a Utility Provider over the expansion of the Regulator's powers.

### Client comments

*"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."*

### **Talks/books/articles**

Talks Phillip has given include:

- *"The Mediation Directive: What will it mean for us?"*, debate hosted by Phillip Howell-Richardson with guest speakers Sir Henry Brooke and Michel Kallipetis.
- *"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"*, mediation conference held at the Moscow District Arbitration Court by Phillip Howell-Richardson and other members of SJ Berwin.
- 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.
- 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".