



Russell Evans

CEDR Accredited Mediator

Overview

With over 25 years' experience as a solicitor, acting as Head of Litigation & Dispute Resolution and Head of Professional Indemnity & Risk as well as in-house counsel, Russell combines very strong legal skills with a pragmatic commercial approach to risk management and negotiation.

Russell is Head of Resolve UK a national and international mediation and arbitration panel and has worked with the Judiciary on the implementation of mediation schemes. He is a member of the Civil Mediation Council and Chartered Institute of Arbitrators and has been a member of the elite CEDR Solve mediation panel. Russell has worked with such luminaries as Michel Kallipetis QC, Karl Mackie CBE, Andrew Paton and David Richbell. He has judged the Finals of the 2012, 2013 and 2014 UK Mediation Competitions as well as the Finals of the Worshipful Company of Arbitrators 2014 and 2016 mediation competitions. He has also judged the Finals of the 2013 International Arbitration Competition and 2015 INADR International Mediation Competition. Russell sits on the Executive Committee of the Hampshire Incorporated Law Society and is Chairman of its Litigation and Dispute Resolution Committee. Russell is also a course assessor at Southampton University.

Russell has a passion for mediation and the revolutionary dynamic that this brings to the dispute resolution process. He has conducted mediations for many regional and national practices including the largest law firm in the world.

Professional Background

Russell has worked at Ashurst Solicitors (City of London) as well as Paris Smith and Eric Robinson Solicitors (Southampton).

He has acted on behalf of FTSE 100 Companies, High Net Worth Individuals/Times Rich List, Sports Stars & Celebrities in the UK, Europe, Far East & Americas as well as the ordinary man on the street and the disadvantaged. Russell has also acted on behalf of International Prize

Winning Scientists, Diplomats, the Law Society and International Banks and has experience of dealing with a wide diversity of cultures.

He has been appointed by the Football League to determine Sports Disputes. He has also acted on behalf of Premiership and England Football Players, Football Clubs and Club owners as well as Olympic participants and referees. His appointments include acting as Chairman of the Football Disciplinary Commission. He is also an Arbitrator & Mediator with Sport Resolutions a London 2012 Olympics partner.

Russell has chaired Audit Committees and a number of Grievance and Disciplinary Panels. He is a former advisor to Employment Tribunal Chairmen. He has also acted as an Adjudicator determining property disputes and dilapidations claims.

Russell is an active member of the approved panel of mediators for the London Courts Mediation Scheme and has participated as duty mediator at the Central London County Court. Russell has extensive experience of commercial disputes and professional negligence claims across a variety of professional disciplines as well as property and commercial insurance claims. He also has extensive experience of contentious probate claims including claims for undue influence, proprietary estoppel, breach of trust, fraud, lack of capacity and claims under the Inheritance Act.

Mediation Experience

- Aviation
- Business to Business
- Commercial Contracts
- Contentious Probate
- Dilapidations
- Directors Liability
- Employment
- HMRC & Tax
- Insolvency
- Insurance
- Intellectual Property
- Landlord & Tenant
- Partnership
- Passing Off
- Personal Injury
- Professional Negligence
- Property
- Restrictive Covenants
- Shareholder
- Sports
- Trusts

Style

Russell is astute, perceptive and proactive with a warm embracing approach aimed at taking all parties on board. He is also sensitive to case dynamics and politics. Russell is prepared though to challenge assumptions, to provoke thought and think outside the box with a view to focusing on resolution.

Feedback

Russell has been described as 'outstanding' in his mediation work and praised for his 'excellent impact' lateral thinking and attention to detail. Indeed in several recent mediations he has been awarded ten out of ten for preparation, communication, input, effectiveness and mediation ability. He has also been praised for his 'patience and sensitivity' for being attentive, well prepared, relaxed and creative as well as for developing a good rapport between parties. Both clients and professionals alike have indicated that they would have no hesitation in appointing Russell again.

'I was delighted that we used Mr. Evans for our mediator. He made everyone feel at ease and it was not difficult to interact with him. At times, the mediation process was very difficult but he was generally calm and unflustered. He dealt with the most difficult situations very diplomatically and professionally. The Middle East Peace Talks could do with his diplomacy.'

EC MBE

'Russell was perfect at his job. A sophisticated communicator - able to listen and hear and to know when to speak. He was very discreet. I hope never to be in such a tormented situation again, but will readily recommend Russell to others. I thank him from the bottom of my heart.'

Dr KO

'Russell removed a lot of the stress that had been upon my shoulders for nearly three years. This would not be possible without the amazing work that Russell did. He was not afraid to ask the difficult questions and listened to the answers. Would I recommend him to anyone? The answer is a resounding YES. I am so glad I found him. There is no better person to have handled our case.'

KG

'I was very happy with the Mediation process. Russell Evans acted in a professional manner throughout and used a wealth of knowledge and experience to inform us. He was very easy to talk to and an excellent listener. A difficult family dispute that seemed impossible was resolved with a satisfactory conclusion in a matter of hours. I was very grateful that Russell conducted the Mediation with authority, wit and wisdom. I would not hesitate to recommend this service.'

JM

'The dispute was complicated. There was a great deal of animosity between the parties and I have to say that I had little hope that an agreement would be reached at mediation. There is no doubt in my mind that had Mr Evans not been as experienced as he was and had he not handled the mediation in a professional way no settlement would have been reached. I was impressed with his ability, communication skills and performance as a mediator. I would have no hesitation in recommending to future clients that they use his service as a mediator.'

MA Sol

‘Russell Evans was perhaps a little more hands on than other mediators I’ve used before, which was refreshing and appreciated. Russell adopted a pro-active approach to facilitating dispute resolution, which assisted greatly in this particular case. Russell was also down-to-earth and friendly, and did an excellent job of helping the parties feel at ease. I would certainly use Russell again and recommend his services to others.’ **PF Sol**

‘A tough mediator with excellent commercial and costs awareness. I would not hesitate to recommend Russell. Amongst the best I have used.’ **SL Sol**

Professional Experience

Russell has extensive commercial litigation, arbitration and mediation experience and expertise inter alia across the following practice areas:

Commercial Contracts, Professional Negligence, Insurance, Sport, Company Director Shareholder and Partnership disputes, Restrictive Covenants, Passing Off, Professional & OFT Regulation, Employment, Trusts of Land, Contentious Probate, Commercial Property, Dilapidations, Landlord & Tenant, Directors Liability, Insolvency and HMRC Investigations.

His reported cases include leading authorities on Directors Duties & Confidence - *Brooks v Olyslager OMS* (CA 1998), Capital Gains Tax - *Goodwin v Curtis* (CA 1998) and Professional Regulation and Advertising – *A Solicitor v The Law Society of Hong Kong & Secretary for Justice* (CFA HK 2003)

Russell also acted in one of the first appeals to the First Tier (Estate Agents) Tribunal in a case concerning professional conduct and fitness to practice *OFT v Wren* (2009) and has acted in a number of cases concerning freezing injunctions, fraud and public interest immunity – *Costain Ltd v Wilson* (2007), *RBS Invoice Finance Ltd v Karia* (2008) and *R v Wilson* (CA 2011) as well as cases concerning directors liability *Barks v Instant Access Properties Ltd & Others* (on-going) and cases before the Financial Services Authority.

Russell has conducted more than 300 professional negligence claims across a variety of professional disciplines including claims against solicitors, accountants, surveyors, valuers, engineers and insurance brokers.

Other cases in which Russell has participated include:

- Passing off actions between international companies and brands
- Claims involving international motor manufacturers and design defects
- Claims in relation to insurance coverage arising out of fires at warehouse premises of a national company

- Claims between international companies alleging breach of copyright and passing off
- Claims between national banks and companies in relation to breach of factoring agreements
- Claims arising out of sale of companies including breach of warranty, covenant, misrepresentation and fraud
- Restrictive covenant claims between companies and former directors in relation to competition
- Claims in relation to franchise agreements, alleging mis-representation of financial history and projections and breach of service agreements
- Claims between partners, company directors and shareholders alleging breach of duty, mis-appropriation of business and assets
- International property fraud
- Domain name disputes
- Probate actions including multimillion pound claims under the Inheritance Act 1975, claims in relation to undue influence, fraud, lack of capacity and mutual wills
- Claims for undue influence and breach of trust in relation to property transactions
- Boundary and right of way disputes as well as adverse possession claims
- Dilapidations claims in relation to office and industrial premises
- Property insurance claims including fire, flood, water ingress and theft and issues as to disclosure, validity, good faith, breach of covenant, loss and under insurance.
- High value personal injury actions including claims against MOD
- HMRC investigations and Insolvency

Russell has been praised for his attention to detail and lateral thinking in highly complex cases. Indeed he has acted in cases with more than 45 Parties. He has also acted in numerous highly emotive contentious probate disputes.

Russell has chaired grievance and disciplinary panels both in house and externally in organisations with more than 10,000 members. This has involved conducting hearings and receiving submissions not only from counsel but trade union representatives.

Russell also chaired an Audit Committee for many years which oversaw a £32 million pound development project.

Russell has been involved in the management, production and staging of theatrical, artistic and musical productions. In his spare time Russell enjoys and teaches Argentinean Tango dancing.

Recent Mediation

Russell has a creative and dynamic approach to mediation and has successfully acted inter alia in mediations between airlines, property and legal professionals, insurance companies, estates and beneficiaries, companies, directors and shareholders as well as television and radio personalities. Russell has conducted mediations for the family of a Law Lord, a former Law Society President, FTSE companies and county councils. He has successfully mediated claims involving more than 200 parties and resolved disputes valued from £10thousand to £10million.

Recent cases have included:

- Breach of bilateral commercial agreement between international airlines
- Professional Negligence claim against valuer in relation to prestigious riverside city property
- Breach of warranty and covenant claim arising out of company merger including allegation of fraud
- Claim by company against directors for breach of restrictive covenants and competition
- Claim against engineer in relation to leading cutting edge architectural design appearing in national magazine
- Claim between solicitor and client alleging breach of retainer
- Multi million pound probate claim under the Inheritance Act 1975
- Claim for professional negligence against solicitor in relation to overage agreement
- Various property claims between Landlords & Tenants alleging breach of covenant as well as dilapidations
- Breach of covenant claim in relation to a market trader
- Contentious probate claim between brother and sister alleging undue influence
- Multi million pound company shareholder unfair prejudice claim including issues as to valuation and cross claims as to competition
- Chancery claim in relation to a share purchase agreement arising out of company takeover including allegations of financial misrepresentation and cross claims in relation to a service agreement and debenture
- Dilapidations claim in relation to prestigious Georgian property
- Contentious probate claim in Chancery Court involving 6 parties
- Employment claim involving international company
- Contentious probate claim involving shipping magnate

- Construction contract dispute including issues as to time of performance and fundamental breach of contract
- Professional negligence claim involving loss of a chance
- Intellectual property, e-commerce and passing off claim involving Amazon and Ebay
- Judicial Review of County Council's Policy on care home fees
- Negligent Misstatement (Spring v Guardian)
- Professional negligence claim involving accountants, 5 companies, director and HMRC investigation
- Insurer business liability
- Dispute re takeover of professional surveying practice
- 3 claims in 1. Professional negligence case concerning conduct of previous professional negligence case in relation to a prior action
- 8 party contentious probate including allegation of undue influence
- Contentious probate involving a farm, development land and deed of variation
- Contentious probate involving issue as to knowledge and understanding and witness execution
- Boundary dispute involving landed estate and claim for adverse possession
- Construction Dispute re industrial infrastructure
- Contentious Property Trust including claim for undue influence
- Financial Settlement following breakdown of cohabitation
- Mortgage Dispute
- Dispute involving TV and Radio personality
- Financial Director, Whistleblowing & Breach of Duty
- Professional Negligence
- Insurance Coverage & Liability
- Shipping Dispute
- Building Dispute
- £7m dispute re Bank & Receivership
- Contentious Probate including Breach of Trust claim
- Contentious Probate including claim for proprietary estoppel

Contact

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