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| CEDR Accreditation: | 2009 |
| CEDR Panel Member Since: | 2011 |
| CEDR Adjudicator: | 2011 |
| Languages: | English |
| Location: | United Kingdom |

Russell Evans

Overview

With over 20 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 not only a CEDR Solve Mediator but a CEDR Adjudicator and a member of the Civil Mediation Council and Chartered Institute of Arbitrators. He 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.

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 also chaired Audit Committees and a number of Grievance and Disciplinary Panels.

Russell is an active member of the approved panel of mediators for the London Courts Mediation Scheme.

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

Prior to joining the CEDR Panel in 2011 Russell was described as 'outstanding' in his mediation work and praised for his 'excellent impact' lateral thinking and attention to detail. Indeed in a recent mediation he was also awarded top marks for preparation, communication, input, effectiveness and mediation ability. He has been praised 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.

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 recently 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, 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 alleging mis-appropriation of assets and business
- 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
- Dilapidations claims in relation to office and industrial premises
- 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.

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.

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.

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

Contact

E-mail: resolveuk@yahoo.co.uk

Mob: 07411 076639

Web: www.resolveuk.co.uk