



CEDR Accreditation:	1998
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*“The reason we like him is his ability to remain cool and calm, his ability to take the sting out of a dispute.”*

Mediation Feedback

## Duncan Campbell

### Overview

Duncan Campbell is a commercial lawyer and until recently was the Legal Adviser at the CBI (Confederation of British Industry) and a founding member of the CEDR Chambers practice group of mediators. He has many years' experience of dispute resolution in industry both as in-house counsel and as a mediator of high-value UK and international projects in the public and private sectors. Duncan is a member of the Court of Appeal Mediator Panel and the Law Works mediators' panel for pro-bono mediations.

### Professional Background

Duncan was formerly a consultant Legal Adviser at the CBI where he has worked for over ten years. He was previously General Counsel of IBM UK, and a member of the management board, for a decade where he was responsible for managing High Court litigation and settling legal disputes. His work included multi-party court actions, Employment Tribunals and major contract negotiations. During his assignments in Paris for IBM Europe Duncan was EMEA counsel for all the industry sectors and for IBM's software business. Duncan can also call on his construction industry experience having worked as a civil engineer with Costain, and from two years' experience of IPR licensing of system building in the Republic of Ireland.

### Expertise

- Banking & Finance
- Commercial Contract
- Construction & Engineering
- Employment & Workplace
- Energy & Natural Resource
- ICT
- Insolvency
- Intellectual Property
- Media & Entertainment
- Partnership & Shareholder
- Professional Negligence
- Property
- Public Sector
- Sale of Goods & Services
- Trusts, Wills & Probate

## Dispute Experience

*(Non-neutral work in italics)*

### Banking & Finance

- Disputed claim by a liquidator for the recovery of funds allegedly transferred as pension contributions.
- Settlement of dispute between two European companies and a Member State arising out of EU pre-accession funding for a financial system and restoration of on-going business.
- Mediating high-value dispute arising from interruption of a clearing bank's payment system.
- Resolution of claims following failed installation of back-office system for wealth manager.
- Settling revised licence terms for database software for a financial services company.
- Chairing hearings of issues under the Pensions Act as a Former Board Member of the Occupational Pensions Regulatory Authority and a Member of the Determinations Panel of the Pensions Regulator.
- Independent chair of the Lending Standards Board Adjudications Committee.

### Commercial Contracts

*"In terms of relationship preservation this was extremely successful."* - Client Feedback

- Settlement of litigation involving claims for breaches of fiduciary duty and employment contracts and the return of secret profits.
- Unfair competition disputes.

### Construction & Engineering

- Resolution of claims from machine failure in the process industry.
- Settlement of a multi-party dispute over the introduction of ID cards in the construction industry.
- Claims arising from the theft of construction equipment.
- Settlement of claims following failed installation of robotic welding system.

## Employment & Workplace

- Dispute over contract termination following alleged lack of control of stock in village Post Office.
- Employment Tribunal litigation and settlement of executive employment cases.
- Resolution of an alleged harassment case brought against a senior manager in a large UK company by a female employee.

**Energy & Natural Resources:** Mediating global settlement of multi-country litigation arising from mining rights in Eastern Europe.

## ICT – Information, Communication & Technology

*“He knew the business issues and their client could associate with him well. His industry experience was a real bonus.”* - Client Feedback

*“We chose him because of his technology background. He was in-house at IBM and so we thought that he would be able to understand the issues here.”* - Client Feedback

- Dispute over licence fees due for world-wide use of expert systems software by a global telecoms systems provider.
- Resolution of high-value dispute following acquisition by a French public company of the business and IT assets of a UK plc.
- Mediation in Germany of cross-claims of \$20m between a German public company and a sub-contractor following termination of global supply contract.
- Resolution of claims for £2m from company in media industry against their ICT supplier for failure of custom built software and counter-claim for wrongful termination.
- Dispute over installation of logistics software at a major plc. and claims arising of £10m+.
- A long-running dispute over alleged breaches of a services contract for the installation of Enterprise Resource Planning software and the settlement of cross-claims of £2m+.
- Resolution of claims of £100K following rejected installation of data collection software for a professional services firm.
- Settlement of cross-claims totalling £2.7m following a major installation of Enterprise Resource Planning software with a multinational company.

- Co-mediating a settlement of litigation between a public sector agency and four defendants, arising out of a failed IT installation.
- A dispute involving the performance of wireless cards in hand-held PC's from a major multinational supplier.
- The termination of an IT outsourcing contract and related joint-venture between a US multinational and a UK plc., and resolution of cross-claims of £30m+.
- Settlement of litigation following termination of a project for IT systems conversion and resolution of cross-claims of £3M+.
- Disputed installation of networked PC's and associated claims from a research institute.
- A dispute over the late delivery of four European web-sites and associated claims of £500K+ for lost business.
- Executive negotiation of major IT systems contracts; settlement of £20m+ multi-party litigation from public sector outsourcing; multi-party negotiations to recover substantial funds in offshore fraud case.
- Dispute over termination of IT services provided to support outsourcing contracts for two global companies and resulting claims from the sub-contractor.
- Dispute between a technology consultant company and a wealth management company over the installation of back-office software and related services.

### Insolvency

- Resolution of claims following the receivership of a steel stockholding company.
- Dispute over whether a substantial sum was a loan or a gift absent an agreement.

### Intellectual Property

- Dispute between a large multinational and an ICT consultancy for alleged unauthorised copying of their proprietary software.
- A sales director in an ICT company moved to a competitor and made use of confidential customer data held on his previous employer's database. An injunction was granted and the claim subsequently was settled in mediation.
- Dispute involving IP rights held by off-shore company for a new search-engine.
- Ownership of IPR in new ventures.

- Breaches of fiduciary duty.
- Copyright infringement disputes.
- Unfair competition claims.

### Media & Entertainment

- Dispute over advertising for personal air transport aimed at media stars.
- Settlement of litigation between author and an international publisher.
- Mediating dispute over failed delivery of new system for international talent agency.

### Partnership & Shareholder

*“He was very good at identifying personalities. There were a number of difficult characters at the mediation. He recognised this. It could have been potentially explosive to put certain individuals together but he got the right personalities together.”* – Client Feedback

- Dispute over withheld completion payment for share transfer following alleged misappropriation of company funds.
- Settlement of claims between Iraqi and Sri Lankan shareholders arising from a founders' agreement for a website development company.
- Disputes between a number of partners/shareholders and their companies operating in the mining industry. Claims related to loss of income related to regime change in a State in Eastern Europe.
- Resolution of claims & cross-claims between two publicly quoted recruitment companies following the transfer of high-value consultants.
- Breach of restrictive covenant dispute between a Sales Director and his former employers over allegations of using confidential information to make prohibited business proposals to clients.
- Shareholder dispute arising out of a web-site development business.

**Professional Negligence:** Claim for breach of duty by solicitor for alleged failure to properly identify his client resulting in a fraud against a third party who lost £200,000.

**Property:** A dispute over the use of amenities in a Docklands development.

### Public Sector

- Mediating the re-negotiation of the terms of a loan agreement providing working capital to a not-for-profit organisation which provides services to several local authorities that had been downsized following Government's austerity measures.
- Settlement of litigation following rejection of a major software application for a central Government department.
- A student seeking to be re-qualified as a health worker failed his university course and after unsuccessful appeals started a legal action alleging breaches of the university regulations and human rights.
- An immigrant from East Africa started legal proceedings against a Police Authority alleging harassment and abuse of human rights after being stopped in his car more than 30 times.
- Dispute between private companies and local authorities in relation the provision of professional services.
- EU funding dispute in relation to a new Member State.

### Sale of Goods & Services

- Dispute between a German supplier of ERP software and services and a Belgian NGO customer.
- Resolution of claims of \$6.5m + between a European supplier and a global bank, following the termination of a major banking application for world-wide roll-out.
- Settlement of cross-claims arising from operation of customised package software supplied by US company for a UK wealth manager.
- Dispute between sub-contractor and prime contractor over entitlement to performance fees in an outsourcing contract with local government.
- Dispute over development contract for mobile app for secure on-line processing of credit card payments.

### Trust, Wills & Probate

- A man with mental health disabilities sought to remain in the family home following the death of his mother. The house was the main asset of the mother's estate which was to be

split between the three siblings. The brother and sister wished to sell the house to realise their share.

### Personal Style

Duncan's calm, patient approach creates confidence and a constructive atmosphere for the parties to find solutions. Clients have praised Duncan for his ability to prevent highly emotional situations de-railing the opportunity to reach a consensus.

### Feedback

- *"... it has not been an easy road and I am not sure we would have got here without your assistance, particularly through the period immediately following the mediation. Thank you very much for all your assistance."*
- *"In our opinion few mediators could have related as well as Duncan did to the claimants. He managed to gain their respect and cut through the emotion to urge them to concentrate on the real business/commercial issues. It was a very long day with lots of problems, but Duncan guided them all smoothly through the day."*
- *"The day went really well and Duncan handled it extremely well."*
- *"There was a real potential for flare ups between the parties but he managed to diffuse this excellently and worked very hard to get the settlement between the parties."*
- *"Good in terms of his ability to get parties to develop their thoughts."*
- *"He did an excellent job bringing the two sides together from very disparate positions. Through his calm demeanour he was able to keep the negotiations moving even during times when it appeared as though things had come to a halt."*
- *"He was always focused on getting the deal done which was exactly what they wanted."*
- *"He remained both patient and focussed over the full 19 hours of the process. He ensured a calm and reasonable atmosphere prevailed."*
- *"He was very good at gaining the confidence and trust of the parties."*
- *"Very subtle but 'firm' involvement. Handled the process very respectfully and professionally. In particular some unexpected events arose which were dealt with very sensitively and hence what could have turned into a difficult situation ended as a non-threatening incident."*
- *"Managed to bring the parties together when it looked as if a deal was unlikely."*

- *“Handled the other side well in terms of managing expectations. They had further to come in terms of getting a settlement. He was not too regimented. He let things happen organically.”*
- *“He facilitated the resolution effectively and helped the parties reach an amenable solution. He was great.”*
- *“His help post mediation was invaluable in getting the parties to settle.”*
- *“We didn’t reach a settlement on the day but a few days afterward and this was really prompted by the parting note Duncan left with the parties.”*
- *“What has impressed me is that Duncan has kept in touch with the parties after the mediation and has kept hammering at it and exploring possible options with us.”*

### Professional Skills

A solicitor and member of the Law Society, Duncan is also qualified as a barrister with experience in common law and intellectual property. He has an M.A. and LL.M degrees in Engineering and Law from Cambridge.

- Former board member of OPRA (Occupational Pensions Regulatory Authority) and chairman of the IT committee responsible for major system upgrades
- Chaired hearings of issues under the Pensions Acts as Member of the Determinations Panel of the Pensions Regulator
- Independent chair of the Adjudication Committee of the Lending Standards Board (formerly the Banking Code Standards Board)
- Qualified neutral of the ICC (International Chamber of Commerce)
- Member of the Scottish Mediation Network
- Former member of the Civil Justice Council
- Governor of the Royal Marsden Hospital