



CEDR Accreditation: 2005
CEDR Panel Admission: 2006
CEDR Chambers: 2012

Languages: English

Location: United Kingdom

"Tenacious and dedicated to the cause of settlement"

Client Feedback

Joe Shammah

Overview

Joe Shammah has been a practising mediator for nearly 15 years and has mediated close to 200 disputes. A practising lawyer for many years Joe uses his extensive experience to good effect in his mediation practice that covers a wide spectrum of commercial and corporate disputes throughout the United Kingdom. He is thorough, enthusiastic, calm, patient, flexible and well-prepared and looks to build rapport, is non-judgmental, resolute, tenacious and dedicated to the cause of helping to achieve settlement.

Professional Background

Joe's legal career spans 41 years as a Commercial Litigator. He qualified in 1975 and became a Partner in 1978. In 1980, he Co-Founded the Manchester law firm Shammah Nicholls where he was Senior Partner until 2007. During his legal career Joe specialized in commercial and corporate litigation and he also worked extensively on disputes related to matrimonial finance. Joe now focuses on his work as mediator. Joe is engaged in Lecturing and Training to Solicitors and Barristers involved in Mediation and a participant in Mediation Seminars and on-going development Training. He also works with CEDR in the delivery of seminars on mediation, raising the awareness of ADR nationally among law firms.

Expertise

- Banking & Finance
- Commercial Contracts
- Construction & Engineering
- Employment & Workplace
- Insurance
- Matrimonial Finance
- Partnership & Shareholder
- Personal Injury
- Professional Negligence
- Property
- Sale of Goods & Services
- Trusts, Wills & Probate

- Insolvency

Dispute Experience

Banking & Finance

- Claim by Bank for possession of land and counterclaim by owners alleging misrepresentation, undue influence and mistake.
- Claim for commissions arising from Contracts on brokerage sales of apartments on development.
- Claim by Accountants raising professional and financial issues against another Accountancy Practice.
- Claim arising from allegations of a shortfall in the funding of a Pension Scheme.
- Claim for mis-selling of Payment Protection Insurance (PPI) which had been dismissed before the County Court, but in relation to which Permission to Appeal to the Court of Appeal had been granted in relation to complex issues of law.
- Claim for mis-selling of Payment Protection Insurance (PPI) by the Defendant as broker on behalf of the claimants for the sum of £18,000.
- Claim by finance company for the balance of finance monies provided under a lease agreement, together with a claim for misrepresentation, defended on basis for non-delivery of underlying equipment/and or that the equipment was a subject to prior finance.

Commercial Contracts

- Dispute between Machinery Supplier and Factory Operator to apportion allocation of responsibility arising from a factory accident in which an operative had been injured and in relation to which liability was admitted.
- Claim by a Motor Repair Shop against an Insurer alleging breach of contract by the Insurer of guaranteed minimum throughput of vehicles to the motor repair shop and damages allegedly arising from the expansion of the motor repair shop on its capacity.
- Claim by an advertising Company against a Local Authority relating to obligations under a contract to enable advertisements to be placed upon the Local Authority's roundabouts and grass verges.
- Claim by Machinery Operators against Component Suppliers arising from the mechanical failure and subsequent loss of production together with a third party claim against the Component Supplier to the Component Manufacturer to indemnify any losses sustained.

- Claim for rejection of yacht/damages arising from allegations of a series of defaults and complaints.
- Claim by Dental Practice Conglomerate for fees and a Counterclaim by Specialist Dentist alleging breach of contract and misrepresentation.
- Claim for rejection of a motor-home arising from a series of defects and counterclaim by Finance House for payment under a hire purchase agreement.
- Claim by Medical Research Laboratory against a Supplier of fluids alleging that the fluids were defective and contaminated.
- Claim by storage company under invoices rendered, defended and subject to a counterclaim alleging loss of documentation.
- Claim by owner of Vintage Motor Vehicles arising from restoration work undertaken and claims for damages arising from the workmanship and issues surrounding the costs of work and invoices delivered.
- Claim by Finance Company for unpaid instalments and Hire Purchase Agreements incorporating issues on the condition in which vehicles were returned and the right of the Finance Company to enforce covenants relating to repair.

Construction & Engineering

- Claim for payment by Building Contractor and competing claim for damages for defective workmanship.
- Claim for payment by Subcontractor and competing claim alleging breach of contract and delay.
- Claim for payment in relation to building work undertaken and a Counterclaim in relation to allegations of repudiatory breach of contract and negligent workmanship.
- Claim for a balance of a building contract relating to variations to the contract and a Counterclaim in relation to alleged variations by omission.
- Claim by building Contractors against Quantity Surveyors alleging Professional Negligence arising from defective workmanship and miscalculation of quantities in a Hospital construction project.

Employment & Workplace

- Claim for loses sustained under a contract for services regarding performance of the contract and a counterclaim for consequent losses arising out of the termination of the contract.

- Claim by Employee alleging racial discrimination and victimisation.
- Claims by multiple Employees alleging unfair selection for Redundancy and Unfair Dismissal.
- Claim by Employee alleging entitlement to an insurance policy lump sum arising from a permanent disability.
- Claim by Employee alleging unfair dismissal arising from allegations of sexual harassment.
- Breach of contract of Employment and restrictive covenants by employee.
- Claim by Employee against Employer for his Contractual Termination Payment following his resignation from a Branch and Counterclaim by Employer for losses sustained at the Branch.
- Claim arising from a Contract for Services for monies allegedly due as a result of Breach of Contract and a Counterclaim for consequential losses.
- Claim under Contract for Services by Manager to recover sums deducted from remuneration pursuant to the Contract by Main Contractor.
- Claim by Self Employed Contractor for monies in dispute concerning repayment of alleged losses sustained in contractual relationship and responsibility for those losses.
- Claim for losses under contract including loss of earnings, goodwill, value of business and counterclaim for monies lost pursuant to the contract.
- Claim for losses arising out of an alleged breach of contract for services rendered and in circumstances where admissions of misconduct accepted by claimant.
- Claim for losses arising out of an alleged breach of contract for services rendered and in circumstances where Party resigned from Contract alleging breach by the other contracting Party.
- Claim by Franchisor for Damages following allegations of Breach of Contract by Franchisee leading to Termination of Franchise Agreement and Counterclaim for Damages by Franchisee.

Insolvency

- Claim by Trustee in Bankruptcy to realise assets and competing claims surrounding those assets.
- Claim for repayment of loans in a family dispute involving Insolvent Limited Companies and monies held pending determination of issues.
- Claim by Liquidator alleging Preference or a transaction at an under value arising from a series of transactions involving the repayment of loans made to a Director by a third party.
- Claim by Attorney under a Lasting Power of Attorney for the return of monies allegedly received on an allegation that the monies had been obtained by fraud/undue influence.

- Claim by metal recycling company against former employees/directors/associates relating to allegations of theft/fraud concerning metals and diesels owned by the Claimant including allegations of conversion.
- Claim by Liquidator against Directors of a Company for the recovery of monies paid out as dividends, expenses and otherwise on the basis that the company was unable to meet its obligations and the sums paid out were in consequence unlawful.

Insurance

- Claim by property owners against Insurers relating to indemnity, reinstatement, and loss of profit issues.
- Claim by insured against insurers arising from the interpretation of clauses under the contract of insurance.

Matrimonial Finance

- Claim in Matrimonial Finance Proceedings for transfer of property, variation of Settlements, and secured provision dealing with issues of contribution, valuation of assets and length of marriage.
- Claim for damages for professional negligence against Solicitors in the conduct of Matrimonial Finance Proceedings including issues of limitation and foreseeability.

Partnership & Shareholder

- Dispute arising from a Claim for Fees regarding provision of specialised expertise and the appointment of benefit between Companies.
- Dispute relating to Secured Loans, Directors' Loan Accounts and Shareholdings in a Family Company.
- Claim arising from installation of software programmes considered inadequate leading to termination of contract.
- Claim for Breach of Contract and Intellectual Property infringement by a vendor shareholder and Counterclaim for Consultancy Fees.
- Claim for Rectification of Shareholdings in a Limited Company and Shareholder/Minority interest issues.
- Claim by Trustee in Bankruptcy in Bankruptcy to realise assets and competing claims surrounding those assets.

- Claim for repayment of loans in a family dispute involving Insolvent Limited Companies and monies held pending determination of issues.
- Claim in shareholders action for winding-up of a limited company on the concept of quasi partnership and exclusion from management and counterclaim for monies due to the limited company.
- Claim by outgoing Partner relating to entitlement to capital following expulsion from the Partnership.
- Claims by Partners following dissolution of the Partnership to the assets involving issues of valuation and going concern.
- Claim by outgoing partner in relation to property valuation, goodwill, work in progress, bad debt provision and miscellaneous matters arising out of the said partner's purported interest in the partnership.
- Dispute relating to Claim for Repudiation of a share purchase and shareholders' agreement and Loan agreement and repayment of purchase price and amount of loan.
- Claim for accounts and inquiries relating to a dispute concerning capital and profits following dissolution of a partnership.
- Claim for Transfer of Shares pursuant to Articles of Association, and together with return of Fees paid and Counterclaimed for Declaration of Undervalue and Unfair Prejudice.
- Claim for Declaratory Relief relating to Share transfers and Appointment of Directors and Management of a Limited Company, together with Claims alleging Unfair Prejudice.
- Dispute between Shareholders in Limited Company and former Partners in a Partnership regarding the value of Directors' Loan Accounts in a property Company and Rights in Partnership Property Assets.

Personal Injury

- Claim for damages arising from a factory accident and apportionment of liability between machinery supplier and factory insurers.
- Claim for Damages for Professional Negligence arising from lost opportunity to achieve a better settlement of underlying Personal Injury Proceedings settled in 2013.

Property

- Claims arising out of a boundary dispute including claims of adverse possession/lost modern grant.
- Claim by Joint owners of a property for possession against an alleged family member licensee claiming a life interest.

- Claim to ownership of a family property in a dispute concerned with allegations of forgery on title and trust documents.
- Claims brought by adjoining owners of estate and farm properties relating to boundaries, party walls and damage to properties.
- Claim by one brother against the other brother in the Administration of an Estate for a 1/2 share of a residential property registered in the name of one brother financed by their late father, on the presumption of a resulting trust defended on the basis that ownership arises from the presumption of advancement.
- Claim alleging breach of contract for monies due arising from a commercial development and defended on basis of misrepresentation and non-disclosure.
- Dispute between neighbours relating to the boundaries between their respective properties.

Professional Negligence

- Claim alleging Breach of Trust by family members and Professional Negligence by Solicitors relating to a transfer of property at a perceived undervalue and procured by misrepresentation.
- Claim by Tenant of Commercial Premises against Solicitors alleging Professional Negligence relating to failures to comply with time limits on Renewal of a Lease.
- Claim by building contractors against Quantity Surveyors alleging Professional Negligence arising from defective workmanship and miscalculation of quantities in a hospital construction project.
- Claim for damages against Solicitors alleging defective Retainer and Professional Negligence in the conduct of Personal Injury Proceedings.
- Claim for damages for professional negligence, restitution of costs, and Damages for Loss of Chance arising from the conduct by solicitors of previous professional negligence proceedings against former solicitors.
- Claim alleging Professional Negligence against Solicitor in the conduct of a business acquisition.
- Dispute relating to claim for damages for professional negligence alleging undervaluing a Settlement of a Miners Compensation Claim.

Sale of Goods & Services

- Dispute between Commercial Production Company and Specialist Contractor concerning work undertaken on a roof repair and refurbishment contract.

- Claim for value of Contractual Services where Dispute as to length of contract and parameters for success fee.
- Claim for payment of Fees arising from savings obtained on Rates on commercial properties disputed on basis of non or sub-standard performance under the contract.

Trusts, Wills & Probate

- Claim by Beneficiaries of improper conduct causative of substantial losses against Attorneys under a Power and as Executors under a Will.
- Claim by a Beneficiary that a Deed of Variation executed by him conferring benefit to other Beneficiaries under a Will to his detriment was a result of either misrepresentation or procured by undue influence.
- Claim under the Inheritance Act 1975 by a Widow seeking to derive benefit from the Will of her estranged deceased Husband.
- Claim by Attorney under an Enduring Power, alleging undue influence against the recipient of funds who claimed the monies were part gift and part loan.
- Claim by beneficiaries against executor upon the basis that the executor's appointment was procured by undue influence and secondly that the making of the Will itself was undertaken at a time when the Testator did not have testamentary capacity.
- Claims by beneficiaries against each other and the estate relating to the shares in property arising from contradictory terms of the Will when compared with property ownership in the Testator's lifetime.
- Two claims firstly relating to a property dispute and secondly arising from the Administration of a family estate.
- Claim relating to beneficial ownership of various properties following breakdown of a relationship and issues surrounding constructive trusts and proprietary estoppel.
- Claim in a n Intestate Administrator for a share of the Estate following a distribution which had excluded the Claimants in favour of the Defendants.
- Claim in Administration of Estate arising from dispute over severance of a joint tenancy and competing interests in a residential property between the former wife of Deceased and the Estate.
- Claim by Claimant for a Declaration of Validity of Debt and Incorporation of Debt in Will of Defendant.

Other Dispute Resolution Experience

Joe is a Trustee of a Care Home with specific responsibilities to assist in the resolution of departmental and inter-departmental disputes together with assisting in the resolution of disputes with suppliers and regulatory agencies.

Personal Style

Joe is well prepared and familiarises himself with each case allowing him to develop empathy with Clients and Advisors prior to and following the commencement of the Mediation. He builds rapport with the Parties and encourages meaningful and mutual trust to ensure that the Mediation is conducted in a manner tailored to the needs of the Parties and intended to secure the best prospect of achieving settlement.

Joe is always prepared to contribute ideas, to be pro-active, and to reality test and evaluate positions as the Mediation requires.

Feedback

- *"Depth of knowledge was obvious from the start"*
- *"Well prepared"*
- *"Tactically Aware"*
- *"A very easy manner with people"*
- *"A very capable and experienced Legal Practitioner"*
- *"Very personable and has just the right temperament to develop rapport with Parties"*
- *"Probably the best Mediator I have ever worked with"*
- *"The matter could not have been settled except with your pro-active intervention"*
- *"You fulfilled all my expectations of a Mediator"*
- *"Tenacious and dedicated to the cause of settlement"*
- *"Got stuck into the job"*
- *"Very approachable"*
- *"Very flexible in approach"*
- *"I will be recommending you to my colleagues"*
- *"My client was impressed by your approach and grasp of issues"*
- *"You managed to resolve a very difficult and complex matter when I did not think it possible"*
- *"Calm and affable manner of presentation"*
- *"Strong and robust"*
- *"Great enthusiasm, tenacity and energy"*

- *"Relaxed and informal"*
- *"Absolutely, by a mile at least, Joe is the best Mediator by far"*
- *"Excellent, and we would definitely use him again"*
- *"A non-confrontational style - easy to trust"*
- *"Joe was very, very good. He got to grips with the key issues very quickly and was able to build an instant rapport with the parties. He was spot on in terms of his pre-mediation contact and preparation."*
- *"...very amenable and he has a very approachable character. He's calm and constructive in the way he does things."*

Professional Skills

Joe qualified in 1975 and became a Partner in 1978. In 1980, he was the Co-Founder of Shammah Nicholls, a Commercial Law Firm in Manchester being Senior Partner until 2007.

Throughout his Career, Joe has been a Commercial, Corporate and Matrimonial Finance Litigator as adviser and advocate in the following areas:

- Partnership disputes including Solicitors and Accountants;
- Shareholder disputes including actions concerning minority shareholder protection;
- Professional negligence Claims against Solicitors and Accountants
- Employment Disputes;
- Commercial contract disputes;
- Administration of Estates disputes;
- Construction Contract disputes;
- Property disputes;
- Landlord & Tenant disputes;
- Matrimonial Finance Disputes;
- Insurance Disputes ;
- Personal Injury Disputes.

Other Skills

As Senior Partner and as practicing as a Commercial Litigator, an important part of Joe's role has been to manage the business and to direct the finances of the Firm. His responsibilities included the appointment and supervision of Trainees and management of the administration.

As a consequence, Joe has a good understanding of the requirements and needs of business.