



CEDR Accreditation:	2008
CEDR Panel	2022
Languages:	English
Location:	United Kingdom

Emma was superb, she was great with clients and handled the entire mediation process from start to finish in a professional manner. She was able to assist the parties to reach settlement, which in this case was no easy feat. I would highly recommend to others"

"Emma is a highly skilled mediator and provided excellent service"

Client Feedback



Emma Gooding

Overview

Emma became a CEDR accredited mediator in 2008 and mediates both commercial and workplace disputes. Before becoming a mediator, Emma was a commercial dispute resolution solicitor with Allen & Overy (London and New York) and legacy Herbert Smith (Hong Kong).

Adept at dealing with parties from a wide variety of backgrounds and business cultures, Emma is able to get quickly to issues at the heart of a case. She combines her legal expertise with personal warmth and an ability to build rapport with mediation clients and their legal teams. Emma's thorough preparation, focus on key issues and robust but constructive discussion of the strengths and weaknesses of the parties' cases tends to lead to swift progress on the mediation day. She carefully manages the flow information between the parties and encourages them to think innovatively about possible solutions.



In addition to her mediation work, Emma is an accredited executive coach specialising in coaching abrasive leaders. As such, Emma is skilled at dealing with difficult parties and is a frequent choice for sensitive and high conflict mediations. Her international experience also means she is a natural choice for cross-cultural mediations and disputes with an international element.

Emma has an active online mediation practice in addition to conducting face-to-face mediations.

Expertise

- Commercial contracts
- Defamation & Media
- Employment & Workplace
- Financial Services
- IT, Technology & Telecoms
- Landlord & Tenant
- Partnership and Shareholder
- Private Client & Trust
- Professional Negligence
- Product Liability
- Property
- Sale of Goods & Services

Dispute Experience

(Non-Neutral work in italics)

Commercial Contracts

- Multi-party commercial dispute between a UK-wide franchise and former franchisees who were allegedly in breach of the post-termination restrictions in the Franchise Agreement and (in the case of one former franchisee) accused of defrauding the franchisor.
- Commercial dispute relating to alleged breaches of warranties following sale of an events business.
- Commercial dispute between a telecoms solutions provider and a dissatisfied commercial client on the basis that the system provided was not fit for purpose.
- Dispute relating to alleged breach of commercial contract to supply raw materials to a steel manufacturer.
- Dispute between an academy trust and an educational travel provider in a claim for loss and damage following termination of contract.
- Dispute between estate agency and property developer regarding developer's entitlement to terminate agency agreement and agency's entitlement to commission on large residential development.
- Dispute between firm of solicitors and claims management company regarding the firm's entitlement to cancel the marketing agreement between them.
- Dispute between commercial wholesaler of firewood and retailer regarding issues of quality and quantity of wood supplied under commercial supply agreement.

- Dispute between event management company and commercial catering company regarding alleged breaches of contract by both parties.
- Dispute between marketing agency and client following early termination of contract to provide social media marketing services
- Several disputes relating to *force majeure* and frustration of contracts as a result of COVID-19
- Dispute between parties to a joint venture established to provide e-learning courses.

Financial Services and Instruments

- Commercial dispute between High Street bank and corporate client (and its directors) regarding restructuring of client's debt and enforcement of personal guarantees, with corporate client counterclaiming for negligence, conspiracy and for breach of regulatory requirements (£3 million in dispute).
- Mediation of substantial claim by investors against Pension Trustee in relation to alleged mismanagement of assets in pension fund.
- Claim against financial advisor for alleged negligent advice and mis-selling of investments.
- Dispute (following management buy-out) between company and its B loan note holders (former founders of the company) for non-repayment of principal and interest under the loan notes.
- Dispute regarding non-payment of a loan by one party which had been guaranteed by the other party (the latter having paid out under the guarantee).

Product Liability

- £25 million claim against high street retailer regarding damage caused by defective products.
- Claim against a supplier of heavy plant and machinery in respect of the supply of defective goods.

Partnership/ shareholder

- Minority shareholder dispute (quasi-partnership) to agree terms on which the quasi-partners would part company (including complex stock negotiation, allegations of dishonesty, tax considerations and non-compete undertakings).
- Dispute between former business partners to agree terms on which they would dissolve the business (including issues relating to stock, IP, customer data, premises and vehicles amongst others).

- Partnership dispute between former partners of a beauty salon in relation to the dissolution of their partnership, including distribution of assets and alleged misappropriation of funds.

Private client/ trusts

- Complex multi-party dispute between professional trustees, estate manager, settlor and several beneficiaries of a large family estate (with annual turnover in excess of £20 million) including allegations of mismanagement of trust assets, fraud, negligence, bullying and harassment.
- Dispute between father (and trustee) and his adult children (and beneficiaries) regarding alleged mismanagement of trust assets.

Property / construction

- Several disputes between homeowners and contractors regarding alleged failure to complete building works adequately or at all
- Dispute between landlord and lettings agent in relation to alleged breach of contract by lettings agent following severe damage to property caused by un-vetted tenant.
- Several disputes between landlords and tenants regarding breach of covenant to repair in lease
- Several neighbour disputes relating to disputed boundaries, liability for repairs following water ingress and/ or damage to neighbouring property as a result of construction works
- Mediation between members of a residents' association relating to withholding of consent to the development of one resident's property

Workplace / employment

- Workplace mediation over several weeks between 8 board member/trustees of a charity relating to various issues of governance and allegations of poor management and bullying from Chair
- Workplace mediation between UK Sales Manager (UKSM) and Regional Sales Manager (RSM) reporting to him, following grievance filed by the RSM and subsequent investigation of the UKSM
- Four workplace mediations for a London Borough Council (all arising from conflicts between line-managers and their direct report conflicts, all post-grievance and investigation).
- Workplace team mediation between partners of GP practice addressing communication and workload issues and conflict over new ways of working post-COVID-19.

- Workplace mediation between Chief Executive of a commercial procurement LLP and one of its non-Executive Directors: allegations of bullying, undermining/ bypassing, public humiliation.
- Workplace mediation between the Operations Director and Chairperson of a large regional professional services body.
- Workplace mediation between the Directors of the international and UK arms of a Registered Charity regarding division of responsibilities and effective communication going forward.
- Workplace mediation between team member and manager to resolve communication issues, reporting lines and duties, support following return to work and reasonable adjustments.
- Mediation between members of team working for a government department, in which working relations had broken down over allegations of bullying and mobbing.
- Employment mediation following issue of Employment Tribunal claim alleging harassment on grounds of disability by co-workers.
- Employment mediation following issue of Employment Tribunal claim relating to unfair dismissal (redundancy) and allegations of sexual harassment and bullying by line manager.
- Dispute between former and current employers relating to breach of confidentiality clause in employment contract and breach of non-compete covenant.
- Dispute between former employer and senior employee regarding breach of post-termination restrictions.

Feedback

- “Emma is a sure footed and accomplished mediator” (*Barrister, London*).
- “Emma is a highly competent and warm mediator. She did an excellent job of building a relationship with the parties, focusing them throughout and managing the whole process” (*Mediation observer, London*).
- “The mediation with Emma was incredibly useful. Not only did we resolve our conflict, I also came away with practical ideas about how we can improve communication more widely across the business, especially during this time of change. I would highly recommend Emma” (*Workplace mediation participant, South East*).
- “The mediation process was bearable only due to you and your guidance and honesty. I was given the choice of 3 mediators and without a doubt made the correct choice. You were an absolute star. Thank you” (*Mediation client, Hampshire*).

- “Thanks very much for your help as mediator today - you were excellent! I did not think this matter would settle but with your help we got there. You were very well prepared, on top of all the issues and communicated clearly and fairly with the parties. I will certainly recommend you to others" (*Litigation partner, Leeds*).
- "I wanted to say that I was very impressed with you as a mediator. You made an effort at the beginning to build a rapport with the client and to understand and empathise with their perspective. I will definitely be putting your name forward for future disputes and have let my colleagues know that I was impressed “ (*Litigation solicitor, Sheffield*).
- "You have always been a strong mediator from our perspective, helping to achieve commercially sensible outcomes" (*Litigation solicitor, Nottingham*).
- “For me, my work is all about my clients. I am so pleased this nightmare is over. Yesterday at the outset, I was very anxious, I just wanted to say a very big THANK YOU!! You made the whole mediation process easy to follow, offered great guidance, and totally relaxed me.” (*Commercial mediation client, London*).
- “Emma was excellent. She treated all the mediation participants with empathy throughout, which was very much needed after a difficult few months” (*Litigation partner, London*).

Membership & Professional Qualifications

- Admitted as a solicitor in England & Wales (1998) and Hong Kong (2002)
- CEDR accredited civil & commercial mediator (2008) and workplace mediator (2019)
- Certified Conflict Management Coach (CINERGY 2020)
- Accredited Coach of Abrasive Leaders (BWI 2020)