



CEDR Accreditation:	1995
CEDR Panel Admission:	1996
Languages:	English
Location:	United Kingdom

***"He had a good grasp of the issues and reality-tested the litigation risk well."***

Mediation Feedback

## John Fordham

### Overview

John Fordham is *"an excellent mediator who exudes both gravitas and empathy during mediations; he facilitates discussion at an appropriate level and achieves settlements that at the outset seem impossible"*. Legal 500 2020

John was accredited as a mediator by CEDR in 1995 and has been mediating regularly ever since. He has conducted hundreds of mediations across the full spectrum of commercial, financial and personal disputes.

As a mediator, he draws on his experience as a commercial litigation partner at Stephenson Harwood since 1979. The various positions of responsibility he has held there, including head of their Commercial Litigation department for 20 years plus, have also provided invaluable experience.

His mediation matters cover the full range of commercial, financial and personal activity. The subject matter has included shareholder, director, joint venture and partnership disputes, banking and finance, insurance, insolvency, professional negligence, property, construction, sale of goods and services, distribution and franchise agreements, software licences and pretty much every other kind of business dispute.

As well as his mediations in all the main commercial centres in the UK, John has acted a mediator in Hong Kong, Dubai, France, Southern Ireland, the Channel Islands and the Isle of Man. He has also been mediator in a US court-ordered ADR.



## Expertise

- Banking and Finance
- Commercial Contracts
- Construction and Engineering
- Energy and Natural Resources
- ICT
- Insolvency
- Insurance
- Intellectual Property
- Media and Entertainment
- Partnership
- Professional Negligence
- Property
- Public Sector
- Regulatory
- Sale of Goods and Services
- Shareholders and Directors
- Sport
- Trust, Wills & Probate/Family business disputes

## Dispute Experience

John's experience both as a litigation solicitor and as a mediator has covered a wide range of commercial disputes.

### Banking & Finance

- Claims and cross-claims under an agreement between building society and insurance company arising out of the endowment-linked mortgage scandal.
- Various matters arising under a company sale and purchase agreement: misrepresentation; breach of warranty; deferred consideration.
- Dispute in relation to the management of a major UK port.
- Acting in numerous different claims by customers against their banks.
- *Acting for a Middle Eastern investor in respect of a claim against a US investment bank – proceedings instituted – settlement reached after day 1 of trial.*
- *Acting for a German based HNW individual in a claim against a different US investment bank – claim not yet resolved.*
- *Acting for one of the parties involved in the publicised allegation of mis-selling by Barclays in relation to its capital raising in 2008.*

**Employment & Workplace:** Dispute between hotel owner and manager under hotel management agreement, each alleging breach by the other and arguing about repudiation and termination rights.

### ICT – Information, Communication & Technology

- Claims and cross-claims under contract for sale of telephone land lines and SIM cards for mobiles.
- Infringement of copyright: manual for mobile phones.
- Claim for payment due under financing agreement in relation to the supply of IT software; cross-claim for failure by supplier to introduce customers.
- Dispute between a software company and client for over £20m related to a software licence with claims of non-performance, breach of confidence and intellectual property rights.

### Insolvency

- Claims for negligence and breach of fiduciary duty by liquidators against former directors.
- Claims and cross-claims in respect of income and tax as between partners in a dissolved law firm.
- Misfeasance claim as between liquidator and administrator of a company.

### Insurance

- Claim for breach of contract/bailment in respect of goods in storage affected by water damage; claim under insurance policy.
- Dispute as to scope of "binder" as between underwriter and underwriting agent.
- Allocation of proceeds of fidelity insurance claim between co-insureds.

### Partnership & Shareholder

- Claim for further monies from a joint venture vehicle, based on allegations of biased accounting; dispute over value of shares in joint venture vehicle.
- Two Court actions, one requiring transfer of shares, the other for damages for breach of fiduciary duty as directors; cross-claims for breaches by other directors; issues: share valuations; assessment of damages; non-compete covenants; remuneration of directors.
- Issues arising under Partnership Act and partnership agreement following the death of partner in surveyors business.
- Dispute between minority shareholder/director and other shareholders/company including minority oppression claim, unfair dismissal claims and breach of fiduciary duty claim.



- Dispute between shareholders and directors of a joint venture company (NHS related)
- Joint venture dispute in media and entertainment industry.
- Dispute between joint ventures in a property purchase.

#### Professional Negligence

- Dispute between advisers (local accountants, City accountants and City solicitors) as to who was responsible for the loss of potential CGT relief.
- Dispute as to responsibility for costs of High Court and Lands Tribunal proceedings; claim by solicitors for fees and cross-claim for negligence.
- Claim for negligence on part of conveyancing solicitor; limitation of action issue.
- Claim for negligence by investor against financial advisor over suitability and diversity, insurance issues.
- Professional negligence claim against "due diligence" accountant.

#### Sale of Goods & Services

- Claim by assignee of rights under a milk supply contract.
- Dispute over termination of contract for distribution of a well-known brand of beer in Northern Ireland.
- Dispute over sale of a petrochemical product between Japanese and English parties.
- Dispute over the termination by an oil major of a petrol station franchise in Scotland.
- Dispute arising from termination of car dealership

#### Trusts, Wills & Probate

- Disputed wills (Hong Kong).
- Disputes between beneficiary, former trustees and present trustees under a substantial family settlement (Paris).
- Claim by daughter of deceased under Inheritance (Provision for Family and Dependents) Act 1975.

**Warranties:** Breach of warranty claims arising from sale of company

## Other

- One of the group claims arising out of the Buncefield oil terminal explosion.
- Claim arising from the television call-in programmes scandal.
- Dispute in relation to Home Information Packs (HIPs).

John's most recent experience as an arbitrator (sole arbitrator) is in a solicitor partnership dispute, where he had to make several procedural rulings prior to settlement.

He has been involved in numerous mediations and arbitrations as a party representative. He has been responsible for devising tailor-made ADR techniques, including where the mediator is mandated to make binding or non-binding determination if no consensual settlement is reached.

## Personal Style

John is willing to take the lead and believes in the importance of controlling the mediation process – however, the settlement has to be that of the parties and the role of the mediator is facilitative; John has a great deal of experience, in and out of the office, in solving and helping to solve problems.

## Feedback – Clients

- *"He was prepared to persevere and was supportive throughout."*
- *"Excellent man for the job."*
- *"He took a very measured approach to the mediation and I was very impressed."*
- *"I went in to the mediation day as a sceptic but found it to be extremely helpful, so much was achieved throughout the day."*
- *"He had a good grasp of the issues and reality-tested the litigation risk well."*
- *"He was calm and handled the matter and the parties well."*
- *"He is open and uses down to earth language and humour very effectively. He establishes rapport very well in this way."*
- *"He was straight-talking and very personable."*

- "...dealt with the mediation very smoothly."
- "...heavyweight with a light touch."

At the end of the recent solicitor partnership arbitration where John was appointed arbitrator, the senior partner of the law firm in which the dispute between partners had arisen, wrote as follows:

*"I am writing on behalf of the Firm and myself to thank you for your help in the resolution of the problems which have recently affected us. Your extremely efficient conduct of the procedural and other issues arising in the arbitration proceedings prior to the achievement of a settlement was of very material assistance in the process of reaching a resolution."*

#### Feedback – Directories

*John Fordham is "an excellent mediator who exudes both gravitas and empathy during mediations; he facilitates discussion at an appropriate level and achieves settlements that at the outset seem impossible".*

Legal 500 UK 2020

*"He provides a very measured and considered presence", and "he manages to maintain the right balance between understanding the parties' positions while encouraging them to explore settlement options."*

Chambers UK 2018

*John Fordham "is a mediator of choice for cases where some real force is needed on the part of the mediator and heads banged together".*

Legal 500 UK 2017

#### Professional Skills and Background

John has been a commercial litigation partner at Stephenson Harwood (where he did his training) since 1979. He became Head of Commercial Litigation in 1995. He has handled a wide range of commercial cases, some of the best known of which are Lonrho v. Fayed in respect of the ownership of Harrods, recovery on behalf of the Maxwell pensioners of misappropriated assets and City of Westminster v. Dame Shirley Porter (for which he and his team won Dispute Resolution Team of the Year in the Legal Business Awards for the successful pursuit of assets). He is currently acting in the major dispute in the Commercial Court concerning control of Libya's sovereign wealth fund.



Better conflicts, Better outcomes, Better world

As a partner in Stephenson Harwood, John has been a member of the firm's partnership council and has run the firm's graduate recruitment. He has been Head of Commercial Litigation since 1995.

#### Other Activities

As a partner at Stephenson Harwood, John has been a member of the firm's partnership council and has run the firm's graduate recruitment. As Head of Commercial Litigation, he sits on the Practice Group Leaders' board.

#### Other Interests

Cricket, jazz, modern art, politics.

