



CEDR Accreditation: 2004
CEDR Panel Member: 2005
CEDR Chambers: 2012

Languages: English
Location: United Kingdom

Gerard Khoshnaw

"He understood the personal dynamics and got to grips with the issues quickly."

"...persistent & determined..."

- Mediation Feedback

Overview

Gerard Khoshnaw is a very experienced commercial mediator with a very high rate of success in helping parties reach settlement since 1999. Recognised and highly recommended by both the Legal 500 and Chambers & Partners, Gerard has been a Court of Appeal Panel of Mediator since 2004 and he has also been appointed to the mediator panels of The Law Society, The Association of Pension Lawyers, Sport Resolutions UK, ADR Group.

Professional Background

Gerard is a Partner at the Leeds office of Gateley PLC. He has over 25 years' experience as a lawyer and litigator acting for UK corporations, trade associations, construction companies, FSTE 100 and multinational companies. Highly recommended for his work as a lawyer by the Legal Experts Directory, Legal 500 and Chambers & Partners.

"Notwithstanding the gentle persona of Gerard Khoshnaw, he is an absolutely formidable, brazenly tough litigator. The combination of these attributes makes him a solid, dependable choice across a range of commercial disputes. He is a good listener and a problem solver."

- The Legal 500

Expertise

- Commercial Contracts
- Construction & Engineering
- Employment & Workplace
- ICT
- NHS & Healthcare
- Partnership & Shareholder
- Pensions
- Professional Negligence
- Property
- Regulatory
- Sports

Dispute Experience

(Non-Neutral work in italics)

Commercial Contracts

Amongst many cases, Gerard has dealt with the following:

- *Contracts with independent sector providers, local Government and the private sector.*
- *Outsourcing, franchising, mergers and acquisitions.*
- *Joint ventures, consortium and partner arrangements.*
- *Agency, distribution and supply contracts.*
- *Public procurement and compliance.*
- *Infrastructure projects & funding for new projects.*
- *Complaints handling and Internal dispute resolution procedures.*
- *Competition issues.*
- *Health and safety claims.*

Construction & Engineering

Gerard has considerable experience of construction disputes. As a lawyer, he has expertise in residential and commercial development, acting on cases for developers ranging from civil regulatory claims to disputes with contractors, agents, local authorities, the NHBC, claims consultants and customers (including dealing with customer Group actions and professional negligence).

- Major £17 million claim by developer against remediation and foundation contractor.
- Claim for consequential losses for a sub-contractor against a main contractor exceeding £1 million in relation to extra works carried out on a major office refurbishment in London.
- Dispute relating to supply of bridge to Port Authority in UK.
- Dispute relating to foundation failure on major residential housing site.
- Claim between 2 major engineering companies that had lasted over 3 years relating to defective port gates at Cardiff.
- Construction contract dispute referred by the Court of Appeal with issues related to CFA/ATE that were resolved as part of the settlement agreement.
- A 10 day trial in the Technology and Construction Court in London before Lord Judge Jackson involving four parties with a value of £17 million.
- Dispute between employer and main contractor.
- Dispute between main contractor and sub-contractors.

Manufacturing

Amongst many cases, Gerard has dealt with the following:

- Dispute over the manufacture of containers and haulage equipment (£2 million).
- Disputes over supply contract.
- Disputes over supply of business equipment.
- Disputes over procurement.

Employment & Workplace

Amongst many cases, Gerard has dealt with the following:

- *Contracts of employment, policy documents and staff handbooks.*
- *Equal pay, discrimination, victimisation and harassment.*
- *Disciplinary, dismissal and grievance procedures.*

- *Maternity and parental rights.*
- *Working time, pay, benefits and pension disputes.*
- *Trade unions and industrial action.*
- *Transfers of undertakings (TUPE).*
- *Employment tribunal proceedings.*
- *Whistle blowing.*

ICT – Information, Communication & Technology

Amongst many cases, Gerard has dealt with the following:

- Dispute over IT mainframe services worth £2 million.
- *ICT, facilities management and outsourcing arrangements.*
- IT contract disputes.
- IT service provision.
- IT faults and deficiencies.

NHS & Healthcare

Amongst many cases, Gerard has dealt with the following:

- A dispute of £15 million pounds between a commissioner and provider relating to a contract for acute services to a major NHS Trust. The mediation involved planning baselines, a move from 'block arrangements' to activity based fees on a cost and value basis, consideration of National Tariffs and Local Agreements and contractual terms and notice periods. The mediation also involved discussions over day case procedures and outpatient procedures.
- *Patient care issues, including judicial review proceedings.*
- *Contracts between primary care commissioners and foundation trusts.*
- *Selling services to other Trusts or the private sector.*
- *Funding dispute between PCT and a Trust.*

- *Dispute over contractual arrangements between the NHS with suppliers.*
- *Partnership dispute between clinicians within a GP practice on funding and operational work arrangements.*
- *Dispute over service contract.*
- *Dispute between PCT and Hospital Trust over the service levels.*
- *Dispute over service contracts between neighbouring PCT's.*
- *Dispute between City Council and the NHS in relation to the provision of care services in the community.*

Partnership & Shareholder

- Claim between a company and one of its shareholders over the valuation of a minority shareholding. Very emotional and the parties were very antagonistic.
- Dispute over the terms of a high profile partnership that ran restaurants in the North of England.
- Numerous professional partnership disputes.

Professional Negligence

- Dispute between Trustees and Pension advisers.
- Claim for over £1 million against a major law firm for professional negligence in relation to the sale of business by a group of doctors.
- Claim against lawyers for negligent advice (£2 million).
- Claim against surveyor for negligent advice (£5 million).
- Claim against surveyor for negligent advice (£1 million).

Property

As a practising lawyer Gerard deals with all residential and commercial property matters including landlord and tenant issues, the acquisition and disposal of land and buildings, new developments and planning issues.

- Major dispute over a valuable 'ransom' strip of land preventing a major development on adjoining land by a major national house builders.
- Major multimillion pound dispute between a high profile UK charity and a major UK supermarket chain. The dispute related to access rights and their value to a valuable piece of land.

- Dispute over Land Development Agreement worth over £15 million for the sale of brownfield land for residential development.
- Dispute over major boundary between a major international corporate and adjoining landowner.
- Court of Appeal dispute with a value of over £1 million between a Land Agent and a PLC over the introduction of land, both of which had a successful outcome.
- *Charities Act legislation and grant-making powers to charities and voluntary organisations.*
- *Public procurement rules and regulations.*
- *Section 75 partnership arrangements.*
- *Property portfolio management.*
- *Income generation schemes and Estate strategy.*

Regulatory: Major UK regulatory action involving accusations of a major UK data protection breach for a UK plc involving threats of a major criminal prosecution and civil group action.

Sales of Goods & Services

- Dispute between NHS Trust and Procurement of Parking services.
- This was a dispute between solicitors and their client over unpaid legal fees.

Sports

Gerard has mediated a number of disputes related to the sports including one of the very first cases to be resolved in this manner in 2003. Experience includes:

- A four-party high profile dispute between a gun club and a member who allegedly breached club rules. The mediation involved UK Sport. It was highly emotive and a longstanding dispute.
- Dispute over injury caused to a Rugby League youth international during a training camp. prior to a tour of Australia by the England Youth Team.
- Disputes between professional sportsmen and women against their Agents.
- Several disputes between clubs and players and clubs and members.
- Disciplinary actions for a number of sporting bodies.
- Player v. player personal injury claims.



- A number Football Association Disputes.

Personal Style

Gerard concentrates on understanding the lay client's needs, requirements and expectations. He is quick to spot the key issues and to focus minds on realistic expectations. He is straightforward and assertive. He also reality tests well. He has the skills to carry out facilitative or evaluative mediations.

Feedback – Clients

- *"Persistent and determined. Congratulations on yet another successful mediation."*

- Charlotte Atkins MP

- *"We were fortunate to have Gerard Khoshnaw as our mediator. His experience was important in helping the parties come to what was, ultimately, a very successful outcome."*

- Michael Humpries QC Francis Taylor Building Chambers

- *"Friendly, sensible and firm where necessary. Very adept at moving the process forward so that negotiations do not get bogged down."*

- David Sears QC, Atkin Chambers

- *"Gerard is a first-class mediator who I would not hesitate to recommend for future mediations. His commitment to the process is evident from the outset and he develops strong relationships with clients and representatives alike during the process which serves to create the perfect atmosphere in which to explore the options for settlement."*

- Mark Harper QC, Kings Chambers

- *"I thought he was really good. He seemed to be fair and to have a very good understanding of the issues and where to put pressure on the parties to get them to move from their positions. I cannot think of anything he could have done better. I would use him again."*

- Sanders and Dempsey (UK) LLP

- *"He was very patient and managed to get the parties from a position where everything looked like it was going to fall apart. It was good. I would use him again."*

- Tim Langton, Partner, Goodman Derrick LLP

- *"Gerard is a mediator who is strong, fair and absolutely straight. He is very good at getting to the issues and genuinely helping the parties reach a solution. He is calm, clear and a good listener. He unhesitatingly carries my recommendation."*

- Head of Dispute Resolution Major International Insurer
- *"Gerard is a mediator who engages extremely well with all the parties in a mediation. Members of my department have used him on several occasions and we will continue to recommend him both to clients and to other solicitors in difficult commercial cases because he facilitates a result."*

- Nick Dean, Partner, Gosschalks
- *"He quickly identified the issues and maintained the parties focus on progress towards a practical and productive outcome."*

- Andrew Horwich, Partner, Symes Baines Broons Solicitors
- *"I found him to be pleasant, easy going but very effective in moving the mediation along at a good pace and in helping the parties arrive at settlement with the minimum of pain. I would recommend him."*

- Michael Green, Partner, Weightmans LLP
- *"Gerard was committed to achieving a settlement and worked hard to bring the parties together. He has a friendly and diplomatic demeanour which proved highly effective."*

- Jane Gibson, Partner, Gibson & Co.
- *"As well as receiving consistently good feedback as a mediator from parties and their lawyers, Gerard is one of CEDR, and indeed mediations, strongest supporters"*

- Karl Mackie, CEO, CEDR
- *"Gerard won and retained the trust of the decision-makers from both parties. He involved them throughout the process until settlement. Thank you and well done."*

- Guy Berwick, Partner and Head of Construction, Freeth Cartwright LLP
- *"a skilful and subtle mediator, who listened well, gained the trust and respect of the parties, and was adept at helping them towards a satisfactory compromise."*

- Kathryn Rogers, Plexus Law
- *"...a well prepared, patient and persistent mediator who facilitated an agreement in an extremely difficult case in which mediation had previously been unsuccessful."*

- Nicholas Yell, Counsel
- *"... strong, fair and absolutely straight ... He is calm, clear and a good listener. He unhesitatingly carries my recommendation."*

- *"He is laidback but forceful, and also very informative."*
- *"He was very tenacious in his objective which was to broker a settlement. He did a great job."*
- *"Very skilled at not letting the lawyers continue with their legal arguments and getting them to focus on their client."*
- *"Gerard is a very likeable chap. Our client found it very easy to talk to him and commented on how well he had managed to get them to open up."*
- *"A first-class mediator who I would not hesitate to recommend for future mediations. His commitment to the process is evident from the outset and he develops strong relationships with clients and representatives alike during the process which serves to create the perfect atmosphere in which to explore the options for settlement."*
- *"He understood the issues well...always keeping the parties confidence. Gerard Khoshnaw was very fair throughout and very accommodating."*
- *"The mediator was very matter of fact and straight forward with no beating about the bush or wasting time. This was very sensible. We liked this and will use him again."*
- *"He quickly identified the issues and maintained the parties focus on progress towards a practical and productive outcome."*
- *"The mediator had a very laid back style with meant that we felt able to discuss ideas openly with him and talk about different angles to the dispute" "Obviously very well prepared and had a good grasp of all the issues." "His style was considered and thoughtful. He interacted well and gave everybody the opportunity to have their say. Where issues needed to be addressed, he did so well."*
- *"He was absolutely excellent – we were very pleased. He explained the process well which was great as they had no lawyers and had no experience of mediation. He used joint sessions well. They did not feel disadvantaged because they didn't have a lawyer – Gerard looked after them but not in a biased way. He made sure everyone was okay all the time. He did not talk down to them at all, he maintained a good level of professionalism but was very friendly and has a laid back style. Gerard is quietly assertive – he established rapport incredibly well. He reality tested a non-offensive way and made us really focus on the management time we were spending on the case."*
- *"We would use him in an instant. We are delighted that we have had such a positive experience in this case because the solicitor we had instructed previously had told us that mediation was a complete waste of time and money."*

- *"With a high success rate in high-value contractual, sports and financial services disputes, Leeds-based mediator and litigator Gerard Khoshnaw remains a popular choice for solicitors. He is noted for his focus and commitment."*
- *"He is focussed, fair and robust. His ability is to reach the core of the issue and to focus the parties on the points in dispute. An able mediator who has a good style with clients."*
- *"He is 'a good listener', and 'a problem solver'."*

Taken from Chambers & Partners Directory of the Legal Profession and The Legal 500

Other Dispute Resolution Experience

He was co-author of the DLA/CEDR survey on the use of mediation in 1998 and the DLA/ADR Group Survey in 2000 on mediation and the civil justice reforms. In 1995 he was co-author of a survey on the use of mediation by Local Authorities.

In 2010 he addressed the International Mediation Conference organised by the University of Strathclyde in Edinburgh.

Gerard is a seasoned lecturer/speaker in both the public sector and private sector on Litigation Risk Management and ADR. He has presented on the benefits of mediation to both corporates in the private sector (over 50 corporates) and public sector organisations in Central Government (DEFRA/BERR) and over 50 London Boroughs and Local Authorities). He has spoken at numerous CEDR events and the national conference of ADR Group in 2007.

In 2009 Gerard was author of a survey on the use of mediation by Local Authorities in Judicial Review cases.

In 2014 he delivered a talk to the Beijing Arbitration Commission on the use of mediation in China.

Over the last 10 years he has delivered talks on 'tactics in mediation' at CEDR forum "Meet the Mediators".

He has delivered numerous talks on mediation to several accounting and law firms throughout the UK.