



CEDR Accreditation: 2003  
CEDR Panel Member Since: 2004  
Languages: English  
Location: United Kingdom

## Jon Lang

*"...regarded by many observers as 'a cut above the rest'..."*

The Legal 500

*"The result achieved was one that no court would have been able to order."*

Client Feedback

### Overview

Jon Lang is one of the most experienced mediators in the UK. CEDR accredited, Jon became a full-time mediator in May 2005, having spent almost twenty years as a solicitor in private practice, the last six as a partner in the disputes group of White & Case in London.

Jon has acted as an expert in mediation and is a panel member of the Court of Appeal mediation scheme. He is the immediate past Chair of the Mediation Committee of the International Bar Association, a former Vice-Chair of the American Bar Association's International Mediation Committee and a member of CPR's Panel of Distinguished Neutrals. Jon is also the author of the book, 'A Practical Guide to Mediation in Intellectual Property, Technology & Related Disputes' published by Sweet & Maxwell in 2006.

Listed in the first tier of mediator rankings of both the Chambers & Partners and Legal 500 directories (and in The International Who's Who of commercial mediators), Jon is recognised as one of the top mediators in the UK.

### Expertise

- Agency Agreements
- Art
- Aviation
- Banking & Finance
- Competition
- Confidential Information
- Construction & Engineering
- Corporate Fraud
- Defamation
- Distribution Agreements
- Employment & Workplace
- Franchising

- ICT
- Insolvency
- Insurance
- Intellectual Property
- International Trade
- Media & Entertainment
- Mergers & Acquisition
- Outsourcing
- Partnership & Shareholder
- Personal Injury
- Professional Negligence
- Property
- Sale of Goods & Services
- Sports
- Trusts, Wills & Probate

## Dispute Experience

*(Non-Neutral work in italics)*

**Agency Agreements:** Dispute arising out of the termination of an agency agreement in the field of radio advertising (c. £1.5m).

**Art:** Claim arising out of a high profile auction concerning its marketing, cataloguing of articles, disputed provenance, etc. (c. £5 million).

**Aviation:** Mediation concerning aircraft leasing and asserted liens (c.400K).

### Banking & Finance

- Dispute between a financial institution and commercial customer over a number of sophisticated financial products sold a number of years ago.
- Dispute between a bank and a public body set up to provide pensions for workers. A fraud was perpetrated against the public body - £1.5 million was lost and could not be recovered. The public body blamed the bank for not spotting what they asserted was unusual behaviour on the account into which the defrauded monies were paid (and then transferred off to 3 different jurisdictions). Complex areas of law concerning unjust enrichment claims and defences.
- A claim between a high net worth individual and a private bank concerning the devaluation and exit from an investment fund (c.£12 million).
- An Inter-bank dispute in relation to security held by each (c. £2 million).
- An action brought by a bank to enforce several guarantees given by directors of a business (c. £3 million).

### Competition

- Mediation of a parallel imports/exhaustion of rights case concerning the importation of new and re-engineered computing equipment into the EC.
- Dispute between customer and IT service provider over performance of new system, critical service failures, right to terminate and recovery of loss beyond service credit regime.

### Confidential Information

- A multi-party mediation concerning the misuse of confidential information, breach of fiduciary obligations and breach of contract (c. £1 million).
- A confidential information dispute in the healthcare sector arising out of the departure of minority shareholders/directors.
- A three day mediation arising out of a breach of confidence dispute which included an exercise verifying deletion of confidential material from various databases.

### Construction & Engineering

- A multi-party dispute arising out of the construction of a port (c. £2.5 million).
- A dispute arising out of the refurbishment of, and extension to a major London department store (c. £12m).
- A mediation between a construction company and a museum arising out of the construction of a new wing (c. £10m).
- A dispute between a construction company and quantity surveyor acting as contract administrator arising out of the alleged over-valuation of works (c. £400k).

### Corporate Fraud

- A claim by a major banking institution against companies and individuals involving allegations of bribery, breach of fiduciary duty and breach of contract (c. £7 million).
- Litigation arising out of a failed property development company in which unsuspecting parties invested in non-existent property (c.£3 million).
- A multi-party action arising out of the alleged diversion of opportunities to directors of a financial services business, including tracing claims against third parties (c. £6 million).

### Defamation

- Defamation and malicious falsehood claims arising out of a radio broadcast (c. £2m).
- A dispute arising out of publication in print and online of allegations of professional misconduct.

**Distribution Agreements:** Dispute concerning an exclusive distribution agreement in the automotive sector (c. £1 million).

#### Employment & Workplace

- a dispute between a former senior executive of a financial institution involving restraint of trade issues and money due under various share and executive plans (c. £2 million).
- an unfair dismissal claim brought by a senior employee arising out of alleged protected disclosures, also involving a defamation claim.
- a claim by a group of employees for unfair dismissal, age discrimination, unlawful deduction of wages and failure to inform and consult under TUPE.

**Franchising:** Dispute between an international franchisor and one of its franchisees operating in a number of jurisdictions (c. £4 million).

#### ICT – Information, Communication & Technology

- A two-day mediation concerning a master software licence and services agreement in the financial services field involving a foreign public corporation (c. £70 million).
- A mediation in Washington D.C. arising out of a dispute in the insurance sector following a merger and concerning the scope of a licence agreement (c. £15 million).
- A mediation over 4 days arising out of the implementation of a CRM system (c. £1.4 billion).
- A dispute concerning a failed development of a new telecoms service (c. £500k).
- Several disputes involving the manufacture of electrical components, such as PCB's (Printed Circuit Boards).
- A dispute concerning the failure of computing components.
- *Acted in a dispute over the development of satellite receiving equipment, which involved issues concerning the manufacture of highly technical components (DMAC chips etc) for satellite receivers.*

#### Insolvency

- An action brought by liquidators against former directors alleging undervalue transactions, wrongful payment of dividends and repayment of loans (c. £1.5 million).
- A claim by liquidators against various professional services firms arising out of the collapse of a litigation funding scheme (c. £12 million).

### Insurance

- A dispute involving a high street chain store and an insurance company concerning the selling of payment protection and other insurance policies (c. £900k).
- A dispute between a public body and an insurer concerning a failed claims handling project.
- A mediation arising out of a collective conditional fee agreement between solicitors and legal expenses underwriters (c.£4 million).

### Intellectual Property – Copyright

- A multi-party dispute concerning the exploitation of sound recordings and the back catalogue of a major rock star.
- A dispute concerning ownership/joint ownership of code and artwork for an internet portal.

### Intellectual Property – Databases

- Various disputes concerning database rights, management and sharing.
- A dispute concerning a large scale e-commerce database project in the auto sector involving issues of appropriate choice of programming language and compatibility.
- A dispute concerning the amalgamation of databases and the rights that exist in the combined database.
- A range of disputes concerning the licensing of software, software drivers, and database servers.

**Intellectual Property – Design Right:** A dispute between competitors in the luxury goods market concerning community and national registered and unregistered design right.

### Intellectual Property – Patents

- A patent entitlement/joint inventorship claim in relation to a product in the consumer electronics field.
- An employee invention claim under section 40 Patents Act 1977 (c. £2million).
- An patent infringement/invalidity dispute in the manufacturing sector.

### Intellectual Property – Trade Marks

- Claim by UK company against much larger US company alleging trade mark infringement in respect of nail care products. US company threatened their own action in respect of a different trade mark.
- Party A(owner of designs) sued Party B (big retail food outlet) for using its designs in its outlets. Party B had commissioned Party C to come up with design concepts.
- A trade mark dispute between two household name technology companies arising out of their respective development of sub-brands.
- A trade mark dispute concerning a 'split' trade mark, involving multiple jurisdictions and trade mark revocation, opposition and infringement proceedings in each (c. £2million).
- A dispute over 'switch selling' of alcoholic beverages giving rise to trade mark infringement and passing off claims.
- A trade mark licensing dispute between a major chain store and a well-known brand owner over the manner in which the trade mark was used/developed (c. £5 million).

#### International Trade

- A two-day mediation concerning a long-term raw material supply contract (c. £40 million).
- A multi-party, multi-jurisdictional dispute concerning the supply of raw materials involving issues of foreign law liens, guarantees, reservation of title, etc. (c. £1.5million).

#### Media & Entertainment

- A dispute arising out of the development, production, distribution and marketing of a series of films in the animation sector (£8 million).
- A dispute between a film production company and an advertising agency concerning the making of a film for a major high street chain store (£750k).
- A dispute between a software house and a gaming TV channel over the running of a gaming platform and revenue sharing arrangements (c. £500k).

**Mergers & Acquisition:** Claim under a share purchase agreement involving allegations of non-disclosure and breaches of warranty (c. £1.5 million).

#### Outsourcing

- A dispute between a retailer and service provider operating a call centre and warehousing facility concerning service level agreements, charging structures and termination.



- A mediation involving a major airport arising out of an outsourcing contract (c £2.5million).
- Work done by outsourcing company on basis of Letter of Intent in expectation of a proper agreement being put in place within a month. Even months went by - no proper agreement, but work done. Issue - the cap on fees in Lol, anticipated an agreement in a month, i.e. a months work being done, not seven months work. Parties fell out. No proper agreement. Parties argued whether cap did or did not apply.

### Partnership & Shareholder

- A dispute between an advertising company and former/present directors concerning restrictive covenants, alleged misuse of confidential information, etc. (c. £1m).
- A claim against a former director for breaches of fiduciary and statutory duties, and dishonest assistance and knowing receipt.
- A case involving UK and US proceedings and concerning restrictive covenants of senior directors leaving a multinational company and setting up in competition.
- A dispute involving the expulsion of a partner from a 20+ partner solicitors practice, involving issues of compensation, profit share and client retention.
- A claim by a former partner of an accountancy practice based on misrepresentation, misapplication of capital and continuing obligations under guarantees (c. £750k).
- A dispute between two publishing houses with shareholdings in a joint venture and concerning corporate oversight, director's appointments, etc. (c. £30 million).
- Minority shareholder actions brought by various family members following the death of the company's founder, involving complex valuation issues, buy-out proposals, etc. (£5 million).

**Personal Injury:** A fatal accident claim arising out of an aircraft crash (c. £2 million).

### Professional Negligence

- An architect's negligence action brought by a prime contractor on a large inner city development project (c. £10 million).
- A solicitors negligence action arising out of the sale of land and the adverse impact of various overage provisions (c. £500k).
- An accountants negligence action arising out of tax advice given on the structuring of a share option plan (c. £1.5 million).





- a claim brought by a lending bank against valuers for overvaluation of land and its development potential (c. £3 million).

### Property

- A landlord and tenant case between a public authority and a commercial entity concerning alleged breaches of covenants, applications for a new tenancy, etc. (c. £100k).
- A multi-party mediation between owners of a property portfolio (c. £3million).
- A multi-party dispute involving disputed boundaries (c. 200k).

**Sale of Goods & Services:** A dispute between a food retailer and beverages manufacturer arising out of a long term supply agreement (c. £2.5 million).

### Sports

- A mediation between the governing body of a sport and a PR company concerning sponsorship for tournaments in the UK and overseas (c. 250k).
- A dispute between a major football club and a sports agent (c. £500k).
- A breach of contract claim arising out of the broadcast of a major sporting event (c.100k).

### Trusts, Wills & Probate

- A claim by executors of an estate, supported by charity beneficiaries, against family members alleging undue influence in relation to certain life-time transactions (c. 800k).
- A dispute between beneficiaries over the precise scope of bequests of land.

### Personal Style

With twenty years litigation practice behind him, Jon draws on his extensive experience of negotiating settlements on behalf of his clients as well as representing them at mediation. He has a calm and measured approach and works hard with the parties to reach a deal.

### Feedback – Clients

- *“He grasped what were the live issues impressively quickly...”*
- *“...very insightful, very focused, very effective...”*

- *"...persuasive powers, charm and patience" "...struck exactly the right note."*
- *"...kept us focused on the key issues that would lead to settlement."*
- *"...efficient, client friendly and well prepared" "...subtle and effective..."*
- *"The mediation was successful... This was a remarkable achievement given the grave reservations... at the start of the process."*
- *"...worked tirelessly, with humour and ingenuity, at trying to find a solution with which both sides could live."*
- *"...helped us secure a result...very positive and very commercial."*
- *"Very professional, good grasp of the issues and engineered some very good discussions of the key issues."*
- *"...parties found Jon to be a mediator they could work with, someone who could keep up momentum, even at the difficult times..."*
- *"We liked his style of reality testing and his robust but friendly and equable manner, which ensured that the mediation was not just managed properly with no time being wasted, but that the parties became more and more deal focused as the day went on, culminating in settlement."*
- *"...came up with some very good creative suggestions on how we might go forward."*
- *"...very good ... very well prepared" "He worked hard, and no time was wasted."*
- *"...impressed by your mediation skills and will definitely recommend you in the future."*
- *"Jon showed a clear understanding of the facts in issue... and was able to give helpful guidance to the parties and their solicitors. We would certainly recommend his appointment as a mediator in the future."*
- *"It was extremely important that you were able to build a rapport with the individuals on each side and so diffuse what might otherwise have been an extremely volatile situation. I would not hesitate to recommend you as a mediator."*
- *"He created a lot of momentum and enabled some significant changes of position."*
- *"...calm and pleasant manner..." "...conducted the mediation positively."*
- *"...was able to get to the nub of the relationship ... and move things along."*
- *"...genuine dedication to the process..." "...moved the process along with speed and care..."*
- *"...used his personal charm and diplomatic qualities to aid the process throughout."*
- *"I think the mediator's approach was exactly right."*
- *"...brought the key decision maker of each side together from an early stage ... a shrewd move that worked well."*
- *"...we were impressed. He was affable, fair, grasped the issues and quickly identified where a deal could be done."*
- *"Of particular note was his ability to know when to leave us alone and when to come back and assist with the*

*discussion. He had an almost preternatural sense of timing..."*

- *"...very good, friendly, very well prepared..."*
- *"I would just like to express our thanks for the way in which you conducted the recent mediation...appreciate your patience as it achieved a resolution and an end to what has been an extended dispute."*
- *"Jon did a very good job in a case where there was a lot of distrust and bad feeling."*
- *"The fact that such substantial progress was made ... is purely as a result of his skills as a mediator."*
- *"Your appreciation of the personalities and subtle approach to getting the best out of them made all the difference, not only bringing settlement but bringing it much earlier than might otherwise have happened."*
- *"Excellent - ... got us there. Jon's sense of humour was much needed and an added benefit."*

#### Feedback – Directories

- *"...has quickly established the confidence of large swathes of the legal profession."*
- *"...highly effective', excellent, hardworking and intelligent."*
- *"...always working extremely hard to exhaust every avenue to reach an agreement."*
- *"...not afraid to engage and challenge views or strategies in a constructive manner."*
- *"He is very good at getting deals done ..." "...he will push hard for a deal".*
- *"Jon Lang ... is an increasingly prolific full-time mediator and 'a hit with commercial clients', Lang is credited as 'dependable', 'thoughtful', and 'well prepared'."*
- *"His patience and good humour can enable even the most intractable disputes to be resolved, and he goes the extra mile in pursuing settlement."*
- *"...quick understanding of the parties' aims and great ability to find common ground."*
- *"Lang has developed a booming commercial mediation practice centred on general commercial matters, including professional negligence and construction."*
- *"...able to 'engender trust .... tenacious where necessary' and 'always well prepared' ..."*
- *"Jon Lang (Independent) has rapidly established himself among the UK's leading mediators.....clients find he is 'approachable', 'pragmatic', 'commercial' and 'resolution focused'..."*
- *"He is considered good with 'difficult' clients..."*
- *"...ability to 'get to grips with the industry issues' impresses clients, as does his talent at 'seeing the commercial angle and the bigger picture.'"*

### Career History

- Independent Commercial Mediator, May 2005 to date
- Partner, White & Case, 1999 to May 2005
- Partner, Llewelyn Zeitman, 1996-99
- Solicitor, McKenna & Co, 1988-96
- In-house counsel, London International Financial Futures Exchange, LIFFE, 1987-88
- Solicitor, Elborne Mitchell, 1986-87

### Work Whilst In Private Practice/In-House

Jon has acted for clients at all levels of the judicial system, in domestic and international arbitration and mediation. He has represented clients from a wide variety of industry sectors, from aviation to underwriting and in most types of commercial dispute, from shareholder actions to professional negligence. Whilst in-house counsel at LIFFE, Jon advised on matters relevant to the then financial services regulatory regime. Jon represented clients in a number of reported cases.

