



CEDR Accreditation:	1996
Mediator Panel:	1998
Language	English
Location:	United Kingdom

## Andrew Manning Cox

*"... combines gravitas with a calm personality ..."*

Chambers & Partners Guide to the Legal Profession

*"... far superior to any mediator we had seen before ..."*

Client Feedback

### Overview

Andrew Manning Cox is a highly experienced lead mediator, instructed to act in disputes spanning a wide cross section of sectors in the UK and internationally. In addition, as a Chartered Arbitrator Andrew is regularly appointed to act as arbitrator by CEDR and a number of other arbitral bodies.

### Professional Background

Andrew has recently retired as a Senior Litigation Partner at the law firm Gowling WLG (UK) LLP (formerly Wragge Lawrence Graham). Throughout his career he has been immersed in the full spectrum of ADR including mediation, expert determination, adjudication and early neutral evaluation. He brings current and cutting edge knowledge of the litigation and arbitration processes. Andrew is a Solicitor Advocate with full Higher Court Rights in all Courts in England and Wales, a Fellow of the Chartered Institute of Arbitrators, and a Chartered Arbitrator (FCIArb). He acts regularly as a mediator and is appointed as arbitrator by a range of national and international arbitral bodies.

As a partner from 1985 to 2018, Andrew has headed the employment team and the construction and engineering law team of GWLG, culminating in his Senior Litigation Partner role. He is also a past member of the Management Committee and the Partnership Council.

Andrew was a member of the CEDR Commission on the Settlement of International Arbitration, chaired by Lord Woolf and Professor Gabrielle Kaufmann-Kohler.

He is a notary public.



Andrew is also a past non-executive director of CEDR for 10 years.

He holds a number of non-executive directorships and has practical experience of issues facing businesses on a day to day basis, enabling him to understand in a more focused way the objectives and requirements of people involved in disputes.

### Expertise

- Aviation
- Banking & Finance
- Commercial Contracts
- Construction & Engineering
- Employment & Workplace
- ICT
- Partnership disputes
- Professional Negligence
- Property
- Public Sector
- Sale of Goods & Services
- Shareholder disputes

## Dispute and Mediation Experience

### Aviation

- Over 20 years of claims experience acting for airlines, manufacturers and suppliers.
- Intimate knowledge of airline and airport business models.
- Many international arbitrations and mediations.

### Banking and Finance

- £24m claim for conversion and conspiracy.
- Mis-selling and breach of mandate claims

### Commercial Contracts

- Breach of fiduciary duty claim in excess of £150 million
- £120m claim for conspiracy
- Dispute between a Housing Association and a Council in connection with the proper interpretation of provisions of a Stock Transfer Agreement in relation to works required to transfer housing stock.
- Group litigation alleging unlawful means conspiracy and breach of the Data Protection Act.
- Railway litigation involving operators, manufacturers, component manufacturers and suppliers in relation to multi million pound claims for project delay and loss of profit.



- A claim of £600,000 in respect of a lost development opportunity.
- Claims for £350,000 arising out of paint spillage damage to new cars.
- A £100m Directors and Officers insurance claim arising from alleged misrepresentation and breach of warranty.
- Misrepresentation claims.
- Fraud
- Contract interpretation issues
- Confidential information and confidentiality rings; procurement.
- Warranty claims and indemnity claims following M&A transactions.
- Joint Ventures

### Construction & Engineering

As the former head of Gowlings' (then Wragge & Co) construction and engineering team Andrew is a highly respected construction law specialist, with experience of dispute resolution in projects using all the recognized stand form contracts. In practice he acted for contractors, sub- contractors, members of the professional team, and a wide variety of employers.

- Claim by subcontractor against main contractor regarding air conditioning work, and counterclaim.
- A number of mediations related to building projects under the JCT standard form of contract.
- Multi-party cross-jurisdiction dispute in relation to extension of time claims for commercial premises in Scandinavia.
- A multi-day multi party mediation in Moscow related to a major construction project involving Russian and Asian parties (US\$25m).
- Six month construction arbitration acting for a Local Authority.
- Acting for an American/French cladding contractor in the High Court in a claim for breach of European competition law.
- Part 20 proceedings in relation to the design and construction of a new build hotel.
- Negligence claims against professional teams.

### Defamation and Reputation Management

- Libel claims involving educational establishments
- Defamation issues in a conspiracy claim

### Employment & Workplace

With substantial experience as the head of Gowlings' (then Wragge & Co) employment team Andrew has worked on a large number of claims in this area including.

- Claims for breach of fiduciary duty
- A very sensitive employment dispute (at a pre-employment tribunal stage) between senior managers where the complex issues resolved after a day's mediation, leading to withdrawal of a complaint and an agreed method of working together for the future.
- Sensitive discrimination claims.
- Claims for breaches of restrictive covenants and duties of confidence; springboard injunctions.
- A claim arising out of an alleged breach of a goodwill agreement and a contract of employment.

### ICT - Information, Communication & Technology

- A significant number of telecoms litigation and arbitration cases.
- Highly technical claims arising out of the provision of mobile telephony services.
- International software licence disputes.

### Partnership and Shareholder Disputes

- Substantial multi-party unfair prejudice petition and cross petition in relation to a valuable land development company.
- Unfair prejudice petition following a company sale and allegations of misrepresentation.
- Breach of a farming partnership agreement with an underlying major land asset.
- Family company disputes.
- Share valuation disputes; expert determination, litigation and mediation; use of family Council mechanism.

### Professional Negligence

- Claims against accountants, solicitors, barristers, architects and quantity surveyors.



- Tax specialist negligence claim.
- Multi-party mediations with insurer involvement

#### Property

- £30m claim for fraudulent misrepresentation related to a property transaction.
- Dilapidation and breach of covenant disputes.
- Lease dilapidation claims

#### Public Sector

- Claims for breach of the Public Contracts Regulations.
- Whistleblowing.

#### Sale of Goods & Services

Andrew has a substantial level of experience in disputes arising out of the Sale of Goods and Services Act both as a mediator and litigator.

- Claim for £280,000 under a business sale agreement with a defence alleging the claim was time barred.
- A £10m dispute in relation to the quality of goods supplied.
- Product liability claims
- Acting for customers and suppliers in relation to engineered components failure.
- Substantial experience of mediation in the automotive and railway industries.
- Claim for recall costs in the automotive sector.
- Injunctions to compel continued supply, particularly in the automotive sector.
- Multijurisdictional claim arising out of the design and supply of plastic components (USA, China and Italy)
- Domestic and international arbitrations for customers, manufacturers and component suppliers; Defence sector.
- Acting in sensitive procurement disputes; high profile procurement challenges; confidentiality rings.

#### Warranties



- Claim for breach of warranty, breach of contract and misrepresentation with a value in excess of £20 million.
- Warranty claims against a company vendor of a private limited company with a plc guarantor.
- Warranty claims arising from the sale/purchase of companies with allegations of conflict of interest.

### Other Dispute Resolution Experience

Andrew has experience of Executive Tribunal, Expert Determination, and Early Neutral Evaluation.

He provides ADR services to a number of non-profit making/non-commercial organisations including Government bodies such as the Employment Service.

### Personal Style

Andrew has wide experience in all forms of dispute resolution and brings these varied skills to bear when helping parties in mediation. Parties have referred to his meticulous preparation, his proactivity, his impressive skill and sense of energy and purpose. At the express request of all parties to a mediation he is prepared to give his views on likely outcome. In the right case this can facilitate an unblocking of otherwise insoluble log jams.

### Feedback – Clients

- *"Once again, many thanks for all your help with this matter. I don't think we would have got over the finish line without you!"*
- *"I genuinely thought it was an excellent performance."*
- *"Thank you again for your expertise and strategic commitment to the mediation process. Please feel free to cite me as a referee. I will be singing your praises within the firm."*
- *"You did a fine job yesterday under difficult circumstances. Your professional approach no doubt saved considerable costs and anxiety, and we are very grateful. Needless to say the next time I need a mediator you are top of the list."*
- *"You managed the mediation well and it achieved a positive outcome for the parties. My client was pleased with the result. In so doing, you demonstrated good background knowledge. It was clear that you had read the bundles in the limited time you had available and had an awareness of the main issues in dispute. You listened well and as far as my client was concerned allowed its representatives to tell you what they wanted from the mediation. You exercised effective control over the mediation process giving clear instructions to the parties and setting realistic time limits. Your handling of the opening session was excellent in its summary of the logistics/objectives for the day together with the legal concepts involved."*

- *"You were happy to use your legal expertise and knowledge where necessary, for example, in the drafting of documents. The mediation proved to be a cost effective and productive way of resolving the dispute."*
- *"My sincere thanks again for so ably guiding the parties in this case towards a sensible and reasonable settlement. You have your own very special style of dealing with these things, which was crucial to achieving the result. My clients were not unexpectedly suitably impressed as was my opponent."*
- *"Even though no settlement was reached, I hope to be able to guide some other disputes your way in the future. Preferably some with a better prospect of actually settling"*
- *"Feedback from my clients was very positive. You developed a nice rapport with them."*
- *Our client was pleased with the outcome and as you say hopefully a binding agreement will shortly be signed. Thanks for your offer of future help."*
- *We have attended many mediations and without flattering you too much were very impressed by how you performed as mediator – we particularly thought the opening session common ground speech was helpful – something we had not experienced in other mediations! You certainly quickly gained our client's trust and confidence and again that helped in moving the parties towards a settlement."*
- *"The way Andrew handled the process was far superior to any mediator we had seen before."*
- *"He was proactive and handled the day impressively."*
- *"I am still not sure if any of my three clients realised what trouble they were in. Suffice to say I am quite sure they would still be in it if it had not been for your powers of mediation."*
- *"His attitude and approach greatly aided the mediation process and was one of the major factors in reaching a successful conclusion."*
- *"He was very good, sensible, business-like, with good explanations and handling of the case."*
- *"His assistance and guidance combined with unfailing optimism was appreciated."*
- *"His tone was very good, he oozed mediation."*
- *"We were impressed with the energy and skill he put into the process, which created precisely the kind of atmosphere that gives mediation the best prospects of success."*
- *"Thank you for your help and for staying on so late to bring this difficult case to a close – I am now converted to the merits of mediation and will bear you in mind for future cases. I must admit I was expecting the process to fail as we seemed so far apart so I am delighted to be able to close our file."*
- *"It is (surprisingly) rare to find a mediator who has put the work in before the mediation in order to really understand the issues. It was very clear that you had done that, with the result that the process was worthwhile."*



- *"Many thanks again for your most valued input into the mediation yesterday and for your help in getting the final settlement."*
- *"We were all very impressed by your knowledge of the papers and the issues in the cases and by the structured way in which you conducted the Mediation."*
- *"You may be assured that I will nominate you to conduct my next Mediation."*

### Feedback – Directories

Andrew is featured in the Chambers Guide to the Legal Profession, Legal 500 and the Legal Experts Directory as a Leading Individual.

- Chambers UK: *"A robust, no-nonsense mediator whose experience gives him gravitas."*
- *"Andrew has a stellar reputation ..."*
- Ranked in Band 1 for commercial litigation.
- *"An outstanding individual."* Band 1.
- *"Extremely professional litigator and a strong performer."*
- Legal 500: *"Excellent practitioner ... Band 1 ... is singled out as one of Birmingham's most distinguished litigators. Sources admire his impressive intellect."*
- *"Andrew is very well regarded and a Leading Individual."*
- *"Calm under pressure"* and praised for *"keen commercial awareness"*.
- Chambers: *"He handles mediations sensibly and in a commercial manner"*.
- *"combines gravitas with a calm personality"*
- *"One of the pre-eminent litigation names"*
- *"a forceful and intelligent litigator"*
- *"firmly established as a leading presence in the litigation market and possesses considerable expertise in complex corporate and commercial disputes"*

### Career History

Andrew has a First Class Degree in Law and an MA, both from Cambridge University. He qualified as a Solicitor of the Senior Court in 1980.



### Awards

- Appears in the list of Best Lawyers in the United Kingdom for every year from 2012 to date
- Partner of the Year, Birmingham Law Society, 2011.
- Appointed to the Congress of Fellows of the Center for International Legal Studies

### Non-Executive Directorships and panel memberships

- CIArb Panel of Arbitrators
- Panel Mediator, Civil Mediation Council
- Chair, Sanctuary Group
- Chair, Hereford Enterprise Zone
- Worcestershire County Cricket Club
- The Marches Local Enterprise Partnership
- Central Technology Belt (past)
- Malvern Hills Science Park (past)
- Centre for Effective Dispute Resolution (past)
- Governor Abberley Hall School (past)
- Worcestershire County Council Independent Remuneration Panel

Andrew was a non-executive Board member of CEDR for 10 years and is a member of CEDR Commission on Settlement in International Arbitration chaired by Lord Woolf and Professor Gabrielle Kaufman-Kohler.