



CEDR Accreditation: 2003

CEDR Mediation Panel: 2003

CEDR Chambers: 2012

Languages: English

Location: United Kingdom

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Client Feedback

Mark Summerfield

Overview

Mark Summerfield’s mediation practice has developed over the past 20 years, complementing his commercial litigation practice which began 24 years ago at a large City firm. His experience varies from multi-million pound international disputes to relatively low value disputes. Recent mediation work has included a bitter corporate ‘divorce’, an international trade dispute, professional negligence claims, in addition to various property litigation matters. In 2013 Mark became a member of the Court of Appeal’s Panel of Mediators.

Professional Background

Mark began his career at the law firm Nabarro in 1990 before moving to Solomon Taylor & Shaw in 1998 where he is the Head of the Dispute Resolution team. He deals with all types of commercial dispute and has particular expertise in banking, insolvency, corporate, and property work. Recent work has included extensive litigation relating to the classic and super car market.

Mark has acted in a number of high profile cases in the media world. His work in the field of defamation and reputation management has been recognised in Chambers and the Legal 500.

Expertise

- Commercial Contracts
- Construction & Engineering
- Employment & Workplace
- Insolvency
- Media & Entertainment
- Partnership & Shareholder
- Professional Negligence
- Property
- Supply of Goods & Services



- Environmental

Dispute Expertise

(Non-Neutral work in italics)

Commercial Contracts

- Contractual dispute between the sole distributors in Israel of a number of well-known pharmaceutical products and their manufacturers in the UK.
- Contractual dispute between a well-known brand of Cola and the company's advertising agents.
- Contractual dispute between the South African growers and suppliers of fruit to Sainsbury's and their agents / distributors in the UK.
- Contractual dispute regarding the alleged wrongful termination of a contract for e-learning services.

Construction & Engineering

- Disputes relating to the design and fitting out of various cafeteria situated in the South East of England.
- Dispute relating to the defective construction of a large residential development in Central London. Three party mediation involving a FTSE 100 company, a firm of architects and a group of builders.

Employment & Workplace

- Employment dispute in the health care industry in which the employees were also partners in the business.
- Dispute between the directors of an Italian food distribution company, following the dismissal of one director amid allegations of theft and unfair prejudice.
- Employment and workplace dispute affecting one of the largest hotel groups in the World.

Environmental

- Alleged unlawful tipping of waste material by a firm of hauliers. Three party mediation involving the contractor, the hauliers and their sub-contractors.
- Dispute between a local authority and the managers of one of its waste sites, regarding the contamination of green and compostable waste.



Insolvency

Mark has over 20 years' experience of acting in insolvency-related litigation.

Including:

- *Acting for a variety of creditors (including a number of banks) and debtors.*
- *Wealth of experience acting for and against trustees in bankruptcy.*
- *Recent experience of private examinations of bankrupts; asset tracing; and setting aside of prior transactions.*

Media & Entertainment: NCVO mediation involving two of the directors of a theatre group. No financial issues involved - all about the resolution of personal differences and issues of respect.

Partnership & Shareholder

- Dispute between the former partners of a firm dedicated to medical research. All the parties were and remain eminent professionals and specialists in their field.
- Dispute between the owners and directors of a firm of independent financial advisers including allegations of unfair prejudice, theft and breach of fiduciary duty.
- Breakdown of a joint venture relating to the provision of medical services including claims for lost profits and defamation.
- Bitter dispute between the shareholders of a company that manufactures heavy machinery.
- Partnership dispute surrounding an insurance business.
- Dispute between co-shareholders and co-directors of an Apple authorised repair business, following the breakdown of their relationship.

Professional Negligence

- Claim against a solicitor who advised on a corporate acquisition where the client also a family friend.
- Claim against a firm of solicitors in relation to advice given to an individual regarding a mortgage.
- Claim against a firm of architects in relation to the defective design and subsequent refurbishment of a substantial residence.

Property

- Dispute between a licensee and licensor over arrears of licence fees and the allegedly wrongful termination of the licence, with resulting loss of business.
- A wide variety of property litigation disputes, including claims for breach of a landlord's repairing covenant and consequential rental issues.
- Dispute between a substantial Residents Association and their managing agents over many issues, including landscaping, foul sewage, and service charges.
- Dispute between a managing agent and the residents association for a development of 81 homes in the midlands.
- **Neighbourhood:** Private nuisance claims, including one dispute under the Family Housing Group scheme involving noise nuisance and another including allegations of harassment.

Sale of Goods & Services: Dispute over the terms of the termination of a contract to provide e-learning and amount of the final contract payment.

Other Dispute Resolution Experience

Mark has worked in commercial litigation for 24 years. He has wide experience of dealing with disputes in a variety of tribunals, and has dealt with cases in a number of County Courts, the High Court, the Court of Appeal, the House of Lords as well as the Employment Tribunals and the Technology & Construction Court.

Personal Style

Mark is relaxed, down to earth and effective. He is widely regarded as having excellent inter-personal skills and an ability to "connect" early on with a wide variety of individuals from many different backgrounds. During his early mediation career Mark took part in mediations with many prominent mediators who have commented on his ability to master facts and key issues in a short space of time.

Feedback - Clients

- *"He worked very hard to persuade the parties to reach a settlement and my clients were very pleased with the outcome."*
- *"A big thank you for a fantastic job yesterday. Not sure how we settled but your expertise played a huge role."*
- *"...showed empathy with a focus on reaching a conclusion."*



- *“Clearly a very able solicitor and litigator with a good commercial approach and a flexible and creative outlook.”*
- *“His manner with the parties was open and straightforward; he was highly intelligent and pleasant company.”*
- *“He worked very hard to persuade the parties to reach a settlement and my clients were very pleased with the outcome.”*
- *“He did very well in difficult circumstances...I don’t think he could have done anything better. He played his cards properly.”*
- *“Mark was very aware of how the parties' personalities would affect their approach to the mediation and was able to communicate effectively with both sides to enable the parties to understand each other's concerns and aims.”*
- *“Explained both sides and showed empathy with a focus on reaching a conclusion.”*
- *“He was able to help both parties compromise on their initial positions and was very calm under difficult circumstances, I think this approach meant the mediation progressed further than it may otherwise have done.”*
- *“...thank you for your time, effort and patience in bringing this unfortunate dispute to a swift conclusion.”*
- *“[My client] was delighted with the result, as was I, and I was impressed with the manner in which you conducted the mediation. I would certainly recommend you...”.*
- *“both [client] and I were very impressed with the way you handled the mediation.”*
- *“Excellent service and I would not hesitate to recommend Mark.”*
- *“...very fair and very helpful and his input certainly allowed the discussion to open up.”*
- *“...a nice affable guy with a good grasp of the issues at the outset and possessed the relevant legal skills.”*
- *“This was a very difficult case, where the parties were really entrenched and he managed for the parties to get a deal on the day.”*

Current Work

Mark’s current work as a litigator includes contractual disputes, property-related disputes, insolvency-related disputes and employment disputes. Some of Mark’s most recent work centres around his media practice including acting for the photographic agency Big Pictures in the landmark David Murray case (‘the JK Rowling case’) which settled finally in 2009.

Mark has been involved with a number of cases with a strong international element including in particular litigants from Israel, France, Greece, and Saudi Arabia.

Other skills

Mark speaks regularly on a number of litigation-related issues, notably in Tel Aviv, Israel when Mark gave a seminar on mediation in the UK. He is the Secretary of the British Israel Law Association.

Mark spoke in November 2009 on 'The role of the Paparazzi in the light of recent court rulings' at a LexisNexis seminar to media specialists. He has also written articles on privacy related matters, notably for Times Online and The Lawyer.

In his early career Mark gave pro bono advice to a law centre in Hackney and also worked at a Citizen's Advice Bureau in Covent Garden. He continues to conduct a substantial amount of pro bono work for leading UK charities, including Norwood and the Pears Foundation.

