



CEDR Accreditation:	2017
CEDR Panel	2019
Languages:	English
Location:	United Kingdom

***“Incisive and commercial”
“Calm and unflappable”***

Client Feedback

Abigail Day

Overview

Abigail Day is an experienced full-time mediator, formerly a partner in an international corporate law firm.

Professional Background

Abigail combines the ability to handle complex legal issues with a good understanding of commercial requirements. With a background in working on high-value commercial deals, she approaches mediation from a negotiator’s perspective. She creates a positive problem-solving atmosphere and is skilled at drawing out the key issues and creating momentum towards a successful resolution.

Expertise

- Banking and Finance
- Construction/Engineering
- Employment and Workplace
- Information Communication/Technology
- Mergers & Acquisitions
- Professional Negligence
- Property
- Sales of Goods and Services
- Shareholder/Partnership
- Tax and Accounting



Dispute Experience

Abigail has carried out mediations or other dispute resolution processes in the following areas:

Banking and Finance

- Cryptocurrency lending
- Debt recovery
- Bank's liability for fraud
- Appropriateness of bank's turnaround services and charges

Construction and Engineering

- Standard of housebuilding
- Standard of specialist timber products
- Nuisance from adjacent construction works
- Professional negligence in design and build services

Employment and Workplace

- Non-compete covenants
- Non-solicitation covenants
- Team dynamics
- Reinstatement or departure of senior management

Information Communication and Technology

- Managed Internet Access system delays and increased charges
- Software fault risk allocation
- Misrepresentation regarding business telecoms equipment and services

Mergers and Acquisitions

- Worked on over 500 high value company and business sales and purchases, including multinational groups over 20 years in City legal practice.

Professional Negligence

- Standard of design and build service for high value residence
- Auction house responsibilities to a seller
- Adequacy of tax and accounting services

- Boutique insolvency and recovery services
- Survey, installation and materials for thermal protection
- Responsibility to vulnerable clients

Property and Construction

- Rights of way
- Residential block managing company responsibilities
- Neighbour nuisance
- Non-payment of contributions to works under a lease
- Appointment of a valuer for an overseas property portfolio
- Division of family property portfolio after divorce
- Hotel operator responsibilities and standard of services
- Inheritance (Provision for Family and Dependents) Act 1975 claim for share of family home

Sale of Goods and Services

In addition to the contexts mentioned above:

- Adequacy of logistics services
- Soundness of a show jumping horse
- Care taken in arrangements for a funeral

Shareholder & Partnership

- Extent of director's duties
- Family members' entitlement to property held by a family company
- Recovery of loans to family company by family members
- Termination of a joint venture to provide healthcare services
- Property investment partnership dissolution

Tax and Accounting

- Terms of engagement
- Standard of audit services
- Standard of bookkeeping services
- Standard of tax advisory services



Short-notice mediations

Abigail regularly takes on mediations at very short notice, either in person or on Zoom, and has developed a reputation for getting to grips with complex matters very quickly. Here is some feedback from clients and lawyers in cases where she was appointed on less than 24 hours' notice:

"Abigail was calm and unflappable during our mediation, despite being parachuted into it on one day's notice, and despite the fact that there appeared to be a clear and unbridgeable gap between the parties at the start of the day, she successfully navigated them to a settlement that not only resolved the dispute but also allowed the parties to reset and resume their business relationship".

"Abigail stepped in with less than 24 hours' notice to mediate over a complex dispute. Despite the absence of time to prepare, Abigail understood the issues in hand fully and despite several previous impasses, calmly encouraged the parties towards a sensible approach throughout the lengthy 14-hour session. A positive outcome was delivered and signed on the day".

"Thank you for stepping in and mediating at the last moment over this matter. I must admit I was not hopeful going in as we'd seemingly continued to hit a wall. I am therefore unexpectedly happy that this will be put to bed in a positive manner. It was causing a great deal of stress, thanks once again for being supportive on the day."

"At short notice, Abigail stepped in and provided fair and excellent mediation. She guided us through the day and brought the parties together to engage and get the most out of the process. We reached a settlement on the day – a good outcome".

Personal Style

Abigail's approach is that of a highly skilled negotiator. She does not allow the mediation to become a mere rehearsal for the courtroom. She creates a positive and relaxed atmosphere for the parties to work on moving forward to a negotiated resolution. She is easy to talk to and quickly gains the confidence of the parties. She is incisive and tenacious, and will keep the process moving forward even when the going is difficult. Given her background as a business lawyer dealing with highly technical matters, she handles complexity with ease and likes to have a good command of the details of a case. She communicates complex ideas clearly and simply.

Feedback

- *"I have been through a number of mediations in my career, but this was the first that I came out of with the clear impression that both parties had "won" and felt positive about the outcome. That is to a large extent down to the incisive and commercial approach that Abigail brought to bear as mediator".*
- *"Tenacious and hard working. She finds a way to make things happen and then she makes things happen".*
- *"I have no doubt we would still be heading for court if Abigail Day had not worked her magic!"*
- *"Thank you for your determination to bring this matter to a settlement, as I confess at the start of the day, we really didn't think it would be achieved. Your energy, determination and focus on the key issues were instrumental in securing the settlement".*
- *"Her style is relaxed and conversational. I felt at ease throughout the process."*
- *"Calm and professional".*
- *"Nothing is too much trouble and everything is seamless".*
- *"Abigail uses pre-mediation sessions very effectively to ensure that mediation time is used as efficiently and effectively as possible. She works to ensure that all angles of each party's position are appreciated and understood whilst maintaining forward momentum towards successful completion".*

Professional Skills

- Practising Arbitrator, Fellow of the Chartered Institute of Arbitrators (FCIArb).
- Chartered Tax Adviser (CTA) and numerate.
- Solicitor of the Supreme Court of the UK (now non-practising).