



CEDR Accreditation: 2006

Panel Admission: 2020

Language: English

Location: United Kingdom

“This was little short of a masterclass in how an effective mediation session should be conducted... I would have no hesitation in highly recommending Gill as a very effective, professional and personable mediator.”

Client Feedback

Gill Mansfield FCI Arb

Overview

Gill Mansfield has over 25 years' experience of dealing with and resolving commercial disputes and complex cross-border and international litigation in the UK, Europe, the America's and across Asia as a commercial lawyer, and she has practised as a commercial mediator for over a decade.

Her experience spans a number of different sectors and she mediates a wide range of commercial, financial and corporate disputes. Gill is a Fellow of the Chartered Institute of Arbitrators and a member of several international mediation panels including the CPR Panel of Distinguished Neutrals in New York and the WIPO panel of IP neutrals in Geneva.

Expertise

- Commercial Contracts
- Company, Shareholder & Directors
- Employment & Workplace
- Media & Entertainment
- Intellectual Property
- IT, Technology & Telecoms
- Property & Construction
- Landlord & Tenant
- Neighbours Disputes
- Sale of Goods & Services

Professional Background

Having originally qualified and practiced as a barrister, Gill has spent much of her legal career in General Counsel and Head of Legal roles working with award winning media and entertainment companies, online retailers in the consumer goods sector, late stage tech start-ups, multi-national corporations and household name brands. As a result she has a degree of commerciality and boardroom experience that is rare in the mediation profession.



She is recognised as “a masterful negotiator and a brilliant lawyer” and as having “a rare talent for finding practical solutions to problems very quickly”. She is described as “pragmatic”, “collaborative” and “solution-oriented”. The combination of genuine commercial expertise and business acumen, a sharp legal mind and the ability to rapidly build rapport with people from all walks of life has enabled Gill to effectively mediate a wide range of commercial disputes.

Gill holds both UK and US mediation accreditations and has successfully mediated cases on both sides of the Atlantic as well as cross-border and international cases. She has experience of working with interpreters and is highly skilled in cross-cultural cases that require an understanding and awareness of cultural differences. She also has experience of online dispute resolution and technology-assisted commercial mediation that pre-dates the Covid-19 pandemic. She has had a very active online/remote mediation practice (in addition to her traditional mediation practice) since April 2020.

Gill is a non-executive director/board advisor for a Manchester based digital agency in the “tech for good” space that partners with charities, the third sector and CSR leaders to combat some of society’s biggest issues with innovative digital and technological solutions. She is an elected member of the Committee and Hon. Treasurer of the London Branch of the Chartered Institute of Arbitrators.

Personal Style

Gill combines a pragmatic commercial approach with a pro-active and energetic style. She is thorough, always well prepared and encourages pre-mediation briefings with the parties to ensure the best use of the mediation day. She is able to quickly get to grips with the facts, figures and legal arguments so that she can help the parties to focus on the key issues that they need to work through.

Clients comment on her ability to quickly put parties at their ease and to build rapport with people from all walks of life. Her straightforward, approachable and engaging manner belies a tenacious mediator who maintains a laser focus on helping clients reach the best outcomes.

Her ability to rapidly build respect and trust together with her many years of commercial and legal experience mean that she is able to effectively reality test and offer constructive challenge to parties (and their advisors) where required to move a mediation forward, or to break an impasse; helping parties to properly evaluate the strengths and weaknesses of their cases whilst maintaining their confidence.

She knows how to maintain momentum and pace during the mediation to keep everyone fully engaged in the process and she works hard to ensure that the parties get the right deal on the day.

Dispute Experience

Commercial Contracts

Gill has over 25 years' experience of advising on, negotiating and drafting complex, high value commercial agreements and of managing international commercial and legal disputes worldwide. She has mediated difficult commercial cases across a range of different sectors.

Mediation experience includes:

- **Venue Agreement** – Dispute between an international marketing and direct sales company headquartered in the USA and the owner/operator of major conference and exhibition centres in the UK relating to a venue licence agreement, and the inability to hold an event for participants from across the EU due to the Covid-19 pandemic. The dispute included arguments relating to force majeure and frustration arising out of the pandemic.
- **Professional Services (accountancy/tax)** - Dispute between a firm of accountants and the owner of a business in relation to professional accountancy and tax advice services including corporate tax planning and the establishment of a pension trust and a company pension scheme (which had become the subject of a HMRC tax enquiry). The dispute included claims of acting without authority.
- **Pub / Brewing industry** - Dispute concerning contractual terms and financial guarantees and indemnities under a commercial loan agreement between a well-known multinational brewing and drinks brand and two parties operating numerous high-end licensed premises in London.
- **Professional Services (financial advice and brokerage)** - Dispute between a restaurant owner and a financial adviser and broker in relation to whether brokerage commissions were payable for professional services provided in respect of a restaurant refinancing / debt refinancing.
- **Technology, Design & Engineering** - Dispute between a UK company that designed and sold medical devices and an Indian division of a multinational engineering company relating to the engineering, design and prototyping of a new wheelchair design.
- **Professional Services (Legal)** – commercial dispute between a firm of solicitors and a client relating to unpaid fees following the termination of a conditional fee arrangement for alleged fraud.



- **Design, Engineering & Manufacturing (Natural Resources)** - Multi-million pound contractual dispute relating to fabrication services to the oil and gas industries between a company designing process systems for produced water and sand management and a company contracted to complete the design, fabrication and assembly of a number of units for the separation of sand, solids and oil from produced water.
- **Energy & Utilities** - Mediation of a contractual dispute between a utility supplier and a company in the food retail sector relating to the supply of utilities (energy) to more than 20 commercial properties (food outlets).
- **Printer / Copier Supply** – Contractual dispute between a large education charity and a company supplying printer and copier services relating to the supply, maintenance and servicing of printers and copiers across multiple educational sites.

Company, Shareholder & Directors

Gill has wide-ranging commercial experience of advising businesses of all sizes (from private equity backed start-ups and scale-ups, owner run businesses and SME's to multi-national corporations operating worldwide) on company and corporate law matters, mergers and acquisitions, and disputes. She is accustomed to dealing with senior management teams, directors, C-suite executives, shareholders and boards, and is a company director and sits on various boards herself.

Mediation experience includes:

- **Company and Shareholder Dispute** - Dispute between the founders of a US construction company concerning the management and control of the company and the potential separation of their interests including the terms on which the majority shareholder might acquire the minority shareholder's shares and the share valuation.
- **Director's Duties and Share Ownership** - Dispute between the current company directors and a former company director of a film production and financing company relating to the director's duties under the Companies Act 2006 and the validity of a transfer of share ownership. The case involved claims of breach of statutory and fiduciary duty, breach of duty in tort and the misuse and misappropriation of company funds and property, and a counterclaim that a transfer of shares in the company was not valid and that the shares were held on a bare trust and a claim for monies owed.
- **Company and Shareholder Dispute** – Dispute between the shareholders/directors of a company offering surveying and property valuation services relating to knowledge of and authority for various payments and transactions, and issues relating to the potential sale or acquisition of one or both of the parties' shareholdings.

- **Company / Sale & Acquisition** – Multi-million pound dispute between a FTSE 250 listed company and the former shareholders of a company acquired by it relating to the terms of the Sale & Purchase Agreement, an alleged breach of a supply agreement with a related company and the release of funds held in escrow.
- **Company / Partnership** – Dispute between two former business partners in New York (USA) in relation to a loan agreement.

Employment & Workplace

Gill has over 25 years' experience of dealing with employment and workplace disputes. She has represented clients (claimants and defendants) both as a barrister and as in-house counsel in the Employment Tribunal and Employment Appeals Tribunal and has advised on all forms of workplace and employment disputes including: unfair and wrongful dismissal, breach of contract, redundancy related claims, TUPE, employment status (employee vs. contractor), restrictive covenants, disciplinary issues & disciplinary processes, and allegations of bullying, harassment and discrimination.

Examples of her work as a mediator in this area include:

- **Mediation of a workplace and employment** - dispute between an employee (senior consultant) and an employer (a public sector healthcare organisation) that was having a negative impact on team dynamics and relationships.
- **Mediation of a workplace** - dispute within a public sector healthcare organisation between two very senior colleagues arising out of a grievance (including an allegation of bullying) that was not upheld by the employer. An appeal against the decision was placed on hold to enable the mediation to take place.
- **Mediation of an Employment Tribunal claim of unfair dismissal and/or redundancy** - that resulted from the dismissal of the Claimant (a long serving employee with no prior disciplinary issues) from a role as a security guard following an alleged failure to detect a break in at commercial premises that the Claimant was employed to patrol.

Media & Entertainment

Gill has extensive experience as a highly respected commercial lawyer in the media, entertainment, creative and digital sectors. She has held General Counsel and Head of Legal positions in some of the world's best-known international media and entertainment companies: from BAFTA award winning TV production companies to renowned international publishing



companies, from online platforms for music and audio distribution to multi-media brands. Her cross-sector media experience covers TV and broadcasting, film, theatre, publishing, interactive entertainment and gaming, music, and all forms of digital media and digital distribution.

Gill's mediation experience includes:

- A claim for breach of contract in the film industry between a US producer and director of documentary films and a Spanish freelance professional relating to non-payment for post-production / colour correction services for an independent documentary film.
- Multi-party dispute in the film industry between two parties in London and one in Los Angeles, USA relating to directors' duties under the Companies Act, company directors' loans and Executive Producer fees claimed in respect of various motion pictures. The dispute included a claim for repayment under various loan agreements relating to Executive Producer fees and third-party litigation costs and a counterclaim for unpaid Executive Producer fees and other film production bonuses arising from various multi-million pound film financing arrangements. The dispute also raised issues of undue influence and misrepresentation in the signing of a loan guarantee document by one of the parties.
- A dispute between a company that develops and publishes massively multi-player online role-playing games (MMORPG) and a company that developed and marketed a bot (automation software) to users of an online game that has over 300 million users worldwide. The dispute involved issues of copyright infringement, breach of contract and procuring breach of contract.
- A commercial and intellectual property law dispute in the TV industry between a TV production company and an independent TV producer relating to a failure to obtain permission to transmit copyright content and provide a credit.
- A multi-party intellectual property dispute in the publishing industry between a professional photographer and two international publishing companies in relation to the unauthorised publication of an image. The case raised issues of copyright infringement and fair use / fair dealing.
- Mediation of a commercial and intellectual property dispute between a UK headquartered international media company and a US multi-national media company arising out of an action for copyright and trademark infringement and passing off in the US (New York) relating to a well-known children's brand.
- Mediation of a commercial dispute being litigated in the US (California) in relation to the provision of professional services (legal services) between an international publishing

company and a US law firm arising out of the conduct of copyright and trademark infringement litigation concerning the unauthorised production, sale and distribution of branded products in Taiwan.

- Commercial dispute between a leading international sports broadcaster and a technology company providing customer management services and technology solutions in relation to customer management services for pay-per-view sporting events and subscription TV services for digital satellite and digital terrestrial TV channels.
- Commercial dispute concerning the development, licensing and distribution of games applications for digital satellite and mobile TV channels between a developer and owner of software applications for gaming and a company providing interactive games and content.

Intellectual Property

Gill also has extensive expertise in the area of intellectual property law. Her experience includes: copyright, trademarks, design rights, patents, passing-off, confidential information and know how. Having spent much of her in-house legal career in IP rich industries she has negotiated, drafted and advised on a wide range of IP transactions and deals. She has also advised on and managed IP disputes, and the litigation and settlement of cases throughout the UK, Europe, the Americas and Asia.

Examples of her IP dispute and mediation experience include:

- A multi-party patent dispute involving a number of well-known international technology companies relating to the use of underlying technology in an automatic content recognition (ACR) and content management system.
- Various copyright and trademark infringement and passing off disputes relating to character and brand licensing and well-known consumer brands.
- Copyright infringement cases raising issues of fair use and fair dealing.
- Disputes arising out of the termination of IP licences and agency relationships.
- Various disputes between IP rights owners and collecting societies and commercial media companies relating to the commercial exploitation of artistic works protected by copyright.

See also **Media & Entertainment** above.



IT, Technology & Telecoms

As General Counsel in two technology companies and having guided a number of media companies through business critical digital transformation projects Gill has comprehensive knowledge of and expertise in relation to IT, digital and technology contracts and disputes. Her experience includes large-scale digital innovation projects and IT infrastructure deals; technology procurement; the supply and installation of IT hardware; IT support and maintenance agreements; apps and app development; website design and development; software design, development and implementation; software licensing; SAAS agreements; systems development and integration; hosting agreements; data warehousing; data security; IOT; cloud computing agreements.

Gill's mediation experience in this area includes:

- **Hardware supply** - Commercial dispute between two IT companies with a long trading history relating to the supply and installation of IT hardware and software and related services. Arguments relating to the supply of counterfeit goods, whether hardware was licensed for EU use, "grey" imports, EU competition law, and reputational damage were raised.
- **Software Development Contract** - Commercial dispute relating to the design, development and implementation of a replacement IT system (a bespoke software solution for accounting and stock control) developed for a company in the drinks industry. The case raised issues around representations and warranties, misrepresentation, collateral contracts, an alleged failure to meet service levels and failure to mitigate loss.
- **CRM Software Development** - Dispute between a software developer and a major broadcaster in relation to the supply of a CRM system to manage customer contacts and customer services for high value international sports events.
- **Website Development** - Contractual dispute relating to the design and building of a website for a leading professional body between an IT company specialising in eCommerce and a technology services company.
- **Software Supply and Services** - Dispute between one of the UK's largest suppliers of business software and services and a company in the legal services industry relating to the supply of practice and case-management software and supply services.
- **eCommerce** - Dispute between a digital marketing agency and a company specialising in selling surplus goods relating to the development of an online retail business and the building of an eCommerce website.

- **Telecoms / SAAS Agreement** – Dispute between a wholesale retailer and a company supplying telecommunications services relating to the supply, installation and use of a telephony system and SAAS software across multiple sites.
- **IT / Telecoms** - Dispute between a major UK telecommunications company and a FTSE listed technology company engaged by them to provide loan management software and associated implementation services and hosting. Claims related to a software licence and costs for hosting and implementation.

See also **Media & Entertainment** below, and **Intellectual Property** above.

Property & Construction

- **Breach of Contract/Professional Negligence-** A £2.5 million professional negligence claim by a major bank against a well-known estate agent/commercial property consultancy that was engaged to provide a valuation report and quantity surveying and monitoring surveying services in relation to a loan facility for the purchase and redevelopment of a derelict farmhouse, 6 barns and associated land.
- **Construction /Professional Negligence** - High Court dispute relating to proposed remedial work in respect of properties located in a marina as a result of corrosion to the concrete columns supporting the deck on which the properties were built (involving significant expert advice and expert reports).
- **Construction/Professional Negligence** - Breach of contract & negligence claim in the High Court between a school and its agent relation to a building dispute pursuant to a JCT Design and Build Contract for the development and building of school premises.
- **Construction dispute** – Dispute between a company developing residential properties and the construction company they engaged to build a block of nine flats.
- **Construction dispute** – between a borough council and a firm of construction consultants engaged to provide quantity surveying services in relation to the construction of two schools and the work of various building contractors and architects.
- **Commercial Property / Agency** – Dispute between a property developer and company providing specialist agency, consultancy and property management services. The dispute related to the payment of commission in respect of a commercial property for development.



- **Planning** - Dispute relating a claim of £2.4 million for undue enrichment resulting from the levying of sewerage charges over a number of years against a manufacturing company in the automotive industry by a water authority.
- **Breach of Statutory Duty/Professional Negligence** - Mediation of a case referred by the Court of Appeal. The claim related to breach of statutory duty in relation to the implementation of a parking scheme and the appointment of sub-contractors to administer the scheme by a housing management company.
- **Agricultural Land and Property** - A dispute relating to personal, residential and agricultural land and property resulting from the breakdown of an 18 year relationship. The case involved questions of beneficial ownership and claims of undue influence and breach of trust.
- **Residential Property** - Financial claim between a homeowner and the board of a Manhattan condominium in relation to the use of the homeowner's terrace over an extended period to enable work to the common areas of the condominium. Claim for inconvenience and lack of use, and property damage.

Landlord & Tenant

Gill has mediated various Landlord & Tenant disputes including:

- **Right to Quiet Enjoyment** – A financial claim against a landlord for breach of a tenancy agreement due to disturbance from other tenants smoking in a non-smoking apartment block and failure to return of security deposit. (New York, USA)
- **Right of access** - Dispute relating to the granting of access to the property to check for and to undertake remedial work in relation to suspected lead paint, and the instruction of professionals to perform investigations and undertake necessary remedial work. (New York, USA).
- **Property Damage** - money claim relating to alleged damage to a residential property and the non-return of a security deposit (New York, USA).
- **Restrictive Covenants and Property Damage** - Dispute arising out of the breach of the restrictive covenants in a residential lease as a result of a tenant keeping a large number of pets in contravention of the terms of the lease, and a claim for water damage in relation to the property below after a large aquatic tank cracked and flooded the property (New York, USA).

- **Withholding of Security Deposit** - mediation relating to the withholding of a security deposit on a rental property and allegations of damage (New York, USA).

Neighbours Disputes

- Long running dispute between two neighbouring families in East London that related to noise disturbance with allegations of anti-social behaviour.
- Dispute relating to noise and allegations of intentional harassment made to the NYPD between upstairs and downstairs neighbours in a Lower East Side apartment block in Manhattan.
- Dispute relating to noise between neighbours in a block of flats in London including allegations of anti-social and aggressive behaviour.
- Dispute relating to privacy and the installation of outdoor light fittings at a home in Brooklyn resulting in light pollution and sleep disturbance.
- Dispute relating to noise disturbance between a shift worker and his elderly mother and a family with young children living in Brooklyn.
- Noise dispute between neighbours in a Manhattan apartment block resulting in repeated calls to the police and allegations of harassment and intimidation.

Sale of Goods & Services

See also **Commercial Mediation** above.

- Mediation of various cases concerning the provision of professional services and non-payment, including in relation to legal services, accountancy and tax planning services, and financial advice and brokerage services.
- **Sale of Goods & Services** - mediation between a customer and a garage owner of a claim for damage and a claim for non-payment relating to car repairs and the supply of automobile parts.
- **Breach of Contract / Services** - Mediation between a customer and a professional tailoring and dress making service involving claims of breach contract, failure to complete work on time and relating to the quality of the workmanship.
- **Breach of Contract / Services** - Mediation of a claim by a health insurance company against a former patient for non-payment of hospital bills and the cost of private medical treatment in a US hospital.



- **Breach of Contract** - Mediation relating to the breach of a written loan agreement between family members and failure to make agreed loan repayments.

Feedback – Clients

“This was little short of a masterclass in how an effective mediation session should be conducted. Gill was very well prepared. She arranged a pre-session Zoom conference so that we all knew what to expect. Gill’s interpersonal skills ensured that my client was very much at ease... I would have no hesitation in highly recommending Gill as a very effective, professional and personable mediator.” **Counsel in an online mediation.**

“Very impressed with the mediator who had to deal with difficult and at times emotional parties. A positive outcome was achieved for both parties as a result of the mediation process.” - **Solicitor, National law firm**

“It took great skill and experience to not only keep the mediation on track but to conclude with a successful outcome.” - **Solicitor, National law firm**

“Gill was very professional and communicated well. The mediation via Zoom worked seamlessly and I would recommend this method for future mediations...” **Party in an online mediation.**

“This is the second time I have worked with Gill, and I found her to be very professional and easy to work with whilst maintaining her impartiality throughout the mediation. She was well prepared, thorough, built up a good rapport with the client and worked hard to ensure that the parties reached the right deal. I would strongly recommend her and would certainly use her services again.” - **Partner, London law firm**

“Gill expertly handled the mediation and managed to facilitate a resolution that looked unlikely at the commencement of the day.” - **Partner, London law firm**

“We selected Gill from a short-list of highly skilled mediators and she was a delight to work with. The mediation was quite technical as well as emotional for the parties involved. Gill handled it beautifully, putting the parties at ease from the start. She was professional and good-humoured, and it was easy to trust her and her skills. She brought the parties to a fair conclusion by around 6 pm on the day. I would highly recommend Gill and would select her as a mediator again.” - **Partner, London law firm**

“I would just like to let you know how much I really appreciated all of the effort and energy you put into the mediation process... Thank you for your sensitivity, flexibility and maintaining the momentum of progress to an acceptable conclusion. If I hear or know of anyone else in a



difficult situation and requiring mediation I will have absolutely no hesitation in pointing them in your direction." - **Managing Director in the IT industry, party to the mediation**

"Very impressed with Ms Mansfield." - **Solicitor, Regional law firm**

"I was in awe of how professional Gill remained throughout the week of discussions. Her genuine love of helping people work through problems was evident the whole way through. She was brilliant. Thank you." - **NHS Consultant: party to a week-long multi-party workplace mediation**

"The mediator Gill Mansfield was extremely professional. She was always kind, neutral and calm. She gave us a very comfortable feeling, it was lovely talking to her. She helped us to clear a big emotional issue. A big thank you for all of that!" **Party in an online mediation**

"She was excellent." - **Partner in an accountancy firm, party to the mediation**

Professional Skills

1994: Barrister (called to the Bar of Lincoln's Inn)

1997: LLM International, Commercial and European Law, Sheffield University

2000: Post-Graduate Certificate in Competition Law and Policy

2006: CEDR Accredited Commercial Mediator

2015: Approved Mediator, New York, USA

2018: Fellow of the Chartered Institute of Arbitrators (FCIArb)

Memberships

- CEDR Panel Mediator
- CMC Registered Commercial Mediator
- Fellow of the Chartered Institute of Arbitrators
- Elected Committee Member of the London Branch of the Chartered Institute of Arbitrators and Hon. Treasurer
- Member of the Association for Conflict Resolution - Greater New York
- Member of the Society for Computers and Law (Tech Law for Everyone)
- Member of the Honourable Society of Lincoln's Inn