



**CEDR Accreditation:** 2014

**CEDR Panel** 2022

**Languages:** English

**Location:** United Kingdom

*She listened when needed, she moved things forward when needed. She was collaborative and problem solving focused. She made it a team effort. She was devoid of ego. She was superb.*

*One of the best mediators I have come across in over 20 years practice at the Bar. She is on top of her brief, and understanding yet firm with the parties.*

*The mediator was excellent and kept momentum and dialogue going to an agreed outcome.*

Client Feedback

## Rebecca Clark

### Overview

Rebecca is an accomplished and respected full-time mediator and is also Chair of the Civil Mediation Council. Listed as a Leading Mediator in both Chambers & Partners and The Legal 500, Rebecca is particularly commended for her calm and empathetic style, combined with robust legal or commercial challenge where needed. She encourages parties to take a risk-based approach to actively manage conflict and disputes, and manages difficult conversations with sensitivity and insight.

Prior to becoming a mediator, Rebecca was Head of Litigation at a so-called “bad bank” where she was awarded Legal Counsel of the Year 2013, partly as a result of her novel approach to resolving classes of disputes by mediation. Rebecca’s insight into mediation as a mediating party is unparalleled. Because of this, Rebecca meets clients before a mediation to hear about the dispute and discuss process, ensuring a prompt and productive start to the mediation day. Before working in-house, Rebecca set up and managed her own retail business from scratch, giving her a real-life understanding of the pressures of owning and managing your own business and the impact disputes can have on the financial management of a company. She has also worked as a solicitor in private practice.

Rebecca mediates a wide range of commercial disputes including shareholder, insolvency, warranty claims, breach of contract and breach of duty. Because of her previous employment, Rebecca is particularly experienced in financial services, professional negligence and regulatory litigation. She is also sought after for her SME and family business mediation experience, where her ability to connect inter-generationally with parties to a dispute, combined with her own business experience, helps move parties towards resolution. Most recently, Rebecca has worked on facilitating discussions between directors and devising processes for projects in the investment fund management, manufacturing and recruitment industries, helping parties develop strategies to avoid a formal dispute arising.

When not mediating, Rebecca Chairs the Civil Mediation Council, both the self-regulatory body for mediators in England and Wales and a charity promoting the use of mediation within society. Liaising with Government, the Courts and other stakeholders, Rebecca enjoys actively promoting the use of mediation and working with other Board members on issues of growth, regulation and financial management. Rebecca is also very interested in the psychology of mediation and negotiation generally and regularly speaks at seminars and conferences on the subject.

## Professional Background

Rebecca has been a full-time mediator since 2015.

Before becoming a mediator, Rebecca was Head of Litigation at UKAR, which managed the taxpayers' interests in Bradford & Bingley, old-Northern Rock and Mortgage Express on behalf of the Government. During this role, Rebecca was the winner of Legal Counsel of the Year at the 2013 British Legal Awards and her team was awarded the Yorkshire Lawyer Awards Litigation Team of the Year also in 2013.

Between 2005 and 2010, Rebecca set up, managed and then sold her own retail business, winning the Draper's award for Best Kidswear Retailer in 2009.

Rebecca has also worked as a Solicitor Advocate at Squire Patton Boggs (formerly Hammonds), Nicholson Graham & Jones and Richards Butler (now Reed Smith).

## Expertise

- Breach of Director Duties
- Commercial Contracts
- Financial Services
- Fraud, Deceit and Conversion
- Inheritance and Family Trust
- Insolvency and Corporate Recovery
- Insurance, including Coverage and Reinsurance
- Investment and Private Equity
- Partnership and Joint Venture Disputes
- Pensions and Insure mis-selling
- Project Management and Pre-Litigation Facilitation
- Professional Negligence and Professional Indemnity
- Product Liability
- Public Sector Contracts
- Regulation
- Restorative Justice
- Shareholder Disputes
- Warranty Claims

## Dispute Experience

### Transaction and Breach of Warranty

- Multi-party, multi-jurisdiction \$34m breach of warranty dispute arising from a US\$1bn transaction.
- Dispute arising from sale and purchase of a business following the sudden death of the vendors.
- Breach of warranty claim arising from sale of lending book.
- Collateral contract claim arising from transfer of shares in nightclub business.

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## **Investment**

- Multi-party, multi-jurisdiction dispute between shareholders and investors in a high value international technology firm.
- Dispute between investors and creators of a prototype motor vehicle.
- Claim arising from alleged criminal action by investment manager.
- Claim arising from investment into a satellite / space business.

## **Partnership and shareholder**

- Developing a pre-litigation strategy for exit of family members from a group of interconnected family companies to protect the wider family relationship.
- On-going mediation and facilitation pre-issue between two brothers as directors and shareholders in a large manufacturing firm.
- Pre-litigation dispute between father and son as to future management of family business.
- Claim arising from a consultancy and shareholder agreement and purchase of a property consequent to a care home transfer.
- Claim by co-shareholders against widow arising following the death of company founder.
- Claim for breach of shareholders agreement following alleged sexual misconduct.
- Breach of fiduciary duty claims.
- Unfair prejudice claims.

## **Banking and finance**

- £1.5m claim arising from alleged breach of agreed banking facilities for commercial property development.
- Claim between a major retail bank and two customers concerning alleged mismanagement of an investment portfolio.
- Claim by a company and its directors against a major UK lender for very significant losses arising from the alleged unauthorised withdrawal of banking facilities.
- Claim brought against two financial organisations for non-disclosure of commission and/or breach of fiduciary duty consequent to a loan transaction involving issues of Consumer Credit and novation
- Claim for damages by a charitable trust against a major lender arising from a SWAP transaction.
- Claims by peer-to-peer lenders.
- Claims by bridging loan companies.
- Claims against lenders for secret commission and unfair relationships.
- Major regulatory claim arising from interpretation of Consumer Credit Act.

## **Fraud and Professional negligence**

- Claim against auditors following falsification of accounts by a company's Financial Director.
- Dispute involving alleged theft of computer data.
- Claims between business partners for fraudulent withdrawal, exclusion from partnership and harassment.
- Claims against valuers and solicitors for negligence and/or breach of contract.

## **Insurance**

- Complex international shipping reinsurance claim with additional sensitivities resulting from alleged racism.
- Nuisance and breach of landlord's duties insurance claim arising from a fire at a large restaurant.
- Coverage disputes.

## **Trusts**

- £13m claim by a beneficiary in a large, complex off-shore family trust, with alleged wrongdoing by financial institutions.
- Dispute between siblings regarding mother's investment in property and alleged kidnapping.
- Claim between former partners as to relative shares in property.

## **Insolvency**

- Claim by a large international corporation against a subsidiary arising from the insolvency and subsequent disappearance of international goods.
- Claims by IPs and claims management companies for breach of directors' duties following insolvency.
- Claim by a Trustee in Bankruptcy against a well-known, terminally ill celebrity.
- Pension claims arising from liquidation of pension fund.
- Claims for transaction at an undervalue

## Commercial contracts

- Claim against facility company arising from management of an office and residential block.
- Claim arising from alleged breach of an agreement to create and install a bespoke IT system for a retail leisure company.
- Defective goods and consequential losses, including claims involving alleged defects in materials and manufacturing processes.
- Claims arising from late delivery of materials for construction project.
- Claim arising from interpretation of burial rights contract.

## Property

- Boundary, nuisance and trespass disputes.
- Professional indemnity claim arising from shale expansion in property.
- Validity of charging order and priorities.

## Personal Style

Rebecca's style adapts to the needs of the parties and the nature of the dispute. Equally confident being firm and directive, or providing gentle challenge, Rebecca is agile in approach whilst encouraging parties to focus on a practical outcome. Praised for her thorough preparation and ability to build rapport quickly, Rebecca is especially noted for her skill in managing highly sensitive and emotional situations calmly and with compassion. Rebecca is tenacious, bringing energy, intelligence and innovation to every mediation she facilitates.

## Feedback

- *"Rebecca is measured and a skilled mediator." (Solicitor, City Law Firm, August 2022)*
- *"The mediation ran very smoothly and as efficiently as it could have done. Rebecca frequently reiterated the need for constructive thought processes." (Solicitor, City Law Firm, August 2022)*
- *"Really got the emotion on the day and handled that extremely well in what was a particularly sensitive and emotional dispute." (Solicitor, City Law Firm, April 2022)*
- *"Very understanding of the delicate emotional circumstances of this case." (Solicitor, City Law Firm, April 2022)*
- *"I have used many mediators over the years – Rebecca was one of the best." (Partner, City Law Firm, October 2021)*
- *"I thought she was really excellent. Great at seeing things from both sides, she was very astute as to the issues between the parties and their motivations and thought she moved*

*things along very nicely...Rebecca's perseverance ensured a successful result which I am not sure would have been possible had the parties been left to their own devices." (Partner, City Law Firm, October 2021)*

- *"She was excellent in all respects. When there were some tetchy moments between the parties, she was very good at trying to explain each side's perspective and moved the discussion along nicely." (Partner, City Law Firm, October 2021)*
- *"I thought she handled the different characters very well and her judgment of when to push versus when not to push was very good...she was excellent under very difficult circumstances." (Partner, City Law Firm, July 2021)*
- *"Rebecca has an exceptional ability to identify what really matters to the parties and to help build bridges where there was previously no prospect of doing so. This was the hardest fought mediation I have done and Rebecca kept everyone together when, at times, there was a real risk of it falling apart." (Partner, City Law Firm, Dec 2020)*
- *"Both prior to and throughout the mediation the mediator was superb. She displayed the highest possible standards of professionalism and controlled the technology of the Zoom meeting in a masterful way. Her fair but firm approach ensured the mediation was conducted to the highest standards and was a level playing field for all concerned. In short she is a credit to her profession, to IPOS and to herself." (Claimant at Mediation, Oct 2020)*
- *"I always suggest Rebecca now because she seems to build relationships better and more quickly than others. This was crucial on such a short mediation. We were also really pleased that the technology worked perfectly." (Senior Associate, City Law Firm, 2020)*
- *"A very good result; identified early what was needed to reach resolution, identified that the emotional side rather than monetary figures needed to be addressed at the outset. Rebecca was exactly the right mediator for the day." (Partner, City Law firm, Sept 2019)*
- *"The opening session was managed incredibly well. Rebecca's opening remarks set the scene perfectly and encouraged an open and upfront session that cut through the issues quickly. Rebecca's approach was ideal – very measured in her delivery and made useful comments to assist the parties in progressing negotiations. First rate in every aspect of the day." (Partner, City Law firm, Aug 2019)*
- *"I was particularly impressed with the points that Rebecca made during our confidential discussions (when we were evaluating the arguments and the risks). Her understanding of the issues and risks and assessment of them was spot on. I would definitely instruct her again." (Partner, City Law firm, May 2019) I*
- *"Rebecca was excellent – pre-mediation conversations with the parties worked well. She was good at working with the individual parties and managing that relationship. I would definitely recommend her" (Director, City Law firm March 2019)*
- *"She knew how to get the balance right between discussing the issues and talking money" I have already recommended her to a colleague. (Associate, City Law firm March 2019)*

- *“The mediator was robust in putting points from the other side to my client who had been unwilling to accept weaknesses in his case. I was very impressed overall with her.” (Counsel, March 2019)*
- *“Rebecca was clearly focused on getting a deal and worked tirelessly towards that. It was amazing we secured the result we did and Rebecca really helped with that. The client was very pleased (Solicitor, City Law firm March 2019)*
- *“Rebecca helped us to achieve a resolution to a difficult, long running and complex dispute. I will seek to use her again.” (Director, Regional Law firm January 2019)*
- *Rebecca dealt particularly well “with what was a fairly fiery opening joint session between strong personalities on both sides.” I would instruct her again. (Solicitor, City Law firm January 2019)*
- *Rebecca was “very well prepared, I was very impressed, we got a resolution quickly from a very difficult opening position.” I would definitely recommend her to colleagues. (Client, January 2019)*
- *“I just wanted to say thank you for navigating this at times painful mediation for us. I’m sure that without your input we would not now have a deal”. (Senior Associate, City Law firm, November 2018)*

