



CEDR Accreditation:	1996
CEDR Panel:	1998
CEDR Chambers:	2012
Languages:	English
Location:	United Kingdom

“...approachable and down to earth and inspired confidence on all levels.”
Client feedback

Graham Massie

Overview

Graham Massie is a Chartered Accountant and CEDR Director. With over 25 years' experience, he is one of the most experienced accountant mediators in Europe, with expertise across a broad range of sectors and dispute types.

Graham is particularly well suited to the mediation of complex commercial disputes or where the parties consider his professional accountancy background as being of value to the process.

In addition to his disputes work, Graham is regularly approached by businesses and public sector bodies to act as an independent chair to facilitate strategic discussions and deal-making negotiations.

Graham also regularly undertakes independent reviews in relation to professional conduct complaints and personnel disciplinary matters as well as expert determinations relating to complex commercial contracts. In addition, he acts as Senior Independent Complaints Reviewer for Ofsted, the Solicitors Regulation Authority and the Regulator of Social Housing.

Professional Background

Graham has worked with CEDR since 1996 and is currently CEDR's Chief Operating Officer and a member of CEDR's mediation and conflict management training faculty. Before joining CEDR Graham was a Chartered Accountant with KPMG working in London and the United States.

Expertise

- Banking & finance
- Charities
- Commercial contracts
- Competition
- Deal mediation
- Employment & workplace
- NHS & healthcare
- Partnership
- Professional services
- Property
- Public sector
- Sale of goods & services
- Share valuations
- Shareholder agreements
- Tax
- Transportation
- Trusts, wills & probate



Experience

Banking & finance

- Dispute between a challenger bank and a technology service provider about attribution of losses arising from a third-party fraud.
- Dispute arising out of the collapse of a holiday tour company and airline. Investors claimed £3 million for alleged misrepresentation that had induced them to invest less than a year earlier.
- Dispute between a private moneylender and an individual regarding validity of a personal guarantee of a loan to a family member.
- Dispute between large commercial bank and a business customer about the terms of a fixed rate loan that had been taken out to finance partnership capital.
- Dispute between liquidator and former director/shareholder regarding settlement of loan account balance.

Charities

Graham has extensive experience of working within the charity sector. This includes having been CEDR's Company Secretary and Chief Operating Officer for over 25 years. He is also a Trustee of Discover Children's Story Centre, an education-oriented charity based in East London.

- Dispute amongst trustees of a small charity about the process to select and recruit a new senior employee.
- £200,000 contract dispute between an educational charity and a funding institution regarding the level of payment for training courses delivered.
- Governance dispute arising from differing views of trustees in a medium-sized arts charity about future strategy and leadership issues.

Commercial contracts

- Dispute between two manufacturing companies regarding alleged breach of contract to sell used machinery, leading to £200,000 loss of profits claim.
- £100,000 compensation claim arising from purported termination of a fixed term contract to provide grass cutting and waste disposal services.
- Dispute between an individual farmer and a buying co-operative regarding farmer's liability for equipment hire charges incurred by a sub-contractor allegedly operating with his authority.
- Franchising dispute arising from compensation claim for alleged early termination.

Competition

- €20 million+ dispute between two major multinationals regarding the level of compensation payable following an EU anti-competition ruling. The parties specifically appointed a Chartered Accountant mediator who could analyse and relay the implications of sensitive commercial data between the parties without disclosing any underlying confidential detail.



- Dispute over trademark usage between two co-existing users of a similar business name when one moved into other's area of activities.
- £500,000 dispute between company and two former shareholder-directors regarding enforcement of non-compete covenants following termination of employment and shareholder agreements. Also, intellectual property issues regarding alleged "passing off" by the directors' new venture.
- Dispute between accounting firm and retiring partner about alleged breach of non-compete covenant.
- Dispute between public body and large commercial organisation about level of compensation to be paid for renegotiation of non-compete provisions in a long-term service contract.

Deal mediation

- Prior to Brexit, Graham conducted a three-month project during which he chaired the negotiations between British Sugar plc and the National Farmers Union regarding the future commercial arrangements of the UK's sugar beet industry (worth some £250 million pa).

The success of this assignment might be gauged from the farming media coverage of the resultant settlement. This characterised the position prior to Graham's involvement as *"sugar negotiations in disarray"*, *"calls for solidarity ahead of sugar price meeting"* and *"sugar beet price negotiations remain in deadlock"*. However, the post-agreement news coverage reported: *"the annual squabbling match between British Sugar and the NFU over sugar beet prices could be a thing of the past"*.

- Following the change in the regulatory environment post Brexit, Graham was re-engaged to assist in finalising what had been difficult negotiations for the 2024/25 sugar beet contract. Again, these negotiations proved successful resulting in agreement on a broad range of pricing and other commercial issues.
- Graham has facilitated numerous negotiations on the formulation of contract conditions and other operating arrangements between NHS Clinical Commissioning Groups and Foundation Trusts for acute hospital services. Technically complex, and usually involving large teams of specialist managers and clinicians, these negotiations often involve the interaction of many dozens of individual performance standards, the outcome of which can often have critical implications for the financial position of the Trusts involved.
- Facilitated Government-sponsored negotiations between UK dairy farmers and processors regarding the adoption of a voluntary code of practice for the UK milk sector.

Employment & workplace

- Dispute between company and a former director regarding entitlement to recovery of deferred salary. Counterclaim from company in relation to the discharge of the director's guarantee of a £100,000 overdraft facility.
- £1 million workplace stress-related claim involving a senior executive in a major international consulting firm.
- \$500,000 claim for commission entitlements by a senior executive formerly employed as a currency and bullion trader.



- Employment dispute arising from complaints about management style of a senior clergyman.
- Dispute about scope of injunctions obtained by US arms manufacturer to limit activities of large group of anti-war protestors – essentially a case about an employer's obligations to protect employees from harassment.

NHS & healthcare

- Contractual dispute between a Primary Care Trust and a company running a number of GP surgeries.
- Independent assessment of the reasonableness of a decision by governors of an NHS Foundation Trust to terminate the tenure of a governor on the grounds of his breach of their code of conduct for governors.
- Dispute between the Department of Health and specialist main contractors and sub-contractors over the provision of a fleet of specialist emergency vehicles.
- Dispute between local authority and a private contractor regarding payments for social care services to elderly residents.
- Dispute between an NHS clinical commissioning group and a private sector provider regarding a contract for the provision of urgent care and out of hours services.
- A number of expert determinations of disputes between NHS clinical commissioning groups and Foundation Trusts about (a) reimbursement of costs relating to the running of community properties, (b) reimbursement of costs for specialist drugs, (c) reimbursement of costs for diagnostic testing, and (d) patient transportation services.

Partnership

- Dispute between six former partners regarding financial settlements following collapse of specialist firm of solicitors.
- Dispute between two doctors about the procedure for division of £300,000 of assets of a medical research business following an agreement to cease trading.
- Dispute between partners about division of £400,000 of property assets following break up of property management/rental agency business.
- Dispute between young couple over division of equity in their house following ending of their relationship.
- Dispute between a law firm and a former partner regarding settlement of his capital and current account balances.
- Contested £1.5 million claim from the separated wife of the majority shareholder of a family-owned food retail and wholesale business.
- Former partner's claim for entitlement to additional pension funds following an alleged accounting error in a previous settlement.
- Dispute related to the affairs of a two-man partnership of architects, which terminated on the death of one of the partners.



- Dispute between solicitors about financial settlement following dissolution of partnership.
- Dispute about variable earn-out price following sale of an accountancy practice.

Professional services

- Dispute between accounting firm and client regarding payment of corporate finance advisory fees under a contingency fee arrangement.
- Dispute between two veterinary practices about operation of a joint venture.
- Professional negligence claim against auditors of a further education college.
- Dispute over payment of accountant's fees for tax advisory services.
- Acted as Independent Adjudicator for complaints that member firms in a professional body had breached its Code of Conduct.
- Independent adjudication of complaints by architects about the fairness of a disciplinary process initiated by their professional body.

Property

- £600,000 dispute between a group of tenants and a housing association regarding their individual complaints concerning maintenance of building and various right-to-buy issues.
- Dispute between housing association tenants occupying different floors of a converted house – essentially a noise issue arising from different lifestyles.
- Indemnification claim by property owner against its maintenance company following pay out of compensation for a workplace injury attributable to inadequate maintenance.
- Court of Appeal case arising from dispute about production of service charge accounts by freeholder of a large block of flats.

Public sector

- Independent review of evaluation process used by a metropolitan borough council in the procurement of services to support carers
- Dispute between local education authority and an academy about the placement of a teenager with special educational needs.
- Claim against Home Office by former prisoner following failure to diagnose a serious medical condition.
- Dispute between local authorities and commercial contractor regarding contract for refuse collection recycling and waste transfer services.
- Dispute between Department for Education and an Academy about governance and financial issues.
- Facilitation of negotiations between a local authority and a private sector operator about unwinding of contractual relationship regarding operation of leisure centres.



- Dispute between housing association and local authority about contract for provision of residential care services.
- Dispute between university and contractor about financial arrangements for a major contract for cleaning in halls of residence.

Sale of goods & services

- £500,000 dispute between operator of a power station and a customer regarding the correct basis of charging for the supply of electricity.
- Dispute between energy supplier and operator of large hotel regarding liability and level of charges for past supplies.
- Franchising dispute around unilateral termination of relationship.
- Dispute about pricing implications of change orders in long-term contract for supply of printed marketing materials.
- Dispute between supplier and major retail client about financial provisions relating to informal extension of supply contract and subsequent termination.
- Dispute between social care providers about valuation of a portfolio of contracts transferred on retirement.

Share valuations

- Dispute about valuation of shareholding in a leisure services company following a successful claim about unfair prejudice of minority interests.
- Dispute between shareholder-directors regarding wind-up of a property development company.
- £500,000 business valuation dispute between co-founding directors of a TV production company specialising in children's entertainment
- £750,000 business valuation dispute between founder shareholders of a specialist property finance brokerage following their decision to part company.

Shareholder disputes

- Dispute between shareholders in a manufacturing business about interpretation of an ambiguous Shareholder Agreement.
- Dispute between shareholders of a professional services business about adoption of business plan and budgets, dividend strategy, long-term incentive plans and exit strategy.
- Dispute between deadlocked shareholder/director group in specialist medical business about various governance issues
- £1 million dispute between two brothers about the future strategy and operation of a waste transfer station business, which they had inherited from their father.
- Dispute about alleged unfair prejudice petition involving two brothers running a 50/50 business in the construction industry.



- Dispute about alleged unfair prejudice involving two families involved in a fast-food retail business.
- Shareholder dispute relating to sale of shares in private security business
- Dispute between joint shareholders about early severance of their relationship after setting up a sports leisure business.
- Dispute between former director and new investor regarding share sale and individual redundancy arrangement.
- Shareholder dispute about multinational joint venture in the retail sector.
- Family dispute about repayment of a loan to a business.

Tax

- Disputed claim for £100,000 under a tax warranty given in connection with the sale of a hotel. Complex accounting and capital gains tax issues involved.
- Dispute about payments due under tax indemnities in connection with sale of a substantial international service business in the oil industry.
- Dispute between company and HMRC regarding claim for repayment of VAT allegedly overpaid due to incorrect HMRC advice.

Transportation

- £1 million warranty claim in relation to repairs to power units for high-speed trains.
- Dispute between railway undertaking and international investor about operational differences relating to their co-operation agreement.
- Dispute between bus company and maintenance contractor about contractual provisions relating to performance and termination.
- Graham has advised the Department for Transport on the development of its negotiation approaches within its rail services procurement function.

Trusts, wills & probate

- Inheritance matter relating to division of disputed agricultural tenancy rights worth £500,000 between different branches of a family.
- Acrimonious probate dispute between seven sisters arising from differing interpretations of a DIY will.
- Family dispute about differing inheritance claims in the light of a contested will.

Other ADR experience

As Chief Operating Officer of CEDR, Graham is one of the world's foremost experts on the establishment, marketing and operation of ADR centres. He has advised the governments of both India and Sri Lanka on the business strategies of their proposals to develop their own international centres for ADR. In



addition, he has advised the International Finance Corporation, the private sector arm of The World Bank, on the establishment of international ADR centres in Bangladesh and Barbados. He also worked with the Qatar International Court and Dispute Resolution Centre on the development of its ADR offer and was seconded from CEDR to serve as its first Director of ADR.

As a member of CEDR's mediator skills and negotiation training faculties for many years, Graham has extensive experience of international training and consultancy, and has worked on such projects in Bosnia & Herzegovina, Canada, Denmark, Egypt, Finland, France, Germany, India, Kyrgyzstan, Netherlands, Nigeria, Poland, Qatar, Russia, Sweden, Turkey, Ukraine & USA.

In addition, Graham has for many years been the convenor of the National Negotiation Competition for Law Students, sponsored and organised by CEDR; and he is also an Executive Committee member of the International Negotiation Competition which is the oldest and the most renowned competition with a focus on international legal negotiation for law students from all over the world.

Personal style

Highly numerate, Graham knows how – and when – to get into the details. Equally importantly, he has the experience to help parties focus on the big picture, particularly in those situations where negotiations might otherwise get bogged down in unnecessary detail.

Graham takes a “no nonsense” direct approach with parties, helping them to consider risks and reach workable solutions. At the same time, however, feedback from parties and lawyer representatives frequently comments on his approachable and relaxed style.

Client feedback

- *“Very very satisfied. He was excellent actually. At times things strayed but he managed to keep the focus and helped us realise what we would lose if we walked away.”*
- *“He had a great personality – very calming. Absolutely, I would use him again. Very much so.”*
- *“I thought he was very good. He was exactly what I was looking for.”*
- *“...he was approachable and down to earth and inspired confidence on all levels. I would certainly come back and I would certainly use him again.”*
- *“His accounting background was what we needed and suited the situation.”*
- *“My client was most impressed with your patience and guidance in resolving the matter.”*
- *“What we really valued was your work in the late bargaining end game – we'd got to a similar stage in previous negotiations but things had then always broken down – this time your involvement made the difference. Without you, it wouldn't have happened.”*
- *“He got us through some really sticky moments. If we ever encounter a similar situation in the future we would not hesitate to bat it his way.”*
- *“It was a very complicated, lengthy mediation and he managed to get parties to agree which was a huge achievement. Highly competent.”*
- *“Had the right expertise and was really good dealing with the parties.”*



- *“Took the time to confirm key points with both parties and seek further clarification when required.”*

Professional skills

After qualifying as a Chartered Accountant with a medium-sized city firm, Graham spent ten years with KPMG London where, as Senior Manager, he ran a professional services department of approximately 40 staff responsible for a broad cross-section of clients ranging from major PLCs to small owner-managed businesses.

During this period, he also spent two years in the USA, initially as a manager in KPMG's Chicago office and thereafter as seconded finance director to a computer leasing industry client, based in New Jersey.

Upon leaving KPMG, Graham established his own business consultancy and audit practice specialising in helping owner-managed businesses find creative solutions to one-off problems (including systems development, corporate mergers and acquisitions, strategy and planning, and litigation support). During this period, he also worked as an investigating accountant for the Accountants' Joint Disciplinary Scheme, investigating the conduct of individual accountants and firms involved in corporate collapses of major public interest (including Polly Peck and Barings Bank).

In his early years with CEDR, Graham served initially as Finance Director and later as Chief Operating Officer, but he now focuses the majority of his time on client services. Graham is also a Board member of the International Dispute Resolution Centre.

Publications

- The Civil Justice Audit, 2000 (project manager and reviewing editor).
- The Mediation Audits, 2003, 2005, 2007, 2010 and 2012, a regular survey of the UK commercial mediation profession.
- The EU Mediation Atlas (co-editor), published by LexisNexis, 2005 - a survey of practice and regulation in each member state within the EU.
- CEDR's "Cutting the Cost of Conflict" surveys, 2006 – 2008 looking at the cost of conflict to British business and attitudes thereto.
- Chapters on conflict management in *Managing Business Risk*, a practical guide to protecting your business, published by Kogan Page (2007, 2008, 2010).