



Christopher Newmark

Consultant Mediator



"[Chris] had read all of the material and was well prepared. He spent a lot of time with the other side but clearly worked magic. Would use him again."

In Brief

Solicitor

"extremely commercial"

"pragmatic"

*"approachable, organised
and methodical"*

"very good people skills"

Commercial contracts

IT/Telecommunications

Shareholder disputes

Insolvency

Insurance

Construction

Intellectual Property

Mergers & Acquisitions

Landlord & Tenant

Finance

Professional Negligence

Mediation Experience

Chris Newmark's mediations have covered a very broad range of commercial disputes. As a commercial litigation solicitor, he has also acted on many occasions as a representative of parties in mediations both in the UK and the US.

Chris is recommended as a leading mediator by the 2008 editions of both Chambers and The Legal 500. Chambers refers to Chris as *"quietly persuasive"* and Legal 500 says that Chris *"is recognised for impressive interpersonal skills, a warm sense of humour and a shrewd view across a range of commercial and financial disputes"*.

Other dispute resolution experience

In 2008, Chris was appointed Vice-Chairman of the ICC Commission on International Arbitration. He sat on the ICC task force that drafted the ICC ADR Rules and co-chaired the ICC task force which recently published the ICC Commission's *"Techniques for Controlling Time and Cost in Arbitration"*. Chris sits on the board of directors of the International Institute of Conflict Prevention and Resolution (CPR) and is a member of CPR's international panel of distinguished neutrals and its European Advisory Committee.



Chris is also a member of the Chartered Institute of Arbitrators, the Sports Dispute Resolution Panel and the LCIA.

Chris writes and speaks regularly on ADR and arbitration. He is a Senior Visiting Lecturer at the School of International Arbitration, Centre for Commercial Law Studies, Queen Mary University of London and conceived and co-edited the leading mediation book "*Butterworths Mediators on Mediation - Leading Mediator Perspectives on the Practice of Commercial Mediation*" which won the 2006 CEDR Excellence in ADR Award for best publication.

Chris studied Dispute Resolution at the University of de Paul in Chicago and has also trained as a mediator with CPR. Chris has also trained as a community mediator with the Lewisham Action for Mediation Project and has mediated cases for LawWorks Mediation and on the Independent Housing Ombudsman and Central London County Court mediation schemes.

Comments on Chris Newmark's mediation style include:

Comments from parties for whom Chris has recently mediated include the following;

"Chris was extremely commercial, handled the situation very sensitively, worked out the personalities very quickly, was very calm, found the way to resolve the mediation quickly and closed the deal. It was a superb performance. Short of wearing a Santa Claus outfit and distributing presents, it's difficult to know what Chris could have done better!"

"Chris was great...Both sides had their cases well thought out and Chris was ideal for this mediation. This was a complex case and Chris was very patient and persistent. I cannot think of any weaknesses. I would definitely use Chris again."

"Chris was approachable, organised and methodical. He was sensitive to both parties, listened very well and helped find avenues towards resolving the issues / brokering an agreement which the parties had not considered.the mediator did need to probe the parties a bit and Chris did so perfectly."

"[Chris] managed the process nicely, explaining everything so that the clients felt comfortable. In particular, I was impressed by his pre-mediation contact to the parties which helped prepare both parties for the mediation and no doubt saved time on the day. Chris was calm, clear and good at dealing with the clients. I felt comfortable with him as the mediator and would certainly use him again."

"I would give Chris 9.5 out of 10 and thought he did an excellent job. Chris has very good people skills and was excellent at managing everybody on the day. He was very pragmatic which is what you need from a mediator. He was also non-judgemental with a non-interventionist style.

Chris was prepared to stick it out on the day and the mediation went on past midnight. He made contact with us before the mediation, very informal and we appreciated that Chris had even phoned



while on holiday.”

“He was very professional and had a good grasp of IT and contractual issues.”

Some cases mediated...

Commercial Contracts

Dispute involving major electronics manufacturer arising under a contract for the provision of services related to the accreditation of certain products

Dispute between software company and one of its overseas agents concerning commission payable in respect of a major new contract allegedly procured by the agent

Dispute concerning contract between two companies in the agrochemicals sector for the supply of goods and services

Dispute between a supplier of machinery and its commercial customer regarding the customer's loss of profits following an alleged repudiatory breach of contract by the supplier

Dispute valued in excess of Euro 450 million following the contested termination of an agreement providing for the payment of substantial royalties from one party to the other.

Dispute between two companies in the pharmaceutical industry arising out of a contract for the development of new compounds

Dispute between two companies involved in the supply of food and services to a major supermarket chain

Dispute following termination of a commercial agent. The claims included compensation under the Commercial Agents Regulations and minority shareholder relief for unfair prejudice

IT / Telecommunications

£15 million dispute between customer and IT supplier / consultancy concerning the design and implementation of a geographic information system.

Lead mediator in co-mediation of five party dispute between a public body and four IT services and hardware suppliers. The dispute, which was worth £3 million, involved third party claims between the defendants. This case was settled in a one day mediation, the preparation for which involved briefing sessions with each of the parties.



£300 million dispute between a major telecom company and internet service provider

Dispute between financial institution and software development company concerning the development and provision of a bespoke software system

Dispute between construction company and IT supplier regarding problems regarding implementation of accounting software system.

Dispute between major mobile operator and large financial institution regarding claims and counterclaims arising out of a long term contract for the provision of mobile phone services

£11 million dispute concerning termination of an IRU agreement in respect of a fibre optic cable network

Dispute between internet service provider and equipment manufacturer concerning on-line payment system

Dispute concerning performance of a call monitoring and answering system supplied to a London Borough

Dispute between two telecom companies relating to unpaid invoices for call usage on certain leased lines

Dispute between IT services company and one of its major corporate clients regarding liability for invoices issued pursuant to an IT services contract

Dispute between two telecom providers in respect of amounts due under a revenue share agreement

Dispute between IT company and its customer, a telecoms provider, regarding the fitness for purpose of bespoke software

Dispute between developer of internet security software and its customer regarding the effect of resignation of a key member of the developer's research and development team

Shareholder disputes

Dispute between former shareholder and continuing shareholder in company in the photographic industry relating to repayment of the shareholder's investment in the company

Three party dispute between shareholders in a manufacturing company regarding the level of dividend payments due to one of the minority shareholders

Dispute between shareholders in a furniture manufacturing company relating to board representation



and various other shareholder rights

Dispute between a company and a former director regarding the appropriate price to be paid to him on the transfer of his shareholding in the company

Insolvency

Multi-party dispute involving misfeasance and transaction at undervalue claims brought by liquidator against former directors and connected parties in connection with a sale of land prior to the liquidation

Contractual dispute between tour operator (in liquidation) and company providing flight operation services

Insurance

Dispute between insurer pursuing subrogated claim and insurers of defendants arising out of the damage caused by the supply of an allegedly faulty piece of equipment used in the space industry

Construction

Three party dispute between employer, contractor and sub-contractor concerning responsibility for defects to a floor forming part of a newly erected commercial property

Dispute arising out of contract for the provision of specialist labour services for installation of cabling in secure premises

Dispute referred to mediation via the Court of Appeal Mediation Scheme concerning the damage caused by allegedly negligent building works which were part of large property renovation

Dispute between contractor and employer relating to the cost of replacing faulty parts within the heating system for a commercial property

Dispute between construction company and one of its sub-contractors regarding consequences of sub-contractor leaving site due to late payment of invoices

IP

Copyright dispute over use of a photographer's images in a media campaign

M&A

Dispute arising from the sale of a vineyard and related business



Landlord & Tenant

Dispute between landlord and managing agent for the landlord's properties

Dispute between tenant and landlord concerning the impact on the tenant's business of building works at the premises

Sport

Dispute between an official and the governing body of a sport concerning certain disciplinary action taken by the governing body

Dispute between football club and its former manager concerning the manager's departure from the club

Dispute between an official and the governing body of a sport concerning certain disciplinary action taken by the governing body

Professional Negligence

Dispute between an international law firm and its former client concerning an allegedly unlawful conditional fee agreement and allegations of negligent advice

Finance

Dispute concerning terms of repayment of a loan made to support a family business

Professional Background...

Chris Newmark is a Partner at a niche practice specialising in commercial dispute resolution. Chris was previously a Partner at the London office of Baker & McKenzie, where he was the chair of the firm's European Dispute Resolution Group.

In addition to commercial litigation in the English courts, Chris's practice is focused on international commercial arbitration and alternative dispute resolution.

Chris regularly represents clients in large international commercial disputes, usually arising out of cross-border contracts. Chris has represented clients before many international tribunals in arbitrations governed by the UNCITRAL, LCIA, ICC and LME rules and has represented clients in investment arbitrations administered by ICSID. He has also been appointed as an arbitrator by both the LCIA and the ICC Court of Arbitration.



Chris has a good working knowledge of French, having studied French law at the University of Limoges.

Why choose consensus mediation...?

Our role ensures that...

- Mediators remain wholly impartial and focused on the dispute because we handle all the fee negotiations, contracts, documents and logistics;
- Mediators do not become disqualified from acting (even by perception) because of previous direct or frequent instructions from one party or solicitor;
- Clients and their solicitors can concentrate on the case while we sort out all the administration and logistics.

We quote an inclusive fee for the mediator's time and the administration of the entire mediation process. Consensus Mediation does not charge for "overtime" or for any other hidden extras.

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