



Anthony Pugh-Thomas

Consultant Mediator

“authoritative and at the same time relaxed....well-informed about the detail in the case without letting that detail get in the way”

In Brief

MA & LLM Cantab

Solicitor

Mediator 1996

Banking

Finance

Commercial Litigation

Trusts

Company

Professional negligence

Mediation Experience

Anthony Pugh-Thomas has mediated a variety of matters including disputes in the following sectors:

Agency

- The termination of an agent's retainer to procure business for a major international corporate entity trading in the Middle East.

Company

- A claim by the purchaser of a company that they would not have proceeded if accounts had been accurate.

Financial services and banking

- Allegation that an investor had been badly advised and had lost a substantial sum primarily because his advisers had failed to monitor the performance of the companies in which the majority of funds had been invested.
- A claim by a bank that a borrower's solicitors had failed to perfect the bank's security when instructed to do so.
- A claim by a bank's customer that the bank had converted a number of drafts that



had been stolen from the customer and collected for the newly opened account of a third party. The bank asserted that whatever its suspicions it could not have stopped the operation of the new account as to do so might have constituted “tipping-off” under the money laundering legislation.

- Injunctive relief and damages claimed for alleged misuse of confidential information and for breach of fiduciary duty relating to the marketing off-shore of specialised financial instruments.

General commercial litigation

- Damages claim arising out of the abrupt termination of a contract for the supply of services.
- Damages claims for goods not being of merchantable quality.
- Disputes relating to the right to terminate and the fees payable under a consultancy agreement.
- A wide variety of general contractual, tortious, breach of trust and breach of confidence claims.

Landlord and tenant

- Dispute relating to the termination of a tied tenancy agreement and the failure of the tenant to purchase beer from the landlord and substantial counterclaim for lost opportunity to trade profitably.

Partnerships

- Disputes relating to the performance of partners and the terms on which they should withdraw; relating to the acquisition of firms; and relating to the scope of restrictive covenants.

Professional negligence

- Claims for damages arising out of the failure of solicitors and accountants to recognise a conflict of interest, and against solicitors for failing to advise properly on the right to reject defective goods.
- A claim by solicitors for unpaid fees that was met by a counterclaim for damages on the grounds that the solicitors had allowed the client to sign an option agreement that



weakened the client's bargaining position on the sale of various properties.

- A claim for damages arising from the alleged failure of a solicitor to ensure that money advanced by his clients for a new business venture was secured, that was met by the assertion that the client's loss flowed not from the negligence but from the failure of the business.

Regulation

- Disputes between a regulator and companies threatened with disciplinary proceedings as to whether the regulator was entitled to institute any disciplinary proceedings and if so the amount of any fine it should impose.

Trusts

- A family dispute as to how very substantial assets in two jurisdictions should be shared with complicated questions on the effect of secret trusts.

Comments

Anthony Pugh-Thomas' style as a mediator has been described as follows:

- *"informed and incisive";*
- *"authoritative and at the same time relaxed....well-informed about the detail in the case without letting that detail get in the way";*
- He has the ability *"to adapt to a difficult set of circumstances and managed to create an environment where the parties felt able to commit themselves to some serious negotiation".*
- *"He gained the immediate confidence of my clients not so much by his (expected) grasp of the factual and legal issues as by his manifest ability to see through the maze of facts and arguments and find the true point of dispute and, particularly, by showing an appreciation of the human emotions involved."*
- *"His style and presentation was friendly and open while at the same time commanding respect".*
- *"an iron fist in a velvet glove"*
- *"very pragmatic...who reality-tested...thoroughly"*
- *"built extremely good rapport"*
- *"very professional,fair and effective"*



Professional Background...

1961 MA and LLM Cantab. Economics and Law

1965 Articled Simmons & Simmons

1967 Joined Durrant Cooper & Hambling (subsequently Durrant Piesse and then Lovell White Durrant and now Lovells)

Retired in October 1998 but continued as a consultant to Lovells until April 1999.

Anthony Pugh-Thomaas specialised in:

Banking and City-related litigation (including DTI and similar investigations)

- Domestic: Breach of mandate, negotiable instruments, fraud, payment by mistake, guarantees, mortgages, inter-bank transfers, standing orders/direct debits, void or voidable payments, money laundering, conversion.
- International: Inter-bank claims, liability on stolen instruments, travellers' cheques, multi-bank fraud, liability for receiving the proceeds of drug dealing and crime generally.

General commercial litigation

- General claims for breach of contract
- General claims for recovery of money
- Enforcement of foreign judgments overseas and vice-versa
- Fraudulent use of telex in commercial transactions
- Minority shareholder disputes
- Enforcement and termination of trading relationships for the supply of goods
- Enforcement of restrictions on the right of a purchaser from one supplier to sell goods supplied by another
- Breach of confidence
- General tort claims for negligence, nuisance, trespass etc.
- Impact on English litigation of proceedings in other jurisdictions and in particular of an Anti-Trust suit in the USA
- Share dealings and the faulty registration of shareholdings
- Wide variety of problems arising in receiverships and liquidations, acting for and against insolvency practitioners and in particular on set-off
- Requests made by foreign courts for discovery/disclosure/evidence/depositions



- Injunctive relief
- Libel actions
- Partnership disputes
- Secret Trusts

Additional skills and experience

He was the lead partner in acting for a major client involved in the successful mediation by joint mediators (one being a recently retired Law Lord and the other a well know American mediator) of multi-party litigation where the amount in dispute exceeded £100 million: the case is now reported in the leading mediation textbooks.

Occasional lecturer on mediation.

Contributor to an article on "What mediators expect of parties and their legal advisers" in the Summer 2002 newsletter of ACI.

Distinctions

Whilst in practice, he was mentioned in Chambers Legal Directory, the Legal 500 and Who's Who in the City.

President London Solicitors' Litigation Association 1980 – 1982.

Freeman of City of London Solicitors' Company. Chairman of City of London Law Society 1995 – 1997.

Member of the Law Society's then Consumer and Commercial Law Sub-Committee, the Law Society's Banking Law Sub-Committee, and the Law Society's Civil Litigation Committee.

Council member and Treasurer of Justice until retirement.

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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