



## John Winkworth-Smith

**Director & Consultant Mediator**

*"We were lost in admiration for John's calmness, patience and words of wisdom."*



### In Brief

Solicitor

*"My clients had unrealistic expectations of what to expect... and John managed this very well without patronising."*

Construction

Manufacturing

Defence

Railways

Telecoms

Land

Employment

Private Companies

s. 459 Companies Act

Partnership

Ecclesiastical matters

Farming & Agriculture

### Mediation Experience

John Winkworth-Smith is one of the pioneers of mediation in the UK having been a founder director in 1990 of the largest mediation organisation in Europe.

John has very wide experience as a mediator. His subjects range from satellite technology to sheep. He has mediated disputes involving organisations from the size of government to individuals, and from complex cases worth up to \$625,000,000 down to simple cases small in value. In multi-party cases, he has experienced up to 7 parties with 5 different systems of law requiring a number of translators.

In his professional life as a former Regional Managing Partner of DLA Piper he specialised in commercial litigation dealing with large international disputes, particularly in the USA, Japan, Austria, Italy and Australasia. He was highly regarded for his ability quickly to master the technical aspects of his cases.

### Mediation style

John's style is informal, but to the point. He seeks always to persuade parties to take a realistic approach to their position.

### Comments on x's mediation style include:

*"Very professional, clearly experienced and he knew what he was doing."*



*"He could put each party's arguments across in an even-handed manner."*

*"We would have no hesitation in using John again as a mediator."*

*"He was very open to the parties' suggestions, flexible and built a good rapport."*

*"My clients had unrealistic expectations of what to expect... and John managed this very well without patronising."*

*"We were lost in admiration for John's calmness, patience and words of wisdom."*

*"A well structured mediation which helped concentrate the mind and bring about a solution"*

*Chambers Guide to the Legal Profession*

*John has been named as a leader and expert in the field of Mediation in this guide ever since this subject has been included. Comments have included:-*

*"Able and impressive"*

*"Creative solutions"*

*"Calm, pleasant yet strong persona"*

*"Tenacity and patience"*

*Clients respond to Winkworth-Smith's " effective blend of interpersonal skills and toughness"*

**Some cases mediated...**

<p><b>Agriculture</b></p> <p>Grazing rights</p> <p>Foot &amp; Mouth – dispute over compensation</p> <p>Sale &amp; servicing of agricultural machinery</p> <p>Crop protection products</p> <p>Seeds &amp; fertilisers</p> <p>Breach of employment terms by agricultural employee</p> <p>Neighbour dispute over agricultural land</p> <p><b>Companies</b></p>	<p><b>Fraud</b></p> <p>Fraudulent claims against Government for compensation</p> <p>Cross claims for fraud in a major international dispute</p> <p>Fraud claims against company directors</p> <p><b>Government</b></p> <p>Satellite technology</p> <p>Defence systems</p> <p>Battle tanks</p>
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<p>Numerous disputes over valuation</p> <p>Dispute as to contribution made by directors of small company</p> <p>Dispute over sale agreement</p> <p>Alleged fraudulent conversion of assets</p> <p>Numerous S459 Companies Act disputes</p> <p>Family company disputes</p> <p><b>Construction</b></p> <p>Dispute over building of hotel</p> <p>Construction of lorry park</p> <p>Fitting out of commercial kitchens</p> <p>Installation of security door systems</p> <p>Break up of industrial floorings</p> <p>Double glazing dispute on new housing estate</p> <p>Numerous disputes over expensive house building</p> <p>Landslip</p> <p>Security fencing design</p> <p>Sign erection contract for petrol stations</p> <p>Destruction of underground electricity cables</p> <p>Numerous disputes over variation orders</p> <p><b>Contract</b></p> <p>Disputes over:</p> <p>Sale agreement of assets</p> <p>Authorship rights</p>	<p>Aerial warfare systems</p> <p>Fraudulent claims for compensation</p> <p>Railways</p> <p><b>Intellectual property</b></p> <p>Disputes over:</p> <p>Trade Marks</p> <p>Trade Names – Baby prams</p> <p>Copyright – vans fitted out to particular design</p> <p><b>Local Authorities</b></p> <p>Dispute over by-pass</p> <p>Planning disputes</p> <p>Public transport contracts</p> <p><b>Partnership</b></p> <p>Disputes between:</p> <p>Solicitors</p> <p>Accountants</p> <p>Business partners</p> <p><b>Professional negligence</b></p> <p>Claims against:</p> <p>Solicitors</p> <p>Accountants</p> <p>Surveyors</p>
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Accountancy fees	Railways
Automatic Teller Machines (ATMs)	Dispute over de-railed train
Barbecue sauce sachets	
Solicitors fees	<b>Sport/Media</b>
Sports clothing	Multi-million pound dispute between sports body and TV company over TV rights
Finders fee for property developers	Dispute over Premier Footballer's fees with his Agent.
Numerous cases of claims for work done	
<b>Electricity</b>	<b>International</b>
Claim of fraud over meter readings by electricity supplier against major landlord	Dealt with disputes between parties from:
	USA
<b>Employment</b>	Hong Kong
Disputes between company directors	New Zealand
Agricultural employment cases	Sweden
Protection of commercial secrets	Germany
	Italy
<b>Engineering</b>	British Virgin Islands
Battery technology	Russia
Metal die casting	Guernsey
Plastic profiling	Switzerland
Call centre equipment	Tajikistan
Slitting machines	India
Security control systems	
Defective seals in aircraft engines	
Steel manufacturing equipment	
Steel tubes	



Agricultural equipment	
Super Yachts	
Double Glazing manufacturing equipment	
Motor components	
Granulated rubber strips for use in printing industry	
Tyre re-tread machinery	

### Professional Background...

John was a former Regional Managing Partner and board member of DLA (now DLA Piper Rudnick Gray Cary). He had been a partner of the predecessor firms for 25 years and head of litigation and ADR.

He specialised in commercial litigation dealing with large complex international disputes, mainly in the field of intellectual property and breach of contract, particularly in the USA, Japan, Italy, Austria and Australasia. He was highly regarded for his ability quickly to master the technical aspects of his cases.

In addition to acquiring management skills in his professional capacity, John has held chairmanships of a number of charitable organisations and companies. He also runs his own farming business and is involved in the tourist industry.

He has given numerous seminars on the subject of ADR including lecturing at The University of Sheffield.

### 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.

For an informal discussion call one of our Case Managers now on **0844 561 1763**.