



## **Russell Evans**

### **CEDR Accredited Mediator**

#### **Overview**

Russell is Head of Resolve UK a national and international mediation and arbitration panel and has worked with the Judiciary on the implementation of mediation schemes. With over 30 years' experience as a solicitor, acting as Head of Litigation & Dispute Resolution and Head of Professional Indemnity & Risk as well as in-house counsel, Russell combines very strong legal skills with a pragmatic approach to risk management and negotiation. He has been a member of the elite CEDR Solve mediation panel and is now listed in Clerksroom's Top 10 List of Mediators. Russell is also winner of the **'Mediation Expert of the Year in the United Kingdom' - Global Advisory Experts Award 2020**.

Russell is a Director and former President of the Hampshire Law Society and Chairman of its Litigation & Dispute Resolution Committee. He has worked alongside mediation luminaries such as Michel Kallipetis QC, Karl Mackie CBE, Andrew Paton and the late David Richbell. Russell has conducted mediations for ftse companies, the boards of government agencies, premiership football clubs, world sports champions, national charities with royal patrons as well as the family of a Law Lord. He has also conducted mediations for many under privileged and deprived.

Russell lectures on mediation for the Law Society, RICS and CISI and is also a course assessor at Southampton University. He has chaired talks with Lord Briggs and Jim Al-Khalili OBE.

Russell is an expert in commercial, business, partnership, professional negligence and sport disputes as well as contentious probate, property, tolatas, trusts and Estates. He works from bases in London, Southampton, Oxford & Nottingham and is available to conduct mediations throughout the UK as well as Online.

Russell has judged the Finals of both UK & International Mediation Competitions since 2012 most recently the 2020 WCA Mediation Competition at the IDRC in London. He has also judged the Finals of UK & International Arbitration Competitions. Russell is a member of the

Civil Mediation Council, Chartered Institute of Arbitrators, British Insurance Law Association and Professional Negligence Lawyers Association.

Russell has conducted cases for parties based in the UK, Europe, USA, Russia, China, India, Middle East & South America including cases involving political figures and national governments.

Russell has a passion for mediation and the revolutionary dynamic that this brings to the dispute resolution process. He has conducted mediations for many regional and national legal practices including the largest law firm in the world as well as many companies and LiPs.

### **Professional Background**

Russell has worked at Ashurst Solicitors (City of London) as well as Paris Smith and Eric Robinson Solicitors (Southampton). Russell has also worked for the Red Cross.

He has acted on behalf of FTSE 100 Companies, High Net Worth Individuals/Times Rich List, Sports Stars & Celebrities in the UK, Europe, Far East & Americas as well as the ordinary man on the street, the disabled and disadvantaged. Russell has also acted on behalf of International Prize Winning Scientists, Diplomats, the Law Society and International Banks and has experience of dealing with a wide diversity of cultures.

Russell has acted in relation to the trials of medical equipment by the Space Agency as well as other clinical trials.

He has been appointed by the Football League to determine Sports Disputes. He has also acted on behalf of Premiership and England Football Players, Football Clubs and Club owners as well as Olympic participants and referees. His appointments include acting as Chairman of the Football Disciplinary Commission. He is also an Arbitrator & Mediator with Sport Resolutions a London 2012 Olympics partner.

Russell has chaired Audit Committees and Investigations into multi million pound fraud. He has also chaired a number of Grievance and Disciplinary Panels. He is a former adviser to Employment Tribunal Chairmen as well as the NHBC. He has also acted as a Property Adjudicator determining property disputes and dilapidations claims.

Russell has extensive experience of commercial disputes and professional negligence claims across a variety of professional disciplines as well as property, marine and commercial insurance claims including coverage issues. He also has extensive experience of contentious probate claims including claims for undue influence, proprietary estoppel, breach of trust, fraud, lack of capacity and claims under the Inheritance Act.

## **Mediation Experience**

- Aviation
- Building Disputes
- Business to Business
- Commercial Contracts
- Contentious Probate
- Dilapidations
- Directors Liability
- Employment
- HMRC & Tax
- Insolvency
- Insurance
- Intellectual Property
- Landlord & Tenant
- Maritime
- Partnership
- Passing Off
- Personal Injury
- Professional Negligence
- Property
- Restrictive Covenants
- Shareholder
- Sports
- Trusts & Tolata
- Wills

## **Style**

Russell is astute, perceptive and proactive with a warm embracing approach aimed at taking all parties on board. He is also sensitive to case dynamics and politics. Russell is prepared though to challenge assumptions, to provoke thought and think outside the box with a view to facilitating resolution.

## **Feedback**

Russell has been described as 'outstanding' in his mediation work and praised for his 'excellent impact' lateral thinking and attention to detail. Indeed in several recent mediations he has been awarded ten out of ten for preparation, communication, input, effectiveness and mediation ability. He has also been praised for his 'patience and sensitivity' for being attentive, well prepared, relaxed and creative as well as for developing a good rapport between parties. Both clients and professionals alike have indicated that they would have no hesitation in appointing Russell again.

'Russell was by far the most attentive, pro-active and hands on mediator I have used and his ability to rapidly hone in on the key issues and address them in a realistic and pragmatic way was highly impressive. His determination to get the job done with empathy, enthusiasm and energy stood out and I would highly recommend him accordingly.' **CH Ceo**

'I was delighted that we used Mr. Evans for our mediator. He made everyone feel at ease and it was not difficult to interact with him. At times, the mediation process was very difficult but he was generally calm and unflustered. He dealt with the most difficult situations very diplomatically and professionally. The Middle East Peace Talks could do with his diplomacy.'

**EC MBE**

'Russell was perfect at his job. A sophisticated communicator - able to listen and hear and to know when to speak. He was very discreet. I hope never to be in such a tormented situation

again, but will readily recommend Russell to others. I thank him from the bottom of my heart.' **Dr KO**

'Thank you for mediating for us yesterday. It's been a rollercoaster of emotions over the last 6 years. Last night at 8pm we opened a bottle of fizz to toast the NHS and to celebrate the end of one era and the start of a new. Today I have a far more positive attitude to life and am in a much happier place. Happy VE Day.' **SS**

'Russell removed a lot of the stress that had been upon my shoulders for nearly three years. This would not be possible without the amazing work that Russell did. He was not afraid to ask the difficult questions and listened to the answers. Would I recommend him to anyone? The answer is a resounding YES. I am so glad I found him. There is no better person to have handled our case.' **KG**

'I was very happy with the Mediation process. Russell Evans acted in a professional manner throughout and used a wealth of knowledge and experience to inform us. He was very easy to talk to and an excellent listener. A difficult family dispute that seemed impossible was resolved with a satisfactory conclusion in a matter of hours. I was very grateful that Russell conducted the Mediation with authority, wit and wisdom. I would not hesitate to recommend this service.' **JM**

'The dispute was complicated. There was a great deal of animosity between the parties and I have to say that I had little hope that an agreement would be reached at mediation. There is no doubt in my mind that had Mr Evans not been as experienced as he was and had he not handled the mediation in a professional way no settlement would have been reached. I was impressed with his ability, communication skills and performance as a mediator. I would have no hesitation in recommending to future clients that they use his service as a mediator.' **MA Sol**

'Russell Evans was perhaps a little more hands on than other mediators I've used before, which was refreshing and appreciated. Russell adopted a pro-active approach to facilitating dispute resolution, which assisted greatly in this particular case. Russell was also down-to-earth and friendly, and did an excellent job of helping the parties feel at ease. I would certainly use Russell again and recommend his services to others.' **PF Sol**

'A tough mediator with excellent commercial and costs awareness. I would not hesitate to recommend Russell. Amongst the best I have used.' **SL Sol**

'Russell was excellent in being able to bring this case to a conclusion in difficult circumstances.' **KR Sol**

'Russell Evans is fantastic - I cannot fault him and will definitely use him again.' **DA Sol**

'You are amazing.' **Dr AI**

### **Professional Experience**

Russell has extensive commercial litigation, arbitration and mediation experience and expertise inter alia across the following practice areas:

Commercial Contracts, Professional Negligence, Insurance, Sport, Company Director Shareholder and Partnership disputes, Restrictive Covenants, Passing Off, Professional & OFT Regulation, Employment, Trusts of Land, Contentious Probate, Commercial Property, Dilapidations, Landlord & Tenant, Directors Liability, Insolvency and HMRC Investigations.

His reported cases include leading authorities on Directors Duties & Confidence - *Brooks v Olyslager OMS* (CA 1998), Capital Gains Tax - *Goodwin v Curtis* (CA 1998) and Professional Regulation and Advertising – *A Solicitor v The Law Society of Hong Kong & Secretary for Justice* (CFA HK 2003)

Russell also acted in one of the first appeals to the First Tier (Estate Agents) Tribunal in a case concerning professional conduct and fitness to practice *OFT v Wren* (2009) and has acted in a number of cases concerning freezing injunctions, fraud and public interest immunity – *Costain Ltd v Wilson* (2007), *RBS Invoice Finance Ltd v Karia* (2008) and *R v Wilson* (CA 2011) as well as cases concerning directors liability *Barks v Instant Access Properties Ltd & Others* and cases before the Financial Services Authority. He has also made presentations to MPs at Westminster.

Russell has conducted more than 300 professional negligence claims across a variety of professional disciplines including claims against solicitors, accountants, surveyors, valuers, engineers and insurance brokers.

Other cases in which Russell has participated include:

- Passing off actions between international companies and brands
- Claims in relation to football stadium development
- Claims in relation to football players contracts
- Claims involving international motor manufacturers and design defects
- Claims in relation to insurance coverage arising out of fires at warehouse premises of a national company
- Claims between international companies alleging breach of copyright and passing off

- Claims between national banks and companies in relation to breach of factoring agreements
- Claims arising out of sale of companies including breach of warranty, covenant, misrepresentation and fraud
- Restrictive covenant claims between companies and former directors in relation to competition
- Claims in relation to franchise agreements, alleging mis-representation of financial history and projections and breach of service agreements
- Claims between partners, company directors and shareholders alleging breach of duty, mis-appropriation of business and assets
- International property fraud
- Domain name disputes
- Probate actions including multimillion pound claims under the Inheritance Act 1975, claims in relation to undue influence, fraud, lack of capacity and mutual wills
- Claims for undue influence and breach of trust in relation to property transactions
- Boundary and right of way disputes as well as adverse possession claims
- Dilapidations claims in relation to office and industrial premises
- Property insurance claims including fire, flood, water ingress and theft and issues as to disclosure, validity, good faith, breach of covenant, loss and under insurance.
- High value personal injury actions including claims against MOD
- HMRC investigations and Insolvency

Russell has been praised for his attention to detail and lateral thinking in highly complex cases. Indeed he has acted in cases with more than 45 Parties. He has also acted in numerous highly emotive contentious probate disputes.

Russell has chaired grievance and disciplinary panels both in house and externally in organisations with more than 10,000 members. This has involved conducting hearings and receiving submissions not only from counsel but trade union representatives.

Russell also chaired an Audit Committee for many years which oversaw a £32 million pound development project.

Russell has been involved in the management, production and staging of theatrical, artistic and musical productions. In his spare time Russell enjoys and teaches Argentinean Tango dancing.

### **Recent Mediation**

Russell has a creative and dynamic approach to mediation and has successfully acted inter alia in mediations between airlines, property and legal professionals, insurance companies,

estates and beneficiaries, companies, directors and shareholders as well as television and radio personalities and national charities with royal patrons. Russell has conducted mediations for the family of a Law Lord, a former Law Society President, FTSE companies, Premiership football clubs and county councils. He has successfully mediated claims involving more than 200 parties and resolved disputes valued from £10 thousand to over £30 million. He is officially recognised as an 'elite' mediator.

Mediations have included:

- Breach of bilateral commercial agreement between international airlines
- Professional Negligence claim against valuer in relation to prestigious riverside city property
- Breach of warranty and covenant claim arising out of company merger including allegation of fraud
- Claim by company against directors for breach of restrictive covenants and competition
- Claim against engineer in relation to leading cutting edge architectural design appearing in national magazine
- Claim between solicitor and client alleging breach of retainer
- Multi million pound probate claim under the Inheritance Act 1975
- Claim for professional negligence against solicitor in relation to overage agreement
- Various property claims between Landlords & Tenants alleging breach of covenant as well as dilapidations
- Breach of covenant claim in relation to a market trader
- Contentious probate claim between brother and sister alleging undue influence
- Multi million pound company shareholder unfair prejudice claim including issues as to valuation and cross claims as to competition
- Chancery claim in relation to a share purchase agreement arising out of company takeover including allegations of financial misrepresentation and cross claims in relation to a service agreement and debenture
- Dilapidations claim in relation to prestigious Georgian property
- Contentious probate claim in Chancery Court involving 6 parties
- Employment claim involving international company
- Contentious probate claim involving shipping magnate
- Construction contract dispute including issues as to time of performance and fundamental breach of contract
- Professional negligence claim involving loss of a chance
- Intellectual property, e-commerce and passing off claim involving Amazon and Ebay
- Judicial Review of County Council's Policy on care home fees
- Negligent Misstatement (Spring v Guardian)

- Professional negligence claim involving accountants, 5 companies, director and HMRC investigation
- Insurer business liability
- Dispute re takeover of professional surveying practice
- 3 claims in 1. Professional negligence case concerning conduct of previous professional negligence case in relation to a prior action
- 8 party contentious probate including allegation of undue influence
- Contentious probate involving a farm, development land and deed of variation
- Contentious probate involving issue as to knowledge and understanding and witness execution
- Boundary dispute involving landed estate and claim for adverse possession
- Construction Dispute re industrial infrastructure
- Contentious Property Trust including claim for undue influence
- Financial Settlement following breakdown of cohabitation
- Mortgage Dispute
- Dispute involving TV and Radio personality
- Financial Director, Whistleblowing & Breach of Duty
- Professional Negligence
- Insurance Coverage & Liability
- Shipping Dispute
- Building Dispute
- £7m dispute re Bank & Receivership
- Contentious Probate including Breach of Trust claim
- Contentious Probate including claim for proprietary estoppel
- Financial Services Dispute arising out of commercial contracts
- 1975 Inheritance Act Claim by adult child – Ilott v Mitson
- Solicitors Professional Negligence involving 2 proceedings & Court of Appeal
- Commercial Franchise Dispute including issues as to performance, representation and termination
- Management and direction of National Charity
- Oil Consortium & IT Contract
- Power of Attorney, Lifetime Gifts & Breach of Trust
- Asset Finance Litigation involving commercial plant
- £300k Commercial Property Dilapidations
- Building Dispute at Landmark Ftse Company Development
- Contentious Family Property Trust including Farm Development
- 1975 Inheritance Act Claim by Adult Child including claim for Undue Influence
- Top Flight Premiership Football Club & Football Player
- TOLATA Trusts of Land re farm and business enterprises



- Company Share Purchase Dispute
- Lifetime Gift of £1m Property – Undue Influence
- Building Dispute involving leading internationally recognised University
- Commercial Loan & Company Investment
- Multi Party Partnership Dispute involving an Estate
- Boardroom Dispute involving Government Agency and Whistleblowing
- Contractual Interpretation of Best Endeavours Obligation
- Dispute involving World Boxing Champion, Title Contender & Manager
- £2m contentious probate, property and investment trusts
- Building Construction Dispute
- Boundary Dispute including issues as to Estate layout and Adverse Possession
- TOLATA Constructive Trust of Property – Jones v Kernott
- Inheritance Act 1975 – Adult Child – Issue as to Statement of Wishes and Estate issues as to company shareholdings and insurance provision
- TOLATA Constructive Trust – Jones v Kernott – express/implied common intention and undue influence
- Charity Commission Intervention – Trustees & Management Dispute – International Charity
- Contentious Probate involving remarriage and multiple children
- 10 partner Partnership Dispute
- Tolata Property Trust including allegation as to misappropriation of funds
- Commercial Property Fire Claim including issues as to ancient Anglo Saxon derived law as to liability for the spread of fire – Ignis Suus
- Executor administration dispute including issues as to property and lifetime gifts
- Partnership Dispute including Titanic Papers
- Contentious Probate – Issue as to Capacity
- 1975 Inheritance Act
- Proprietary Estoppel

#### Contact

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ANNUAL AWARDS  
WINNER

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Russell Evans - ReSolve UK  
Mediation Expert of the Year  
in the United Kingdom