

## TESTIMONIALS

The Master of the Rolls, claimants' and defendants' solicitors, counsel and leading insurance claims directors and managers have publicly endorsed the mediation skills of mediators Tim Wallis and Frances McCarthy. The following endorsements relate to mediation skills and to training.

### Personal injury/insurance industry costs mediations

**"I applaud all those who have contributed to this success, in particular to Tim Wallis and Frances McCarthy who have brought this stage to a successful mediated conclusion".**

Lord Phillips of Worth Maltravers, (then) Master of the Rolls, welcoming an agreement ending an aspect of the 'costs war'. (Civil Justice Council press release.)

### Multi Track Personal Injury Code 2008

The Code was launched recently, following a mediation of some outstanding sticking points. (See "High-value code launched", *Gazette*, 20 March 2008). The following remarks were made by representatives of the Association of Personal Injury Lawyers (APIL) and the Forum of Insurance Lawyers (FOIL).

#### Letter to mediators:

**"Thank you for getting us through the negotiations yesterday and for achieving an agreed document.**

**"Much work has gone into this initiative and now we can move on with the important pilot.**

**"I am delighted that APIL can continue to actively encourage and promote best practice."**

Denise Kitchener  
Chief Executive, APIL

#### FOIL Briefing:

**"After long negotiations an agreed Code wording has been arrived at by those involved in the discussions.**

**"This wording was finally agreed after a day's mediation facilitated by Tim Wallis and Frances McCarthy of Expedite Resolution. If the negotiations did nothing else they demonstrated admirably to me how mediators can crack a seemingly uncrackable nut."**

Andrew Underwood  
Keoghs, Former President of Forum of Insurance Lawyers and Chair of FOIL's Rules and Process special interest group.

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## Mediation: What Others Say

“I was very grateful for your assistance at the mediation last week. The matter would not have settled without your help.”

Solicitor, professional negligence claim. (2007)

“Overall I was very satisfied with the way the mediation went. The settlement seemed to me to reflect the relative strength and weakness of each party’s case....I would certainly consider recommending your name to a solicitor when next involved in a mediation.”

Counsel, land dispute. (2006)

“Went really well thanks. Can you again pass on my thanks to Tim Wallis. The client nearly blew it but he managed to drag her back on board. Excellent job”

Solicitor, Personal Injury Claim. (2008)

“When I was an officer with APIL, I was involved with negotiating success fees in respect of road traffic and accident at work cases. This was under the auspices of the CJC. One of the mediators involved was Tim Wallis. I was very impressed with the way he conducted his work. He was very approachable, helpful, certainly had extensive knowledge of personal injury work. I would have no hesitation in agreeing to him being a mediator in a personal injury case in which I am involved”.

Colin Ettinger, Partner with Irwin Mitchell, Past President of APIL. (2007)

“Following Tim’s contribution to the CJC mediated success fee negotiations, in which Zurich were an active participant, it was a natural progression to utilise his experience and expertise, to guide us through the initial stages in setting up our own initiative.

The training and guidance he has delivered has enabled us to focus on the key areas of opportunity, and this, combined with his enthusiasm and knowledge, has provided us with a route map for the future.”

David R Southwell, UK General Insurance Personal Injury Claims Manager, Zurich Insurance (2007)

“My experience of both Tim Wallis and Frances McCarthy comes primarily as a result of my involvement in the Fixed Success Fee negotiations under the auspices of the Civil Justice Council. I have no doubt that their involvement as mediators and go-between’s was a key element in the successful outcome. Both were even handed, clear and insightful. I am certain that their skills as mediators will continue to assist in the resolution of many disputes in the future.”

Martin A Bare, Morrish & Co; President, APIL. (2007)

“I have seen the mediation skills of Tim Wallis and Frances McCarthy at close hand on several occasions. The negotiations with which we have been involved have been complex and sensitive with considerable implications for legal service providers and Government. Mediation has been an effective and successful tool to deploy in these circumstances.”

Robert Musgrove, Chief Executive, Civil Justice Council (2007)

“The Civil Justice Council have used a less adversarial route to change. Tim Wallis, as defendants’ solicitor, and Frances McCarthy, as claimants’ solicitor, have been mediating costs disputes in the industry - a really innovative approach. Don’t automatically go to court. Think about mediation. It might be the right approach.”

Dominic Clayden, Director of Technical Claims Services, Norwich Union, giving the keynote presentation at a conference on 16 2 05.

“I don’t think that as an industry we actually use mediation enough. There is much, much more opportunity to actually prevent litigation and use mediation as a tool. I am going to embarrass Tim (Wallis) now because he is an accredited mediator and I have actually seen him in action and he is fantastic – you should speak to this guy and get a view on it because

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it is something that can be used very effectively.”

Graham Gibson, Claims Director, Groupama, addressing a “Post Magazine” conference on 24 11 04.

## **Training: How to prepare for mediation and represent a party at mediation. Testimonials from attendees**

“A very well run course. Good visual, good content. Tim had good pace and made the sessions very interesting. This is clearly the way forward on dispute cases.”

Nigel Lambert, Axa Insurance

“The feedback is very positive and I know that the attendees enjoyed the day.”

Paul Forsyth, Axa Insurance

“Having never attended any mediation, I found this training beneficial, as it gave me a real insight into mediation, what to expect and the appropriate approach to adopt.”

Insurer attendee.

“An excellent insight into the world of mediation. A well balanced session with good opportunity to participate and discuss the issues.”

Insurer attendee.

“I now have a clear understanding of mediation process. Course was delivered at right pace. Tim did an excellent presentation/training.”

Insurer attendee.

“Tim placed mediation perfectly into context in a thought provoking and enjoyable way.”

Insurer/solicitor attendee

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“Even though I have been involved in mediation previously the course was excellent, very informative, interesting and very well presented. The course material will be very useful for myself but also in promoting the use of mediation amongst my colleagues.”

Insurer/solicitor attendee

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