

## **Mark Mattison**

### **Mediation experience**

Mark is accredited as a mediator by CEDR, ADR Group and the Charb. He has a wide ranging mediation practice and has mediated a large number of disputes across various sectors. Examples include:

#### Construction and engineering

- Dispute between developer and purchaser of penthouse flat concerning major defects. Settled by the developer buying back the flat at an agreed price.
- Final account dispute involving Czech contractor retained to carry out hotel refurbishment resolved on the basis of an agreed payment.
- Claim by owner of two properties in the Isle of Man against architect and contractor for failure to supervise and for defective workmanship not settled on the day of the mediation but by subsequent discussion with both parties legal representatives.
- Dispute between pension fund owner of commercial building and developer/architect concerning major defects in the building. Settled by agreement of extensive schedule of remedial work to be undertaken after mammoth negotiation lasting into the early hours.
- Final account dispute between fit out contractor and estate agency concerning fit out of three shops; settled as a result of extensive direct negotiation on the day of the mediation between the two decision makers.
- Dispute between national construction company and developer involving final account claim on the one hand and liquidated and ascertained damages claim on the other; settled within the day.

#### General commercial and contractual

- Dispute arising out of a wind farm development. Settlement achieved by renegotiation of the terms of the joint venture agreement.
- Contractual dispute between trailer manufacturer and customer regarding the supply of trailers. The settlement negotiated included resumption of the trading relationship.
- Claim by contractor against internet provider in respect of work undertaken in providing Broadband infrastructure settled within the day.
- Dispute between HE College and consultant over level of fees. Settled without involvement of lawyers.
- Contractual dispute between owner of holiday chalet site and chalet occupant; settled on the basis of renegotiated terms.
- Contractual dispute regarding supply of vegetables grown in Poland not settled on the day of the mediation but progress made enabled the parties to come to a settlement subsequently.

#### Professional negligence

- Professional negligence claim against firm of solicitors. Offer left on table overnight accepted the following day.
- Claim for damages against loss assessor and contractor arising out of failure to prevent asbestos contamination. Settled by payment of agreed figure split between the paying parties.
- Professional negligence claim against architect arising out of failure of a lintel settled for payment of agreed sum.

#### Landlord and Tenant

- Landlord & tenant dispute concerning the right of a landlord to recover substantial costs incurred in carrying out work to the building. A significant issue was whether the works should be classed as "repairs" or "improvements", the latter being irrecoverable. Settlement achieved within the day.

#### Boundary/Right of way

- Multiparty right of way dispute settled on the basis of an agreed plan and specification for an upgraded road
- Multi party boundary dispute involving three owners of adjacent properties and a solicitor who acted for one of the parties on the purchase of his property. Not settled on the day of the mediation but subsequent discussion with the lawyers acting assisted the parties to achieve a negotiated settlement.

#### Company/Shareholder/Partnership

- Complex Shareholder dispute including allegations of improper conduct. A two day mediation did not result in an immediate settlement but made a significant contribution to the final resolution subsequently achieved.
- Partnership dispute between Doctors settled within the day.
- Dispute between two firms of solicitors arising from a partner transferring from one firm to the other. Settled before lunch.
- Shareholder dispute concerning the family business between parents and one of their sons settled with the involvement of another son.

## **Personal style**

Mark concentrates on building rapport with the key decision makers during the early stages of the mediation. Thereafter he is prepared, in appropriate circumstances, to move beyond a purely facilitative role when engaged in reality testing with the parties.

Client comments include:

"I have no doubt that you greatly contributed to the matter being resolved amicably and promptly".

"Very efficient style. He maintains a good momentum and effective control".

"Calm, clear and thoughtful - looked for practical solutions".

"Patient and persistent".

"Very easy to deal with".

"Creative".

"Probably the best mediator I have had in the 10 or so mediations that I have taken part in. He played the whole day perfectly. He took an evaluative approach but not to the extent of making comments on who would win or lose the litigation."

"Without your personality and your sheer persuasiveness I do not doubt that this matter would have trundled on to the disadvantage of everyone involved".

Mark has received specific mention in both *Chambers* and *Legal 500* over many years.

## **Other dispute resolution experience**

Mark has lectured extensively both at Eversheds and within the wider business community in the North West on dispute resolution in general, and mediation in particular. He has also trained mediators and mediation advocates both in this country and abroad.

## **Professional background**

Having studied law in Liverpool, Mark joined Eversheds (previously Alexander Tatham) as a trainee in 1972. He was a partner from 1978 until April 2005.

During that period he was head of commercial litigation in Manchester and subsequently Eversheds National head of litigation. For the four years prior to his retirement he was head of Eversheds North Construction & Engineering Team leading a team operating out of three offices.

Throughout his professional career his workload has been exclusively contentious covering litigation, arbitration, adjudication and, of course, mediation and other forms of dispute resolution.

Mark was President of Manchester Law Society in 1991/2.

He was a member of a Law Commission working party which produced a consultation paper on the subject of "Shareholder Disputes" and which made recommendations for changes to the applicable law in a report issued in October 1997.

Mark is a member of the Chartered Institute of Arbitrators and a past chairman of the North West Branch. He is deputy chairman of the Association of Northern Mediators.

## Contact details

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