



*"One of the best mediators I have come across in over 20 years practice at the Bar. She is on top of her brief, and understanding yet firm with parties."*

## Mediation experience

Rebecca is a talented, well-respected mediator and is also Chair of the Civil Mediation Council. Listed in both Chambers & Partners and The Legal 500 as a Leading Mediator, Rebecca is particularly commended for her calm and empathetic style, combined with robust legal or commercial challenge where needed. Described as "superb," "outstanding" and "a credit to her profession," she encourages parties to take a risk-based approach to actively manage conflict and disputes, whilst managing difficult conversations with sensitivity and insight.

Prior to becoming a mediator, Rebecca was Head of Litigation at a so-called "bad bank" where she was awarded Legal Counsel of the Year 2013, partly as a result of her novel approach to resolving classes of disputes by mediation. As a result, Rebecca's insight into mediation as a mediating party is unparalleled. Before working in-house, Rebecca set up and managed her own retail business from set up to sale, giving her a genuine understanding of the pressures of owning and managing your own business and the impact disputes can have on the financial management of a company. She has also worked as a solicitor in private practice.

Rebecca mediates a wide range of commercial disputes including shareholder, insolvency, warranty claims, breach of contract and breach of duty. Because of her previous employment, Rebecca is particularly experienced in financial services, professional negligence and regulatory litigation. She is also sought after for her SME and family business mediation experience, where her ability to connect inter-generationally with parties to a dispute, combined with her own business experience, helps move parties towards resolution. Most recently, Rebecca has worked with parties to develop dispute avoidance strategies, facilitating discussions and devising processes for projects in the investment fund management, manufacturing and recruitment industries. She is also on the Court of Appeal mediation scheme panel.

Rebecca is very interested in the psychology of mediation and negotiation generally and regularly speaks at seminars and conferences on the subject.

## Mediation style (quotations from clients)

*Rebecca's style adapts to the needs of the parties and the nature of the dispute. Equally confident being firm and directive, or providing gentle challenge, Rebecca is agile in approach whilst encouraging parties to focus on a practical outcome. Praised for her thorough preparation, intelligence and ability to build rapport quickly, Rebecca is especially noted for her skill in managing highly sensitive and emotional situations calmly and with compassion.*

- She listened when needed, she moved things forward when needed. She was collaborative and problem solving focused. She made it a team effort. She was devoid of ego. She was superb.*

- *Rebecca has an exceptional ability to identify what really matters to the parties and to help build bridges where there was previously no prospect of doing so. This was the hardest fought mediation I have done and Rebecca kept everyone together when, at times, there was a real risk of it falling apart.*
- *One of the best mediators I have come across in over 20 years practice at the Bar. She is on top of her brief, and understanding yet firm with the parties.*
- *Rebecca quickly identified potential issues causing an impasse and was able to offer constructive ideas to navigate these issues. Rebecca also built a strong rapport with the clients early, putting them at ease during a stressful time. This enabled our clients to feel comfortable in being frank and open about their case to progress settlement. I am doubtful that such a deal could have been concluded with Rebecca's assistance.*
- *I thought Rebecca was excellent; very measured, and you felt she was fully invested in achieving a satisfactory outcome for both parties.*
- *Excellent at explaining the process and putting [clients] at their ease. She kept the atmosphere calm and professional and ensured no stone was unturned in the search for a resolution. I was very impressed with Rebecca. I would happily recommend her.*

## Directories (independently – researched clients' opinions)

### Legal 500

**2024:** Rebecca Clark is described as *'tenacious, energetic and articulate in encouraging the parties to narrow the gaps between them and reach an agreement'*. Clark mediates a wide range of commercial disputes, but is particularly well known for her financial services expertise and disputes involving SMEs. In addition to being appointed as a member of the Court of Appeal specialist mediator panel in October 2021, Clark became the Chair of the Civil Mediation Council in June 2022, the first female mediator and non-judicial holder of such office.

**2023:** Rebecca Clark is *'one of the best mediators I have come across in over 20 years practice at the Bar. She is on top of her brief, and understanding yet firm with the parties'*. Clark mediates a wide range of commercial disputes, but is particularly well known for her financial services expertise and disputes involving SMEs. In addition to being appointed as a member of the Court of Appeal specialist mediator panel in October 2021, Clark became the Chair of the Civil Mediation Council in June 2022, the first female mediator and non-judicial holder of such office.

**2022:** Establishing her mediation practice in 2015, Rebecca Clark is *'very personable and quickly builds strong relationships; she is calm and willing to go the extra mile to achieve a settlement'*. Clark experienced a 50% increase in instructions in 2020, her recent work highlights including resolving a complex international shipping reinsurance claim between a Nigerian PLC and a UK insurance broker.

**2021:** Rebecca Clark *'is the perfect fit for a mediation requiring sensitivity; her calm and methodical approach sets the correct tone'*. Clark established her mediation practice in 2015; she recently successfully mediated a significant claim for losses (by a company and its directors) against a major UK lender, which allegedly withdrew banking facilities without authorisation.

**2020:** Rebecca Clark is *'a highly impressive mediator who just gets it – she has empathy, gets into the detail and her hard work ethic commands the respect of both sides, which then unlocks opportunities for resolution'*. Clark is a full-time mediator, who is particularly known for her expertise in financial services and SMEs; she has also developed a reputation for handling particularly emotional disputes, such as those involving family businesses and trusts. Highlights included an international claim between parties to a joint venture agreement.

### Chambers & Partners

**2024:** Rebecca Clark of Independent Mediators displays particular strength in financial services-related disputes. She is routinely called upon to handle matters concerning professional negligence, insolvency and fraud, among others. *"Rebecca is very good at getting to the bottom of what's really in dispute. She's very good at cutting through the legal side of it and getting to the nub of the more emotional side. She's also great at identifying whether it's worth pursuing a legal point or whether we're looking at more of a personal legal matter."* *"Rebecca's really friendly, charming and very easy to work with. She gets on very well with all the parties and solicitors but at the same time is perceptively steely. She wants to get a resolution and is incredibly tenacious and will not give up. She's innovative, flexible and great to work with."* *"She's very good at getting the parties engaged and thinking how best to solve a problem. She's really excellent."* *"Rebecca Clark is very good and manages to complete settlements keeping everyone calm. She is much in demand, like all good mediators."*

**2023:** Rebecca Clark displays particular strength in financial services-related disputes. She is routinely called upon to handle matters concerning professional negligence, insolvency and fraud, among others. "She has a great deal of empathy and put the clients at ease. She's very hard-working and pushes towards a settlement."

**2022:** Rebecca Clark displays particular strength in financial services-related disputes. She is routinely called upon to handle matters concerning professional negligence, insolvency and fraud, among others. "She was very commercially minded and adapted her style appropriately to get a successful result." "Her approach was calm and measured – she had a good understanding of the principles of the law involved and the cost implications of continuing with proceedings." "Rebecca Clark put us at ease immediately – she clearly explained the process and ensured that all procedures were conducted in a fair, transparent and businesslike way."

**2021:** Rebecca Clark displays particular strength in financial services-related disputes. She is routinely called upon to handle matters concerning professional negligence, insolvency and fraud, among others. "She is incredibly knowledgeable, down to earth and has excellent interpersonal skills." "She was friendly, hands-on and knew the detail, and her eye was clearly on getting a deal done."

## Who's Who Legal: Mediation 2023

Listed as one of the World's top mediators in this International Directory **Rebecca Clark** is recognised as a leading figure in complex disputes and is a successful commercial and corporate mediator. "Rebecca has a brilliant temperament – she is nice to deal with but can be firm when she needs to be." "She reads the mood in the room and can work well with different personalities – she is very emotionally intelligent." "She is impressive, bright, commercial and knowledgeable."

## Areas of practice

### Banking and Finance

- £1.5m claim arising from alleged breach of agreed banking facilities for commercial property development.
- Claim between a major retail bank and two customers concerning alleged mismanagement of an investment portfolio.
- Claim by a company and its directors against a major UK lender for very significant losses arising from the alleged unauthorised withdrawal of banking facilities.
- Claim brought against two financial organisations for non-disclosure of commission and/or breach of fiduciary duty consequent to a loan transaction involving issues of Consumer Credit and novation.
- Court of Appeal case regarding alleged fraud under hire purchase agreements.
- Dispute between a manufacturing company and major retail bank following very significant APP fraud.
- Claim for damages by a charitable trust against a major lender arising from a SWAP transaction.
- Claims by peer-to-peer lenders.
- Claims by bridging loan companies.
- Claims against lenders for secret commission and unfair relationships.
- Claims arising from interpretation of Consumer Credit Act.

### Commercial contracts

- Claim against facility company arising from management of an office and residential block.
- Claim arising from alleged breach of an agreement to create and install a bespoke IT system for a retail leisure company.
- Claims arising from late delivery of materials for construction project.
- Court of Appeal claim arising from interpretation of burial rights contract.
- Claim resulting from the failure of and lack of supply of vaccines given to farm animals, leading to alleged excess deaths.
- Claim by a Council against a manufacturer of wheelie bins for alleged failure of recycled materials.

### Fraud and Professional negligence

- £65m claim by a parent company against a major auditing firm for alleged negligent auditing of 5 interrelated companies over 5 years.
- Claim against auditors following falsification of accounts by a company's Financial Director.
- Claims between business partners for fraudulent withdrawal, exclusion from partnership and harassment.
- Claims against valuers and solicitors for negligence and/or breach of contract

## **Insolvency**

- Claim by a large international corporation against a subsidiary arising from insolvency and subsequent disappearance of international goods.
- Claim by a Trustee in Bankruptcy against a well-known, terminally ill celebrity.
- Pension claims arising from liquidation of international pension fund.
- Claims for transaction at an undervalue.
- Claims by IPs and claims management companies for breach of directors' duties.

## **Insurance**

- Complex international shipping reinsurance claim with additional sensitivities resulting from alleged racism.
- Dispute between a Lloyds Syndicate Management company and Corporate Member regarding allocation of losses between years.
- Nuisance and breach of landlord's duties insurance claim arising from a fire at a large restaurant.
- Claim for damages from a steel manufacturer against a haulage company arising from a fatal collision on a time critical project.
- Coverage disputes.

## **Intellectual property**

- Dispute between investors as to ownership of IP in new healthcare technology.
- Dispute between two companies concerning passing off, theft of IP and website cloning.
- Dispute between investors and creators of a prototype motor vehicle.
- Dispute involving alleged theft of computer data.

## **Inter-family**

- Mediation and facilitation pre-issue between two brothers as directors and shareholders in a large manufacturing firm regarding future management of the company following an industrial fatality. Dealing with ongoing issues of management and control and recommending and working alongside a psychotherapist to deal with mental health issues.
- Dispute arising from the loan of money and changes made to a will by a mother with dementia.
- Pre-litigation dispute between a father and son arising from management of a group of companies providing social care placements with allegations of bullying and coercive control.
- Dispute between siblings regarding administration of parents' estate.
- Dispute between siblings as to future management of inherited company business.
- Dispute between siblings following failed property investment project.

## **Investment**

- Multi-party, multi-jurisdiction dispute between shareholders and investors in a high value international technology firm.
- Dispute between investors and creators of a prototype motor vehicle.
- Claim arising from alleged criminal action by investment manager, including right to expel and impact on claw back provisions.
- \$10m case between two international parties arising from investments into a satellite and space business with allegations of asset stripping and misconduct.

## **Partnership and shareholder**

- Mediation between two partners in a private equity management house to agree the approach following the suspension of three funds worth over £120m. Subsequent pre-litigation mediation between all three partners.
- 23-year dispute over dissolution of a computing and property-owning business, with issues concerning insolvency and diversion of assets.
- Pre-litigation strategy for exit of family members from a group of interconnected family companies to protect the wider family relationship.
- On-going mediation and facilitation pre-issue between two brothers as directors and shareholders in a large manufacturing firm.
- Pre-litigation dispute between father and son as to future management of family nursing home and care business.
- Claim arising from a consultancy and shareholder agreement and purchase of a property consequent to a care home transfer.
- Claim by co-shareholders against widow arising following the death of company founder.
- Various breach of duty and unfair prejudice claims.

## **Pensions**

- Structurally and legally complicated pensions case with 42 individual claimants sitting behind a lead claimant with damages claimed of over £5.8m against a liquidated fund in a different jurisdiction.

## **Property**

- Boundary, nuisance and trespass disputes.
- Professional indemnity claim arising from shale expansion in property.
- Validity of charging order and priorities.
- Court of Appeal case concerning Muslim burial rights in a London graveyard.

## **Transactions and breach of warranty**

- Multi-party, multi-jurisdiction \$34m breach of warranty dispute arising from a US\$1bn transaction.
- Dispute arising from sale and purchase of a business following the sudden death of the vendors.
- Very significant breach of warranty claim arising from sale of banking lending book.
- Dispute over Completion Accounts and breach of warranty relating to audited accounts.
- Collateral contract claim arising from transfer of shares in nightclub business.

## **Trusts**

- £13m claim by a beneficiary in a large, complex off-shore family trust, with alleged wrongdoing by financial institutions.
- Dispute between siblings regarding mother's investment in property and alleged kidnapping.
- Claim between former partners as to relative shares in property.

## **Direct feedback from clients**

The following quotes are from parties Rebecca has recently mediated with:

*"Rebecca was all over the detail and well prepared. Rebecca was personable and listened to all points being made without judgment, whilst putting forward comments to test the positions adopted. I would thoroughly recommend Rebecca and would be happy to use her for future mediations."* (Solicitor, November 2022)

*"She controlled the sometimes heated meetings very well. It was good to get a resolution to a protracted and entrenched dispute"* (Partner, National Law Firm October 2022)

*"The mediator was excellent and kept momentum and dialogue going to an agreed outcome"* (Partner, September 2022)

*"Rebecca is measured and a skilled mediator."* (Solicitor, City Law Firm, August 2022)

*"The mediation ran very smoothly and as efficiently as it could have done. Rebecca frequently reiterated the need for constructive thought processes."* (Solicitor, City Law Firm, August 2022)

*"Really got the emotion on the day and handled that extremely well in what was a particularly sensitive and emotional dispute".* (Solicitor, April 2022)

*"Very understanding of the delicate emotional circumstances of this case."* (Solicitor, City Law Firm, April 2022)

*"She listened when needed, she moved things forward when needed. She was collaborative and problem solving focused. She made it a team effort. She was devoid of ego. Mediator superb".* (Partner, National Law Firm March 2022)

*"I thought she was really excellent. Great at seeing things from both sides, she was very astute as to the issues between the parties and their motivations and thought she moved things along very nicely...Rebecca's perseverance ensured a successful result which I am not sure would have been possible had the parties been left to their own devices."* (Partner, City Law Firm, October 2021)

*"She was excellent in all respects. When there were some tetchy moments between the parties, she was very good at trying to explain each side's perspective and moved the discussion along nicely."* (Partner, City Law Firm, October 2021)

*"I have used many mediators over the years – Rebecca was one of the best."* (Partner, US City Law Firm, October 2021)

*"I thought she handled the different characters very well and her judgment of when to push versus when not to push was very good...she was excellent under very difficult circumstances."* (Partner, City Law Firm, July 2021)

*"Just wanted to quickly say thanks again for your fantastic involvement yesterday. It was a very fraught situation that could only be settled prior to trial with the aid of some very smooth and sympathetic mediating."* (Consultant, City Law Firm, Oct 2020)

*"Both prior to and throughout the mediation the mediator was superb. She displayed the highest possible standards of professionalism... Her fair but firm approach ensured the mediation was conducted to the highest standards and was a level playing field for all concerned. In short she is a credit to her profession, to IPOS and to herself."* (Claimant at Mediation, Oct 2020)

*Rebecca Clark's enthusiasm and experience were apparent from communications prior to the day of the mediation. Rebecca's thorough preparation and charisma meant that my clients were quickly put at ease. Rebecca Clark is a "go to" mediator for financial services disputes and other complicated disputes.* (Solicitor and Mediator, January 2020)

*"I always suggest Rebecca now because she seems to build relationships better and more quickly than others. This was crucial on such a short mediation. We were also really pleased that the technology worked perfectly."* (Senior Associate, City Law Firm, 2020)

*"Rebecca has an exceptional ability to identify what really matters to the parties and to help build bridges where there was previously no prospect of doing so. This was the hardest fought mediation I have done and Rebecca kept everyone together when, at times, there was a real risk of it falling apart."* (Partner, City Law Firm, Dec 2020)

*"A very good result; identified early what was needed to reach resolution, identified that the emotional side rather than monetary figures needed to be addressed at the outset. Rebecca was exactly the right mediator for the day."* (Partner, City Law firm, Sept 2019)

*"The opening session was managed incredibly well. Rebecca's opening remarks set the scene perfectly and encouraged an open and upfront session that cut through the issues quickly. Rebecca's approach was ideal – very measured in her delivery and made useful comments to assist the parties in progressing negotiations. First rate in every aspect of the day."* (Partner, City Law firm, Aug 2019)

*"I was particularly impressed with the points that Rebecca made during our confidential discussions (when we were evaluating the arguments and the risks). Her understanding of the issues and risks and assessment of them was spot on. I would definitely instruct her again."* (Partner, City Law firm, May 2019)

*"Rebecca was excellent – pre-mediation conversations with the parties worked well. She was good at working with the individual parties and managing that relationship. I would definitely recommend her"* (Director, City Law firm March 2019)

*"She knew how to get the balance right between discussing the issues and talking money" I have already recommended her to a colleague.* (Associate, City Law firm March 2019)

*"The mediator was robust in putting points from the other side to my client who had been unwilling to accept weaknesses in his case. I was very impressed overall with her."* (Counsel, March 2019)

*"Rebecca was clearly focused on getting a deal and worked tirelessly towards that. It was amazing we secured the result we did and Rebecca really helped with that. The client was very pleased* (Solicitor, City Law firm March 2019)

*"Rebecca helped us to achieve a resolution to a difficult, long running and complex dispute. I will seek to use her again."* (Director, Regional Law firm January 2019)

*Rebecca dealt particularly well "with what was a fairly fiery opening joint session between strong personalities on both sides."* I would instruct her again. (Solicitor, City Law firm January 2019)

Rebecca was "very well prepared, I was very impressed, we got a resolution quickly from a very difficult opening position." I would definitely recommend her to colleagues. (Client, January 2019)

"I just wanted to say thank you for navigating this at times painful mediation for us. I'm sure that without your input we would not now have a deal." (Senior Associate, City Law firm, November 2018)

## Professional Background

- Chair, Civil Mediation Council June 2022 to date (voluntary post)
- Deputy Chair, Civil Mediation Council May 2021 to June 2022 (voluntary post)
- Commercial Mediator on the CEDR panel 2022-2023
- Appointed to the Court of Appeal mediation scheme panel since 2021
- Commercial Mediator on the IPOS Mediation Panel 2016 - 2023
- Head of Litigation at UKAR, 2012 - 2015 (managing the taxpayers' interests in Bradford & Bingley, old-Northern Rock (now NRAM) and Mortgage Express on behalf of the Government)
- Senior Associate and Solicitor Advocate at Squire Patton Boggs (formerly Hammonds), Leeds 2010 to 2012.
- Owner of Humbug 2005 to 2010 (childrenswear retail business): researching, setting up and managing own retail business.
- Solicitor and Solicitor Advocate Hammonds, Leeds, 1998 to 2003.
- Solicitor at Nicholson Graham & Jones, London, 1997 to 1998.
- Trainee and then qualified solicitor at Richards Butler (now Reed Smith) 1995 to 1997

## Professional memberships and training

- Distinguished Fellow of the International Academy of Mediators
- Qualified restorative justice facilitator 2016
- Dispute Resolution Partnership Advanced Course in Mediation 2016
- Civil Mediation Council registered member
- Member (MCI Arb) Chartered Institute of Arbitrators
- ADR Group accredited mediator 2015
- CEDR accredited mediator 2014
- Higher Rights (Civil Proceedings) qualification 2002
- Post graduate diploma in legal practice College of Law (York) 1993-1994 (Distinction)
- University of London, University College (UCL) 1990-1993, Bachelor of Laws (Hons)

## Contact details

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