



Roythornes
Mediation Services



Roythornes LLP is a national law firm with a network of six strategically located offices spanning the Midlands and East Anglia.

We adopt a one-team ethos across all offices, with trusted advice being given by our recognised experts on a national spread. We pride ourselves on building longstanding relationships with our clients and bringing commercial know-how and lateral thinking to each case.

Our in-depth understanding of Agriculture, Charities, Food and Drink, Housing and Development and Natural Resources law means we can offer not just exceptional legal expertise, but also objective advice, valuable contacts and practical help.

Many of our team and individuals have a national reputation and are highlighted as leaders in the legal directories including The Legal 500 and Chambers and Partners.

Our Private Client team are recognised experts in their field, helping individuals and businesses navigate complex issues in a tax efficient way and protecting assets. Our well-respected Private Wealth Disputes and Agricultural Disputes teams have a reputation for managing complex disputes relating to inheritance, estate administration, Wills and trusts and all matters relating to agriculture, farming and natural resources.



Helping You Resolve Disputes Through Mediation

Disputes in respect of Wills, inheritance and the administration of estates are increasing. As are the costs associated with bringing or defending a dispute through the courts, all the way to a contested hearing or trial. At Roythornes, we offer a mediation service for parties that find themselves locked in such a dispute.

Mediation is a voluntary process. It creates an opportunity for parties to try to settle their differences at any stage of the dispute, usually early on once parties' positions are known. It is open to parties to agree how, when, and where to mediate.

The process is entirely confidential. It is a complete "safe zone". This means that anything that you say or do during a mediation cannot be relied upon by another party engaging in the mediation at a later time. It allows admissions or concessions to be made, without fear of reprisal. It allows dialogue to flow more freely.

Ultimately, it allows parties to explore together the terms of what a final settlement might look like. Should a settlement be concluded by the end of the process, the parties can agree between themselves any terms that they would like to detach from this confidential privilege. No one party can unilaterally decide this once the parties have committed to the process. The terms of the settlement can then be formally documented in a settlement agreement signed by all parties.

In mediation, the parties (collectively) are in control of their destiny. Even the bravest of person may not wish to gamble the outcome of a dispute on the decision of a judge. Because of the flexibility of the mediation process, parties can also agree outcomes that a court could not ever order.

The COVID-19 pandemic has taught us that mediation can work just as effectively when conducted remotely (via MS Teams or Zoom platforms, or the like) as it does in person. We can accommodate either approach to meet the needs of the parties. We recognise that the comfort of their environment is paramount to making the mediation process as simple and easy as possible.

Our mediator is Gavin Faber. He continues to work in private practice just like you and has also represented clients in many mediations. He understands, and have dealt with, the same issues that you face. Gavin can help you and your clients explore their settlement options, and pave the way towards a conclusion.

We do not take sides. We may test you and your clients where we consider it appropriate to do so. You should appreciate that we will be as challenging with your counterparts.

Our Mediator



Gavin Faber **PARTNER**

☎ 0121 803 6851 ✉ gavinfaber@roythornes.co.uk

Experience

Gavin qualified in 1999 and has been a partner since 2005. He heads up the Private Wealth Disputes team at Roythornes Solicitors, having previously led a national team. He holds the STEP Advanced Certificate in Trust Disputes and is a full member of ACTAPS. Gavin is recognised as a Leading Partner in The Legal 500 and Band 1 in Chambers and Partners High Net Worth Guide.

Gavin trained and qualified as a mediator in 2007 with ADR Group. He specialises in a wide range of disputes arising out of issues with Trusts, Wills and Estates.

He has expertise in dealing with disputes including: following the breakdown of a relationship between executors/trustees and beneficiaries, breach of duties by executors and trustees, challenges to Wills, claims for maintenance out of Estates, problems with the administration of Estates, and claims concerning Trust or Estate assets.

A large part of Gavin's practice includes bringing and defending professional negligence claims against advisors, including those arising from poorly drafted Wills and Trust instruments and failures to give proper tax or investment advice.

Mediation

Gavin has a very relaxed approach that enables the parties to feel comfortable and engaged at mediations. As an accredited mediator, Gavin knows when to challenge parties, enabling them to reassess their position and unlock the dispute.

Recent mediation experience includes: Claims under Inheritance (Provision for Family and Dependents) Act 1975, challenges to Wills on grounds of lack of due execution, capacity, knowledge and approval and undue influence, breach of Trust claims disputes between executors, trustees and beneficiaries, disputes over construction of Wills and Trusts and rectification, challenges to ownership of property on the basis of resulting and constructive Trusts and proprietary estoppel, commercial contract disputes and sales of goods claims, professional negligence claims against solicitors, trustees, accountants, financial advisers and surveyor and breach of fiduciary duty claims.

Professional Associations

- Full member of the Association of Contentious Trusts and Probate Specialists (ACTAPS) – lectures for ACTAPS
- Affiliate member of the Society of Trusts and Estate Practitioners (STEP) – sits on STEP Committee Birmingham
- Member of The Association of Lifetime Lawyers (formerly Solicitors for the Elderly (SFE))
- Birmingham Law Society Private Client Committee Member
- National Association of Independent Administrators



CLIENT



"We can't praise Gavin highly enough for the service he provided, the care and attention we received and the end result."



CLIENT



"Gavin was thorough and guided us through all stages, constantly checking our understanding."



LEGAL 500



"Gavin possesses the rare ability to combine legal knowledge with business application and can communicate this in an open and engaging style."



CHAMBERS
HIGH NET
WORTH GUIDE



"Gavin stands out in his ability to handle complex matters seamlessly. He takes time to understand his client's motivation and key objectives and works out how to best achieve them."





Terms of Business

Fees

We offer a fixed fee charging basis for most mediations, comprising a two-party dispute, where the value of the dispute/estate/trust is limited to £1 million. Our fixed fee is £3,500 plus VAT (split equally between the parties or in proportions that they otherwise agree between themselves). Payment is required on account no later than 7 days before the date of the mediation appointment, unless otherwise agreed.

Our fixed fee includes up to 8 hours attendance time on the day of the mediation appointment, with up to 5 hours pre-reading and preparation time.

Should a mediation extend beyond these times, an hourly rate of £400 plus VAT will apply.

Our invoice will be generated and sent to you as soon as practicable after the mediation.

If your dispute is particularly complex, involves more than two parties, or exceeds the £1 million value, please contact us (as stated below) and we will provide a fee quote.

Mediation preparation

We shall send to you a draft mediation agreement for completion and signature. The parties should aim to complete this process before the date of the mediation appointment.

The parties should aim to agree the contents of a mediation bundle. They will also be encouraged to share a position statement. These should be sent to **mediations@roythornes.co.uk** no later than three days before the mediation.

Availability enquiries

Please send an email to our inbox, mediations@roythornes.co.uk with your full details, the names of the parties and the value in dispute.

We shall reply to confirm our agreement in principle to act, and our dates of availability. If you have a particular date(s) in mind, then please let us know.



Abingdon 01865 952401 Alconbury 01480 587097 Birmingham 0121 592 1040
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