

TONY MARKS - MEDIATION PROFILE



General information

Tony Marks FCI Arb Accredited Mediator

As a former litigation partner in a large firm of London solicitors, Tony has more than 30 years experience of negotiating and resolving disputes for clients in a wide range of business sectors. He is an accredited mediator with ADR Group and also trained with CEDR. As former Director of Legal Services at the Chartered Institute of Arbitrators he has been involved in developments in mediation and its regulation. He is also qualified and practises as an arbitrator and is a member of ArbDB Chambers.

Examples of cases mediated by Tony are:

- ☐ Resolving a dispute between a housing association and a property developer concerning defects in a long lease of an underground car park
- ☐ Successfully mediating a dispute between a hotel owner, a contractor, and a supplier relating to the installation of a waste management system for the hotel
- ☐ Mediating claims between a liquidator and the company's pension fund relating to fraudulent acts by former shareholder of the company in liquidation
- ☐ Resolving a dispute under a website supply agreement
- ☐ Successfully mediating a boundary dispute between two business owners
- ☐ Mediating a claim against a former employee of an agency alleged to have obtained a secret commission



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- ☐ Co-mediator in a construction defects claim
- ☐ Resolving a fraud claim by a dental practice against its former manager
- ☐ Successfully settling a claim for vicarious liability by a husband and wife against an insurance broker as a result of fraud by a third party
- ☐ Partnership dispute between two founders of a photographic business
- ☐ Claim for consultancy fees by a former owner of a business against the new owners of the business
- ☐ Dispute between an employed dentist against a dental practice relating to unpaid fees

Areas of expertise include:

- ☐ Commercial contracts, supply and distribution agreements
- ☐ Consumer contracts
- ☐ Fraud and asset recovery
- ☐ Property disputes
- ☐ Financial services
- ☐ Banking litigation
- ☐ Information technology disputes in banking and financial industries
- ☐ Share sale transactions, corporate warranties and partnerships
- ☐ Construction claims
- ☐ Commodities and futures
- ☐ Energy and electricity industry/infrastructure; disputes between grid operators and generators; PFI and infrastructure disputes.
- ☐ Oil and gas
- ☐ Judicial review
- ☐ Professional negligence cases, in relation to accountants and investment managers; pension fund litigation

Professional background

Tony qualified as a solicitor with Clifford-Turner (now Clifford Chance). He joined McKenna & Co in 1979 and became a litigation partner in 1983. He was head of litigation from 1991-1996 and was a senior litigation partner in CMS Cameron McKenna until he retired from the firm in 2008. From 2008 -2012 he was part time Director of Legal Services at the Chartered Institute of Arbitrators.



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Training

1993 CEDR training and accreditation

2005 ADR Group accreditation

Mediation Panels

ADR Group Commercial Mediators Panel
Clerksroom

Recent Conferences and speaking engagements

2014 Solicitors Group Conference – recent cases in Mediation

2014 Official at the Worshipful Company of Arbitrators Mediation Skills Competition

2013 CIArb 6th Mediation Symposium – Chair of Panel discussion on “Mediation Fit for Purpose?”

2013 Solicitors Group Conference - “Going to Mediation – Predictable Problems in Practice and

How to Fix Them”

2013 Assessor for ADR Chambers mediation training

Tony says

“I believe my experience as a litigation solicitor over thirty years helps me to find practical solutions for the resolution of disputes. My experience of taking cases to trial convinces me of the need for parties to find a way to resolve their dispute before getting to trial. ”

“I consider it is essential for the mediator to understand thoroughly not only the parties’ legal positions but also their underlying motives and aspirations. Pre-mediation meeting discussions play a role as well as in depth one to one sessions early in the mediation process.”

“Flexibility is also key. Sometimes putting different people within each side’s team together can break a logjam. The mediator must conduct the process in order to find the best route to a solution.”

ArbDB Chambers, 150 Fleet Street, London EC4A 2DQ United Kingdom

T +44 (0) 20 3514 9020 F +44 (0) 20 3514 9021 www.arbdb.com

Clerk to Chambers: Martin Poulter martin.poulter@arbdb.com

Suite 1401-02, Al Moosa Tower 1, Sheikh Zayed Road, Dubai, United Arab Emirates

Bayanaya Sulaiman, Jalan Sultan Iskandaruddin, 50000 Kuala Lumpur, Malaysia



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