

cdr

Colin David Russ
Curriculum Vitae



“...Colin is without doubt one of the best mediators in the market place...”

“...Colin Russ is an exceptional mediator with a knack for building rapport...”

Legal 500 (2009)



“...Colin is an exceptional mediator whose style and approach is extremely difficult to fault...”

Mediation Experience

Colin Russ is a full time independent commercial mediator based in the UK with an extensive international mediation practice. Accredited by CEDR in 2000, Colin undertakes in excess of 70 commercial mediations each year both in the UK and overseas. Colin has mediated disputes across a broad range of subjects and has developed particular expertise in relation to disputes arising out of commercial contracts, shareholder and partnership disputes as well as property and professional negligence. Colin has considerable experience of multi-party mediations and is also a panel mediator to the Court of Appeal in England.

Quality Assurance

Colin is highly focused on the quality of the mediation process and to ensure the mediation has the maximum chance of success, Colin guarantees not to accept another mediation appointment the day before or day after an existing mediation commitment. This will ensure full preparation ahead of the mediation and allows time to be available the next day, should the mediation overrun. This unique approach to mediation has seen Colin surpass the 73% industry average for settlements through mediation where his success rate is closer to 90% with almost 9 out of 10 mediations achieving settlement on the day.

Professional Background

Originally qualified as a lawyer, Colin practiced for 20 years as a commercial litigation lawyer, ultimately joining international law firm DLA Piper, where he became head of litigation in the Birmingham office. Recommended in Legal 500 for commercial litigation, Colin became increasingly involved in ADR in the 1990s, representing clients in numerous mediations, developing ADR policy at DLA and implementing an internal training programme. After leaving DLA in 2001, Colin established a mediation practice and has been a full-time mediator ever since.

Additional Skills

Colin has a particular interest in the evolution of the mediation process and in recent years has made time available to provide training courses for lawyers wishing to develop their mediation advocacy skills as well as training and assessing prospective mediators in the UK and overseas.

In any available spare time, Colin is studying for an MBA at Warwick Business School although this is currently losing out to Colin's love affair with his Harley Davidson!

“...Colin was absolutely fantastic. I couldn't have asked for anything more...”

Colin's reputation and high percentage success rate means he is regularly chosen to mediate for global corporations and FTSE 100 listed companies involving multi-million pound disputes. Having undertaken hundreds of mediations over the years Colin has mediated commercial disputes across many different sectors including:

Commercial Contract

- Multi-party international contractual dispute, which resulted in a series of agreements, each of which had to be individually 'ring-fenced' to preserve confidentiality.
- International dispute for two global multi-nationals in the glass manufacturing industry.
- Engineering dispute involving high profile sports car manufacturer and supplier.
- Dispute relating to waste disposal plant with value of c. £5m, involving competing claims for contract variations and failure to comply with specification.
- Major high value dispute in the bio-chemical industry, relating to a project to ascertain viability of developing and scaling-up of a confidential process of manufacturing human insulin.
- Dispute arising from a contract (value of c. £1m) for supply of fruit to baby food manufacturer, where purchaser alleged fundamental breach and terminated the remaining nine years of the contract.

Commercial Property

- £150k dispute between two brothers relating to property entitlements in family farming business. Settlement brought to close 14 years of litigation.
- £25 million value property dispute between two FTSE 100 companies, relating to the exercise of lease break clause.
- £250k dispute relating to terms of alleged tenancy of farmhouse and barns, counterclaim for substantial rent arrears by farming family. Two-party but complex inter-personal relationships within each party's team. Substantial legal costs had been incurred making prospect of settlement more complicated. Settlement saved parties significant expense of five-day trial, which had been due to commence in four weeks' time.
- 27 hours of unbroken mediation to conclude settlement of multi-party property dispute, which had been litigated for the previous 15 years.
- Substantial claim (£20m) for losses arising from alleged breach of confidence, which had resulted in property developer losing control of major retail development scheme.

Shareholder Disputes/Partnership

- Mediating various disputes, which had arisen between continuing partners and former partners of medium-sized law firm, with significant PR and personal liability issues.
- Mediating s459 dispute and related claims involving various family property investment companies with underlying asset value of £20m.
- Acting as mediator in bitter inter-company dispute between equal shareholders including alleged breaches of confidentiality and diversion of business opportunities.
- Mediating the division of various share holdings (valued at £9m) in private investment companies where ownership in the hands of 3 shareholder/directors and respective wives/partners.
- Mediating alleged use of confidential information dispute, where rival business had been incorporated by former directors of claimant multi-national company.

“...Colin was excellent. He uses a good mixture of legal assessment of the merits and he never loses sight of what the day is really about - achieving a successful resolution that all parties can live with...”

Professional Negligence

- £250k claim for damages arising from alleged negligence of solicitor, which had resulted in claimant's proceedings against international bank being struck out. Complex issues, particularly in relation to quantum and 10 day trial that was due in six weeks' time were avoided by settlement.
- Claim for damages due to solicitor's alleged failure to properly advise client of need to secure appropriate planning permission for proposed change of use of premises.
- Multi-party dispute relating to major share transactions, which resulted in significant losses. Transactions allegedly undertaken by broker without authority. Imminent trial avoided when parties reached agreement and entered into four separate settlement agreements.

Information Technology

- £200k claim by Marketing/PR Company against global motorcar manufacturer for fees allegedly outstanding, in relation to a business-to-business email based marketing campaign. Significant cost savings achieved through settlement of dispute.
- £300k claim by national festival/exhibition organiser for loss of income arising from failure of hardware supplied by global bank. Need for proceedings avoided by settlement of all claims.
- Claim for payment on contract for the supply of computer software with value of £750k with counterclaim that software was defective.

Intellectual Property

- £250k claim by individual against local authority for breach of copyright and IP rights, relating to multi-media tourist attraction involving development costs of £25m. Legal aid costs of £350k were a complicating factor in achieving settlement. Innovative settlement achieved, which involved parties working together on new project.
- Mediating alleged wrongful termination of worldwide distribution agreement (worth \$3m) involving dispute over intellectual property rights and where injunctive relief had been obtained.

Employment

- Mediating high profile sports employment dispute involving leading figure in the sport and the national organisation.
- High value claim by senior, long service individual against former employer bank for alleged breach of employment contract. Confidential settlement achieved, vast saving in costs and avoidance of potentially devastating adverse publicity.

“...The whole team gave the best feedback that we have had for any mediator. Colin really made a difference and got the parties closer until a deal was made - we were very impressed...”

Mediation Testimonials

The feedback comments featured below and throughout this CV are from legal professionals working in some of UK's leading law firms in addition to recommendations from Chambers Guide to the Legal Profession and Legal 500. All are verifiable, please contact Colin if you would like more details.

I have been involved in approximately 30 mediations and in my opinion; Colin Russ is one of the best mediators I have come across. He is extremely easy to get on with and therefore ensures that he quickly wins and then retains the trust of the parties. He also combines perfectly the assessment of the legal merits of the dispute with the commercial imperative to achieve a settlement acceptable to the parties. If the mediation is not successful on the day he will also provide as much assistance as he can after the mediation to try to facilitate a resolution.

Colin is without doubt one of the best mediators in the market place. He always prepares thoroughly so that client's valuable time is not wasted on the day itself. All clients without exception have felt at ease in his company as he has a calming but persuasive manner and seems to get the very best out of clients even when the situation is acrimonious.

I have used Colin several times as a mediator in last 18 months and on each occasion he has approached the mediation with consummate professionalism. He puts the parties at ease with his manner and style and works very hard for the parties in his efforts to reach a solution. Colin has worked through the night to reach the right outcome and he never clock watches. He is one of the top 2 or 3 mediators I have used.

Colin is an exceptional mediator whose style and approach is extremely difficult to fault. He is always extremely well prepared and shows an interest in the subject matter that helps his relationship with the clients. His approach is always perfectly pitched to the specific circumstances of the case and to the clients.

Although he is extremely thorough and in tune with the clients' needs, he has a relaxed and friendly approach. He knows how to handle difficult situations in a way that disentangles the complexities of the case effectively.

Colin is a very personable and effective mediator who works hard to help the parties resolve their disputes. His style is relaxed but he is tenacious and engages in robust reality testing. He is not one of those mediators who gets very hung up about his success rates and he never "bullies" the parties into settling. Having said that, I have never had a case which he has mediated which has not settled on the day.

“...Colin is praised for his commerciality and ability to get to the root of even the most complex problems. He is also lauded for radiating impartiality...”

**Chambers Guide to the
Legal Profession (2008 / 2009)**

“...Colin provided some excellent mediation training giving us a valuable insight from a mediator’s perspective as to the role of advocates in the mediation process...the interactive session was both informative and good fun...”

Mediation Skills Training & Consultancy

Whilst the majority of Colin’s time is spent mediating, in addition to his mediation practice, Colin also heads up a separate arm of the business delivering bespoke mediation training and offers a consultancy service for those within the legal profession who require a greater understanding of mediation and when it could be an appropriate option for their client’s dispute.

Colin originally trained as a mediator with the Centre for Effective Dispute Resolution (CEDR), internationally recognised as the standard of excellence, setting a benchmark for initial professional mediation training. Following his CEDR accreditation in 2000, Colin continued to work closely with CEDR as a member of the CEDR Faculty, training mediators and lawyers in mediation advocacy. This included involvement in developing CEDR’s current Mediation Advocacy Course. Increasingly approached directly for training, Colin retired from the Faculty in order to set up his own training organisation under the Colin David Russ brand.

With mediation increasingly used in the legal profession worldwide, Colin has been training mediators on an international basis including, South Africa, Europe, Russia and West Indies as well as providing mediation advocacy training to law firms in the UK and Ireland, where there remains a strong demand for advanced mediation advocacy skills training.

Colin’s particular expertise and interest is in the evolution of mediation practice and he is a regular speaker on this and other aspects of ADR at international mediation conferences around the world. Colin will always look to develop a bespoke training programme specific to the needs of the delegates attending. If you would like to discuss your training needs please contact Colin to make an enquiry.

Mediation Skills Training Testimonials

The feedback comments featured below are from legal professionals from some of the UK’s leading law firms in addition to mediation training organisations where Colin has worked on a consultancy basis. All are verifiable, please contact Colin if you would like more details.

Colin provided some excellent mediation training to the commercial litigation team. He gave valuable insights from a mediator’s perspective as to the role of advocates in the mediation process and shared stories of best practice from which we could all learn. The interactive session was both informative and good fun for the whole team!

We had an excellent day’s training with Colin Russ. Colin’s considerable experience as a mediator was invaluable when it came to answering questions on strategy and tactics. The training helped me greatly in learning how to conduct a successful mediation.

We use Colin every year for the ‘Representing Clients in Mediation’ course; every time he gets good feedback with lawyers rating the course as one of the best that they have ever attended - very practical and hands on...plus Colin is a pleasure to work with.

“...we regularly utilise Colin’s expertise as a mediation skills trainer in locations all over the world. He is a skillful, charismatic trainer who consistently produces excellent feedback from his trainees. Colin brings a high level of ‘hands on’ expertise as well as great conviction and enthusiasm for the field of mediation...”

Professor Giuseppe de Palo
Chairman, JAMS International ADR Center

“...We had an excellent day’s training with Colin... his considerable experience as a mediator was invaluable and the training helped me greatly in learning how to conduct a successful mediation...”

Colin’s ADR and Mediation training experience 2003-2009:

Lead Trainer and Assessor 3-day Advanced Mediator Training courses in Barbados, West Indies
Lead Trainer and Assessor at 4-day Mediator Training course in Moscow, Russia
Lead Trainer and Assessor at 4-day Mediator Training course in St Petersburg, Russia
Advanced Mediation training seminars for numerous law firms, including the UK top ten
Assessor and Trainer at 5-day Mediator Training Skills course in Johannesburg, South Africa
Assessor and Trainer at 5-day Mediator Training Skills course in Dublin, Ireland
Lead Trainer at 1-day Mediation Advocacy Skills course in Cork, Ireland
Assessor on various CEDR Mediator Training Skills courses, accrediting Mediators
Mediation simulations and presentations for numerous UK law firms
European Commission sponsored project ‘Promotion of International Commercial Arbitration and other Alternative Dispute Resolution Techniques in MEDA Countries in Amman, Jordan
Speaker and Trainer at First International Mediation Conference in Moscow, Russia.
2-day Training Programme for Judges and Attorneys in Belgrade, Serbia
2-day Training Programme for Judges and Attorneys in Sarajevo, Bosnia
2-day Training Programme (I) for Judges and Attorneys in Skopje, Macedonia
2-day Training Programme (II) for Judges and Attorneys in Skopje, Macedonia
Speaker and Trainer on International Mediation at “Making and Saving Deals in the Global Business Environment”, joint programme by Hamline University School of Law, USA and University of “La Sapienza” in Rome, Italy
Mock Mediator in 20+ ‘role play’ mediation events for leading UK law firms
5-day Training Programme organised by IDLO for Judges in Mbabane, Swaziland
2-day Training Programme, ADR Academy II, organised by law firm CMS Cameron McKenna, in The Hague, Netherlands.
As part of CEDR Faculty, Colin regularly delivered modules from CEDR’s Representing Clients in Mediation courses to leading UK law firms
Awareness seminars for UK Law Societies (solicitors & barristers)
Continuing professional development (accredited) seminars for various UK law firms (30+) as consultant to CEDR
Mediation update for UK Judges, rolling programme organised by Judicial Studies Board for the Supreme Court of England and Wales, UK
Developing and delivering seminars on ADR for TEC, Organisation of CEOs of UK private and public companies

Important Note for Lawyers requiring CPD points:

Attendance at a training course delivered by Colin Russ will normally entitle participants to Continuing Professional Development points.



“...Colin separates the wood from the trees, he takes no nonsense but doesn’t alienate either of the parties in doing so...”

“...Colin manages to blend an easy going style with forensic attention to detail...”

Legal 500 [2009]

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