



CEDR Accreditation:	1997
CEDR Panel Member:	1999
CEDR Chambers:	2012
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**Neil Goodrum**

*"He got to the nub of the issues very quickly and painlessly."*

Client Feedback

## Overview

Neil Goodrum is a full time CMC Registered mediator and member of CEDR's Training Faculty. He has extensive experience in mediating disputes in many different industries with amounts in dispute ranging from relatively modest sums to millions of pounds. Neil is a lead member of the CEDR Training Faculty and regularly works with CEDR internationally, training professionals in dispute resolution techniques.

## Professional Background

Neil is a solicitor and has dealt almost exclusively with contested matters throughout his professional career since qualifying in 1981. Joining McCormicks in 1983, he was a Senior Litigation Partner for 27 years dealing primarily with disputes in contract and commercial, partnership, employment, professional negligence, clinical negligence and personal injury cases, having initially dealt with commercial fraud and other serious criminal cases. Highly regarded for his expertise in sports disputes. Neil is also a Chairman of the Football League Disciplinary Commission.

In addition to working as a mediator, Neil continues to work with McCormicks as a Consultant handling significant employment law matters, frequently in a high profile context in sport. During his time as one of the management partners at McCormicks, he had direct experience of running a business with over 100 employees.

## Expertise

- Commercial Contracts
- Clinical Negligence
- Employment & Workplace
- Partnership & Shareholder
- Personal Injury
- Professional Negligence
- Property
- Sale of Goods & Services
- Sports
- Trusts, Wills & Probate
- Utilities

## Mediation Experience

### Commercial Contracts

Throughout his professional career Neil has dealt with many types of commercial disputes. These have included bringing and defending matters arising from the breach of commercial contracts, the supply of goods and services and professional negligence matters relating to accountants, architects, surveyors and solicitors. He has also acted in partnership disputes relating to accountants and solicitors and in claims arising from professional misconduct. Examples of recent cases as mediator include:

- Commercial contract dispute relating to the breach of a multi-party joint venture agreement where the amount in dispute was up to £1 million.
- Dispute relating to a facilities management agreement where the amount in dispute exceeded £2.25m.
- Dispute arising pursuant to a commercial agent's agreement where the amount in dispute exceeded £500,000.
- Dispute arising from a claim to enforce personal guarantees given by the directors of a company in liquidation and involving a counter claim regarding material misrepresentation in the sale of the business.
- Dispute relating to allegations of breach of a franchise agreement involving allegations of misrepresentation by the franchisor.
- A dispute between two companies in a specialist industry regarding the terms of an alleged option to purchase part of one of the organisations concerned.

### Utilities

- A dispute regarding the supply of electricity to commercial outlets in circumstances where there was an issue as to whether or not one party was engaged as principal or agent. The amount in dispute between the parties exceeded £1m.

## Clinical Negligence

On behalf of clients, in relation to clinical negligence and personal injury, including high value cerebral palsy matters and cases involving serious brain injury, Neil has acted primarily for claimants although he has experience of acting on instructions from an employer's liability insurer in a substantial number of cases involving industrial injury. Examples of recent cases as mediator include:

- A dispute in which the claimant, who had learning disabilities, was allegedly subjected to ill treatment and negligent care while an inpatient at one of the defendant's hospitals.
- A dispute arising out of admitted negligence by the Defendant resulting in the death of the Claimant's adult daughter where there are claims both under the Law Reform Act and the Fatal Accidents Act, including for a dependency for the deceased's young daughter where the claim exceeded £600,000.
- Complaint regarding birth of severely disabled child where the amount in dispute was £2m.
- A dispute arising from the death of a patient due to failure to carry out abdominal surgery correctly and failure to refer to specialist surgeons where the amount in dispute was £400,000.
- A dispute relating to the death of a child where liability, causation and quantum were in dispute where the amount claimed exceeded £100,000.
- Complaint by a patient of negligence by a general surgeon resulting in a permanent disability.

## Employment & Workplace

Neil is a highly experienced Employment mediator and Employment Tribunal advocate. He has dealt extensively in employment law matters, including dismissal, redundancy, discrimination and transfer of undertakings cases, and has advised on trade union issues. Cases that Neil has dealt with on behalf of clients have included matters before the Court of Appeal and the Supreme Court. He has appeared on local television and radio in Yorkshire as an expert in this area. Examples of recent cases as mediator include:

- Disputes relating to sex and race discrimination involving senior employees where the amounts in dispute exceeded £1.5m.

- A working relationship issue between a manager and one of the people reporting to them.
- A dispute arising from a claim for disability and sex discrimination, constructive dismissal and “whistleblowing” where the amount claimed was approximately £850,000.
- A dispute relating to a claim of wrongful and unfair dismissal, where there were issues about termination, bonus entitlement and share options, where the amount claimed was in excess of £890,000.
- A dispute relating to disability discrimination and personal injury arising from alleged bullying and harassment at work where the amount in dispute was approximately £350,000.
- A claim by a director/shareholder for breach of contract, wrongful and unfair dismissal, equal pay and sex discrimination where the amount in dispute exceeded £350,000.
- A dispute involving allegations of breach of contract of employment by senior employee including misuse of employer's intellectual property and alleged breach by employee of the contract of employment by establishing competing business where the amount in dispute exceeded £100,000.
- Industrial dispute involving a number of employees, supported by their Trade Union, arising from proposed new terms and conditions of employment.
- Claim that ex senior employees had established a substantial competing business in breach of post termination restrictions and the ex-employees' counterclaim for monies unpaid pursuant to the contract of employment.
- Dispute following the "transfer" of a contract between two commercial organisations, regarding the application of TUPE and the impact of employment contract covenants.
- Breakdown in workplace relationships against a background of potential claims for breach of contract, sex discrimination and disability discrimination.
- Claim by a former employer that employee had been in breach of fiduciary and fidelity obligations as well as breaching post termination restrictions against a background of an interim injunction. Amount in dispute was over £200,000.
- Work place dispute between employee and line manager regarding allegations of bullying and breach of contract.
- Employment dispute relating to race discrimination and allegations of losses arising from breach of contract.
- Dispute between a senior employee claim in unfair and wrongful dismissal.

- Employment dispute relating to claims for constructive dismissal, public interest disclosure and shareholding.
- Dispute relating to allegations unfair dismissal and sex discrimination arising from an employee's return from maternity leave and then made redundant.

### Partnership & Shareholder

- A dispute between shareholders in a law firm regarding the funds due to an exiting shareholder.
- A dispute between former business partners regarding an interest in the business.
- Partnership/commercial contract dispute between members of a Limited Liability (Professional) Partnership where the issues in the dispute involved breach of contract, allocation of clients and future competition. The amount in dispute exceeded £500,000.
- A dispute involving breach of a partnership agreement and the making of secret profits, where the amount in dispute exceeded £300,000.
- A dispute between two individuals who worked in a business together ultimately forming a limited company to carry out gritting and small scale car park repairs.

### Personal Injury

- Dispute between the purchaser of a high value motor vehicle and the manufacturer and seller regarding injuries allegedly sustained due to a defect.
- Dispute regarding the amount of compensation following a road accident resulting in severe head injuries, where the amount claimed was in excess of £2m.
- Dispute between five insurers over the apportionment of liability in a serious industrial accident claim where the amount in dispute was estimated to exceed £600,000.
- Complex personal injury claim where there were issues of individual and corporate responsibility. Amount in dispute exceeded £200,000.
- Cost consequences, including in relation to success fee and insurance premium of Claimant accepting part 36 offer.
- Dispute relating to injuries sustained in an accident at work on a construction site.

## Professional Negligence

- A claim for damages regarding the allegedly negligent conduct of a clinical negligence claim by solicitors, expert and counsel.
- Claim against former solicitors for professional negligence in the handling of a personal injury damages claim in which the amount claimed exceed £900,000.
- Professional negligence claim against two former firms of solicitors regarding the handling of a personal injury claim valued in excess of £100,000.
- Professional negligence claim in construction industry where the amount in dispute was in excess of £275,000.
- A dispute relating to allegations of negligence and breach of contract by solicitors over the handling of divorce proceedings where issues related to valuation and loss of a chance with a valuation of approximately £700,000.
- Dispute in relation to legal advice given in relation to an Employment Tribunal Claim.

## Property

- A dispute relating to a contract for sale of a commercial property where the amount in dispute exceeded £2.75 million.
- Dispute between a landlord and guarantor for a tenant following damage to the rented property.

## Sale of Goods & Services

- Dispute relating to the terms of a contract for the transportation of specialist equipment including the basis on which the agreement could be lawfully terminated.
- A dispute regarding a contract to undertake building alteration work at a number of commercial properties owned and operated by one of the parties.
- Dispute relating to the alleged breach of a contract to supply specialist equipment to a commercial entity with a consequential loss claim.
- Dispute relating to a claim for breach of a contract for the supply of specialist industrial equipment in which it was alleged that time was of the essence regarding delivery.
- Alleged breach of a commercial contract and negligence regarding the supply of business services.

- A dispute between a company creditor and personal guarantors of the debt.

## Sport

As a partner in a firm with a national reputation regarding sports law, Neil has been actively involved in cases relating to football, cricket, boxing, athletics and swimming. While sitting as the Chairman of the Football Disciplinary Commission of the Football League, Neil has dealt with cases relating to club finance, player contracts, fielding of ineligible players and supporter conduct and safety issues. Examples of recent cases as mediator include:

- A dispute relating to the contractual arrangements between a football manager and a high profile football club.
- A claim by an athlete that he was subjected to bullying and discrimination while training at the Centre of Excellence for the sport.
- A dispute regarding the governing bodies of a high profile sport.
- A dispute between members of a national sports team regarding team selection.

## Trusts, Wills & Probate

- Claim under the Inheritance (Provisions for Family and Dependents Act) 1975 where the amount in dispute exceeded £300,000.
- Claim relating to contested probate and under Inheritance (Provision for Family and Dependents) Act 1975 between siblings where the amount in dispute was approximately £500,000.
- A dispute between family members contesting a will on various grounds including estoppels where the amount in dispute was approximately £700,000.
- Dispute between two siblings under The Inheritance (Provision for Family and Dependents) Act 1975.

## Other Dispute Experience

### Investigations

Neil has advised clients for over 30 years about the conduct of investigations in most aspects of employment including fraud and very serious sexual harassment cases. This has meant that, on a weekly basis at least, he has worked with clients on the steps to be taken in an investigation. This has been in terms of enquiries to be made including collecting evidence and preparing witness statements. Some examples include:

- An employment investigation involving a very high profile organisation with both a national and international reputation where one of the senior managers was accused of serious sexual assault. At the conclusion of the investigation, an independent report was presented to the CEO who conducted a disciplinary hearing based on that report.
- Conducting a disciplinary hearing and make a finding, after the employer had conducted an investigation into a substantial fraud by a finance manager.
- Court cases involved investigation processes in matters from major crime to professional negligence where it was required to consider evidential issues in a number of different contexts.
- Conducting a number of investigations and disciplinary hearings for allegations of inappropriate conduct by a partner and dishonesty by a senior solicitor.

### Personal Style

Neil believes that mediation provides a perfect opportunity for meaningful dialogue, directly or indirectly, between the parties in a "safe environment". His style is facilitative, with a willingness to intervene actively depending on the circumstances of the mediation. He is prepared to persist, challenge and take a firm approach to focus the parties on resolution, when required.

### Feedback - Directories

*"Peers report that he is great at the creative thinking that is sometimes necessary to eliciting the most useful information."* Neil's approach is characterized as *"accommodating, enthusiastic and fantastically persistent."*

- The Chambers Guide notes

## Feedback - Clients

- *"His positive determination was conveyed in an easy manner and by the patient calmness which continued through the extended hours of his mediation."*
- *"He got to the nub of the issues very quickly and painlessly and was very professional."*
- *"He was an astute man and got on top of what was going to cut the mustard."*
- *"The individual clients in this case were very hostile towards one another and very difficult, the mediator dealt with the personalities very expertly."*
- *"He is an experienced mediator who made them all think differently about key issues."*
- *"He reality tested well and tried to push our client, I assume that he was doing the same with the other side."*
- *"Neil was very conciliatory and that was a 'good foil' for the two of us."*
- *"The relationship between the parties was very strained. He dealt with it very sensibly."*
- *"There was a lot of history to this matter and a lot of animosity, but he controlled that very well."*
- *"Tempers were running high and parties were frustrated but Neil handled the mediation well."*
- *"The prospects for a settlement did not seem particularly high at the start of the day. Neil worked well to get the parties together and achieve a settlement."*
- *"He was very courteous and very persistent this was very effective."*
- *"Neil treated the parties and the issues with respect. He was very practical and was there to get the job done."*
- *"One of his best attributes was his manner and that way he ensured that everyone was comfortable."*

## Professional Skills

Since qualifying in 1981, Neil has dealt almost exclusively with contested matters throughout his professional career. Until the early 90s these included commercial fraud and other serious criminal cases. He initially worked in Leeds and then Oxford before joining McCormicks, when the firm was founded in 1983, and becoming a Partner in 1986. As one of the management partners of McCormicks, he has had direct experience of running a business with over 100 employees.

McCormicks is recognised as a leading sports law firm in the Legal 500 and the Chambers Guide and has a national reputation in this area. The firm has also been recognised by the Legal 500 and the Chambers Guide, for its expertise in employment law, media and entertainment law, as well as a number of other areas.

- July 1995: Higher Courts (Criminal Proceedings) Qualification.
- October 1997: Higher Courts (All Proceedings) Qualification.
- April 2000: Appointment to the Sports Dispute Resolution Panel of Mediators .
- August 2002: Practitioner Member of the Law Society Civil/Commercial Mediation Panel.
- October 2003: Member of the Panel of Mediators for the Court of Appeal Mediation Scheme.

### Mediation Training

As a trainer, particularly as a member of the highly regarded CEDR Training Faculty, Neil regularly presents courses on mediation, mediation advocacy and dispute resolution both in the UK and abroad. His international experience includes Ireland, Sweden, Denmark, Moldova, Morocco, Mongolia, Dubai and Hong Kong.