



Frances McCarthy

Mediator since 2006

Civil Mediation Council Registered Mediator

NHSR approved mediator

Specialist areas: personal injury, clinical negligence, employers' liability and industrial disease, multi-party

Frances McCarthy has been conducting mediations since 2006.

- She has a particular expertise in dealing with lay stakeholders, such as unrepresented Claimants, clinical and non-clinical staff and family members. She is quick to gain the trust of those participants with an empathetic and experienced approach.
- She has excellent communication skills both oral and written; and her long legal experience enables an understanding of complex issues which assists in inspiring trust and confidence in all the parties.
- She is flexible and liaises with all parties in a timely way prior to mediations. She always meets deadlines and is thoroughly prepared for each mediation.
- She has a complete commitment to equality and diversity and a thorough understanding of this from her own legal practice.

- She has dealt with very complex issues of confidentiality and ensures that all parties have confidence in her ability to deal with this.

Background and Approach

Frances McCarthy is senior partner and head of personal injury at Pattinson & Brewer where she has built a reputation as an “eminent practitioner” in her field specializing in personal injury, clinical negligence, industrial disease and professional negligence. Frances has extensive experience in handling fatal and catastrophic injury claims.

Frances McCarthy is a founding member of the Association of Personal Injury Lawyers and was its President from 2000–2002. She was on Lord Woolf’s Working Party and helped design the first pre-action protocols. Frances was a member of the Civil Justice Council and is a former chair of the International Practice section of American Association for Justice (formerly ATLA).

Frances McCarthy jointly edits the Jordans ‘Personal Injury Law Practice and Precedents’ with David Marshall and writes and lectures regularly. She has undertaken mediation master classes for industry bodies including both APIL and the Forum of Insurance Lawyers (FOIL).

Frances McCarthy jointly with Tim Wallis successfully mediated various industry issues usually under the auspices of the Civil Justice Council including success fees, fixed costs and multi-track. This led to Frances’ increased interest in mediation as a way of resolving seemingly intractable disputes. She worked with Tim Wallis, Sir Henry Brooke and others to establish Trust Mediation and has since developed her mediation practice.

In 2015 Frances McCarthy was mediator of the year at the Personal Injury Awards. Frances' professional experience means that as a mediator she is able to provide the leadership and diplomacy required to assist litigants, lawyers and insurers find an acceptable way forward. She has consistently demonstrated her ability to act as a dependable and trustworthy neutral across the civil justice sector.

Mediation experience

Clinical negligence

Frances McCarthy has mediated clinical negligence cases since she qualified as a mediator but has focused more on these since Trust Mediation's successful tender bid. Frances has been a popular and successful mediator. She understands the medicine and the causation issues which arise and is particularly good in helping claimants understand these. Frances is adept at finding additional outcomes which help the parties to reach a settlement such as discussion with a bereavement midwife where the case concerned a baby's death, or a plaque in memory of the deceased partner of the claimant

"I thought the mediator was very good in not only facilitating the negotiations, but also in dealing with the Claimant in what was a difficult situation".

Employers liability

With Frances' long background dealing with employer's liability claim she brings a particular expertise to these matters. Frances understands the issues and has a detailed knowledge of the health and safety issues which lie behind such cases. Frances has a wide experience of difficult cases such as claims for workplace stress. She has extensive knowledge of industrial disease particularly asbestos-related disease and the many problems that these throw up for both Claimants and Defendants. Her experience in dealing with both Claimants and Insurers in these situations mean that she is able to see the wider issues and where the real blocks to settlement lie.

Multi-party

Frances McCarthy has been widely praised with Tim Wallis for their work on mediating industry agreements. Together they earned the trust of the different participants and managed to ensure that all concerned were kept fully involved and remained confident that the process was fair, impartial and effective. The experience has proved the foundation of successful multi-party matters in areas of clinical negligence, personal injury and industrial disease.

Other

Frances McCarthy has also successfully mediated other cases such as costs disputes.

Types of mediation

Frances McCarthy has conducted mediations both in person and via online platforms. She has also dealt with mediations in a hybrid format. Her record of successful mediations is excellent in all formats. She primarily deals with facilitative mediations but also does evaluative mediation.

Testimonials;

Frances McCarthy's particular strengths lie in her ability to engage with the parties to the dispute so that they swiftly develop confidence in her. She does not give up but remains calm and measured and the trust she inspires goes a long way to explaining her success rate.

"Frances was very calm and impartial throughout but encouraged my client to take part which I think helped a lot"

"Frances' calm and measured approach. It was also helpful when Frances suggested that the approach we were thinking might best be reconsidered. When it came to the critical point in the negotiations Frances' input was particularly helpful."

"Very empathetic, experienced and professional."

Contact: Registrar@TrustMediation.org.uk

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