



Philip Hesketh

Mediator since 2006

Civil Mediation Council Registered Mediator

NHS Resolution approved mediator since 2017

Specialist areas: clinical negligence, personal injury, probate and trusts

Mediation Experience and Capabilities

Philip has been mediating personal injury and clinical negligence claims since 2006 and is one of the most experienced mediators in these fields in the UK. Since 2020 around 70% of his mediations have been hosted on the Teams or Zoom video platforms. Philip has written guides and trained other mediators on the use of online platforms. With parties' consent he has conducted mediations with one party appearing online and the other party in person. The majority of his mediations have been facilitative but he provides evaluations when requested and makes use of mediator proposals to break impasses.

Philip works effectively with all participants at mediations including solicitors, counsel (including leading counsel), claimants (including unrepresented claimants and their McKenzie friends) and their families or supporters, NHS Trusts' legal or other representatives, clinicians and insurers. This may be in pre-meditations meetings or during the private and joint sessions during a mediation or in follow on meetings post-mediation. He is absolutely committed to equality and diversity and ensures all participants are empowered to fully participate in the mediation process. Philip is also cognisant of safeguarding issues that occasionally arise during mediation.

Philip has excellent written communication skills which are employed pre-mediation to ensure all parties are fully prepared and also in the preparation of training materials and articles for publications including PI Brief, Butterworth's PI Newsletter, Costs Lawyer Magazine, The Journal of Personal Injury Law and APIL's PI Focus. He is also an excellent oral communicator in both private and joint mediation sessions, some of which can occasionally have as many as 20 participants. He also demonstrates this in mediation training sessions including online webinars.

From the initial call and right throughout the process Philip manages and has complete respect for the confidentiality of all parties. He does this by explaining what confidentiality means to all sides at the very first call, again at the first meeting of the mediation and again at relevant times later in the process. He will never disclose information without expression permission of the party concerned.

Philip is experienced in shorter, time-limited mediations and manages his and the parties' time efficiently. He is often instructed to mediate at very short notice and manages the pre-mediation procedure ensuring deadlines are met and the mediation can proceed on time.

Examples of Philip's mediations

- Fatal road traffic accident
- Deaths by suicide due to alleged negligent mental health treatment
- Infant deaths
- Wrongful birth claims
- Fatal claims arising out of alleged negligent oncology treatment
- Stress at work claims

Philip prepares and delivers mediation training for lawyers and CPD training for mediators. He is a mediator peer reviewer giving constructive feedback and assessment. He is a member of a reflective practice group which contributes to the continued development of his own mediation skills.

Litigation Experience

Philip qualified as a solicitor in 1991 and was for 17 years a specialist claimant personal injury lawyer with a wide range of experience particularly in employers' liability and industrial disease claims with Thompsons Solicitors and Russell Jones & Walker. In 2016-2017 Philip was a Consultant Solicitor with Slater & Gordon Lawyers in their Chest and Asbestos Disease Group dealing with mesothelioma and asbestosis matters.

Memberships, Qualifications & Awards

LLB. Leicester 1988

Qualified Solicitor 1991

Accredited Mediator 2006

Civil Mediation Council Fellow

Mediation Achiever of the Year, Personal Injury Awards 2021

Testimonials

"Professional, down to earth, friendly, flexible, client focussed, practical, "reads the room well", excellent grasp of the issues. I have instructed Phil several times before and have found him to be an excellent mediator for all of the reasons described above. Would always want him as first choice going forward."

Shantala Carr, Partner – Girlings Solicitors

"Phil was brilliant with the Claimant, a litigant in person with Autism. I feared communication would be a barrier to resolution but with Phil's assistance, the parties were able to come together to reach a resolution that I am certain would not have been reached without him."

Bryony Steele – DAC Beachcroft LLP

"The mediator was professional, friendly and approachable which made our client at ease. He took on board our position and considered the best approach to achieve the desired result when the parties were some way apart and not achieving a great deal of progress."

Liz Hickman, Legal Director – Higgs LLP

"I have only used mediation on two occasions and this was by far the best experience of the two. Philip facilitated the means to conclude matters by virtue of his completely neutral standpoint and calm manner throughout."

Trust Mediation insurance client

Contact: Registrar@TrustMediation.org.uk

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