



Trust Mediation

specialist personal injury and
clinical negligence mediation

Philip Hesketh

Qualified as a Mediator in 2006

Specialist areas: personal injury, clinical negligence, wills & probate.

"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, April 2016

Professional

Philip became a self-employed mediator in 2008 after doing his mediator training in 2006. He has considerable mediation experience from high value, multi-party personal injury and clinical negligence claims through to telephone mediation of low value costs disputes. He has a calm, professional and re-assuring approach to mediation and believes in enabling clients to make the best decision for themselves.

Mediation experience

Examples of mediations conducted include:

- Renal failure with loss of years claim.
- Cerebral Palsy claim arising from negligent obstetric care.
- Work related stress claim against a government department. Settlement included a non-monetary element.
- Late diagnosed of perforation following negligent surgery causing complications including psychiatric injury and requiring further surgery.
- Catastrophic cycling injury claim against 4 defendants involving 18 participants.
- Failed bariatric surgery.
- Fatal accident claim arising out of a training incident with an emergency service.
- Fatal accident claim involving the Motor Insurance Bureau.
- Local authority public liability dispute involving liability and quantum mediated the day before trial.
- Historic abuse claim against the executors of the estate of the alleged perpetrator.

- Claimant pursuing claim against uninsured dog-owner following attack by the dog. Significant scarring and psychological injury.
- £1 million plus costs bill mediation as a lead case with multiple other bills mediated in a one-day mediation.
- Half day commercial costs mediation.

Multi Party and litigants in person.

Philip frequently mediates disputes with multiple parties with separate representation particularly in personal injury (multiple defendants), clinical negligence and contentious probate disputes. Philip has mediated many cases involving litigants in person.

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. Philip qualified as a mediator in 2006 and has mediated many millions of pounds worth of civil and commercial disputes. He specialises in personal injury, clinical negligence and contentious probate disputes.

Promoting self-determination. Philip believes that the parties to a mediation have the capacity to make the best decision for themselves and focusses his considerable energy during a mediation in enabling them to do that. He brings experience, patience, optimism, calmness and determination to his work.

Personal injury and clinical negligence. Philip has considerable personal injury practice experience as a claimant lawyer. He joined the specialist personal injury mediation panel Trust Mediation in 2010 and has helped developed their services including half-day mediation and telephone mediation and has worked with partner organisations to investigate pilot schemes for bulk fast-track mediations. He has mediated numerous clinical negligence matters and was integral to Trust Mediation's bid to join the NHS Resolution scheme panel.

Recognised mediation expert. Philip has written extensively on mediating personal injury and costs claims for *PI Brief*, Butterworth's *PI Newsletter*, *Costs Lawyer Magazine*, *The Journal of Personal Injury Law* and APIL's *PI Focus*. Philip has designed and delivered in-house training courses for claimant and defendant firms and insurance companies and run full-day CPD courses as a freelance trainer for MBL Seminars and Central Law Training. He has attended training courses on time-limited mediation, telephone mediation and transformative mediation. With colleagues at Trust Mediation he organised a Personal Injury Mediation Conference in London in February 2016 and the Better Resolution of Medical Disputes in May 2018. He was guest speaker at a AvMa and Bristol Law Society mediation conferences in 2019.

Leadership roles. When in legal practice Philip managed the fast track department at Russell Jones & Walker, Manchester. He is a director of Trust Mediation and the Independent Secretary to the Association of British Insurers' committee on credit hire.

Voluntary Work. Philip was one of the volunteer mediators when LawWorks operated a mediation panel. He is a trained Restorative Justice Practitioner and member of the Lancashire Constabulary Restorative Justice Volunteer Panel.

Feedback:

- *"An outstanding mediator dealing with an intractable problem. Patient, relaxed but determined to ensure a level playing field between the warring neighbours. First class. You may struggle to find a better mediator in a really difficult case."*

Julian Shaw, St John's Buildings Chambers

"Philip has excellent mediation skills. The Claimant's Legal Team were not prepared to meet on the day to try and narrow the issues. But his experience and legal understanding helped narrow the gap between the parties and bring about a settlement."

Solicitor, Wace Morgan Solicitors

- *"Mr Hesketh was an excellent choice of mediator and we were delighted with his knowledge and grasp of the issues on what was a very difficult and emotional case."*

Solicitor, Blackhurst Budd Solicitors

- *"Phil was a great mediator. He was very good at communicating with me and helping me make the decision needed to settle out of court."*

Litigant

Finally

Philip Hesketh comments:

- *"I tell my clients that it is their day and I try to help them reach their own solutions rather than guide them to any preconceived settlement idea I may have."*
- *"Most of my mediations involve at least 4 specialist lawyers so the parties are not looking for yet another legal opinion – they engage me for my skills in overcoming the obstacles to negotiated settlements."*