



# Trust Mediation

**JUDITH KELBIE**

**Mediator since 2002**

**Specialist areas: Clinical negligence, personal injury, workplace mediation, multi-party, high value and complex cases, and the full range of civil and commercial disputes. 98 % settlement rate for mediations other than Trust Mediation. 93% settlement rate for Trust Mediation (88% for clinical negligence).**

"I wanted to thank you once again for your professionalism, hard work and tenacity in bringing about today's settlement. The client is delighted and I don't think we could have brought the Defendant to where we did without your involvement. Many thanks and top marks from us on your feedback form! Look forward to working with you again."

Claimant Solicitor

"I just wanted to say thank you for your help today. It was a such a difficult situation for all concerned and your patience, common sense and good humour got us through to what I hope was a good resolution for all concerned."

Defendant Solicitor

"I thought Judith was great – she had a very good touch with [our client].....(and although I've no idea what was going on in the other room clearly she waved her magic wand there too. I would definitely recommend her."

Defendant Professional Client

"This was an exceptionally intractable and long-lasting case, so to achieve settlement of all the individual claims was an outstanding result. The two mediators deserve high praise for the way in which they conducted the day and for bringing about a result which (to me at least) did not seem possible beforehand. This outcome shows very powerfully the ability of mediation to achieve a resolution where other methods of ADR have failed. Both mediators fully took on board the fact that this was a very difficult case and that the claimants were without legal

representation. They were approachable, sympathetic and moved matters on at a good pace. They were both exceptionally helpful.”

John Mead NHSR

**Professional**

Judith is a non-practicing Solicitor with over 20 years' experience in personal injury and clinical negligence litigation. She is an experienced internationally accredited mediator and a Fellow of the Chartered Institute of Arbitrators (FCIArb). Judith has an exceptionally high settlement rate across a broad spectrum of subject areas. She is able to absorb and process complex information rapidly. She has a logical and analytical approach and as a mediator preserves the autonomy of the parties whilst encouraging them to engage in principled negotiation. She is a tenacious mediator who is sensitive to the needs of the parties and able to converse to individuals at all levels. She is particularly skilled in multi-party mediation, the largest involving 26 participants.

She is also an acknowledged leader in the field of international mediation training. She is the founder and Director of London School of Mediation where she is the lead trainer in civil and commercial and workplace mediation. She provides mediation and conflict resolution training and has trained a large number of NHS staff both on open courses and in-house.

Judith has a decade of experience training expert witnesses in personal injury and clinical negligence report writing and courtroom skills. She provides feedback to expert witnesses on compliance and quality of reports. This skill enables her to assist the parties to evaluate the strength of expert evidence.

Prior to her legal career, Judith was a qualified Electronics Engineer and a commissioned officer in the Royal Navy.

- **Clinical negligence** Judith has particular experience in:-
  - High value and complex cases
  - Highly sensitive cases including birth injuries and deaths, obstetrics and gynecological issues
  - Allegations of failure to investigate, diagnose or treat
  - Loss of life expectancy claims
  - Causation and quantum issues
  - Surgical issues
- **Personal injury** Judith has particular expertise in:-
  - Brain injury, spinal injury, amputees, PTSD and brain injury
  - Disputed liability claims
  - Road traffic collisions, in particular cycle and motorcycle claims
  - Occupiers' liability
  - Employers' liability
  - Product liability
  - Highways
  - Industrial/occupational disease
  - Occupational stress
- **Costs** Judith has particular expertise in:-

- High value costs disputes

## **Mediation Experience:**

- **Clinical Negligence**

- Co-mediation involving 8 litigants in person claiming loss and damage arising from the death of a child of the family. The dispute had run for 19 years and the Claimants' had lost faith in both medics and lawyers. All 8 claims were settled within 8 hours.
- Highly emotive failure to diagnose lung cancer with life expectancy and loss of income and pension disputed.
- Mediation involving failure to diagnose cervical cancer resulting in infertility and PTSD. This case had consumed a very large amount of operation time in meetings, complaints, appeal and then subsequent correspondence. Mediation unlocked the issues that allowed the Claimant to move on.
- Failure to treat neurological disorder resulting in disputed care claim and life expectancy. An empathetic and sensitive approach was required to unlock the dispute.
- A very emotive case relating to a premature baby, discharged from hospital post viral infection, that subsequently died. Judith is able to bring the required degree of empathy to these cases, without losing sight of her role of mediator which involves sometimes robust reality testing.

- **Employers Liability**

- Employment dispute arising as a consequence of stalking by a patient of a clinician. Psychiatric injury involving extensive absence from clinical work with disputed pay and pension. Settlement involved the provision of a reference and a confidentiality clause. The dispute had run for almost 5 years and as settled in a 6-hour mediation.
- Claims against the police, Local Authority, government and military

- **Public Liability**

- Mediations involving injury and loss through slips and trips, and in relation to rescue services.

- **Other**

- Sexual harassment, bullying and intimidation claims
- Workplace and employment disputes

- Family partnership disputes involving disputes over remuneration, profit share and contribution, obligations, property, trusts, mortgages and loans.
- Construction and property disputes, neighbor disputes, claimed rights of prescription and boundary disputes.
- Section 106 agreements
- Landlord and tenant
- Wills and inheritance
- Workplace and employment mediation
- Professional negligence
- Educational disputes
- Witness protection claims
- Insurance claims including fire, alleged arson and flood damage
- Military and rescue service claims

## **Qualifications**

ADR Chambers accredited mediator 2002

Admitted to the Law Society Roll 1999

LLB (Hons) Law (2:1)

Finally, Judith Kelbie comments:

“ I have the confidence, tenacity and skill to mediate any type of dispute. My involvement in training means that my mediation skills are constantly honed. I am passionate about mediation and in addition to my technical skills, bring humility, energy, charm, and natural curiosity which results in a very high settlement rate.”