



Trust Mediation

specialist personal injury and
clinical negligence mediation

Philip Hesketh

Qualified as a Mediator in 2006

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

2021 Personal Injury and Clinical Negligence Achiever of the Year

"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, Associate Solicitor - DAC Beachcroft LLP

"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

"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

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 and wills and trusts 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

Wills and Trusts:

- Alleged forged foreign will.
- Multiple Inheritance Act dispute claims.
- Multiple TOLATA claims involving families, former business associates and former unmarried partners.
- Promissory estoppel claim on farm property left to others in will.
- Promissory estoppel claim on family holiday house.
- Will dispute on grounds of capacity and duress.

Clinical negligence and personal injury mediations:

- 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.
- Claim for death by suicide caused by alleged negligent psychiatric care management.
- 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.

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.

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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.

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 has organised Personal Injury Mediation Conferences and is a regular contributor to Trust Mediation webinars on personal injury and clinical negligence mediation. He is a peer reviewer of mediators.

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 was the Independent Secretary to the Association of British Insurers' committee on credit hire for many years.

Voluntary Work. Philip was one of the volunteer mediators when LawWorks operated a mediation panel. He is a trained Restorative Justice Practitioner.

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.”*