



As one of the world-leading arbitration sets, and in direct response to the listing delays caused by the Covid-19 pandemic, 39 Essex Chambers are delighted to present an exciting **fixed fee ADR package** to assist in the resolution of small and medium sized civil claims.

We offer parties the choice of a **binding arbitration** scheme or an **advisory adjudication** scheme with experienced barristers from 39 Essex Chambers' Civil Liability Team. Parties simply agree to subject their dispute (in whole or part) to one of the schemes, select a barrister from the 39 EC ADR panel and progress their case through the procedure set out in the scheme rules.

The 39 EC ADR Panel comprises over 20 barristers of 5 years' call and above who have all received internal training from the following leading names in the arbitration field:

- Edwin Glasgow CBE QC, FCIArb;
- Marion Smith QC FCIArb and Visiting Senior Lecturer in the School of International Arbitration, Queen Mary University of London; and
- Peter Hurst LLB MPhil FCIArb, former Senior Costs Judge of England and Wales and accredited mediator and Arbitrator.

All three trainers will also act as mentors of the scheme together with Sir Wyn Williams, Judge of the Court of Appeal of Jersey and Guernsey and former High Court Judge of England and Wales, and Sir David Foskett, FCIArb, Member of the Sport Resolutions Arbitration Panel and also a former High Court Judge.

Arbitration Scheme

The Arbitration Scheme is a cost-effective and efficient process producing an arbitration Award which is binding on the parties.

Parties select an arbitrator from the 39 EC Panel and define the disputes which are referred to the arbitration. The parties have the choice of going directly to an oral hearing with representation or to receive a Preliminary Decision based on the papers within 15 working days of receipt of the papers. The Preliminary Decision will become the final Award unless one of the parties requests an oral hearing. Remote oral hearings can be arranged quickly, and a binding Award will be made.

The Arbitration Scheme ensures that litigants receive final binding Awards without the need to wait for a Court listing. The Scheme is flexible enough to allow the parties to adapt its terms to best suit their dispute.

Adjudication Scheme

The Adjudication Scheme provides a non-binding advisory paper-based process which allows parties to submit any or all of their issues in dispute to an experienced barrister and receive a non-binding evaluation within 15 working days of receipt of the papers. The parties will submit to our bespoke Adjudication Agreement or adapt it by agreement to best suit their needs.

This is an ideal solution to facilitate settlement between the parties with the assistance of a neutral evaluation from an independent barrister.

Fee Structure

	Adjudication	Arbitration	
		Paper-Only Process	Remote Oral Hearing
Small Claims (up to £10k)	£350.00	£350.00	£450.00 (< 1.5 hours)
MoJ Stage 3	£180.00	£180.00	£250.00 (< 1 hour)
Fast Track up to £10k	£500.00	£500.00	£850 (< 1 day)
Fast Track £10-£15k	£750.00	£750.00	£1,000 (< 1 day)
Fast Track £15-£25k	£1,000.00	£1,000.00	£1,250 (< 1 day)
Multi Track (£25k+)	Fees can be discussed during enquiry		

VAT is to be added to the fees quoted.

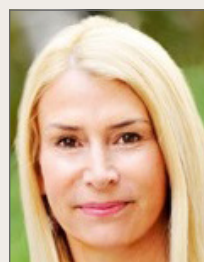
Next Steps

Our highly experienced arbitration clerks, Alastair Davidson and Chris Jones, together with our Civil Liability Group Senior Practice Managers, Ben Sundborg and Tom Gibbons, (see page 4) are available right now to answer your queries, provide you with our bespoke agreements and take your bookings. We are ready to provide you and your clients with a fast, efficient and independent means to resolve your dispute now.



CHARLIE CORY-WRIGHT QC
(Call 1984, Silk 2006)

Charlie has specialised in personal injury and clinical negligence work throughout his career at the Bar, since being called in 1984. He took silk in 2006. He now deals primarily in catastrophic injury and brain damage related cases, although he also has a particular interest in secondary victim claims. His work has throughout been split between claimant and defendant claims. He has very significant experience and expertise in ADR. This includes independent evaluation and mediation. He has been an accredited arbitrator in injury-related work for many years. He is consistently ranked in the legal directories as a leading silk in personal injury and in clinical negligence work. He was for many years a contributing editor of Kemp and Kemp. He was Chair of the Personal Injuries Bar Association from 2012-14. He is Joint Head of Chambers.



SUSAN RODWAY QC
(Call 1981, Silk 2002)

Susan has a well established clinical negligence and personal injury practice and also practices in sports law where she is completing her Masters in International Sports Law. She qualified as a mediator over 20 years ago and was recently re-accredited via the PlcARBS scheme. She is a Member of the Chartered Institute of Arbitrators.



COLIN McCAUL QC
(Call 1978, Silk 2003)

Colin was called to the English Bar in 1978, became a QC in 2003 and is a Bencher of Gray's Inn. He now acts solely as an Arbitrator and a Mediator.

He is a Fellow of the Chartered Institute of Arbitrators and is a panel member of its Business Arbitration Scheme. He is also a member of the Scottish Arbitration Centre. Appointed by the Lord Chancellor on behalf of the Ministry of Transport to sit as an Arbitrator to hear appeals brought under the Motor Insurers' Bureau Untraced Drivers Agreement, he has conducted in excess of 400 arbitrations in that capacity and continues so to act.



CHRISTIAN DU CANN
(Call 1982)

Christian has long and extensive experience of alternative dispute resolution having participated over two decades in many

arbitrations, and countless mediations and joint settlement meetings covering the whole spectrum of disputes covering personal injury and clinical negligence, the latter mainly on behalf of the NHS. He has been regularly asked to advise in order to resolve inter-insurer disputes. In 2020 he has received training from world – renowned Arbitrators in preparation for entry to the 39 EC ADR Panel for fix-fee arbitrations and adjudications.



EMILY FORMBY
(Call 1993)

Emily is a senior junior with an extensive heavy weight injury litigation practice. She acts for both claimant and defendant in the full range of personal injury claims

and is renowned for her clinical negligence practice. All forms of ADR are a cornerstone of modern injury litigation and Emily has a proven track record of success in negotiation. As a CEDR trained mediator she can bring 360 degree focus to dispute resolution. Her judicial training (she sits in the Criminal and County Courts) means that she is adept at evaluating and weighing evidence and providing a clear, objective overview. She has a calm authority which encourages parties to work collaboratively toward solutions. Recent recommendations, "Excellent at strategy, identifying the key issues and robust in court." The Legal 500 (2019) and "She provides pragmatic and sensible advice. She is also very approachable and has got a very easy manner about her." Chambers & Partners (2018).



JUDITH AYLING
(Call 1998)

Judith practises in clinical negligence, personal injury and costs. She acts mostly for defendants but sometimes for claimants.

She handles high-value, legally complex or unusually sensitive claims. She is very experienced in all forms of ADR, and attends mediation or JSMs almost weekly. "She is undoubtedly silk material who applies the same commitment and rigour to every case, irrespective of the relative complexity or value." The Legal 500 2018.



ROMILLY CUMMERSON
(Call 1998)

Romilly practises in clinical negligence, personal injury and related insurance issues. She has 21 years' experience acting for Claimants and Defendants within her

chosen specialist fields and is highly regarded for her attention to detail, and constructive approach to litigation. She has substantial skill and experience in alternative dispute resolution, including mediation. Romilly is a co-author of Lewis and Buchan: Clinical Negligence—a Practical Guide and is recommended as a leading junior in clinical negligence and personal injury in The Legal 500, in which she is described as *"extremely intelligent and skilful"* and is praised in particular for her ability to evaluate evidence.



SHAMAN KAPOOR
(Call 1999)

Called in 1999, Shaman's practice covers several areas of commercial and common law with his costs practice bridging both fields. He is regularly in the

High Court and SCCO and receives instructions domestically and internationally. He is frequently instructed for his opinion as an "expert" in costs as a result of the new practice in the SCCO in protected party cases, and he has been regularly trusted by both sides to a dispute through his appointment as Mediator. He has been ranked as a leading junior in costs for many years. He has extended his ADR training to sit as an Arbitrator and Adjudicator on the 39 EC ADR panel for civil liability claims and he is also an appointed Deputy District Judge. He is well-experienced in all types of road traffic related claims including personal injury, fraud and credit hire and has acted for both sides regularly.



NICOLA GREANEY
(Call 1999)

Nicola practises in the areas of clinical negligence, personal injury, costs and public law. She has a broad practice and is an experienced litigator

in a variety of courts and tribunals. She has considerable experience of alternative dispute resolution, including mediation, in a wide range of claims and in complex multi-party and group litigation. She has experience of drawing up a compensation scheme for the resolution of low value claims in a group action. *"Extremely bright, thorough and thoughtful."* Chambers UK 2020. *"A very clever barrister" who "provides no-fuss, responsive and pragmatic advice."* Chambers UK 2019. *"A robust advocate who is very down to earth. She provides very sound advice."* Chambers UK 2020.



SADIE CRAPPER
(Call 2004)

Sadie practises in personal injury, clinical negligence and police law work. Her early years of practice were spent in a broad common law set so she has

experience of a wide-range of cases including insurance disputes, material damage claims and contractual disputes. Sadie has significant expertise in alternative dispute resolution including independent evaluation and mediation, and is ranked in Chambers UK and Legal 500 where she is described as displaying *"excellent attention to detail when reviewing complex pieces of evidence. She spots points other miss and is tactically astute."* and *"full of common sense."*



ROBERT LAZARUS
(Call 2004)

Robert practises in professional discipline, clinical negligence, serious medical treatment and personal injury. He is also instructed in relation to

inquests, professional negligence, product liability and insurance law. He is instructed by both claimants and defendants, and has experience of a wide range of cases, including high value, multi-million pound disputes in respect of both liability and quantum. Ranked in the Legal 500, he is noted for his handling of expert witnesses and in Chambers and Partners he is described as *“Cool, calm and collected.”* Robert sits as a Recorder (Crime and Civil) and as a Chair of the Police Appeals Tribunals. For over a decade, Robert has co-authored the clinical negligence and product liability chapters in Bullen and Leak. Prior to being called to the Bar, Robert practised medicine up to the level of an NHS Consultant. He also worked for the Medical Protection Society as a medicolegal adviser.



CAROLINE ALLEN
(Call 2005)

Caroline specialises in personal injury, clinical negligence and costs. At 15 years’ call, she has had considerable experience in appearing on behalf

of claimants and defendants in mediations, round table and joint settlement meetings. She received specialised training from world-leading Arbitrators prior to joining 39 Essex Chambers’ ADR panel for fixed fee arbitrations. Caroline also has a specialist costs practice and frequently advises upon both inter partes and solicitor / own client costs disputes, in addition to appearing regularly in the SCCO.



QUINTIN FRASER
(Call 2006)

Quintin specialises in clinical negligence and personal injury cases, but also has considerable experience in contractual disputes and property damage claims.

He appears for both claimants and defendants, and is experienced in all forms of ADR. Quintin has been described in the legal directories as a *“genuine all-rounder”* and *“very considered, thoughtful and detailed.”*



EDMUND TOWNSEND
(Call 2006)

Edmund undertakes work on behalf of both claimants and defendants. His practice is primarily injury litigation and associated insurance disputes. He has experience

of Road Traffic Accidents (including motor insurance issues and fraud); Employers liability (experience of all the regulations); Defective products; Defective premises; Occupiers liability; Highways claims; Claims brought pursuant to the Animals Act 1971; and Claims involving rail companies (including CAHA). He has experience of various different forms of alternative dispute resolution including mediations and joint settlement discussions.



STEVE BROACH
(Call 2008)

Steve has extensive experience in a range of disputes relating to service provision, in particular education, health and social care services. In addition to

the wide range of public law claims on which he is instructed, Steve is also frequently instructed on claims in relation to breaches of the Human Rights Act 1998 and Equality Act 2010, as well as other heads of claim. As counsel, Steve has successfully resolved high value and complex claims in relation to care provision, as well as a wide range of public law disputes, through a range of Alternative Dispute Resolution processes including mediation. Steve is ranked in four categories in Chambers and Partners including Community Care and Education, being described as *“professional, very knowledgeable and reliable”* and *“a go-to barrister for community care work.”*



VAUGHAN JACOB
(Call 2009)

Vaughan brings a wide range of expertise to any arbitration or adjudication. His practice focuses on personal injury, clinical negligence and insurance

work but he also works in the commercial and property fields. He has considerable practical knowledge of alternative dispute resolution, representing clients regularly at mediation, round table and joint settlement meetings. He is experienced in dealing with high value personal injury claims as well as cases involving contractual disputes, insurance indemnity issues and credit hire charges.



PATRICK HENNESSY
(Call 2010)

Patrick has considerable experience of ADR acting as counsel in numerous arbitrations, mediations and adjudications and as

arbitral tribunal and tribunal secretary in both domestic and international common law and commercial disputes. Ranked in Chambers UK and Legal 500, Patrick is described as *“an outstanding junior for his call,” “very approachable, very easy to engage with and resourceful”* and *“well beyond his years of call in terms of maturity and ability.”*



EMMA CORKILL
(Call 2010)

Emma is a clinical negligence and personal injury specialist. At the start of her career, Emma appeared in countless small claim trials, MOJ

Stage 3 hearings and fast track trials. She has significant experience of the fixed costs regimes, credit hire claims, and cases involving QOCS and fundamental dishonesty issues. In more recent years, Emma has developed a busy multi track County Court and High Court practice, involving a significant number of trials, JSMs and mediations. Emma received training from leading Arbitrators before joining the 39 Essex Chambers ADR panel. She is an Inner Temple advocacy trainer, a specialist contributor to the clinical negligence chapter of Bullen, Leake and Jacob's *Precedents of Pleadings*, a member of the Executive Committee of the Personal Injuries Bar Association, and co-author of a chapter on product liability in the medical context for Lewis and Buchan: *Clinical Negligence*.



NIRAJ MODHA
(Call 2010)

Niraj's practice encompasses commercial, construction, and property disputes. He is ranked in Legal 500 and noted as being "always

meticulously prepared." Niraj is a Fellow of the Chartered Institute of Arbitrators and was awarded a Diploma in International Commercial Arbitration in 2016. He has arbitrated more than a dozen disputes within the past year. Niraj is also often instructed as counsel in mediations, most recently in complex matters involving development projects, property-related professional negligence claims, and co-ownership and inheritance disputes.



SAMANTHA JONES
(Call 2012)

In her six years of practice, Samantha has developed significant experience in civil litigation with a particular focus on personal injury, clinical negligence and costs

acting for Claimants and Defendants. She has appeared in countless applications, small claims and fast track trials and numerous hearings before QBD Masters in multi-track proceedings. Samantha regularly advises on settlement and has acted in joint settlement meetings. Samantha's experience makes her ideally suited to act as an Adjudicator and Arbitrator in the 39 Essex Chambers schemes for which she received training from some of the world-leading arbitrators in April 2020.



JONATHAN DARBY
(Call 2012)

Jon accepts instructions in a broad range of civil liability matters and acts for both claimants and defendants in small claims, fast-track and multi-track cases in

the High Court and the County Courts (including familiarity with the relevant costs regimes). He provides advocacy, drafts pleadings, and advises on liability, quantum and settlement in high-value and complex disputes, with expertise in alternative dispute resolution across a range of subject matters, including: nuisance (public and private, and neighbour disputes); flooding; property damage (including subsidence); environmental torts (including those relating to waste); Employer's Liability; Occupiers' Liability; and Highways claims.



MICHAEL STANDING
(Call 2013)

Michael practises in personal injury, clinical negligence, property damage, commercial and costs law. He has extensive experience across the full

range of EL/PL work. He is regularly instructed in fast track and multi-track cases, including a number of ongoing, high-value brain injury cases as sole counsel. As a member of the costs team, he has an excellent knowledge of the fixed costs regime, and the arguments surrounding the disapplication of QOCS. He is regularly instructed to act in settlement meetings.

CLERKS



ALASTAIR DAVIDSON
Senior Clerk
alastair.davidson@39essex.com
Call: +44 (0)20 7832 1181
Mobile: +44 (0)7736 154 109



TOM GIBBONS
Senior Practice Manager
tom.gibbons@39essex.com
Call: +44 (0)20 7634 9080
Mobile: +44 (0)7711 101 6602



BEN SUNDBORG
Senior Practice Manager
ben.sundborg@39essex.com
Call: +44 (0)20 7832 1179
Mobile: +44 (0)7921 880 668



CHRIS JONES
Practice Manager / ADR Clerk
chris.jones@39essex.com
Call: +44 (0) 207 634 9044
Mobile: +44 (0)7702 279 534

Chief Executive and Director of Clerking: Lindsay Scott

clerks@39essex.com • DX: London/Chancery Lane 298 • 39essex.com

LONDON

81 Chancery Lane,
London WC2A 1DD
Tel: +44 (0)20 7832 1111
Fax: +44 (0)20 7353 3978

MANCHESTER

82 King Street,
Manchester M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

SINGAPORE

28 Maxwell Road #04-03 & #04-04
Maxwell Chambers Suites
Singapore 069120
Tel: +65 6320 9272

KUALA LUMPUR

#02-9, Bangunan Sulaiman,
Jalan Sultan Hishamuddin
50000 Kuala Lumpur, Malaysia
Tel: +(60)32 271 1085

39 Essex Chambers is an equal opportunities employer.

39 Essex Chambers LLP is a governance and holding entity and a limited liability partnership registered in England and Wales (registered number 0C360005) with its registered office at 81 Chancery Lane, London WC2A 1DD.

39 Essex Chambers' members provide legal and advocacy services as independent, self-employed barristers and no entity connected with 39 Essex Chambers provides any legal services. 39 Essex Chambers (Services) Limited manages the administrative, operational and support functions of Chambers and is a company incorporated in England and Wales (company number 7385894) with its registered office at 81 Chancery Lane, London WC2A 1DD.