

Lyndsey de Mestre QC - Mediator

“Her skill in handling both sets of clients delicately certainly assisted with the settlement.”

Machins Solicitors LLP

Overview

Lyndsey has been practising at the business and property Bar for over 20 years and was appointed QC in February 2018. She is a full time mediator and arbitrator and her expertise is in business related disputes of all types (including shareholder disputes, joint ventures (in both a corporate and partnership context), breaches of NDAs and SHAs, unfair prejudice, quasi-partnerships, material non-disclosure, misrepresentation, rescission of subscription agreements, forfeiture of leases) with particular experience in insolvency, company and contract related disputes. Lyndsey works both domestically and in offshore jurisdictions (notably the BVI and the DIFC). As a result of over 15 years' appointment representing the UK government (primarily the Secretary of State for Business, Energy and Industrial Strategy) for the Attorney General and appointment as standing counsel to the Association of Chartered and Certified Accountants in insolvency matters, she developed a specialisation in a range of work involving public interest aspects, corporate governance, fiduciary and non-fiduciary duties and responsibilities to shareholders and stakeholders.

Style and Approach

Lyndsey has an effective approach to ensuring the parties to a mediation have the best possible chance of reaching a negotiated settlement, based on thorough preparation and drawing on her experience and commercial judgment developed over 20 years as a commercial barrister. Lyndsey uses an initial conversation at the very beginning of the mediation process in the course of which agreement can be reached about the shape of the mediation and the detailed process to be employed. Thereafter she uses an inclusive approach to resolving complex disputes and brings a calm, approachable personal style to mediations. Lyndsey draws on her litigation skills to work outside the limitations of the litigation process: a rigorous understanding of the legal issues; astute commercial judgment; understanding what the participants need; talking realistically with them about both the

strengths and weaknesses of their legal position and the litigation process they may be engaged in. By those means Lyndsey is able to use mediation to bring in effective conversations that go to the heart of the issues, to understand nuances that might otherwise be missed and to introduce fresh perspectives.

Expertise

- Contracts
- Corporate
- Commercial
- Insolvency & Restructuring
- Shareholder Disputes
- Professional Negligence

Experience

- A £11m commercial mediation concerning the operation of a professional indemnity policy and duties owed pursuant to a series of administration agreements
- £4m breach of directors' duties claim and dividend challenge under the Companies Act 2006 & under sections 238 and 423 Insolvency Act 1986 claim
- Acting as mediator in high value aviation misrepresentation dispute
- Acting as mediator in shareholder dispute regarding valuation of investment shares during buy-out
- Acting as mediator in JV dispute regarding including issues of probate and family trusts

Professional Qualifications

- LLB, MA (Hons) Cantab (1st Class) – Downing College, Cambridge (graduated 1998)
- Tutor in Commercial and Insolvency Law (London School of Economics) 1998-2000
- Called to the Bar of England & Wales, 1999
- Queen Mother Scholar of Middle Temple

Career History

- Barrister at XXIV Old Buildings, Lincoln's Inn since 2000 to date

- QC appointment 2018
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Accreditation

- 2018 - The Society of Mediators
- Member of Civil Mediation Council.