

Achieving fast, innovative and cost-effective dispute resolution for businesses

Andrew Miller KC – Mediator

“The case fell within Andrew’s expertise and he had clearly prepared excellently for the mediation and had a good understanding of the issues in dispute and the areas where compromise could be made.”

Solicitor for the Defendant Insurer Party

OVERVIEW

Andrew Miller KC has been described as an ‘excellent’ mediator who has demonstrated ‘how mediation is supposed to work’. He has over 30 years of experience of dealing with and resolving commercial disputes both domestically and internationally. He practices as a Mediator and Arbitrator in a wide range of commercial sectors, including the areas of construction, energy, property damage, insurance and reinsurance, professional negligence and general commercial disputes.

Andrew is both CEDR and RICS accredited and has been actively involved in the mediation of disputes since 1996, with experience of over 150 mediations both in the UK and internationally. He has acted as lead mediator in commercial disputes valued from £50,000 to £35 million and has received glowing feedback and testimonials on his performance and skill as a mediator. He is ranked in the legal directories.

Andrew writes and speaks regularly on mediation and in particular on the ‘changing face of mediation’, which he is very much, a part of. Andrew has presented seminars and workshops on mediation throughout the UK and internationally in Singapore, Dubai, India, Philippines and Cambodia. He is a strong advocate for Early Stage Mediation (‘ESM’), which he believes is the future for dispute resolution and the continued growth of mediation. Andrew is a Master Mediation Trainer for RICS and for the Indian Institute of Commerce. He has taught mediation both in the UK and internationally.

Andrew also practices as a single and panel Arbitrator and is a Fellow of the Chartered Institute of Arbitrators (FCIArb). Andrew is in his first term as a trustee of the Chartered Institute of Arbitrators, having been elected on a ‘mediation in arbitration’ platform.

STYLE AND APPROACH

Andrew uses his background as a successful KC commercial practitioner and his substantial experience of mediation to be a practical, efficient, approachable and user-friendly mediator. As a proponent of the Active (as opposed to passive) approach to mediation Andrew engages with the process and is not scared to debate with the parties in order to find a solution.

Andrew uses reality testing as one of his key mediator tools in a way that allows the parties to be able to properly evaluate the merits of their case or defence. Andrew works with the parties to move then from the determinative resolution mode of litigation to being in settlement mode, which he considers is essential for achieving a successful mediated settlement. Although working actively and dynamically in facilitating the parties’ settlement, Andrew’s style ensures that the parties retain the element of control over the mediation process and their settlement.

Andrew welcomes a direct approach at all stages of the mediation and is very adaptable and able to deploy a blend of facilitation, evaluation and transformation to suit individual mediations. He is also extremely skilled in remote mediation and has adapted his mediation practice so as to combine the benefits of both remote and face to face mediation.

EXPERTISE

- Commercial
- Construction & Engineering
- Insurance/Reinsurance
- Property Damage
- Property/Landlord and Tenant

EXPERIENCE

Construction & Engineering

- £35m Delay and disruption claim in respect of the design and build of a concrete plant in Nigeria by a Nigerian/German consortium. Several claims and counterclaims. (Lead Mediator).
- Property development claim in respect of the value of land purchased and sold and failure to build property as designed and engineered and as contacted for: (£500,000) (Lead Mediator).
- Claim for defective trench works by fibre optics company against - contractor.
- Contractor's claim for unpaid invoices and employer's counterclaim for delay and damage. (£600,000) (Lead Mediator).
- Delay and disruption claim and claim for EOT and prolongation in respect of the construction of a manufacturing factory for cosmetics and associated offices (£1.1m) (Lead Mediator).

Property Damage

- Claim in respect of alleged defective maintenance of a car crusher that led to a fire and explosion causing substantial property damage. (2 insurance clients) (Lead Mediator).
- Subrogated Insurance claim in respect of £1.65m pay-out to insured against air conditioning installers in respect of a flood at Claimant's premises by reason of the negligent installation of the air conditioning system and property damage sustained to the equipment used for laser eye surgery (Lead Mediator).
- Claim for property damage to property caused by subsidence alleged to be caused by defective foundations (Defendant No.1) and/or tree roots from tree of neighbouring property (Defendant No.2) (Lead Mediator).
- Flooding claim brought by owners of a property against local authority and water

authority in respect of damage caused by underwater pipework and culverts belonging to the local authority (£3.2m) (Lead Mediator).

Insurance and Re-insurance

- (£20m) claim brought by 24 flat owners against two insurance companies in respect of the defective construction of a residential tower block. (1) Claim against insurer (Zurich) for negligent certification of works (2) Claim against insurers under a NHBC housing Policy (Lead Mediator).
- Claim by a policy holder (a Jeweller) against insurers in respect of £300K claim arising out of two separate robberies against him. Insurers repudiated claim on basis of non-compliance with policy terms and allegations of misrepresentation in the proposal form (Lead Mediator).
- Developers claim under CAR (Contractors All Risks) and LDI (Latent Damage Insurance) in respect of Contractor's negligent and defective works in constructing high rise residential blocks in London (Lead Mediator).

Commercial

- Claim brought by farm owner who had purchased wind turbines for the production of electricity to power the farm and to create excess electricity to sell to the grid. Claim was over the output and performance (electrical output) of the wind turbines and damages for maintenance and upkeep over a period of 5 years (Lead Mediator).
- Claim brought by major UK subsidiary of USA \$billion per annum turnover company in respect of claim against its insurers for legal fees arising out of a voluntary reporting and subsequent investigation by the SFO. Insurance company refused to indemnify on grounds of dishonesty of officers of the company (Lead Mediator).
- Sale of goods claim arising out of long term contract to provide recycled waste. Alleged breach of contract in respect of the standard, quality and make-up of the waste (Lead Mediator).
- Claim against past directors/ employees of finance company for breach of restrictive covenants in starting up a competitor business and in breach of covenant dealing with past clients (Lead Mediator).

Property

- Boundary dispute arising out the design and construction of a house in Devon built on old plot and built over boundary line. Counter claim in respect of the neighbouring garden trespassing over the boundary line. (Lead Mediator).
- Claim for a declaration as to the boundary line of a property and back and front gardens in respect of a house in West London. Substantial Neighbour dispute (Lead Mediator).
- Claim by buyer against seller in respect of the seller's failure to disclose a 'Right to Light' dispute when selling large residential property to buyer for development purposes
- Claim was in respect of damages paid to neighbours by buyer following purchase. (Lead Mediator).

PROFESSIONAL QUALIFICATIONS

- 1989: Barrister – Called to the Bar.
- 2014: Queen's Counsel (KC).

CAREER HISTORY

- 1986 to 1988: Junior Accountant - Stockbroker (Sydney Australia).
- 1989: Called to the Bar.
- 1989-1990: Pupillage at 2 Temple Gardens, London UK.
- 1990 to date: Tenant at 2 Temple Gardens, London UK.
- 2014: Appointed Queen's Counsel (KC).
- 2019 to date RICS – Lead Trainer at RICS Mediator Training Faculty.
- 2020 to date Indian Institute of Corporate Affairs – Master Trainer (Mediation & Negotiation).

ACCREDITATION

- CI Arb – Fellow of the Chartered Institute of Arbitrators 1999.
- CEDR – Accredited Civil and Commercial Mediator 2014.
- RICS – Accredited Civil and Commercial Mediator 2019.
- RICS – RICS President's Panel Mediator 2020.
- MCN Global Panel of Neutrals – Arbitrator, Mediator and Conciliator 2018.
- RICS – Lead Trainer at RICS Mediator Training Faculty - 2019.
- Indian Institute of Corporate Affairs – Master Trainer (Mediation & Negotiation) - 2020.
- GLOBIS – Workplace Mediation Accreditation 2017.

Contact

E: info@lcam.org.uk

W: lcam.org.uk

T: +44 (0)20 7203 1946

