

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

Gill Mansfield – Mediator

“ It took great skill and experience to not only keep the mediation on track but to conclude with a successful outcome. ”

Solicitor, National law firm

OVERVIEW

Gill Mansfield has over 25 years' experience of dealing with and resolving commercial disputes and complex cross-border and international litigation in the UK, Europe, the America's and across Asia as a commercial lawyer, and she has practised as a commercial mediator for over a decade.

Having originally qualified and practised as a barrister, Gill has spent much of her legal career in General Counsel and Head of Legal roles working with award winning media and entertainment companies, online retailers in the consumer goods sector, late stage tech start-ups, multi-national corporations and household name brands. As a result she has a degree of commerciality and boardroom experience that is rare in the mediation profession.

She is recognised as “a masterful negotiator and a brilliant lawyer” and as having “a rare talent for finding practical solutions to problems very quickly”. She is described as “pragmatic”, “collaborative” and “solution-oriented”. The combination of genuine commercial expertise and business acumen, a sharp legal mind and the ability to rapidly build rapport with people from all walks of life has enabled Gill to effectively mediate a wide range of commercial disputes, and her dispute resolution practice now spans a number of different sectors.

Gill holds both UK and US mediation accreditations and has successfully mediated cases on both sides of the Atlantic as well as cross-border and international cases. She has experience of working with interpreters and is highly skilled in cross-cultural cases that require an understanding and awareness of cultural differences.

She also has experience of technology-assisted commercial mediation (allowing parties to attend the mediation remotely via video link) as well as online dispute resolution and ODR systems.

STYLE AND APPROACH

Gill combines a pragmatic commercial approach with a pro-active and energetic style. She is thorough, always well prepared and encourages pre-mediation briefings with the parties to ensure the best use of the mediation day. She is able to quickly get to grips with the facts, figures and legal arguments so that she can help the parties to focus on the key issues that they need to work through.

Clients comment on her ability to quickly put parties at their ease and to build rapport with people from all walks of life. Her straightforward, approachable and engaging manner belies a tenacious mediator who maintains a laser focus on helping clients reach the best outcomes.

Her ability to rapidly build respect and trust together with her many years of commercial and legal experience mean that she is able to effectively reality test and offer constructive challenge to parties (and their advisors) where required to move a mediation forward, or to break an impasse; helping parties to properly evaluate the strengths and weaknesses of their cases whilst maintaining their confidence. She knows how to maintain momentum and pace during the mediation to keep everyone fully engaged in the process and she works hard to ensure that the parties get the right deal on the day.

EXPERTISE

- Commercial Contracts
- Company, Shareholder & Directors
- Employment & Workplace
- Media & Entertainment
- Intellectual Property
- IT, Digital & Technology
- Property and Construction

EXPERIENCE

Commercial Contracts

Gill has over 25 years' experience of advising on, negotiating and drafting complex, high value commercial agreements and of managing international commercial and legal disputes worldwide.

She has mediated difficult commercial cases across a range of different sectors.

Mediation experience includes:

- **Professional Services (accountancy/tax)** - Dispute between a firm of accountants and the owner of a business in relation to professional accountancy and tax advice services including corporate tax planning and the establishment of a company pension scheme and pension trust. The dispute included an allegation of acting without authority and raised issues around of the interpretation of the contract and the terms of the pension scheme (which had become the subject of a HMRC tax enquiry).
- **Pub / Brewing industry** - Dispute concerning contractual terms and financial guarantees and indemnities under a commercial loan agreement between a well-known multi-national brewing and drinks brand and two parties operating numerous high-end licensed premises in London.
- **Professional Services (financial advice and brokerage)** - Dispute between a restaurant owner and a financial adviser and broker in relation to whether brokerage commissions were payable for professional services provided in respect of a restaurant refinancing / debt refinancing in the US.
- **Technology, Design & Engineering** - Dispute between a UK company that designed and sold medical devices and an Indian division of a multinational engineering company relating to the engineering, design and prototyping of a new wheelchair design.

- **Design, Engineering & Manufacturing (Natural Resources)** - Multi-million pound contractual dispute relating to fabrication services to the oil and gas industries between a company designing process systems for produced water and sand management and a company contracted to complete the design, fabrication and assembly of a number of units for the separation of sand, solids and oil from produced water.
- **Energy & Utilities** - Mediation of a contractual dispute between a utility supplier and a company in the food retail sector relating to the supply of utilities (energy) to more than 20 commercial properties (food outlets).
- **Sale of Goods & Services** - mediation between a customer and a garage owner of a claim for damage and a claim for non-payment relating to car repairs and the supply of automobile parts.
- **Breach of Contract / Services** - Mediation between a customer and a professional tailoring and dress making service in New York involving claims of breach contract, failure to complete work on time and relating to the quality of the workmanship.
- **Breach of Contract / Services** - Mediation of a claim by a health insurance company against a former patient for non-payment of hospital bills and the cost of private medical treatment in a US hospital.
- **Breach of Contract** - Mediation relating to the breach of a written loan agreement between family members and failure to make agreed loan repayments.

Company, Shareholder & Directors

Gill has wide-ranging commercial experience of advising businesses of all sizes (from private equity backed start-ups and scale-ups, owner run businesses and SME's to multi-national corporations operating worldwide) on company and corporate law matters, mergers and acquisitions, and disputes. She is accustomed to dealing with senior management teams, directors, C-suite executives, shareholders and boards, and is a company director and sits on various boards herself.

Mediation experience includes:

- **Company and Shareholder Dispute** - Dispute between the founders of a construction company concerning the management and control of the company and the potential separation of their interests including the terms on which the majority shareholder might acquire the minority shareholder's shares and the share valuation.
- **Director's Duties and Share Ownership** - Dispute between the current company directors and a former company director of a film production and financing company relating to the director's duties under the Companies Act 2006 and the validity of a transfer of share ownership. The case involved claims of breach of statutory and fiduciary duty, breach of duty in tort and the misuse and misappropriation of company funds and property, and a counterclaim that a transfer of shares in the company was not valid and that the shares were held on a bare trust and a claim for monies owed.

Employment & Workplace

Gill has over 25 years' experience of dealing with employment and workplace disputes. She has represented clients (claimants and defendants) both as a barrister and as in-house counsel in the Employment Tribunal and Employment Appeals Tribunal and has advised on all forms of workplace and employment disputes including: unfair and wrongful dismissal, breach of contract, redundancy related claims, TUPE, employment status (employee vs. contractor), restrictive covenants, disciplinary issues & disciplinary processes, and allegations of bullying, harassment and discrimination.

Mediation experience includes:

- Mediation of a workplace and employment dispute between an employee (senior consultant) and an employer (a public sector healthcare organisation) that was having a negative impact on team dynamics and relationships.
- Mediation of a workplace dispute within a public sector healthcare organisation between two very senior colleagues arising out of a grievance (including an allegation of bullying) that was not upheld by the employer. An appeal against the decision was placed on hold to enable the mediation to take place.
- Mediation of an Employment Tribunal claim of unfair dismissal and/or redundancy that resulted from the dismissal of the Claimant (a long serving employee with no prior disciplinary issues) from a role as a security guard following an alleged failure to detect a break in at commercial premises that the Claimant was employed to patrol.

Media & Entertainment

Gill has extensive experience as a highly respected commercial lawyer in the media, entertainment, creative and digital sectors. She has held General Counsel and Head of Legal positions in some of the world's best-known international media and entertainment companies: from BAFTA award winning TV production companies to renowned international publishing companies, from online platforms for music and audio distribution to multi-media brands. Her cross-sector media experience covers TV and broadcasting, film, theatre, publishing, interactive entertainment and gaming, music, and all forms of digital media and digital distribution.

Mediation experience includes:

- A claim for breach of contract in the film industry between a US producer and director of documentary films and a Spanish freelance professional relating to non-payment for post-production / colour correction services for an independent documentary film.
- Multi-party dispute in the film industry between three parties in London and one in Los Angeles, USA relating to directors' duties under the Companies Act, company directors' loans and Executive Producer fees claimed in respect of various motion

pictures. The dispute included a claim for repayment under various loan agreements relating to Executive Producer fees and third party litigation costs and a counterclaim for unpaid Executive Producer fees and other film production bonuses arising from various multi-million pound film financing arrangements. The dispute also raised issues of undue influence and misrepresentation in the signing of a loan guarantee document by one of the parties.

- A commercial and intellectual property law dispute in the TV industry between a TV production company and an independent TV producer relating to a failure to obtain permission to transmit copyright content and provide a credit.
- A multi-party intellectual property dispute in the publishing industry between a professional photographer and two international publishing companies in relation to the unauthorised publication of an image. The case raised issues of copyright infringement and fair use / fair dealing.
- Mediation of a commercial and intellectual property dispute between a UK headquartered international media company and a US multi-national media company arising out of an action for copyright and trademark infringement and passing off in the US (New York) relating to a well known children's brand.
- Mediation of a commercial dispute being litigated in the US (California) in relation to the provision of professional services (legal services) between an international publishing company and a US law firm arising out of the conduct of copyright and trademark infringement litigation concerning the unauthorised production, sale and distribution of branded products in Taiwan.
- Commercial dispute between a leading international sports broadcaster and a technology company providing customer management services and technology solutions in relation to customer management services for pay-per-view sporting events and subscription TV services for digital satellite and digital terrestrial TV channels.
- Commercial dispute concerning the development, licensing and distribution of games applications for digital satellite and mobile TV channels between a developer and owner of software applications for gaming and a company providing interactive games and content.

Intellectual Property

Gill also has extensive expertise in the area of intellectual property law. Her experience includes copyright, trademarks, design rights, patents, passing-off, confidential information and know how. Having spent much of her in-house legal career in IP rich industries she has negotiated, drafted and advised on a wide range of IP transactions and deals. She has also advised on and managed IP disputes, and the litigation and settlement of cases throughout the UK, Europe, the Americas and Asia.

Mediation experience includes:

- A multi-party patent dispute involving a number of well known international technology companies relating to the use of underlying technology in an automatic content recognition (ACR) and content management system.
- Various copyright and trademark infringement and passing off disputes relating to character and brand licensing and well-known consumer brands.
- Copyright infringement cases raising issues of fair use and fair dealing.
- Disputes arising out of the termination of IP licences and agency relationships.
- Various disputes between IP rights owners and collecting societies and commercial media companies relating to the commercial exploitation of artistic works protected by copyright.

See also **Media & Entertainment** above.

IT, Digital & Technology

As General Counsel in two technology companies and having guided a number of media companies through business critical digital transformation projects Gill has comprehensive knowledge of and expertise in relation to IT, digital and technology contracts and disputes. Her experience includes large-scale digital innovation projects and IT infrastructure deals; technology procurement; the supply and installation of IT hardware; IT support and maintenance agreements; apps and app development; website design and development; software design, development and implementation; software licensing; SAAS agreements; systems development and integration; hosting agreements; data warehousing; data security; IOT; cloud computing agreements.

Mediation experience includes:

- **Hardware supply** - Commercial dispute between two IT companies with a long trading history relating to the supply and installation of IT hardware and software and related services. Arguments relating to the supply of counterfeit goods, whether hardware was licensed for EU use, "grey" imports/EU competition law, and reputational damage were raised.
- **Software Development Contract** - Commercial dispute relating to the design, development and implementation of a replacement IT system (a bespoke software solution for accounting and stock control) developed for a company in the drinks industry. The case raised issues around representations and warranties, misrepresentation, collateral contracts, an alleged failure to meet service levels and failure to mitigate loss.

- **CRM Software Development** – dispute between a software developer and a major broadcaster in relation to the supply of a CRM system to manage customer contacts and customer services for high value international sports events.

See also **Media & Entertainment and Intellectual Property** above.

Property and Construction

Mediation experience includes:

- **Breach of Contract/Professional Negligence** - A £2.5 million professional negligence claim by a major bank against a well known estate agent/commercial property consultancy that was engaged to provide a valuation report and quantity surveying and monitoring surveying services in relation to a loan facility for the purchase and redevelopment of a derelict farmhouse, 6 barns and associated land.
- **Construction /Professional Negligence** - High Court dispute relating to proposed remedial work in respect of properties located in a marina as a result of corrosion to the concrete columns supporting the deck on which the properties were built (involving significant expert advice and expert reports).
- **Breach of Statutory Duty/Professional Negligence** - Mediation of a case referred by the Court of Appeal. The claim related to breach of statutory duty in relation to the implementation of a parking scheme and the appointment of sub-contractors to administer the scheme by a housing management company.
- **Construction/Professional Negligence** - Breach of contract & negligence claim in the High Court between a school and its agent relation to a building dispute pursuant to a JCT Design and Build Contract for the development and building of school premises.
- **Construction dispute** – Dispute between a company developing residential properties and the construction company they engaged to build a block of nine flats.
- **Construction dispute** – Dispute between a borough council and a firm of construction consultants engaged to provide quantity surveying services in relation to the construction of two schools and the work of various building contractors and architects engaged on the project.
- **Planning** - Dispute relating a claim of £2.4 million for undue enrichment resulting from the levying of sewerage charges over a number of years against a manufacturing company in the automotive industry by a water authority.
- **Agricultural Land and Property** - A dispute relating to personal, residential and agricultural land and property resulting from the breakdown of an 18 year relationship. The case involved questions of beneficial ownership and claims of undue influence and breach of trust.

- **Residential Property** - Financial claim between a homeowner and the board of a Manhattan condominium in relation to the use of the homeowner's terrace over an extended period to enable work to the common areas of the condominium. Claim for inconvenience and lack of use, and property damage.

Other Landlord & Tenant mediation experience includes:

- **Right to Quiet Enjoyment** – A financial claim against a landlord for breach of a tenancy agreement due to disturbance from other tenants smoking in a non-smoking apartment block and failure to return of security deposit. (New York, USA)
- **Right of access** - Dispute relating to the granting of access to the property to check for and to undertake remedial work in relation to suspected lead paint, and the instruction of professionals to perform investigations and undertake necessary remedial work. (New York, USA).
- **Property Damage** - money claim relating to alleged damage to a residential property and the non-return of a security deposit (New York, USA).
- **Restrictive Covenants and Property Damage** - Dispute arising out of the breach of the restrictive covenants in a residential lease as a result a tenant keeping a large number of pets in contravention of the terms of the lease, and a claim for water damage in relation to the property below after a large aquatic tank cracked and flooded the property (New York, USA).
- **Withholding of Security Deposit** - mediation relating to the withholding of a security deposit on a rental property and allegations of damage (New York, USA).

PROFESSIONAL QUALIFICATIONS

- Barrister (called to the Bar of Lincoln's Inn - 1994).
- LLM International, Commercial and European Law (1997).
- Post-Graduate Certificate in Competition Law and Policy (2000).

CAREER HISTORY

- General Counsel, Moonpig.com.
- General Counsel, SoundCloud.
- Head of Legal, Wall to Wall Media (part of Warner Bros.).
- Senior Counsel, Random House / Penguin Random House.
- Vice President, Business and Legal Affairs, MTV Networks.
- Head of Legal, Phaidon Press.

ACCREDITATION

- CEDR Accredited Commercial Mediator (2006).
- Approved Mediator, New York, USA (2015).
- CMC Registered Commercial Mediator.
- Fellow of the Chartered Institute of Arbitrators (2018).
- Elected Committee Member of the London Branch of the Chartered Institute of Arbitrators and Hon. Treasurer (2020).

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