

Mediation in personal injury and clinical negligence litigation

Monday, 18 November 2019
13:00 - 14:00

This webinar looks at mediation in personal injury and clinical negligence cases in the light of the Civil Justice Council's recommendation in civil litigation of "a presumption that ADR will be attempted in any case which is not otherwise settled".

Long standing APIL members Paul Balen and Brian Dawson, who are also directors of Trust Mediation providers of specialist mediators for personal injury and clinical negligence disputes, share their experience as mediators and mediation advocates and also review lessons learnt from their involvement as mediators for the NHS Resolution mediation scheme.

They will cover:

- Sanctions for failure to attempt ADR
- Mediations and JSMs compared and contrasted
- Selection of cases for mediation
- Preparation and conduct of mediations so as to get the best out of the process
- Overcoming obstacles
- Barriers to success



Paul Balen graduated with a first in law at Peterhouse, Cambridge. He qualified as a solicitor in 1977 and became a partner in what is now Freeths in 1980. He is now a Consultant.

A Past President of both the Nottinghamshire Law and the Nottinghamshire Medico-legal Societies in 2000 he was appointed one of the first three Senior Fellows of the APIL. He was national secretary and an executive committee member of APIL between 1998 and 2000.

Building on his creation of successful alternative dispute settlement schemes in his historical specialist area of clinical negligence, personal injury and product liability Paul has developed into a successful mediator. He frequently adopts mediation as the route to resolution of his own cases. Paul is an ADR accredited mediator, a Director of Trust Mediation and a member of the Sport Resolutions, Association of Midlands Mediators and Clerksroom Specialist mediation panels.



Brian Dawson is senior partner at Walker Smith Way Ltd. Brian is a dedicated lawyer who continues practising in his fields of expertise with 30 years of civil litigation experience. He is also a deputy district judge. Brian specialises in claimant personal injury, disease and clinical negligence, including spinal brain injury, catastrophic injury and birth injury claims.

He has particular expertise in costs and costs and case management.

Brian is a member of the Law Society Personal Injury Accreditation Scheme and a former member of the Law Society and AVMA clinical negligence panels. He is a fellow of the Association of Personal Injury Lawyers and an APIL accredited Clinical Negligence specialist. He was elected to the APIL executive committee in 2012, prior to which he was co-ordinator for APIL Wales.

Brian is also an experienced mediator and a Director of Trust Mediation.