

# CHRISTOPHER BUTTERWORTH

Civil and Commercial Mediator

- 
- **Contractual & commercial**
  - **Construction & technical**
  - **IT, Communications, High Tech & I.P.**
  - **Inter-proprietor & partnership**
  - **Trusts, inheritance and family assets**
  - **Agriculture & land rights**
  - **Professional negligence & insurance**
  - **Political and public sector**



*"Mr B is the best"  
"He is very effective"  
"I thought he was superb"  
"down to earth, pragmatic and realistic"*

**Raworths LLP, Solicitors**  
Eton House  
89 Station Parade  
HARROGATE HG1 1HF

Tel: 01423 566666  
Fax: 01423 504572  
christopher.butterworth@raworths.co.uk

## Experience and style

Christopher has nearly forty years' experience of dealing with a wide range of business and personal disputes, and he approaches mediations from a broad perspective, while working in specialist fields.

His mediations have ranged from numerous modest value disputes with a very high emotional content, through a multi-million dollar dispute dealt with in San Francisco, to chairing a political 'dialogue' between two States over disputed territorial issues.

Christopher has a robust and practical style which veers towards being evaluative, which produces a high success rate. He actively manages the mediation process, and has been described as 'imaginative', 'superb', 'pragmatic and realistic', 'down to earth', 'direct and honest' and having 'a nice easy manner'.

## Qualifications

CEDRSolve accredited mediator – qualified 1995. A practitioner Member of the Law Society's specialist Civil/ Commercial Mediation Panel, and member of the Court of Appeal Panel of Mediators

Fellow of Chartered Institute of Arbitrators and Local Conciliation Officer for the Law Society's Legal Complaints Service.

Regular writer on mediation subjects and actively involved in lecturing, training and development of ADR/Mediation. Member of the Association of Northern Mediators' Rural Special Interest Group.

## Background

Enrolled as a solicitor - 1971. Managing Partner of Raworths LLP Solicitors.

Many years' experience of litigation, dispute resolution and non-contentious commercial work.

He has been in a partnership for over 30 years, a director of various companies and a trustee of several family trusts and a charity.

He has particular experience of dealing with the tensions and difficulties when business and family interests conflict, and of dealing with inheritance and trust disputes.

Member of the Institute of Directors, the Society for Computers and Law and the Law Management Section of Law Society.

He is very comfortable dealing with plans, technical drawings, machinery and technology.

He has substantial experience of ICT and IP issues since the early 1970s, including advising, contracting, dealing with suppliers, installing systems and resolving disputes.

Coming from a farming background, Christopher often deals with farmers, land disputes, the food industry and agricultural enterprises and, understands their world and business. He has always had an interest in design and graphics.

He is a keen sailor and enjoys the countryside.

*"Mr B is the best - I always try to get him involved if I can"*

*"(CB) got the parties to think in innovative ways of looking at resolving the dispute"*

*"Christopher Butterworth was great, a very accomplished mediator with a nice easy manner. ... got hold of the issues very quickly"*

*"down to earth, pragmatic and realistic ... He developed a good rapport with the parties. They were very happy"*

*"Christopher Butterworth was superb and managed to gain the trust and confidence of .. (my) ... client within the first 60 seconds ... no mean feat."*

## Some disputes mediated

### Inheritance, relationship and family disputes

- Inheritance (Provision for Dependents and the Family) Act claim between inheriting daughter and surviving partner over estate of deceased entrepreneur
- Dispute between unmarried couple over numerous personal assets after separation.
- Court of Appeal Mediation Scheme – Post divorce dispute relating to children
- Dispute over property transferred between relatives, with added allegations of solicitors' negligence
- Inheritance dispute – agricultural land, offshore funds, capacity and family issues.
- Disputed independence and actions of trustee of family trust, involving warring family members
- Intermingled inheritance claim and allegations of misappropriation of property of deceased unmarried partner.
- Dispute between estranged former partners over proceeds of properties developed by them
- Long running problems within extended farming family, involving partnership, inheritance, development land and bad communication.
- Dispute over trusts and beneficial interests in proceeds of sale of home of co-habitees, with allegations of solicitors' negligence
- Inheritance Act claim by long-term cohabitee of decd. for adequate provision beyond right to live in house for life
- Substantial three party matrimonial and family trust dispute

### Agricultural industry / food / land

- Supply dispute in pig industry
- Cattle feed and growth dispute
- Alleged supply of diseased pigs
- Four party dispute - supply of defective power machinery
- Live poultry supply agreement
- Dispute over land rights, AIACS, quotas, contract farming etc.
- Animal feed, breach of contract and negligence claim
- Three party engineering dispute in food industry – national company, contractor and sub-contractor – machinery modification issues
- Alleged supply of diseased cattle
- £5,000,000 dispute between agricultural co-operative and members
- £1,750,000 post Foot and Mouth Disease contractual claim
- Foot and Mouth disease damages claim
- Four party dispute - supply of defective baling machinery
- Pig supply dispute with dishonesty allegations
- Sheep feed dispute – IOM
- Allegations of loss for supply of wrong seed
- Wine shipments dispute

*“(CB) was firm in his style and really got the parties to consider what might happen if they didn’t settle at the mediation. He was an extremely good reality tester and really kept the mediation going with energy and momentum”*

*“CB’s style can be described as ‘quietly insistent’. He gets his point across in a calm and meaningful way, especially when emotions are running high”*

*“He was the sort of mediator I like; he absolutely would not let it go until we got a settlement.”*

- Farming dilapidations / surrender of tenancy dispute
- Agricultural boundaries and rights of way, involving land swap, balancing payments, easements etc.
- Dispute over substantial work done during ultimately failed contract negotiations
- Dairy farmers' claim arising from supply of metal contaminated feed
- Two day, substantial, farm dilapidations dispute
- Supply of plants to supermarket for Christmas market
- Dispute between farmer and next door 'Grand Designs' neighbours — resulting from bad conveyancing
- Dispute between government department and contractor
- Partnership, estoppel and post engagement dispute settled by part payment of cattle, plus cash.

### Partnership/and inter-proprietor disputes

#### Solicitors

- 'Retirements' of partners
- Several dissolutions of solicitors' practices; some being particularly emotional and contentious.
- Post retirement disputes; four parties / three successive retirements over several years
- Partner attempting to remove highly profitable team contrary to restrictive covenants
- Negotiation of dissolution of five party solicitors practice from almost a cold start, with very few areas agreed before the mediation.
- Aftermath of implosion of a substantial solicitors practice
- Highly contentious and personal dispute over terms of 'retirement' of long established equity partner with substantial capital.

## Partnership/and inter-proprietor disputes (cont.)

### Company / other partnership

- Dispute between directors / shareholders in private limited company
- partners in nursing home business
- partners in a health club, with commercial and property issues
- valuation and financial issues two years after dissolution of engineering partnership
- Post dissolution disputes in family farming partnership after a divorce (including personal and child access issues)
- Claim by company from former FD and Co. Secretary, with fraud allegations.
- Negotiating 'retirement' terms for senior partner, from professional practice.
- Dispute over sale and valuation of minority shareholding of deceased director
- Failed investment, shareholdings and control of businesses dispute
- Claim for share in partnership / denial of any partnership
- Acrimonious break up of farming partnerships and family landholdings with no trust and bad communications
- Aftermath of failure of disputed business relationship over government training scheme
- Partnership dispute between closely related members of extended family - with related community issues
- Buy out of others by one partner in a family farming partnership

## Contractual / commercial / construction / technical disputes

- Alleged breach of contract for services in entertainment industry
- Building dispute over alleged improper disposal of toxic waste
- Franchise dispute – residential care
- Dispute over management and control of IT/financial services company.
- Dispute over supply of 'free-on-loan' dispensing machines and supplies
- Construction dispute – contracts for structural steelwork – defective manufacture
- Four party international dispute - cargo damage and breach of shipping contract
- Wrongful termination of exclusive distributorship agreement – with international elements
- Claim against former employees setting up competing business; restrictive covenants and fraud allegations.
- International dispute - (US and Middle East companies) over failed joint venture, shareholdings, invested funds, directorships etc.; settling four sets of proceedings in UK and abroad
- Company sale warranty claims, with added allegations of bribery and fraud.
- Debt dispute over vehicle stocking loan; motor dealership.
- Dispute over late delivery, and supply of health products not of merchantable quality
- Introductory commission claim.

- Post fire insurance claim
- Construction machinery financing dispute – Court of Appeal
- Product promotion / printing dispute
- Allegations of bank negligence relating to forged cheque and not having 'proper systems'
- Bank / customer dispute over terms of receipt of funds and consequent losses
- Building contract (plumbing) dispute – resolved, and documented, in 75 minutes!
- Payment contrary to bank mandate and claims relating to remedial activities
- Claim for rejection of allegedly defective £130,000 motor car
- Claim re. allegedly defective power boat
- Very acrimonious construction dispute, with allegations of violence between the parties.
- Termination of employment, and alleged breach of restrictive covenants and wrongly taking business.

## IT / High Tech / IP rights

- Dispute between consultant and purchaser of IT system, advised by 'claims experts'
- Dispute over IP rights to educational software and breach of contract
- Alleged wrongful termination of software sales and marketing agreement
- Software licensing dispute
- Copyright claim against trade association
- Hardware and software upgrade dispute – systems software, new database, comms./fax etc.
- EPOS system dispute
- Two day \$50,000,000+ international US / Japanese IT dispute over hardware design and manufacture, and contractual issues - mediated in San Francisco.
- Written/oral website design contract dispute
- Dispute over specification and supply of robot machining equipment
- Claim alleging defective large format printing equipment
- £3,500,000 claim arising from rejected system supply and development contract

*"I know Christopher very well. I have used him in at least six other disputes. and I guess that shows what I think of him. I like his style. He is very effective. He has had a 100% success rate with me. My clients like him and as far as I can tell so do my opponents "*

## IT / High Tech / IP rights (cont.)

- Three party - customer/supplier/sub-contractor dispute for supply of terminal services
- Alleged incompetent installation and testing of bespoke modifications to new 'standard' software system
- Aftermath of failure of project to install 'second hand' call centre software with bespoke modifications
- Alleged misselling of print media management software
- Dispute over production of 'quick and dirty' solution to online games software in allegedly critical circumstances.
- Seven party dispute over website development and financing, with allegations of fraud and dishonesty

*"CB was great and I would definitely use him again. Overall, he was very very good. Lots of drive and energy"*

*"Chris played several roles over the three days. It shows the importance of the independent chairperson. Chris was able to take the matter all the way from terms of reference down to the nitty-gritty of numbers in three days – he cut the wasted time. Chris was able 'to own the process'*

Chairing a political 'dialogue'

## Political

- Chairing three day political 'dialogue' between two governments over mutual access to each other's territory, and licensing issues.
- Claim for repayment of Local Authority grant allegedly paid by mistake.

## Other property related

- Parking rights disputes (Independent Housing Ombudsman scheme) - twice
- Dispute over public house business and property – resulting in parties negotiating a share and property sale at the mediation.
- Student letting dispute (half day – Court referral scheme)
- Claim for payments arising from grant of planning application for change of use of farm buildings and land
- Sale of land / mineral extraction / pre-auction 'deal' dispute
- Claim against water authority for flood damage
- Succession dispute re agricultural tenancy on ducal estate
- Rights of way, light and access for repairs
- Damages claim for failure to complete development project
- Boundary dispute over location of gate post (>£50,000 costs)

- negligent advice about easement
- struck out personal injury claim
- Three party; failure to incorporate liability cap in business sale agreement
- Struck out inheritance / farming partnership claim
- Incompetent handling of settlement negotiations
- Failure to implement instructions / solicitors' costs
- Failure to investigate development property title
- Bankruptcy alleged to have been caused by negligence, resulting in loss of tenancy of farm
- Limitation dispute resulting from damage to drains and subsidence over ten years ending with building collapse; substantial causation issues
- Quantum dispute with acknowledged negligence. CFA funding.

### Accountants

- Three Party dispute between plc and international accountancy practice re negligent tax advice

## Miscellaneous

- 'Superconciliation' of substantial complaint against solicitors over legal costs, as a Local Conciliation Officer (LCO) for the (now defunct) Legal Complaints Service

August 2011

## Professional negligence / PII claims

Solicitors / insurance claims / loss of chance

- agricultural advice
- commercial advice
- £3,500,000 development deal
- struck out proceedings

