

## **RHYS CLIFT MCI Arb - Mediator Profile**

Rhys Clift has “*a formidable reputation in the mediation marketplace*” (Sir Henry Brooke, Chairman Civil Mediation Council). Rhys has, over 20 years, played a pivotal role in the establishment and practice of mediation in the maritime field in England and Wales.

Rhys Clift was trained and accredited as mediator by CEDR in 1998. Co-founder of the Maritime Solicitors Mediation Service in 2003, which he administered until 2018, he is also a co-founder of SeaMediation Chambers (2014). He is a distinguished neutral at CPR, the International Institute for Conflict Prevention and Resolution in New York. Models originally devised in the USA (in the University of Harvard Negotiation Project) form the foundation of modern mediation practice in the UK (and beyond).

### **Professional Background**

Rhys is an English solicitor, admitted in 1983. Litigation partner in Hill Taylor Dickinson from 1989; member of the firm’s Executive Committee from October 1997 until April 1999; Managing Partner from May 1999 to April 2003; partner in Hill Dickinson LLP from 2006 (on merger); partner in Thomas Cooper LLP from 2018; partner in Penningtons Manches Cooper LLP (on merger) since July 2019.

Rhys has nearly 40 years’ experience in Commercial Litigation and Arbitration with particular expertise in Marine and Non-Marine Insurance and Reinsurance (including Aviation, BAR/CAR, Cargo, Charterers’ Liability, Credit Risks, Energy, Hull, Increased Value, Kidnap & Ransom, Liability, Loss of Hire, Mortgagees’ Interest, P&I, Piracy, Political Violence, Specie, XL/QS, War and Yacht), and in a broad range of pure shipping related matters including charterparty, bill of lading, sale & purchase/MOA disputes, and maritime casualties (explosions, fires, groundings, structural failure, sinkings). Much of his work has been in complex, high-value disputes. He is the author of a major (non-London) market yacht package policy, author and editor of a national market package hull policy, and editor of a fixed premium liability policy wording.

Rhys is listed as one of the world’s finest legal practitioners both in insurance & reinsurance and in shipping (Legal Media Expert Guides). He is described as one of the Global Leaders in Shipping by the Who’s Who Legal Transport-Shipping 2022. He has a “*remarkable depth of expertise*” (The International Who’s Who of Shipping and Maritime Lawyers 2010).

### **Mediation Experience**

Rhys has considerable expertise in mediation, whether on the mediation side or representing parties in mediation, for example, insurance coverage disputes; seizure, capture, detention of vessels; time-charter disputes; disputes on off-shore construction (oil and gas); political violence in Syrian civil war; disputes on the supply of sophisticated surveillance technology; a class action by employees against a major financial institution; claims for alleged fraud in the purchase and development of UK properties (breach of fiduciary duties, constructive trust); further diverse disputes ranging from aviation finance, alleged contamination

and theft of (maritime) cargoes, even alleged harassment and death threats between parties to mediation, following a contract dispute.

Rhys has acted as judge and mediator in the ICC International Mediation Competition and has been appointed as mediator/neutral by the International Chamber of Commerce in Paris.

### **Mediation and Personal Qualities**

He is patient and calm, methodical and determined. He applies himself to the utmost to assist parties to solve problems and resolve disputes.

Rhys has a ***“unique ability to present complex processes in a way which is easily understood, not only by members of the legal profession but also by other interested parties.”*** (Secretary General, Fritz Stabinger, International Union of Marine Insurance), an essential skill in the conduct of ADR, in particular mediation, as in the practice of the law.

***“His calm good sense was a great reassurance. He is obviously possessed of considerable experience, sound judgement, good people skills and thorough commercial awareness; all the right ingredients for an excellent mediator.”*** (Elizabeth Jones Q.C.).

### **Mediation Publications, Talks and Recognition**

Over many years, commencing in 2000, Rhys has written a series of books, articles, papers and presentations, based on theoretical knowledge and practical experience. These are designed to explain dispute resolution, ADR and the process of mediation, in order that parties, and their advisors, should be able better to understand and to seek to obtain the maximum benefit from them. More recently, these materials cover Early Intervention Mediation (on the SeaMediation EIM model). A number are published and republished in multiple languages. His book ***“Mediation in England and Wales”*** was published in English/French and English/Italian dual language format in 2010. Michel Yarhi (Chairman of CEFAREA - Centre Francais d'Arbitrage de Reassurance et d'Assurance (Paris)) observed, commenting on the French text: ***“Rhys Clift .. describes mediation in Great Britain and shows with panache his mastery of the subject”***. The book is described by Professor Greiman of Harvard University's Kennedy School of Government as ***“essential reading”*** and by Sir Henry Brooke, then Chairman of the Civil Mediation Council, as ***“excellent”***. He is the original architect (in 2005) of ***“Alternative Dispute Resolution in Practice”***, a comprehensive guide, principally for the insurance and reinsurance market, published by the Institute of Insurance of London in January 2011. His papers are widely cited, nationally and internationally. Certain papers are republished as Insights by SeaMediation Chambers ([www.SeaMediation.com](http://www.SeaMediation.com)).

Most recently, as part of an on-going project to inform, Rhys's paper ***“The Phenomenon of Mediation: Judicial perspectives and an Eye on the Future”*** was published in English/Chinese dual language format (February 2021). His latest paper, ***“The Impact of COVID-19, Facilitative Mediation, Early Intervention and Visual ODR”***, was published in two parts by the Journal of International Maritime Law (July/August 2021) and republished by Social Science Research Network ([www.SSRN.com](http://www.SSRN.com)) in autumn 2021. All his main mediation papers are now accessible on SSRN.

Rhys is a highly regarded public speaker. He has spoken widely, nationally and internationally, notably on insurance coverage, cyber risks and electronic hazard, fraud, corporate manslaughter, multiple facets of maritime law, dispute resolution generally, ADR and mediation in particular. Talks have been presented at a range of public/private forums, amongst others at AAA (US/UK), BILA, CII (Masterclass in ADR), CESAM, CMAP, CMI, CSC, IIL, IADC, ICS, IUA, IUMI, IMCC, Intertanko, Intercargo, LMAc, LSLC, Lloyds of London, MUNIS, Nehru Centre, PAS, SCAA, USMLA, in UK, Europe, North/ South America, Turkey, Middle East, India. He has an established skill and expertise in holding the attention of parties, sometimes in very large or problematic audiences, in assisting and directing them to focus on and understand matters in issue, that which is useful, and (as to ADR) in assisting them to understand the practical and theoretical concepts of interests and needs. His talks and papers are widely accessible on-line, emphasizing the importance of language, care and clarity of thought.

Rhys was listed as finalist in the CEDR Awards for Excellence in ADR 2006 (for his pioneering work in the creation of the Maritime Solicitors Mediation Service) and in the CEDR Awards for Excellence in ADR 2008 (for his work in the maritime sector). He acted as judge in the CEDR Awards for Excellence in ADR 2012, in a panel chaired by Lord Rix.

### Other Experience / Skills

Rhys is widely travelled in Europe, Scandinavia, North America, South America, North Africa, the Middle East and Far East. He is trained in the theoretical aspects of cross-cultural disputes and has a depth of more than thirty years of practical experience, dealing with parties from diverse origins, backgrounds and cultures. He is fluent in French.

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