

RHYS CLIFT – Mediator Profile

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

He is described as “*a resonating name in the world of mediation*”.

Professional Background

Rhys has over 30 years experience in Commercial Litigation and Arbitration with a particular emphasis on Marine and Non-Marine Insurance and Reinsurance matters and disputes (including **Aviation, BAR/CAR, Cargo, Charterers’ Liability, Credit Risks, Energy, Hull, Increased Value, Kidnap & Ransom, Liability, Loss of Hire, Mortgagees’ Interest, Specie, War and Yacht**).

Work has covered an enormous range: for example, maritime casualties on commercial vessels and yachts, (including groundings, fires, explosions, structural failures, terrorism, scuttling, personal injury/death, Somali piracy and payment of ransoms); marine and land based kidnap and ransom, alleged illicit scrapping, disputes concerning industrial paint applications and products (including marine tank coatings, rail transport, road and industrial vehicles and food and beverage packaging); chemical plant explosions; alleged thefts of gold, diamonds, jewelry, fine art (and even raw silk); theft of goods allegedly shipped in breach of UN sanctions; collapse of (and loss or damage to) offshore structures for example in Black Sea and off Western Australia, North Sea and off Indonesia; policy drafting (yacht “package”, Hull “package”, policy amendments arising from Insurance At 2015); in disputes under Charterparties and Bills of Lading and in Commercial Fraud Investigation and in the co-ordination and supervision of multi-jurisdictional disputes.

Significant Reported Cases

Significant reported cases include “*Brillante Virtuoso*” (2015) (CTL by explosion and fire); *Limit (No. 3) Limited v PDVIC (2005)* (Court of Appeal decision on jurisdiction in energy/liability retrocession dispute); “*Aliza Glacial*” (2002) (a leading case in Mortgagees’ Interest Insurance), *S&W Beresford Plc/NGI v New Hampshire Insurance Co (1989)*, (alleged theft of US\$ 54 million in gold); *Aneco Reinsurance Underwriting Limited v Johnson & Higgins Limited (HOL decision 2001)*, (Rhys represented the successful Lloyd’s Underwriters in arbitration who avoided a series of excess of loss reinsurance contracts, leading to action by the cedant against the brokers, concluding in the landmark House of Lords decision).

Mediation Experience

Rhys Clift was trained by CEDR and accredited as a Mediator in November 1998 (CEDR Solve 2009). Since then he has been involved in a number of mediations (UK and abroad) whether sitting on the mediator side of the table or acting for parties (also available to sit as Arbitrator or an Early Neutral Evaluator).

Mediations have covered a very wide range of matters, just by way of example, insurance coverage disputes (explosions, fires, structural failure); capture and detention on amended mortgage interest insurance terms; time-charter disputes; disputes on off-shore construction (oil and gas); 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); an aviation and finance dispute concerning a private jet; alleged contamination and theft of cargoes; and even alleged harassment and death threats following a contract dispute.

Trained in the resolution of cross-cultural disputes.

Rhys has also handled various minor disputes in the Central London County Court Mediation Pilot Scheme including successful settlement within the three hour time limit.

Rhys has been appointed as mediator/neutral by the International Chamber of Commerce in Paris and also for many years has acted as Judge and mediator in the ICC International Mediation Competition.

Mediation Awards

Judge: CEDR Awards for Excellence in ADR 2012.

Finalist: CEDR Awards for Excellence in ADR 2008 (Sector – for his work in the maritime sector).

Finalist: CEDR Awards for Excellence in ADR 2006 (Innovation – for his pioneering work in the creation of the Maritime Solicitors Mediation Service).

Mediation and Personal Qualities

Rhys Clift has ***“a formidable reputation in the mediation marketplace”*** (Sir Henry Brooke, Chairman Civil Mediation Council).

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

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).

“Rhys Clift .. describes mediation in Great Britain and shows with panache his mastery of the subject”. (Michele Yarhi (Chairman of CEFAREA - Centre Francais d'Arbitrage de Reassurance et d'Assurance).

He is described as ***“a resonating name in the world of mediation”.***

Professional and Academic Background

Graduated in law (LLB – Hons 2:1) from Aberystwyth University in 1979. Passed Solicitors Finals in 1980 with honours and was awarded the Alfred Syrett Prize in 1981. Obtained a post-graduate degree from the University of Aix-en-Provence, France in 1981 (Diplome d'Etudes Superieures d'Universitie – primarily in European competition law).

Admitted as a solicitor in 1983; Litigation partner 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 and partner Hill Dickinson LLP from 2006 (on merger).

Professional Associations

The Anglo-French Lawyers Society, The Association of Average Adjusters, The Association of Average Adjusters America, The British Insurance Law Association, The British Maritime Law Association, CEDR, The French Association of Maritime Lawyers (AFDM), The Chartered Insurance Institute, The Chartered Institute of Arbitrators (MCI Arb), the Oil, Petrochemical & Energy Risks Association (OPERA) and the Civil Mediation Council.

Rhys is a Member of the Executive Committee of the British Maritime Law Association.

Rhys has travelled widely for business purposes and pleasure including the Far East and Middle East, French speaking nations in particular North Africa; Central Africa; extensively in Europe, North America and Canada; Central and South America.

Professional Recognition

Sample listings:

- Who's Who Legal Transport (2016)
- Expert Guides: the Legal Media Group Guide to the World's Leading Lawyers (Insurance and Reinsurance, UK – 2014, 2016 and International Trade 2012).
- International Who's Who of Shipping and Maritime Lawyers 2010 (Rhys Clift possesses a "**remarkable depth of expertise**").
- International Who's Who of Shipping and Maritime Lawyers 2009: Rhys Clift is one of those who can "**truly be considered leaders in the field**".

Mediation Talks and Publications

Based upon practical expertise, Rhys has been heavily involved in spreading knowledge about mediation (and in training mediators) nationally and internationally by practical demonstration, talks/lectures and presentations, and by a substantial volume of bulletins, articles and papers which have been published, re-published and cited enormously widely, nationally and internationally and in a multiplicity of languages including Arabic, Chinese, French, German, Greek, Italian, Japanese, Korean, Norwegian, Portuguese, Russian, Romanian, Spanish and Swedish.

Books

- ***“Alternative Dispute Resolution in Practice”***: Rhys Clift is the original architect 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.
- ***“Mediation in England and Wales”***: Rhys Clift is the sole author of ***“Mediation in England and Wales”*** a compendium of essays, first published in 2010 and also available in French and Italian. 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”***.

Other Skills

Rhys is fluent in French and after qualification worked for a London law firm in Paris.

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