



CHARLES MIDDLETON-SMITH

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January 2010

Charles Middleton-Smith can be relied upon to deal with the inevitable surprises of the mediation process with calmness, authority and optimism. He actively seeks new learning on negotiation, gap closing strategies and mediator options. Charles describes his style as prioritising the commercial aspects, the future and reality, momentum, humour, courtesy and flexibility.

With over 25 years of commercial experience, Charles continues to be appointed in a wide variety of business and legal contexts, with sums involved ranging between £50,000 and £100,000,000.

From 1991-2007, Charles was a partner at Hammonds in London whilst also mediating and is currently their consultant on ADR. He is now concentrating on his main interest and successful practice as a commercial mediator, with excellent ratings over several years.

Charles is now also member of In Place of Strife Chambers (please see www.mediate.co.uk for further information).

Please note that mediation rooms can be made available

Extracts from Legal 500 and Chambers Guide to the Legal Profession 2001/2009:

"Suited to sophisticated clients and not afraid to challenge them"

"Marvellously thorough, understated and fair"

"Decidedly proactive"

"Calm and contained handling of matters of great complexity"

"Coaxes parties into settlement with guileless ease"

"An excellent mediator who remains calm and communicates effectively with both parties"

"Thoroughness, persistence, and management skills"

"vigorous and incisive style"

"A beacon of calm ... lowers the temperature at critical stages during the process"

"Puts the party first ... understands that the client is the most important person in this situation"

"Coolly identifies issues to address"

"Highly qualified in mediations relating to complex commercial, IP and media and entertainment issues"

"A rare ability to adapt his approach to deal with any client"

"A charming mediator who combines a wonderful sense of humour with a firmness that allows people to take him seriously"

Areas of particular experience as a mediator include:

- ◆ Media, entertainment, sport and fine art
- ◆ Disputes with an international dimension
- ◆ Intellectual property
- ◆ Corporate and commercial contract cases (including high value & City based with emphasis on M&A, earnouts and director issues)
- ◆ Agency and distribution contracts, and Sale of Goods
- ◆ Financial services
- ◆ Assisted deal making

Please see attached examples, feedback digest and further detail concerning some areas of particular experience.

Feedback Digest for

CHARLES MIDDLETON-SMITH

Charles has received recommendations in Chambers Guide to the Legal Profession and Legal 500 since 2001.

His most recent **Chambers** listings state

“Charles Middleton-Smith is regarded as a “charming mediator” who “combines a wonderful sense of humour with a firmness that allows people to take him seriously.” He is highly qualified in mediations relating to complex commercial, IP and media and entertainment issues. Interviewees note that his success is in part due to the “calm approach he adopts to dispute resolution.”“

The reputation of Hammonds LLP’s Charles Middleton-Smith continues to rise. Lauded for his professional bearing, calm manner and technical finesse, he is *‘quick to see the real issues in as case’*, and engages the parties in *‘a firm but effective way’*.

His most recent **Legal 500** listings state

“Middleton-Smith ... projects ‘Zen-like’ calmness onto proceedings, while coolly identifying issues to address. His client-handling skills and years as a commercial litigator play well with a range of clients, who note his ‘rare ability to adapt his approach to deal with any client from the corporate bully to the independent artist’. He is a gifted mediator described as ‘impressive’ and ‘assured’, and is widely recommended.”

Middleton-Smith demonstrates the *“inherent skill of knowing precisely when to be authoritative and when to be sympathetic”*. His commercial practice has witnessed a lot of copyright, trade mark and defamation disputes of late. *“He keeps a tight rein on proceedings and is quick to intervene when the temperature rises,”* say clients, who also appreciate his determination in seeing things through to a conclusion.

Please see detailed comments which follow.

Themes emerging from feedback

Calmness, persistence and authority which makes him especially effective with very sophisticated parties.

"Suited to sophisticated clients and not afraid to challenge them"

"An excellent mediator who remains calm and communicates effectively with both parties"

"A beacon of calm ... lowers the temperature at critical stages during the process"

"Has patience in abundance and a very calming nature, which belies an ability to communicate sentiments and important messages effectively; subtle."

"Creates the right atmosphere; built rapport; excellent engagement skills and quiet objectivity"

"Uses silence well"

"Did all the right things in outlining the strengths and weaknesses...did keep the dialogue going longer than expected. Felt that they had given it their best shot"

Thorough preparation and consequently understanding of the issues and capable of dealing with complexity

"Calm and contained handling of matters of great complexity"

"Marvellously thorough, understated and fair"

"Thoroughness, persistence, and management skills"

"Extreme knowledge of the case – well prepared"

Code of Ethical Conduct

In Place of Strife

Mediator Links:

In Place of Strife, London
<http://www.mediate.co.uk/>

A good sense of priorities and the ability to deal with a wide variety of people

"Puts the party first ... understands that the client is the most important person in this situation"

"Coaxes parties into settlement with ease"

"Excellent, very personable, took an enormous amount of trouble explaining things to the party who was very appreciative. Very practical and impressive";

"Reads people extremely well – often predicting in advance their likely responses to situations and picking up on emotion – identifying the need to "have their day" in one participant in particular;"

Process management

"Dealt with all the issues within the time frame very well. Very calming and very objective. Subtle, made the party in question think carefully about the action"

"Worth every penny...seemed to know how to handle it and have all the experience. Didn't allow it to drag on when he realised that we weren't getting anywhere, he called it to an end";

"Faced with an altered and difficult "brief" on arrival, he facilitated lengthy and wide ranging discussions when the day might have faltered at the outset. I do not know how he achieved this – which is probably the mark of a strong mediator."

And one quote which brings very nearly all these together:

"Did a very good job...assimilated the facts and details of the case quickly and had thoroughly read the papers and understood all the issues enabling him to get under the surface of the legal and factual issues. Therefore extremely useful in the discussion that ensued and had a very effective subtle approach that worked particularly well in this case, particularly with the personalities involved"

These comments, taken from direct user feedback, represent a fair and balanced summary of the responses received.

Amanda Bucklow, Commercial Mediator, London.

Selected Business Sector Examples:

[Please note that further information can be given in relation to all specialisms if required. In a high proportion of all cases, non-UK parties have been involved.]

Arts Media & Entertainment (including intellectual property)

- Case concerning enforcement of collection of **performing arts royalties**
- Case concerning copyright in **photographs** taken of iconic rock 'n roll band
- Case concerning allegations of defamation in article relating to composition of well-known **film theme**
- Case concerning defamation following publication of **photographs** of "celebrity"
- Trademark and passing off case following **book and video** publication concerning leisure and fitness
- Major dispute as to title in **valuable artworks**, and sharing agreement as to proceeds
- Case concerning copyright in **photographs** taken of **dance** company, and alleged breach of licence
- Dispute over advances under licence agreement for exploitation of **film**
- Copyright case over author's rights in **film** script, with licensing issues
- Director employment dispute in well-known **record** company
- Copyright case over artwork between rival **magazine** publishers
- Personal injury case – **musician** injured at festival
- **TV advertising** trademarks case – two major utility companies
- Dispute over agreement for international **film** production
- Joint venture dispute regarding development of contemporary **art** business
- Licence and distribution dispute relating to classical music video
- Joint venture/shareholder dispute in hotel/catering industry with significant IP rights issues
- Further shareholder dispute in equestrian sector with IP and media issues

Other Intellectual Property Cases

- Design right case – **barbeques**
- **Patent** case – partnership and exploitation issues
- Copyright in **software** – public sector: payment of licence fee
- Counterfeiting case – **software**
- Trademark and copyright case – **medical and healthcare**
- Disputed IP rights on **sale of a business**
- Infringement of **design right** – major retail group
- Trademarks regarding seasonal offering of **global retail** corporation
- IP rights as disputed in **insolvency** case including misfeasance claim against former director
- Trademarks in tyre products used in bicycles and other **vehicles**
- Case concerning copyright in **furniture** design and branding
- Case concerning copyright in **glassware** design and branding
- Case concerning entitlement to formulae in **perfume** production

Commercial Agents Regulations 15-20 cases

Other business sectors with notable experience:

Banking and Finance, including Asset Based
Lending of high value assets
Retail
Automotive
Property
IT/Telecoms/Utilities
Partnership
Public Sector
Employment
Sport (football, leisure & fitness, motor racing, motor cycling, governing bodies, sports funding, public sector)

Healthcare
Financial Services/Regulatory