

The problem is not the problem: making dispute resolution an opportunity

This session focused on strategies to reduce the risk and maximise the opportunity from disputes and ultimately add value to your business

Speakers

Ben Bruton, partner, Winston & Strawn

Sam Shadbolt, director legal, UK & Ireland and global legal business partner for the industrial coatings division, AkzoNobel

Charlotte Digby, legal director, LEVC

Amrik Kandola, commercial mediator & CEDR chambers mediator, Ask Mediation Limited

Dominic Hennessy, senior legal counsel – litigation, London Metal Exchange



Ben Bruton, Winston & Strawn

This panel, sponsored by Winston & Strawn, opened with a quote from Jack Sparrow: ‘the problem is not the problem; it’s your approach towards the problem,’ centring the panel’s charge to reframe disputes for growth and innovation.

Moderated by Winston litigation and investigations partner Ben Bruton, the panellists included Sam Shadbolt, legal director, UK & Ireland, and global legal business partner for the Industrial Coatings Division at AkzoNobel; Charlotte Digby, legal director at LEVC; Amrik Kandola, commercial mediator & CEDR chambers mediator at Ask Mediation Limited; and Dominic Hennessy, senior legal counsel, litigation at the London Metal Exchange. They drew on their extensive in-house experience to share insights, cautionary tales, and strategies for managing consequential and high-value disputes effectively.

The panel began by exploring the fundamental importance of guiding internal clients through the complexities of litigation and arbitration. They stressed the need for businesses to fully understand the implications of legal processes, including their impact on employees and



reputational risks. Effective communication with decision-makers throughout the process was highlighted as crucial to align everyone on the dispute's nature and potential outcomes.

Hennessy stressed the necessity of involving the legal team early in ongoing projects and developments to shape outcomes effectively, ensuring that businesses see the value in early legal input. The integration of legal and commercial teams was identified as crucial for making informed legal risk decisions and minimising potential disputes. Shadbolt noted the importance of linking legal and commercial teams to enhance legal risk decisions.

The dynamics of mediation settings were explored, particularly internal conflicts and personal involvements that can hinder progress. Kandola pointed out situations of internal conflict between different members of the same party. The role of the GC was highlighted as pivotal in resolving tensions and facilitating successful outcomes by aligning directors' perspectives with broader business interests.

Regarding dispute resolution, the panel underscored proactive settlement strategies

to manage risks, uncertainty, and reputational impacts effectively. Digby stressed her usual approach of focusing on settlement, while also being prepared to run litigation if on the right side of arguments.

The discussion moved to scenarios where immediate settlement might not be feasible, suggesting alternative legal strategies to beneficially control outcomes. Dominic Hennessy noted cases where settlement readiness is not yet possible. Kandola responded by encouraging exploration of mediation opportunities to facilitate conversations that might not otherwise occur.

The panellists provided several practical tips for effective dispute resolution, including thorough preparation for mediation, leveraging disputes as catalysts for positive change within organizations, and the importance of having a supportive and well-informed team.

Overall, the discussion highlighted the transformative potential of disputes when managed strategically, highlighting their role not only in mitigating risks but also in enhancing business value and relationships. ■



Charlotte Digby, LEVC



Amrik Kandola, Ask Mediation Limited