



Settlement: is the future with the judges?

A talk by HH Nicholas Chambers QC

at Brick Court Chambers at 6pm on Tuesday 26 November 2019

followed by drinks

There are no unicorns in this talk. In a diverse set of jurisdictions the role of the judge as a conciliator has been established as an integral part of case handling covering thousands of disputes and many millions of pounds.

The talk will look at the mechanisms of conciliation in Financial Dispute Resolution appointments, Employment Tribunals and the DJ CMCs described in the Briggs Report as well as the use in Germany of Conciliation Judges (*Güterichter*).

We will consider why the different types of approach are successful in the areas in which they are used and the potential for their use elsewhere whether at Stage 2 of the new Online Court or in IP disputes.

Central to every aspect of these questions is the success of the pragmatic use of Early Neutral Evaluation. The *cri de coeur* of Mrs Justice Parker in *Lomax v Lomax* [2019] EWHC 1267 and the attentions of the Civil Procedure Rule Committee – *Lacuna Sub Committee* show that, at least where there is consent, ENE and an accompanying process of conciliation may be involved wherever the CPR apply and that is anywhere in the civil jurisdiction.

Please RSVP to marketing@brickcourt.co.uk

HH Nicholas Chambers QC

Nicholas is the vice – president of the UK section of GEMME (Groupement Européen des Magistrats pour la Médiation) which is an organisation comprising about 24 States and 450 members of whom the majority are judges and retired judges who support the use of ADR.

After practising as a barrister in Brick Court Chambers, Nicholas became a specialist judge sitting as the Mercantile Judge for Wales and Chester and later Wales. He sat in

all the specialist jurisdictions and case managed the business disputes.

Nicholas was a member of the Civil Procedure Rule Committee that implemented the Woolf reforms and was the first course director of the Specialist Civil Jurisdiction Continuation Seminars.

In 1999 he qualified with CEDR and has practised as a mediator since retiring from the bench in 2012.

Nicholas has spoken regularly on ADR as a guest speaker both here and abroad, most recently on "Judicial mediation: a European perspective" at the EU Intellectual Property Office Mediation Conference at Alicante in May 2019.

He is the author and illustrator of *Case Handling - An Illustrated View from the Bench*.

BRICK COURT CHAMBERS
7-8 Essex Street
London WC2R 3LD
United Kingdom

DX 302 London Chancery Lane

Tel: +44 (0)20 7379 3550
Fax: +44 (0)20 7379 3558

General enquiries contact:
clerks@brickcourt.co.uk

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