

# David Isbister, Law Society Accredited and CMC Registered Mediator

IS A QUALIFIED MEDIATOR (Junior Mediator)

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## GENERAL INFORMATION

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### Feedback

#### Probate/Validity of a Will (S.9 Wills Act 1837)

- *'David Isbister achieved an excellent result in bringing the parties together to achieve an unexpected settlement of a painful and drawn out family dispute. My client is very happy and relieved with the result. In addition to his tremendous efforts during a long day, David made himself available to communicate helpfully with the parties' representatives before the mediation and afterwards.'* Partner Defendant's Solicitors

#### Probate/1975 Act Dispute

- *'David was excellent. He treated both participants and their representatives with utmost courtesy and respect.. He was not afraid to ask hard questions, but did so in a sensitive manner and was intuitive to the strong emotions felt by all involved. An excellent mediator whom I would have no hesitation recommending to others.'* Defendant's Solicitor

#### Claim against an Executor

- *'My clients were really happy with the outcome of the Mediation'* Claimant's Solicitor

#### Dispute with Trustee

- *'David was very effective'* Defendants' Barrister

#### Probate/1975 Act Dispute

- *'I got a huge amount from this observation and David is truly impressive as a mediator.'* Observer.

#### Probate/1975 Act Dispute

- *"David was very impressive"* Senior Partner, Claimant's Solicitors

#### Breach of Contract

- *"I would not hesitate to use David again"* Partner, Defendant's Solicitors (Breach of Contract)

#### Negligence/Malfeasance

- *'Very difficult to improve the service you provided.'* Party in person

### Accreditations

- Law Society Accredited Civil and Commercial Mediator at practitioner level
- CMC Registered Mediator
- STEP Technician
- Full Member of the SFE (Solicitors for the Elderly)

### Background

- Lawyer, with over 20 years experience in Dispute Resolution (15 years PQE);
- Qualified Civil & Commercial Mediator;
- Qualified Workplace and Employment Mediator;
- Qualified to conduct Mediations Online
- STEP Advanced Certificate in Will Preparation
- STEP Advanced Certificate in Administration of Estates

## **Profile**

David is Head of Wills and Inheritance with emphasis on Dispute Resolution in a City of London firm of Solicitors. He is a strong advocate of the mediation process and has been Accredited by the Law Society at Practitioner (the highest level) for Civil and Commercial Mediations.

He has experience acting for both Claimants and Defendants in disputes involving all matters listed below and in resolving both B2B and Consumer Disputes.

His day to day professional experience includes:-

- Contract
- Commercial
- Shareholder Disputes
- Debt Collection
- Professional Negligence
- Building Disputes
- Construction
- Costs
- Landlord & Tenant (Private & Commercial)
- Workplace and Employment Disputes
- Probate/Inheritance/Trust Disputes
- TOLATA
- Court of Protection

Living in the Midlands and working in Chancery Lane, London, David is ideally placed and happy to mediate anywhere in England and Wales. This quite often sounds in a lower fee for David. Just ask the mediation team to include David as part of the selection process.

## **Recent Mediations**

### **Inheritance Claim under the 1975 Act against an estate by adult children - Settled.**

- Claim Involving 17 beneficiaries. Proceeding had been issued some time ago and claim settled at Mediation in one day

### **Professional Negligence/Malfeasance – Settled**

- Dispute had been running for many years and proceedings had been issued. Participants were entrenched with no end in sight. Costs estimated to trial to run into 6 figures on both sides. Claim settled at Mediation in one day

### **Breach of Contract - Settled**

- Dispute settled in one day with promise of continued business between the participants.

### **Commercial Dispute - Settled**

- Protracted litigation involving International supply of goods. Proceedings issued two years earlier. Dispute settled in one day.

### **Employment Dispute - Settled**

- Potentially sensitive situation, settled in half a day.

### **Inheritance Claim under the 1975 Act by long term Unmarried Partner of the Deceased - Settled**

- Resolution reached that meant all involved walked away achieving their objectives and limiting ongoing litigation costs to the Estate.

### **Inheritance Act Claim under the 1975 Act by Unmarried Partner of the Deceased - Settled**

- A relatively modest estate with costs to trial estimated to take a large portion of the Estate Dispute settled in half a day.

### **Breach of Trust between family members (Probate)**

- Mediation day used to reduce issues between the participants. Settlement not reached on the day, although a better understanding all round was achieved and the hope to continue communication between the participants and their legal representatives to reach a resolution based on what was discussed and explored during the mediation .

### **Claim against Executor - Settled**

- Long running dispute between family members, one of whom acting as Executor, proceedings had been issued issued, mediation at an early stage in the action; claim settled in less than a day.

### **Trust Dispute (Probate) - Settled**

- 4 Year dispute between siblings - proceedings had been issued and directions pending. Claim settled in one day.

#### **Challenge to the Validity of a Will - Settled**

- Dispute between siblings meant their mother's estate had not been administered for 6 years. Dispute together with other matters personal to the participants settled in one day,

#### **Inheritance Act Claim under the 1975 Act by Adult Child - Settled**

- Claim by Adult child for reasonable financial provision. Proceedings issued and still at an early stage. Dispute settled in less than a day.

#### **Inheritance Act Claim by long term Unmarried Partner of the Deceased - Settled**

- Proceedings issued, modest estate with no clear way of resolving the matter. Dispute settled to include matters to assist with the Administration.

#### **Inheritance Act Claim/Estoppel Claim by long term Unmarried Partner of the Deceased - pre-action Mediation - Settled**

- Participants mediated pre-action - claims settled in one day. Administration able to proceed after over 2 years of inaction because of the intimidated claim.

#### **Inheritance Act Claim by long term Unmarried Partner of the Deceased**

- Mediation day resulted in a better understanding of the claim and defence to the claim. Additional information and documentation exchanged during the day and the participants got the opportunity to explore through a neutral third party how their position is seen by the other participants.

#### **Breach of Trust - Settled**

- Dispute between adult siblings following the death of a parent many years ago. Dispute had been running for over 10 years. Settled in one day at mediation.

#### **Challenge to the Validity of a Will / Estoppel - Settled**

- Long running dispute by two brothers over their Mother's Will, Proceedings issued with a two day trial listed in a week's time. Dispute settled at mediation.

#### **Contentious Probate / Intestacy/ Claim for Constructive Trust and also Breach of Trust**

- Matter adjourned after a day's mediation for the participants to consider their positions in light of information discussed during the day. Participants to consider continuing mediation by telephone/email with a view to reducing issues and to reach a settlement if possible.

#### **Breach of Trust - Settled**

- Long running dispute (over 6 years) between family members concerning a Will Trust - matter settled in one day at mediation.

#### **Outside interests**

David's main interests outside of work are his family with his 2 year old son, and another on the way, his dogs (competing and judging dog agility at the highest level) and when he can find the time, clay pigeon shooting.