



<b>CEDR Accreditation:</b>	2002
<b>CEDR Panel:</b>	2004
<b>Chambers:</b>	2012
<b>Languages:</b>	English
<b>Location:</b>	United Kingdom

*“brought gravitas and a high level of understanding to the mediation and he developed rapport wonderfully.”*

Client Feedback

## Alan Jacobs

### Overview

Alan Jacobs is a member of the CEDR Chambers panel of the most senior mediators and is a member of CEDR Faculty, training potential mediators. Mediation work includes a wide spectrum of clinical negligence and personal injury claims, his area of expertise as a lawyer, as well as most other areas of commercial mediation. He is a member of the Court of Appeal Mediation Panel that deals with commercial and personal injury claims referred to mediation by the Court.

He has completed over 460 mediations in total (over 380 of which have been clinical negligence mediations).

He is equally comfortable mediating face to face or online (having completed over 180 online mediations).

### Professional Background

Alan has been involved in dispute resolution for over 40 years, latterly as a partner at top 50 law firm, Mills & Reeve, having previously worked at the international law firm, DLA Piper.

One of his strengths is his background as a lawyer, where he acted for both claimants and defendants, having started his legal career at a claimant clinical negligence/personal injury practice before taking on defence work.



## Expertise

- Clinical Negligence
- Personal Injury

## Dispute Experience

### Clinical Negligence

- Litigated clinical negligence claim for over £2m, liability/contribution between 3 defendants where the issues to be dealt with, ahead of a trial in 8 weeks' time, were relating to a cauda equina injury. 1 defendant had admitted breach of duty but denied causation, the other 2 denied liability and had limited causation defences.
- Pre-litigation clinical negligence claim for £1.513m in relation to alleged negligent failure of a GP to diagnose sepsis, resulting in the death of a 44-year-old man. Breach and causation denied.
- Litigated clinical negligence claim for £5.2m in relation to an alleged failure to subject the claimant, a prisoner in prison, to a mental health assessment and to prescribe tranquilisers when he was suffering episodes of self-harm as a result of taking the drug "Spice", following which he self-blinded himself. Breach, causation and quantum all in issue.
- Litigated clinical negligence claim for circa £4m in relation to alleged negligence of a GP in prescribing a particular drug for a condition the claimant didn't have, and as a result she suffered life threatening side effects, leaving her in a wheel chair and in constant pain with fatigue. Breach denied and causation in dispute, though agreed for the purposes of the mediation. There was a trial on liability only, listed in 5 weeks' time.
- Litigated clinical negligence claim for £2m against a GP for alleged negligence in failing to diagnose a DVT/PE in a 42-year-old man who subsequently died from those conditions. Breach and causation denied.
- Clinical negligence claim for £6m in relation to admitted delays in treating Cauda Equina Syndrome which the claimant alleges has caused his now permanent severe neurological pain symptoms. Causation was denied.
- Pre-litigation clinical negligence claim for £2.4m in relation to a failure to detect spinal cord compression in time, leading to Cauda Equina Syndrome causing permanent neurological damage, bladder and bowel incontinence, sexual dysfunction and psychiatric injury. Breach admitted but only some causation. The defence counter-schedule was £200k.
- Pre-litigation clinical negligence claim for £2.57m in relation to a failure to diagnose an infection of the hip in a young boy, leading to necrosis with the future requirement for hip replacement at age 30 - 40, and revisions at 60 and 75. A potentially world class young

sportsman and who now plans a career as a personal trainer. Breach and causation admitted. The defence counter-schedule was £400k.

- Litigated clinical negligence claim for £2.755m by an elderly man in relation to alleged negligence in failing to properly repair a damaged bowel during surgery for a blocked bowel, leading to peritonitis, a colostomy and other complications. Breach, causation and quantum were denied and the defence counter-schedule was circa £121k.

## Personal Injury

- Court of Appeal mediation scheme case. The defendants appealed the value of the judgement of £3.2m for personal injuries following the claimant being hit by a stolen moped and sustaining brain injury, contending that due to arguments about whether damages would be subject to income tax in the claimant's home country, the judgement should be for circa £1.6m. The claimant cross appealed seeking increased damages for future loss of income to increase the damages to circa £8m, and also to overturn the trial judge's ruling that the claimant could not have provisional damages in relation to the risk of suffering dementia in later life as a result of his injuries.

## Feedback

- *"The family were very happy with the outcome of the mediation ... I was sceptical about mediation before using you as a mediator but now I see how a mediator holds things together and makes a compromise more likely."*
- *"Alan's shining quality is his radiant cheerfulness. A much-underrated gift in the many a grim adversarial setting. Even his "reality checking" is carried out in a measured fashion, leaving the participants to weigh up the situation with more objectivity and less anxiety. That's how settlements are achieved."*
- *"I have not had that much experience of mediation and many barristers are instinctively suspicious of the process. I must say that I am now something of a convert, for which you must take the credit!"*
- *"As far as the mediation itself was concerned I was very happy with the mediator Alan Jacobs and I would certainly recommend him to anyone else in the future particularly in the area of clinical negligence."*
- *"You did a great job bringing about a resolution between the parties. I have absolutely no hesitation in proposing you for further appointments going forward."*
- *"Thank you so much for your patience and understanding and of course for achieving such a fantastic result for my client."*

- *“Thank you for all your helpful advice/assistance with the mediation, it was most appreciated.”*
- *“They were also very impressed with how you managed the day... taking their concerns and considerations into account.”*
- *“Alan was quite inventive in the way he tried to find ways to get parties to see the strengths and weaknesses of their case.”*
- *“Alan worked exceptionally hard with a difficult Claimant and showed real empathy with him as well as a full awareness of the legal and commercial issues involved.”*
- *“He is particularly good when a situation is being reached that the parties are at a stand-off, he’s good at bringing them back to the negotiation table.”*
- *“Calm attitude. Enabled middle ground to be found when polar positions taken early on.”*
- *“...he grasped the issues quickly and worked well with both sides.”*
- *“... a fund of useful ideas and contributed greatly throughout the day.”*
- *“... very quickly and effortlessly established good rapport with the parties.”*
- *“... built rapport well with the parties and facilitated the process well.”*
- *“Both myself and the other attendees had complete trust with him even in the face of the pressure being imposed by the other side.”*
- *“... very patient with both sides and very pleasant.”*
- *“... very good, a nice bloke who is very friendly, approachable & a good listener.”*
- *“We were there until the early hours, finishing at 5.30am, and Alan retained his good humour throughout which is to be applauded.”*
- *“Certainly think my clients trusted him and that was really important.”*
- *“I thought he was good, and will use him again in the future.”*
- *“Extremely impressive, patient and quite persuasive.”*
- *“... went out of his way to make sure that everyone was comfortable.”*
- *“Alan was fantastic, put everyone at ease immediately and developed great rapport with the parties.”*
- *“He is a really lovely guy and he helped to smooth the path to settlement.”*
- *“Perseverance! Calm attitude. Enabled middle ground to be found when polar positions taken early on.”*
- *“Alan was as open as he was able to be whilst not compromising any party's position.”*



- *“He grasped the side issues in relation to energy. He advised the client of any possible issues which may be raised by the other side. This was very helpful. This Mediator will be added to the internal intranet.”*
- *“He brought new insight into case, progressed it.”*

## Professional Skills

Alan retired as a senior partner with Mills & Reeve solicitors (based in Birmingham) before becoming a full-time mediator. He qualified as a solicitor in 1981. He has worked in that capacity for both claimants and defendants. Latterly he headed up a team of lawyers working on personal injury claims and his personal areas of expertise include in particular: · Clinical negligence claims · Employers' liability claims · Public liability claims – including traumatically induced injuries and disease cases.

Alan's background includes being a general commercial litigation solicitor, which enables him to successfully mediate such disputes arising in a very wide variety of different sectors. Alan is a CMC Fellow registered mediator.

## Additional Skills

In conjunction with CEDR Alan has previously undertaken various projects to encourage insurers to adopt mediation as a basic part of their claims handling processes. This includes setting up insurer pilot schemes and speaking to insurance claims managers and directors at a high-level conference with Lord Justice Brooke and Karl Mackie, Founder President of CEDR. Alan has presented submissions to the alternative dispute resolution (ADR) committee of the Civil Justice Council (CJC) regarding mediation, resulting in amendments to the Pre-Action Protocol for personal injury claims and to the CPR. Alan is past co-author of the Mediation section of the Dispute Resolution module of the Lexis PSL website. He chaired the Commercial Mediation Sub-Group of the Civil Mediation Council's Mediation Sectors Committee.