

# Our mediators



## Tim Russ **PARTNER**

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### Experience

Tim qualified as a solicitor in 1988, becoming a partner in 1994. In 2007, he became a Deputy District Judge and is a practising Notary Public. In his previous firm he headed up an Agricultural and European Law team, developing specialist knowledge in contentious matters within both those sectors, as well as in probate litigation. Tim trained and qualified with both the Centre for Effective Dispute Resolution (CEDR) and the Alternative Dispute Resolution (ADR) Group through their highly acclaimed mediator training courses. Tim is recognised as a Leading Partner in The Legal 500 and Band 2 in Chambers and Partners.

Both organisations are acknowledged as leading authorities, nationally and internationally, in mediation and other dispute resolution techniques. Tim is also a panel member for a number of mediation bodies including the ADR Group, the Association of Midland Mediators, the Association of Northern Mediators and Clerksroom, all of which are nationwide panels of accredited mediators. He is also a panel member for the Court of Appeal, the Professional Negligence Lawyers Association and the Chartered Institute of Arbitrators. As Head of the Roythornes' Agricultural and Food team, he deals with agricultural tenancy matters (landlord and tenant), partnership issues, professional negligence disputes, contentious probate matters and property litigation.

### Mediation

Using mediation as his first recourse to resolving a dispute in whichever discipline, Tim has gained a well-deserved reputation for determining conflicts swiftly and without the need for lengthy (and costly) court proceedings. Over 90% of his cases were settled on the day, or shortly afterwards.

**Recent mediation experience includes:** Rural property and partnership issues, Probate claims, including challenges to Wills on the grounds of lack of due execution, capacity, knowledge and approval and undue influence, Inheritance Act Claims. Challenges to ownership of property and Trust disputes, in particular proprietary estoppel claims and Claims for professional negligence relating to Will drafting and or tax planning.

### Professional Associations

- Chartered Institute of Arbitrators
- British Institute of Agricultural Consultants
- Agricultural Law Association (and former committee member)
- Association of Contentious Trusts and Probate Specialists
- Institute of Agricultural Management
- Worshipful Company of Farmers
- Farmers Club
- Property Litigation Association
- National Farmers Union
- Country Land & Business Association
- Countryside Alliance
- Association of Northern Mediators
- Association of Midland Mediators



## Gavin Faber PARTNER

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### Experience

Gavin qualified in 1999 and has been a partner since 2005. He heads up the Private Wealth Disputes team at Roythornes Solicitors, having previously led a national team. He holds the STEP Advanced Certificate in Trust Disputes and is a full member of ACTAPS. Gavin is recognised as a Leading Partner in The Legal 500 and Band 1 in Chambers and Partners High Net Worth Guide.

Gavin trained and qualified as a mediator in 2007 with ADR Group. He specialises in a wide range of disputes arising out of issues with Trusts, Wills and Estates.

He has expertise in dealing with disputes including: following the breakdown of a relationship between executors/trustees and beneficiaries, breach of duties by executors and trustees, challenges to Wills, claims for maintenance out of Estates, problems with the administration of Estates, and claims concerning Trust or Estate assets.

A large part of Gavin's practice includes bringing and defending professional negligence claims against advisors, including those arising from poorly drafted Wills and Trust instruments and failures to give proper tax or investment advice.

### Mediation

Gavin has a very relaxed approach that enables the parties to feel comfortable and engaged at mediations. As an accredited mediator, Gavin knows when to challenge parties, enabling them to reassess their position and unlock the dispute.

**Recent mediation experience includes:** Claims under Inheritance (Provision for Family and Dependents) Act 1975, challenges to Wills on grounds of lack of due execution, capacity, knowledge and approval and undue influence, breach of Trust claims disputes between executors, trustees and beneficiaries, disputes over construction of Wills and Trusts and rectification, challenges to ownership of property on the basis of resulting and constructive Trusts and proprietary estoppel, commercial contract disputes and sales of goods claims, professional negligence claims against solicitors, trustees, accountants, financial advisers and surveyor and breach of fiduciary duty claims.

### Professional Associations

- Full member of the Association of Contentious Trusts and Probate Specialists (ACTAPS) – co founded the central ACTAPS Group
- Affiliate member of the Society of Trusts and Estate Practitioners (STEP) – sits on STEP Committee Birmingham
- Member of The Association of Lifetime Lawyers (formerly Solicitors for the Elderly (SFE))
- Birmingham Law Society Private Client Committee Member
- National Association of Independent Administrators