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CHAMBERS



## ELIZABETH REPPER

**Call:** 2002

**erepper@keatingchambers.com**

### Areas of practice

— Mediation

### Clerks' Details

**Declan Redmond**

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### Practice overview

Ranked as a mediator in the Legal 500 2015 and appointed to date as sole mediator over 60 times, Liz regularly mediates construction, property, professional negligence, insolvency and insurance disputes throughout the UK. Liz mainly acts as sole mediator, but has also co-mediated very high value and multi-party disputes, including an 8 party dispute.

A tenant at Keating Chambers since 2005 representing clients in arbitrations (domestic and international), adjudications and court hearings (including party wall disputes), Liz has now focused her practice solely on alternative dispute resolution appointments and is available to act only as mediator, adjudicator or other ADR professional.

Liz accepts mediator appointments under the Keating Chambers' Fixed Fee Mediation Packages. She has also been appointed as a TECBAR adjudicator in a valuation dispute and, if required, is available to undertake evaluative as well as facilitative mediation.

Liz is a popular choice with clients who appreciate her "attention to detail", "relaxed style" and knowledge of the subject area. Her success rate as mediator is high; the vast majority of mediations have resulted in a settlement. Recent feedback credits Liz as fundamental to resolving the dispute and providing a positive outcome.

## Mediation

The types of cases Liz has been appointed to mediate include:

- Residential and commercial construction cases (including cases involving liquidators) about unpaid invoices, final accounts, delay, defects, loss of profit and distress and inconvenience.
- Property disputes about repairing obligations, major works, service charge, damage to property and lease renewal under the Landlord and Tenant Act 1954.
- Commercial disputes involving former business partners, company guarantees and the transfer of shares.
- Professional negligence disputes, including claims against architects and solicitors.
- Neighbour disputes about boundaries, easements, rights of way, trees, drainage, harassment and blight.
- Party wall disputes, including cases about property damage.

Liz is a keen promoter of approaching mediation in a dynamic way and is frequently invited by law firms and professional bodies to speak about the latest cases and practical tips for parties preparing for mediation. Her recent talks have taken place in Bristol, Exeter, Glasgow, Cambridge, Norwich and Chelmsford.

Liz is the author of the Practical Law Note 'Mediation of Construction Disputes' and a regular blogger for the Practical Law website. Her articles on mediation have also been published by Building Magazine, JCT Newsletter, the Association of Residential Managing Agents (ARMA), the RICS Property Journal and a Malaysian law firm.

From 1st January 2016, Liz is a member of the Bar Council's Alternative Dispute Resolution Panel.

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*“Liz’s relaxed style puts parties at ease which is invaluable. Very happy, would definitely recommend Liz and use her again.”*

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Feedback on Liz’s style received includes:

- “Thank you for helping the parties resolve this matter. I know that without your involvement a settlement would not have happened as we had tried and failed before.”
- “Liz was a very good mediator. She had clearly read into the dispute and was **very perceptive as to where the main issues would lie**. She also worked hard throughout the day.”
- “Liz’s grasp of the issues and **attention to detail** contributed in no small measure to a positive outcome.”
- “**Very satisfied**. Well prepared and on top of all potential issues. Sensitive to the issues and the personalities and acrimony involved. Gained both sides’ trust, persisted with parties who had previously entrenched themselves on most issues. **Very authoritative and firm**.”
- “I have used the process of ADR on a number of my investigation cases and, having recently engaged Liz Repper for the first time, can confidently state that she is the most accomplished and effective mediator I have used. Liz **adopts a relaxed but no-nonsense approach to mediation**, combined with a very thorough understanding of all issues and the respective arguments and expectations of the parties involved. Her style is to encourage the parties to focus on the desired outcome rather than the minutiae and emotive issues which could otherwise frustrate the settlement process. I can wholeheartedly recommend Liz to anyone seeking an accredited mediator and will most certainly be using her again myself in the future.”
- “Liz’s **relaxed style** puts parties at ease which is invaluable. Very happy, would definitely recommend Liz and use her again.”
- “I found Elizabeth to be a really good mediator, who **knew the subject, understood the clients** and handled everyone really well.”
- “I have used Elizabeth in a number of specialist construction mediations and each time I have been impressed with her **ability to cut through the nonsense** and get the parties to focus on

what really matters. On each occasion Elizabeth has been able to **facilitate a deal being done on the day**. I would not hesitate to use Elizabeth again.”

- “Elizabeth was a **very effective mediator**; she managed to steer a course to a compromise in circumstances where this had appeared entirely unlikely prior to the mediation. She maintained a courteous approach that helped to keep the atmosphere civil and tirelessly went back and forth until a deal was brokered.”

#### Work as Counsel: 2005 – 2014

During Liz’s time as practising Counsel, she represented clients in arbitrations (domestic and international), adjudications, litigation (including party wall disputes and adjudication enforcements), mediations and other ADR meetings.

Liz was instructed as Counsel in disputes of varying value about projects in the UK and abroad. This included a multi-million dollar ICC arbitration about the construction of an office block built abroad in which Liz dealt with, and cross examined on, concrete defects. It also included Liz acting as a Junior on a six week arbitration about the value of a final account under the ICE conditions and, on the instructions of the Treasury Solicitor, in a multi-million pound arbitration about the interpretation of a PFI contract. Liz was also Junior Counsel in *Taylor Woodrow Holdings Limited v Barnes & Elliott Limited* [2006] BLR 377.

Liz also acted as Counsel in adjudications, as well as on adjudication enforcement. Her reported cases include three about adjudication enforcement (See: *J G Walker Groundworks Limited v Priory Homes (East) Limited* [2013] EWHC 3723; *M Rohde Construction v Markham-David* [2006] BLR 291; *Harlow & Milner Ltd v Teasdale* [2006] BLR 359). The guidance from *Harlow & Milner Ltd v Teasdale* [2006] BLR 359 about charging orders and enforcing a sale appears in CPR Part 73.

Liz also acted in claims involving homeowners and commercial clients about defective works, damage to property, nuisance, points of insurance law and harassment, as well as in a successful claim for negligent misstatement made by the owner of a rental property against a local authority which was reported by the local press.

Liz was involved in a number of appeals and injunctions about the Party Wall etc Act 1996 and twice was invited to be an advocate in the party wall moot before Akenhead J.

The popularity of her 2009 Practical Law article on common ways to claim interest also led to her being instructed to advise about interest claims, including in relation to a claim involving bona vacantia.

More broadly, Liz began her practice as counsel acting in road traffic cases and defending claims made against a high street bank, including mortgage claims and claims of harassment.

Chambers and Partners 2010 said Liz is “praised for her thoroughness”...“takes meticulous care over every single point”...“an eloquent drafting style.”

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### Selected Reported Cases

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- *J G Walker Groundworks Limited v Priory Homes (East) Limited* [2013] EWHC 3723 (TCC) (06 December 2013)
- *Taylor Woodrow Holdings Limited v Barnes & Elliott Limited* [2006] BLR 377 TCC; All ER (D) 05 TCC; CILL 2375; EWHC 1693
- *M Rohde Construction v Markham-David* [2006] BLR 291 TCC; BLM Vol.23 No.9 p.11; EWHC 814
- *Harlow & Milner Ltd v Teasdale* [2006] BLR 359; EWHC 535 TCC.

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## Education & Professional Career

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LL.B Law (First), University of East Anglia, Norwich	1998 - 2001
Bar Vocational Course (Very Competent)	2001 - 2002
Paralegal, Construction and Engineering Department: Herbert Smith, London.	2003 - 2004
LL.M Corporate and Commercial Law (Distinction), King's College London,	2004
Pupillage, Keating Chambers	2004
Keating Chambers	2005
Accredited Mediator (London School of Mediation and TECBAR)	2010
Qualified Workplace Mediator	2013
TECBAR Accredited Adjudicator	2013

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## Memberships

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Bar Council's Alternative Dispute Resolution Panel  
Technology and Construction Bar Association (TECBAR)  
Society of Construction Law

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## Seminars, Publications & Papers

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Liz's publications include:

- Bullen & Leake & Jacob's Precedents and Pleadings, 18th Edition.
  - Mediation update: indemnity costs for unreasonable refusal to mediate and no dispute too intractable, December 2015.
  - Are you trading with consumers? Complying with the new ADR Regulations (part 2 with link to Part 1), July 2015.
  - How best to prepare to enter mediation - RICS Property Journal, July 2015.
  - Two rules and some practical tips for mediation - Practical Law, Feb 2015.
  - Why try to resolve a neighbour dispute using mediation - Practical Law, Oct 2014.
  - Briefing on Dispute Resolution - PLC Magazine February 2014.
  - Building Magazine, 17 January 2014, Prepare for Mediation.
  - Review of the Jackson ADR Handbook, November 2013.
  - Bullen & Leake & Jacob's Precedents of Pleadings 17th Edition, Paul Darling QC, Elizabeth Repper, Thomas Lazur and Sarah Williams December 2011.
  - Researcher for 8th and 9th editions of Keating on Construction Contract.
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## Awards

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University of East Anglia Prize for Law (2001)

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## Additional Information

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Mediator and Judge at Worshipful Company of Arbitrators UK Mediation Skills Competition 2014 and 2016.

Mentor, University of East Anglia.

Advocate in the party wall moot before Mr Justice Akenhead, 2011-2013.