



Alistair Pye FCI Arb

Alistair Pye is a mediator with considerable experience in construction and property related disputes. He wins praise for his *"tenacious but controlled style that keeps parties focused on the main issues and gets them to reach a pragmatic solution."* He has additional experience in professional negligence and insurance matters.

Chambers UK 2017

Overview

Alistair Pye qualified as a solicitor in 1989 and worked in private practice until April 2014. Coming from a background in all types of commercial, insurance and property disputes, for the latter half of his legal career Alistair practised as a specialist construction and insurance solicitor-advocate with an international legal practice. He has represented contractors, construction professionals and their insurers in some of the biggest and most complex disputes in the UK - in the courts, arbitration, adjudication and mediation.

Increasingly mindful of the huge financial, managerial and emotional cost of litigation, and passionate about the efficacy of the mediation process as a way of unlocking conflict, Alistair qualified as a mediator in 2006 with the London School of Mediation and developed his mediation practice alongside his legal practice. His first mediation was a £17.5 million distribution agreement dispute between two PLCs - a baptism of fire.

Alistair left legal practice in 2014 to work as a full time mediator and he has developed one of the busiest practices in the UK. He has conducted over 350 mediations, now averaging around 75 a year. With a settlement rate of 90% - well above the industry average - his straight talking, imaginative style has led to resolution of all types of civil and commercial disputes, from modest claims to complex multi-party cases up to £20 million in value.

Alistair is recognised as a Band Two leading mediator by Legal 500 2016, and as a Leading Individual by the prestigious Chambers Guide 2017. Alistair is also a CI Arb accredited construction adjudicator and Fellow of the Chartered Institute of Arbitrators.

Range of Alistair's practice

Alistair mediates all types of civil and commercial dispute, including:

- Banking and financial services
- Commercial contracts
- Commercial Property
- Company and shareholder disputes
- Construction and engineering
- Defamation
- Duress and undue influence
- Employment
- Franchising
- Fraud, deceit and conversion
- Inheritance and probate
- Insolvency
- Insurance (including coverage)
- Intellectual property
- IT and software disputes
- Land and property claims (all types)
- Landlord and tenant
- Partnership disputes
- Pensions and life insurance
- Personal injury
- Professional liability (all professions)
- Public Law disputes
- Restitution and unjust enrichment
- Trespass and nuisance

Alistair's attributes

- Extensive experience at the highest level – Alistair's mediation practice ranges from small yet seemingly entrenched disputes, to high-profile, high-value, multi-party disputes between PLCs.
- Relaxed and easy to engage with yet totally focused – Alistair is known for his energy and tenacity, and encouraging the parties to concentrate on wider interests and common ground.
- Wide-ranging legal practice – with 25 years in commercial litigation, much of it with City firms, and latterly a specialist construction and insurance lawyer with a thriving practice, Alistair's extensive legal experience has taught him that almost any dispute can be resolved through mediation
- Available to work anywhere - based in London and the South West, Alistair travels nationally and internationally for mediation work.

Alistair says

"While my approach to mediation is mainly facilitative, I do not shy away from reality-testing and tough questions. I believe that a mediator trades on his integrity and honesty in encouraging disputants to explore their real interests, as distinct from their legal positions."

Others say

*"Alistair Pye is a **magician**: an intractable dispute, resolved, with smiles and handshakes. His decisions as to how the parties could begin – and maintain – a dialogue were **pitch perfect**."*

Barrister representing a party in an exceptionally acrimonious neighbour / property / harassment dispute

*"Alistair Pye is a **very skilled operator**. I was seriously impressed with his style. Whilst he was sympathetic to the participants, he was not prepared to put up with prevarication and posturing. Because of his personality, he was able to inculcate a sense of **realism** amongst the participants and, as a result, was able to **drive forward** a settlement to a problem that appeared, on more than one occasion, intractable. All in all, **a privilege to watch**."*

Barrister present at mediation of a dispute amongst partners of a solicitors practice

Chambers Guide 2016 says

Alistair Pye attracts praise from market sources for being "**extremely thorough in preparation, coming to mediations knowing the issues and understanding them**." Sources also appreciate his flexible approach to mediation, noting that he is "**pretty tough and resilient when needed, but also friendly, which clients appreciate**." He undertakes a range of mediation work, ably handling commercial, employment and property disputes.

Legal 500 2016 says

Alistair Pye is a mediator with considerable experience in construction and property related disputes. He wins praise for his "tenacious but controlled style that keeps parties focused on the main issues and gets them to reach a pragmatic solution." He has additional experience in professional negligence and insurance matters.

Chambers Guide 2015 says

Recognised as a Leading Individual, Alistair Pye is "**extremely energetic, proactive, open and honest** with clients regarding their aims and expectations."

Sources praise his ability to "**quickly establish the bottom and top lines** so we can move on. Often we can't see the wood for the trees - Alistair can **rise above** that and be objective."

Legal 500 2015 says

Alistair Pye at In Place of Strife uses his "**calm and balanced** approach to inspire **confidence** from the outset". Clients praise his "**professionalism and commitment** to finding solutions", "**meticulous** preparation", "**objectivity**" and "**ability to see the big picture**".

Chambers Guide 2014 says

Alistair Pye is "very **easy-going**, very affable, and very **approachable**." Solicitors appreciate his "**businesslike**" manner and that he "**listens to what people have to say**." Sources say: "He adopts an informal approach to the parties. He identifies the issues accurately and **focuses** on what can be achieved."

Legal 500 2014 says

Recognised as a Band 2 Leading Mediator, Alistair Pye has "**an excellent grasp** of the law and technical issues that often arise", some of which will stem from his previous career as a construction lawyer. Clients like his "**refreshingly direct and clear** approach", whereby he "**steers the parties towards their objectives without prevarication**".

Chambers Guide 2013 says

"Alistair Pye's core strengths include his **focus on wider interests** rather than legal issues, his **tenacity** and his **ability to get straight to the heart of the matter**."

"He combines a **relaxed**, good-humoured manner with **straight talking** and an **exceptionally sharp** analytical brain which instantly builds **trust and rapport** with the decision makers."

Examples of recent cases

- One of the largest and most complex mediations of 2014: a multi-party, multi-million pound engineering dispute arising from a landslip, co-mediated over three days by Alistair and one of the most highly acclaimed mediators in the UK. Settled on detailed terms.
- £1.3 million claim by liquidator of a company to reverse transactions by which company assets were paid away to connected individuals or companies shortly before winding up, on the basis of preferences, transactions at an undervalue, misfeasance and breach of fiduciary duty. Settled.
- A difficult three party mediation of a £1 million insurance dispute arising from a claim by the widow of a former managing director who had a stroke and died before medical underwriting information was passed to the provider of Death In Service Benefit. Settled.
- A complex 4 party, £1 million construction dispute arising from the lease of a hotel to a major hotel chain with allegations of defective refurbishment and rebranding works. Settled on detailed terms.

- £750,000 long running dispute between owners of a manor house and neighbours concerning numerous land issues. Settled by detailed terms.
- £1 million dispute over a distribution agreement for the supply of items for sale in airline magazines. Settled.
- Dispute between household name bank and senior employee concerning clawback of compensation package on termination of employment. Settled by agreeing a financial settlement with detailed terms.
- Final account dispute on a large residential development. Settled by agreeing final figure following additions and deductions.
- Complex multi-party construction dispute between developer, owner of retained land and vendor of development land. Settled by detailed terms and compensation payment.
- Dispute between GP practice partners. Settled by compensation payment to outgoing partner.
- Solicitors' negligence claim relating to failings in completing a charge over a property, resulting in repossession. Settled by compensation payment.
- Dispute between Catholic diocese and a developer over development of a presbytery. Settled by agreeing detailed terms.

Professional qualifications and affiliations

- Private practice commercial litigation solicitor since 1989; latterly a specialist construction and insurance lawyer with an international firm leading a team advising the construction/engineering industry and its insurers in the resolution of professional liability claims against contractors/consultants
- Reputation for excellence in advising insurer clients on coverage issues under professional risk policies
- Fellow of Chartered Institute of Arbitrators
- CI Arb-accredited construction adjudicator
- Practising Solicitor–Advocate with rights of audience in all higher courts (civil and criminal)
- Panel Member of In Place Of Strife
- Founder of Pye Resolve Limited
- Member of the Law Society of England and Wales
- Member of the Civil Mediation Council
- Member of the Adjudication Society
- Member of the Society of Construction Law

Career History

1989 - 2014	Solicitor / solicitor-advocate in private practice
1989 - 1993	Veale Wasbrough: commercial litigation
1993 - 1996	Cameron McKenna (legacy firm): banking litigation and professional risk
1996 - 2012	DAC Beachcroft (legacy firm): commercial litigation, professional risk, construction and insurance litigation

2006	Accredited as a Mediator with London School of Mediation
2006 - 2014	Part time Mediator alongside private practice
2011	Accredited as a Construction Adjudicator by Chartered Institute of Arbitrators
2012 - 2014	Beale & Company: construction and insurance litigation
2012 - present	Panel Member of In Place Of Strife
2014 - present	Full time independent Civil and Commercial Mediator and Construction Adjudicator