



Complex Disputes

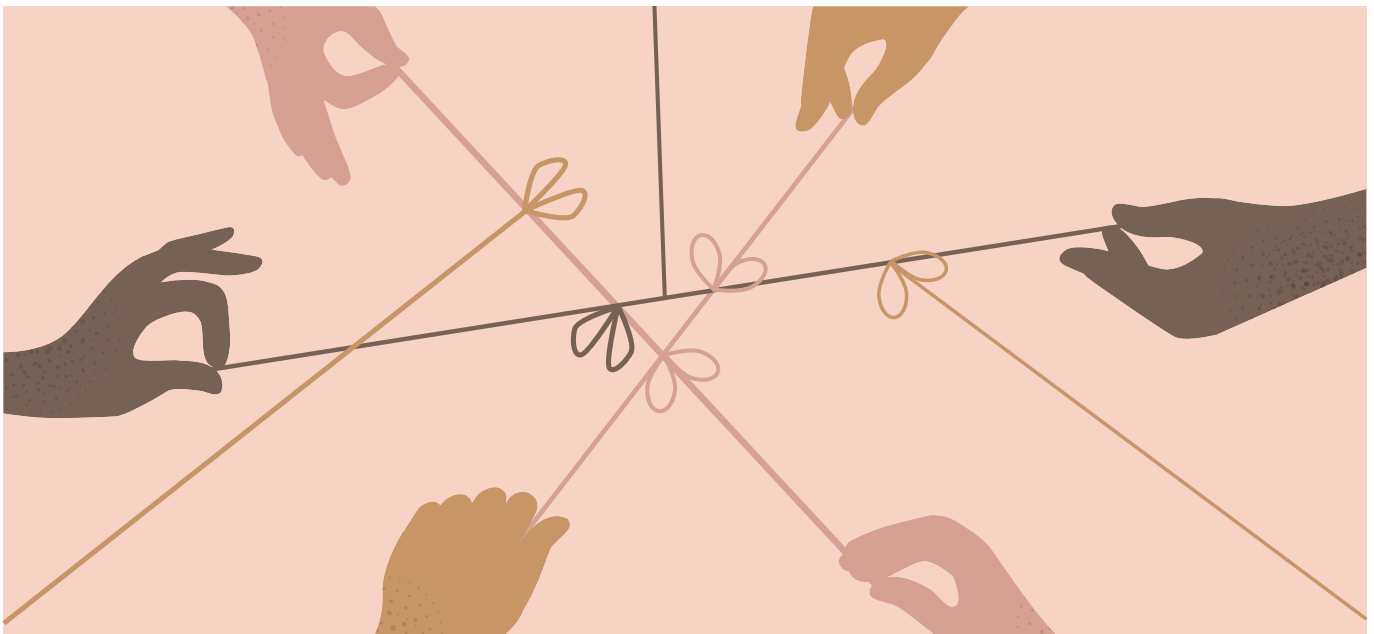
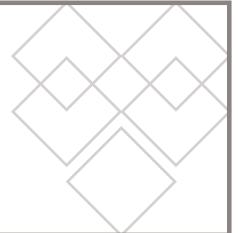
2021



PROFILED:

GWENDOLINE DAVIES

Walker Morris LLP





Complex Disputes



GWENDOLINE DAVIES

Partner

Leeds, UK

Walker Morris LLP

T: +44 (0)113 283 2517

E: gwendoline.davies@walkermorris.co.uk

PERSONAL BIOGRAPHY

Gwendoline Davies is head of Walker Morris' commercial dispute resolution group. She has more than 30 years of experience representing clients in complex and important disputes and has advised on several reported cases. Her practice includes company and commercial disputes, trading disputes, regulatory matters, internal investigations, and domestic and international arbitration. She is an accredited mediator with the Centre for Dispute Resolution, a fellow of the Chartered Institute of Arbitrators and a member of the International Bar Association. She is ranked as a leading individual in her field by Chambers & Partners, Legal 500 and Best Lawyers.

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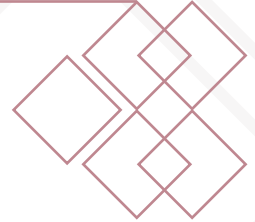


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Q&A WITH GWENDOLINE DAVIES

**In what ways do you endeavour to support the career development of your colleagues rising through the ranks?**

◆ Talent engagement is one of the firm's core values and I am also responsible for arranging training of the commercial litigation team, so it is something close to my heart. I encourage team members to develop distinct areas of expertise. For example, we have colleagues studying to become a fellow of the Chartered Institute of Arbitrators, for a diploma on procurement law and to become a solicitor advocate. Other colleagues have chosen to specialise in pensions law, technology law and media law and I have supported their dedicated training in these areas. I also believe there are significant benefits for team members to go on secondment. It helps younger colleagues to understand not only the commercial and practical context of their legal advice, but also helps them empathise with our clients and gain an in-depth knowledge of the clients' business. They see first-hand the pressures in-house counsel are facing and it ensures our advice is more rounded and commercially focused.

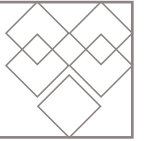
What strengths and characteristics do you, your team and your firm strive to demonstrate to clients?

◆ A major characteristic we strive for is commerciality. Clients do not want lawyers that sit on the fence and tell them the law. They want lawyers who are an extension of their team, who understand the pressures and commercial context and can give them practical advice. To assist colleagues, we have established a key client development programme. This involves each client team meeting regularly to share client knowledge so that everyone understands the commercial context of their advice. It is more than having the best brains in the business. It is about commercial

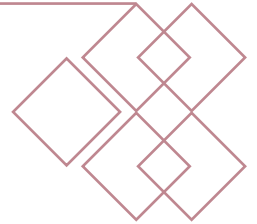


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application and that is something we are very proud of. The other main characteristic is being personable. People work with people they like. One of the key tests I apply in recruitment is the ‘train test’. Would you sit your key client next to them on a train journey? Are they approachable? Do you enjoy their company? If not, why would you work with them?



Reflecting on your area of expertise, how do you see this sphere of the market shaping up over the coming months? Are any exciting trends or developments on the horizon?

◆ We have seen a major push by the courts to develop flexible and cost-effective dispute resolution solutions. The disclosure pilot scheme focuses on using technology and identifying the key issues for which disclosure is really needed. Jointly completing a disclosure review document provides a mandatory framework for early cooperation with a view to agreeing a proportionate, efficient approach. Another topical issue is compulsory alternative dispute resolution (ADR). The courts support ADR as part of the overriding objective of managing cases justly and at proportionate cost. A recent Civil Justice Council report concluded that parties can lawfully be compelled to participate in ADR. Whether and how the use of ADR can be encouraged or required will vary depending on the context. No specific proposals are made but further discussion and reforms are expected. ■

“TALENT ENGAGEMENT IS ONE OF THE FIRM’S CORE VALUES AND I AM ALSO RESPONSIBLE FOR ARRANGING TRAINING OF THE COMMERCIAL LITIGATION TEAM, SO IT IS SOMETHING CLOSE TO MY HEART.”

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**REPRESENTATIVE ENGAGEMENTS**

- ◆ Advising a local authority on its dispute under a PFI/PPP long term waste contract with a contractor, including advising on performance and failure criteria, contractual interpretation issues and applicable penalties.
- ◆ Advising a water company in relation to a dispute with Ofgem regarding the interpretation of the renewal heating incentives, the value of which was significant year on year.
- ◆ Advising a leading coffeehouse chain on a dispute with its logistics provider of chilled food in the UK.
- ◆ Advising a producer of dairy products on a dispute with its warehouse and logistics provider in the UK. The dispute concerns issues with the payment mechanism in the contract, because of which the provider sought to impose price increases.
- ◆ Advising a plc retail clothing chain on a dispute with its warehouse and logistics provider involving issues with its computerised systems which impacted on its bonded warehouse and duties payable and an investigation by HMRC.

