

Martin McCloskey

Civil & Commercial, Workplace and
Online Mediator



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Practice Overview

Martin is now in his fourth year of membership of the ADR Civil and Commercial Mediator panel and is also a member of the ADR Workplace panel. Over the past four years, Martin has helped literally dozens of parties amicably resolve their differences to achieve a mutually acceptable conclusion for the benefit of all stakeholders.

A passion for fast, pragmatic, open discussions is the best way to identify and resolve differences. Martin establishes early on in a mediation for each party "what good would look like" for resolution of their differences, allowing the people in the dispute to focus on a brighter future for them, their colleagues and their business objectives, rather than regressing to the dispute laden past. Exploring the parties' positions and teasing out their real needs and aspirations from the mediation can derive a pragmatic resolution to even the most intractable disputes.

After completing fifty mediations as Group Legal Counsel for a UK FTSE top 50 company, Martin is adept at helping clients amicably resolve their differences through civil, commercial and workplace mediations. With a passion for fast and effective dispute resolution through mediation, Martin is seen as a thought leader in the latest dispute resolution best practice. Having managed many litigations, thoughts turned to "there must be a better way" to resolve commercial and workplace differences through early engagement in mediation. Martin brings "a breath of fresh air" to stale energy and budget sapping disputes.

Professional Background

Martin has extensive corporate business and governance experience gained as a director of more than thirty companies in ten jurisdictions. He has always had crystal clear vision to distil out the parties' business and personal objectives to allow him to sell the benefits of amicably resolving differences so the future is infinitely better than the litigious and dispute oriented past.

Martin has personally managed a wide range of businesses both directly and through outsourced business models.

Endorsements

"Having worked with Martin on a number of substantial and difficult mediations concerning significant construction disputes valued at up to £100 million, I find him tenacious and straightforward. He is also very commercial in his approach and has shown himself able to bring the parties together in an appropriately managed forum to quickly establish if there is a deal to be done and to suggest terms of compromise. In my experience, he has demonstrated beyond question that he is able to both identify and sell the solution. I would thoroughly recommend Martin as an ADR accredited commercial mediator."

Andrew Denton, Managing Director, Pinsent Masons Australia.

"I have worked closely with Martin on a number of high profile disputes. I have always been impressed by Martin's ability to focus on and unlock the key issues in dispute. A consistent consequence of this is that the disputes that appeared almost impossible to resolve commercially are invariably settled on sensible and pragmatic terms." Simon Twigden, Senior Partner, Enyo Law LLP

"Martin McCloskey has years of experience of commercial and legal conflicts at the highest level. He brings a calm, authoritative and insightful approach to mediations and builds trust easily in difficult environments. He has the skills, experience and patience required of an excellent Mediator." Clive Seddon, Partner, TMT Practice, Pinsent Masons LLP

"I have worked with Martin McCloskey for more than 15 years as my main point of contact at a key client, on cases ranging from difficult contract negotiations to complex disputes involving significant sums. Martin has a highly-developed ability to recognise when a line of argument or enquiry has played out, and then to identify another route for preserving dialogue while this still offers a reasonable prospect of reaching a solution. Whilst never losing sight of his own company's key drivers, he also retains a clear appreciation of the other party's commercial drivers / objectives, and emotional "hot buttons". I have observed him sustain this approach throughout long days and even nights of frustrating negotiation. Even during protracted and highly-charged negotiations Martin always remains cool, courteous, and absolutely focussed on the issues which really matter. I have also seen him lower the temperature of some fraught exchanges by the deft application of humour. He is able to assimilate "the numbers" and read between the lines. His roles have given him invaluable first-hand experience of commercial litigation and mediation as an officer of one of the parties concerned, which I am sure will offer a clear appreciation of both the outcomes sought by those involved in commercial disputes, and the pressures under which they operate. Martin's integrity, skills and personality will I believe make him an excellent mediator." Deryck Houghton, Partner - Commercial Group, Freeths LLP

Other Experience

Martin has directly managed a wide range of public and private sector organisations in client and supplier roles, providing business process outsourcing services, software development, systems integration and information technology projects. Martin has been responsible for strategic direction and management of service delivery, legal and commercial services and corporate governance of UK and overseas companies, including alternative business structure law firms. Procurement assignments for intangible products and services have also been managed.

Overseas assignments have included integration and growth of business acquisitions in India and Poland, plus the creation and operational management of a start-up shared service centre.

During previous roles, Martin had twelve years' working in UK local government including five years as client services manager for a large unitary authority. Prior to local government service, Martin worked internationally for a world-wide fast moving consumer products group.

Articles and Publications

Carillion: Root Causes - [Click to download](#)

Personal Interests

Outside of work commitments, Martin is chair of the finance committee for a local charity and is also a trustee for a large charitable trust.



Areas of Specialism

Accounting
Banking
Bankruptcy
Boundary Dispute
Civil Fraud
Commercial
Company
Construction
Contract
Debt Recovery
Engineering
Health & Safety
Healthcare
Insolvency
Insurance
Intellectual Property
IT
Landlord & Tenant
Licensing
Partnership
Professional Negligence
Property
Real Estate
Regulatory
Shareholder Dispute
Social Housing
Transport
Workplace