



Sir Henry Brooke

Call date

1963

Silk date

1981



Mediator Biography

High Court Judge: 1988

Lord Justice of Appeal: 1996

Accredited Mediator: 2006

Professional Background

Sir Henry Brooke was called at the Bar by the Inner Temple in July 1963, and practised for 25 years at 2 Crown Office Row and Fountain Court Chambers. He was appointed to the panel of Junior Counsel to the Crown (common law) in 1978 and took silk in 1981.

Sir Henry had a wide-ranging common law practice at the Bar. As a silk, he acted as Counsel to the Sizewell B Nuclear Power station Inquiry for two years, and also as one of the DTI Inspectors into the 1985 takeover of Harrods by the Fayed brothers. He also chaired disciplinary tribunals at Lloyd's and acted as a commercial arbitrator.

As a judge, Sir Henry was again involved in a wide range of common law cases. In the Court of Appeal he gave the leading judgments in the commercial cases of *Kuwait Airways Corporation v Iraq Airways Company* and *Equitable Life Assurance Society v Ernst and Young*; in the defamation cases of *Cruise v Express Newspapers Ltd* and *Loutchansky v Times Newspapers Ltd*; and in the clinical negligence case of *Parkinson v St James & Seacroft University Hospital NHS Trust*. He was Vice-President of the Civil Division of the Court for his last three years on the Bench.

He was Chairman of the Law Commission from January 1993 to December 1995.

Until July 2011 he sat occasionally as a member of the Judicial Committee of the Privy Council or or as a judge in the Court of Appeal.



Mediation experience

After he retired in 2006, Sir Henry was trained and accredited as a mediator by CEDR, ADR Chambers and the Regent's College School of Psychotherapy and Counselling. Since January 2007 he has carried out over 125 mediations. He is a member of the CEDR Direct panel of mediators and is listed in the Legal 500 list of mediators (2010 edition).

Areas of mediation practice include:

Commercial and insurance

Family Property and inheritance disputes

Defamation

Fatal Accident and catastrophic loss cases

Construction disputes

Public law cases

Examples of recent or current mediations include:

The settlement of a £9 million professional negligence claim with cross-jurisdictional issues;

The settlement of a complex £3 million claim for psychiatric injury arising from the death of a child;

A £160 million fire insurance claim with cross-jurisdictional issues

The settlement of two substantial claims for damages for libel involving national newspapers;

The settlement of a number of substantial fatal accident and catastrophic loss claims;

The settlement of a number of complex clinical negligence claims;

A multi-million pound claim in the banking industry;

The settlement of a number of anxious claims arising out of disputed wills or complaints about a testator's failure to provide adequately for family members.

Feedback

"Excellent mediator; listened to client's position and tested strengths/weaknesses in a way which achieved a reasonable settlement given issues of fact/law."

"The mediator was fantastic at pointing out the risks to both sides. This undoubtedly narrowed the issues even if it did not settle. "

"Sir Henry did a magnificent job in securing a result in a difficult case. .. The Parties never agreed anything on the issue of liability; there were no offers. Quantum, too, had its problems. It will have been obvious to him how far apart the Parties were. That he was able to broker a deal was a real achievement. His relaxed style was most effective."

"Authoritative and good at controlling dominant personalities."



"I think it all went surprisingly well. It was a very good day! He is very well regarded with an incredible reputation. His experience in the Court of Appeal and his gravitas was what made us pick him among the other recommended mediators."

"Sir Henry's mediation skills were excellent; he facilitated a settlement when we feared we would not reach one."

"Sir Henry was chosen because their Counsel thought he was just the right man for this dispute, which was quite complex and had a lot of accounting/number crunching involved. Sir Henry was very good with it."

"A wonderful job in unpromising circumstances."

"Before Sir Henry's arrival on the scene, I had given the process a less than 20% chance of success: and so the fact that a result has been achieved is due very largely to the part he played in the process."

"The settlement was, I think, pretty fair. Sir Henry's help in this regard was immense, and I cannot imagine anyone better suited for this role. I would also like to thank him for the way he put my client at ease."

"We wish to advise that the above matter settled today. We thank you for your assistance in this matter which no doubt greatly contributed to the eventual settlement."

Other mediation activities

Sir Henry has since 2007 been Chairman of the Civil Mediation Council. He speaks, writes and lectures regularly on the benefits of civil and commercial mediation both in this country and abroad.

Other experience

National Service in the Royal Engineers (2/Lt, RE)

First class honours in classics and ancient history at Balliol College, Oxford

Formerly a Board member, the Institute of Advanced Legal Studies

Formerly a member of the Advisory Council, the Oxford Centre for Socio-Legal Studies

Formerly Chairman, the Centre for Crime and Justice Studies

Formerly President of the Society for Computers and Law

Chairman of the Trustees, the British & Irish legal Information Institute (BAILII)

President of the Lord Slynn of Hadley European Law Foundation

Formerly a Trustee, and now a Fellow, of the Wordsworth Trust

Chairman of the Trustees, Prisoner of Conscience Appeal Fund