



CEDR Accreditation: 2005  
CEDR Practice Group Admission: 2012

Languages: English

Location: Hong Kong

## Mediator's Picture

### David Ravenscroft

**'...thank you so much for having played such an integral part in the process of keeping us out of court'**

#### Overview

David Ravenscroft has practiced law for over 35 years and has experience of a wide variety of disputes and dispute resolution processes.

#### Professional Background

He started practice with a city firm in London in 1976 as a specialist in probate, trusts and wills. He handled a wide variety of family and international trusts and also dealt with issues of international domicile and capital transfer tax. In 1982 he moved to Hong Kong since when court work and more latterly dispute resolution in all its forms has been his primary focus.

Since 1985 David Ravenscroft has practiced from his own firm in Hong Kong, and now its successor firm Ravenscroft & Schmierer, representing a broad cross-section of individuals from many different social, occupational and ethnic backgrounds as well as corporations and other entities. Instructions have been received locally as well as from Asia, the Indian sub-continent, Europe and North America. He has been a Notary Public since 1990.

#### Expertise

- Banking & Finance
- Insurance
- Professional negligence

- Commercial Contracts
- Employment and workplace
- Family
- Intellectual Property
- Partnership / Shareholder
- Personal Injury
- Supply of goods / services
- Trusts, Wills & Probate
- Enforcement of foreign judgements

## **Style**

David Ravenscroft considers flexibility and open-mindedness to be two of the keys to successful mediation with so much depending upon the personalities involved and the varying approaches of the parties. He appreciates that the human factor and emotional perceptions are often contributory factors to disputes. He favours early contact with those involved and a down-to-earth, problem solving style both between and within the parties. With the complexity of many modern disputes he recognizes both the importance of attention to detail and the need to keep well in mind commercial realities and the 'big picture'.

## **Dispute Resolution Experience**

*(Including Non-mediator work which is in italics)*

In the court litigation field David Ravenscroft has experience at all court levels up to the Court of Final Appeal of a very wide variety of cases, although often involving some kind of contractual dispute, both local and international. He conducted one of the last appeals, and the last successful appeal, from the Hong Kong Court of Appeal to the Privy Council in London.

More recently, he has worked on mediations in Hong Kong and the United Kingdom. Below are examples of the mediations and other cases he has handled.

### **Commercial Contracts**

A mediation over the provision of call centre services to an international tour operator where the agreement was contained in an exchange of email correspondence.

A mediation between a hotel and contractor over the interpretation of conflicting agreements and the calculation of monies due, creatively resolved by the parties agreeing to conduct further business

### **Employment and workplace**

A mediation between a bank and one of its best paid employees relating to compensation following his departure. This involved the interpretation of complex and conflicting documents.

### **Insurance**

*A dispute between the shipper and an international carrier of goods following their non-delivery.*

### **Intellectual Property**

A mediation between the licensor and licensee of gaming software and the terms of its use internationally.

*Disputes between European manufacturers of high-value watches and manufacturers in Hong Kong.*

**Personal injuries**

*Numerous disputes relating to factory, construction site and running down accidents and injuries sustained in public places.*

**Professional negligence**

A mediation between a surgeon and his patient following unsuccessful elective surgery – an interesting case where a meeting between the surgeon and his patient proved pivotal.

**Enforcement of foreign judgements**

*On a number of occasions enforcing foreign judgements in Hong Kong.*

**Probate**

*A dispute between a child born out of wedlock of a well-known personality and other members of his family and the executors of his will.*

**Others**

A mediation arising out of a claim for damages for malicious prosecution.

**Other dispute resolution experience and activities**

David Ravenscroft is accredited to HKMAAL, the Hong Kong Mediation Council and the Law Society of Hong Kong, to the latter as an International General Mediator. He is former Secretary of the Commercial Committee of the Hong Kong Mediation Council.

He first trained as a mediator with the Accord Group and subsequently spent time as an intern at the mediation offices of Gregg Relyea in San Diego.

As well as conducting lectures, seminars and workshops on the practical aspect of mediation he has written on mediation for the Hong Kong Lawyer magazine and the Asian Dispute Review.