

## David Richbell (1943 - 2018)

Karl Mackie, CEDR Founder President, writes a personal reflection.

“It is with great personal sadness that I heard the news that David Richbell passed away yesterday, on Tuesday 25 September 2018. David was CEDR’s first formal Director of Training and joined the organisation first as a part-time consultant in late 1993 at a time when mediation was still in its infancy. David had until then been a chartered construction surveyor by professional background, but also a lay preacher. Both elements were to be significant in the skills he was to bring to the second half of his life as a mediator, particularly in construction cases, and as a trainer.



I remember meeting David on the shorter CEDR mediator training programmes that were run from CEDR’s inception in 1990 and being struck by his obvious personal enthusiasm and excitement for the prospects of mediation becoming even more mainstream. His experience in the many common building disputes was a clear signal that ‘things could be done better’, but he also brought from his life and religious background a belief in peace and reconciliation which was to remain a core mission for the rest of his life. That probably helped him stay friendly with lawyers as a group too though he had at times a tendency to be sceptical about their role in mediation! He was to be a vibrant example of CEDR’s early policy to value multidisciplinary mediators rather than focus solely on lawyer-mediators. But at heart, David had found his passion and it was to stay with him for the rest of his career in the field, and indeed something he passed on to his own family - his son Oliver trained at CEDR and via other contacts in the field before joining his father in their business.

Another talent that was obvious to me and why I suggested he take up the role of CEDR Director of Training, David was an excellent project manager and one used to dealing with detailed budgeting and numerous systems for allocating role players to groups! And this talent for good project management was not only to help with the professional structure of the CEDR programmes, it also proved invaluable to the many other ADR projects which CEDR was undertaking to raise awareness of ADR in the legal profession and beyond through the 1990s until David moved to equally apply his talents and enthusiasm to set up his own business in 2002, concentrating initially on advanced mediation development.

I have many vivid memories of the time we worked together, but particularly one co-mediation project where we both travelled to an Asian jurisdiction for several mediation sessions over a few months, around problems with the construction of a gas processing plant. David as always brought a deep commitment to our efforts to build relationships and connectivity in what was an inauspicious environment, as well as to the nuts and bolts of technical challenges on the project. But for both of us, we experienced a new phenomenon in mediation when an anonymous ‘fixer’ telephoned us out of the blue at our hotel one evening where we were planning the next day’s session, to say that they could for a monetary sum ‘arrange’ a settlement figure if we wished to finalise matters the next day. There was never any question for either of us of using this new technique to keep up our settlement rate, but it provided a good story about ethics and what is appropriate disclosure to the parties for several training courses after that! David’s continuing engagement in numerous

mediations made him an ideal person to focus on professional development and standards in the field which he did personally and through his commitment to the Civil Mediation Council.

Finally, David was deeply interested in people and I and others found him an engaging personality who could quickly open up dialogue with a variety of people from many different backgrounds and cultures. He came to see me only a month ago to talk through various issues around current developments in the field. He was what the author Malcolm Gladwell has described as a true 'connector' whose energy and ability to change the world came from a deep interest in people, willingness to engage, and inclusiveness rather than elitism or competition. This was particularly a quality that was to endear David to the wide spectrum of the people he met through his career in mediation. It was to be a common refrain over the years that people had built a lasting and individual friendship with David and found him someone who generously reciprocated with his time and listening skills especially during the times when they had their own significant challenges in their work or family lives. He will be sorely missed by those of us who knew him as well as across the field of mediation training and development."

**About David:**

David was a full-time Director with CEDR from 1996-2001 and Consultant Director with CEDR since 1993 and in that time was responsible for the development and delivery of CEDR's mediator training courses and development of standards for commercial mediators.

Accredited by CEDR in 1992, he also trained with Endispute (Boston) in 1995 and then on the Harvard Advanced Mediation course in 1996, becoming one of the most experienced trainers of commercial mediators in Europe.

David's professional background was in construction and property and this featured prominently in his mediation practice. Construction was the subject of one of his well-received books on commercial mediation. In this book (*Mediation of Construction Disputes* - Blackwells, 2008) David said in his Introduction, that his purpose in writing the book was to "*...attempt to deliver to the [construction] industry that I love, a book that will help restore common sense to its disagreements and so allow it to become an even more human and respected industry than the one I left.*"

After CEDR, David went on to have connections with many other ADR institutions in this country including the Chartered Institute of Arbitrators, In Place of Strife and the Sports Dispute Resolution Panel. David served as an elected board member of the Civil Mediation Council for many years and also performed other important roles within the organisation.

David also worked to include mediation in religious disputes and was involved in the initiation of the Church Conflict Mediation Network.