Cam Wareham

+44 (0)207 404 5252

clerks@4-5.co.uk



Practice Summary

Professor Cam Wareham is a specialist Arbitrator and Mediator in the field of life sciences, pharmaceuticals and biotechnology, with over 20 years of experience specialising in the resolution of disputes within these sectors. He frequently handles complex, multi-party issues, leveraging his extensive background in management, contract and licensing disputes, research and development partnerships, healthcare team performance, and insurance disputes. Cam's approach combines his deep knowledge of both practice and academia to facilitate negotiations or make binding arbitral decisions, when necessary, effectively navigating conflicts to find resolutions.

Cam's unique expertise stems from his blend of academic and clinical medical science experience and formal legal qualifications. This combination allows him to adeptly manage disputes related to employment, intellectual property, commercial licensing, and contract disagreements in the life sciences, pharmaceutical development, and biotech industries. His reputation for providing expert opinion in challenging and intricate disputes has made him a sought-after mediator for a wide range of issues, including those involving practitioner groups, national health service providers, and professional organisations.

Cam's extensive experience is recognised across multiple jurisdictions, including Scotland, ROI, Australia, New Zealand, and England & Wales. He regularly works with NHS Resolution England and Legal and Risk Services for NHS Wales, appearing in regulatory matters involving various healthcare professionals. His notable roles include serving as the Presiding Chair of the Clinical Governance and Fitness to Practice committee of a Surgical College in Australasia, providing determinations for Health Care Complaints Commissioners, and holding board positions with the Department of Health/MHRA (UK), a specialist surgical Royal College, and a UK Biotechnology start-up. Cam is a Professional Conduct Committee member for the Chartered Institute of Arbitrators and sits Chair of the Disciplinary Committee for the Hertfordshire Rugby Football Union. Cam maintains strong ties to education through senior teaching positions and his current role as a Professor in the School of Law at the University of Sunderland.

Sector Expertise

· Life Sciences, Pharmaceuticals & Biotechnology

· Research and Development - Partnerships

· Civil, Clinical and Commercial Dispute Resolution

· Disciplinary and Professional Negligence

· Life Sciences, Pharmaceuticals & Biotechnology

Cam's first-hand experience includes matters relating specifically to Research and Development (R&D) disputes and, Intellectual Property licensing agreements, patent protection, 'Know- How' and Trademark issues (IP), Healthcare partnerships and Provider contractual disputes (payors and providers).

Cam appears on the World Intellectual Property Organisation (WIPO) and the International Chamber of Commerce (ICC) panel lists as Arbitrator and Mediator.

Cam approaches these challenging and complex cases with a focus on timely and effective case management. Disputes in this sector require significant experience and understanding of the technical aspects of the matter. Parties engaging in dispute resolution frequently wish to appoint an expert arbitrator who understands licensing agreements, breach of copyright and trademark and the remedies required. Confidentiality is key, as is the robust management of evidence and witnesses. Cam is described as an arbitrator who is mindful of the commercial nature of the disputes, who exercises flexibility but is unafraid to ensure parties stay within the objectives of the arbitral agreement. He is described as having.

"Cam is very bright. He has a 'laser-like' focus, quickly determining the issue at hand and making robust decisions which are evidenced and balanced". Counsel (USA)

Research and Development

Cam has a deep understanding of the process of development of new and novel technologies, the partnership agreements and disputes which can arise. He has a working knowledge and familiarity of license agreements and breach within the sector. Cam has 'board-level' experience of clinical drug development and currently sits as a clinical board advisory member for a UK based biotechnology company. He is very familiar with clinical trials and medical device manufacturing and licensing, including understanding the processes required by the ABPI, MHRA and the FDA. Cam is very aware of the differences in the dynamics of partnership relationships, especially where the parties may represent those in industry who are in disputes with those in higher education and research institutions.

National and Trans-National Partnership disputes (including those within Universities and Private sector manufacturers) can occur due to delays in product development, patent protection breach, international investment agreement issues and licensing disputes. Covid-19 disputes have raised issues requiring 'specialist' knowledge, the need for confidentiality clause enforcement, and scrutiny of supply chain management.

Litigation may be halted by interlocutory proceedings and injunctive relief, both of which can be addressed by arbitration and mediation.

Cam's approach relies upon a multi-dimensional view of the dispute. Frequently complicated and technically demanding, his approach is dependent upon the parties wishes. Cam uses Mediation and Expert Determination where required but can quickly employ Arbitration as needed. He is familiar with the highly technical nature of medical device product development, clinical trials, bioengineering of devices and the rigorous testing mechanisms employed to ensure product safety. Cam's unique background in Medical Science and Law, allows him to understand the nature of the parties' dispute, their need for confidentiality, commercial sensitivity and a 'common sense' approach.

Cam employs mediation where relationships matter. He focuses on the interests of the parties first and foremost and will frequently go out of his way to find and broker agreement for novel solutions so that parties can move forward. Cam uses both facilitative and evaluative styles of mediation where required.

He is comfortable Arbitrating a wide range of disputes, especially those which focus on the manufacture of medical devices or those which are aimed at highly regulated sectors. Cam is very familiar with both the development and 'end user' experience having been a practicing clinician for many years. He approaches matters with a commercial mindset, cognisant of the necessity to resolve the matter in a fair and logical fashion. Cam is noted for being detailed and precise.

"Cam is known for his detailed and analytical approach to every aspect of his practice. His attention to detail and the ability to grasp the key essential aspects of a case are his most attractive skills when dealing with cases of considerable complexity". Counsel (UK-Bar)

Arbitration

Arbitration approach

Cam appears on several panels, including the WIPO, AMINZ, ICC, CIArb, Arb Ireland, SCC, Cayman and Abu Dhabi Panels. He is also on the specialist roster for the American Healthcare Lawyers Dispute Resolution scheme.

Cam's approach is to be proactive with formal procedural matters, ensuring that flexibility to the parties' requirements is key. He takes his role seriously and commits time and effort to each case, ensuring that he is not over committed or unavailable. Cam has a specialist knowledge in the Life Science and Healthcare sectors meaning that he has a unique skillset with a working knowledge of the dispute in addition to the legal framework. Confidentiality is important as is Independence and Impartiality. Cam is robust in managing 'tactical' strategy in arbitration, ensuring that parties are treated equally and fairly. Despite his specialist skillset, Cam is equally adept at matters of a more general civil or commercial nature and as such holds a diverse caseload.

Mediation

Mediation Style

Cam holds both CMC and Scottish Mediation accredited qualifications having been trained in all theoretical forms of mediation for commercial / civil mediation. He is often asked to mediate disputes in the Life Science and Healthcare sectors. He is a WIPO, ICC, AMINZ and CIArb accredited mediator. Cam is registered with the Hunt ADR Panels, Cayman, Abu Dhabi, SCC Panels and works closely with Trust Mediation on NHS Resolution mediations. He believes that parties to mediation strive for different outcomes. His role is to narrow areas of disagreement and bring consensus where possible. Cam is fearless in his pursuit of 'reality checking' positions, using an 'interests-based' approach. He is known for his tenacity in pursuit of resolution.

Civil, Clinical and Commercial Dispute Resolution

Cam is very strong in the management and resolution of civil disputes. He has mediated and represented numerous disputes related to clinical and professional negligence before domestic courts in several jurisdictions. Cam has significant experience and deep understanding of regulatory frameworks and compliance. He is sensitive to issues of power imbalance and disputes between large employer and hospital systems such as the NHS and other national hospital systems. Additionally, he has significant experience in the litigation of personal injury and clinical injury before the High Court in England and Wales.

Cam is considered as a 'powerhouse' in the defense of clinical practice, frequently being called upon for his expert opinion work.

He is very familiar with the mediation of partnership and licensing or service contract disputes on both small scale and larger scale, affecting those on NHS contracted provider lists as well as those who undertake the representation of significant and sizeable professional groups. Cam has been effective in his use of mediation as a strategy to assist those who require an ongoing professional relationship.

His other work includes sitting as sole arbitrator in commercial disputes. Cam has experience in arbitrating several claims related to the travel industry, claims of related personal injury and loss of enjoyment and diminution of value. He has acted as sole arbitrator in relation to contractual disputes of a financial nature and those where service provision has been contested.

Cam is able to dispose of disputes through 'desktop' analysis on papers alone, expedited proceedings and those under specific schemes and rules. His approach to parties is one of 'farness' often appreciating the imbalance of power between parties. Mindful of the need to assess matters on merit, Cam is adept at dealing with highly charged and emotional parties, especially where claims are of significant value or are of a 'high stake'. He handles oral testimony well, and manages parties with a friendly but form approach, 'reality checking' positions and challenging evidence where required. His decisions and opinion are known for being fair and balanced.

"Cam is helpful, knowledgeable, and empathetic. He has a great knowledge of process and litigation, especially within healthcare – I would not hesitate to recommend him to any of my colleagues". Defendant in a clinical claim

Disciplinary and Professional Negligence

One of Cam's strengths is around discipline and professional negligence. He currently sits as a Panel member of the Professional Conduct Committee for the Chartered Institute of Arbitrators and

is a Chair of the Hertfordshire Rugby Football Union’s Disciplinary Committee. He has appaired before the Health and Care Professions Council Regulator and was the Chair of the Professional Conduct Committee and Clinical Govern Committee for the Australian Association of Podiatric Surgeons.

Cam has heard a large volume of cases concerning fitness to practice, negligence and concerns of misconduct. He is regularly asked to determine or advise on cases related to professional discipline and practice across several jurisdictions. Cam is sensitive and publicly minded in his approach, balancing the need to maintain public confidence in the professions as well as being mindful of the impact of regulatory proceedings on individual practitioners and professionals.

In his role as a Disciplinary Chair, Cam has dealt with numerous cases of foul play, referee and official abuse, spectator abuse, coach-child safeguarding issues and poor sportsmanship. Cam is knowledgeable across a wide range of concerns having played and later refereed Rugby Union at county level. His clinical and medical science background give him significant insight to anti-doping, EPA enhancement and conduct proceedings.

His approach is to be fair but firm. He has an excellent grasp of various laws of conduct and procedure. He is known to be.

“Cam is quick to grasp the matter. He asks precise and pertinent questions of witnesses. He is compassionate of the young or ‘community’ player but above all he is fair”. HRFU Panel Member

“Cam was pivotal to my case before the HCPC. He understood the gravity of the proceedings and was fearless in his representation of me”. Professional Conduct Proceedings Defendant.

Experience

Arbitration

- CC v RR (International Arb Case): Appointed under CIArb rules and AA 1996, Seat (England). Sole Arbitrator appointed to determine issue of performance and breach of contract (Finance). Issues of party misconduct and failure to provide evidence featured heavily.

- CC v RR (International Arb Case): Appointed under CIArb rules and AA 1996, Seat (England). Sole Arbitrator appointed to determine issue of performance and breach of contract. Procedural order, disclosure schedule followed by settlement – Award and Agreement by consent.

- CC v RR (International -Ad Hoc): Arbitration under UNCITRAL rules to determine claims relating to respondents’ failure to supply goods, counter claim (fraud) and multiple personae. Settled following issue of Procedural Order.

- CC v RR (International - Ad Hoc): CIArb exam Arbitration under UNICTRAL model rules, Construction and failure of design and build project. Issues of jurisdiction, Bifurcation of proceedings. Contested hearing and issues of admissibility of Evidence, and award rendered to Claimant with interest.

- CC v RR Ltd (ABTA- Domestic): Under the ABTA Arbitration Rules & Arbitration Act 1996, claim for misrepresentation and breach of contract, specific performance. Award to Respondent.

- CC v RR (ABTA- Domestic): Under the ABTA Arbitration Rules & Arbitration Act 1996, claim for breach of contract, specific performance. Award to Claimant.

- CC v RR (ABTA- Domestic): Under the ABTA Arbitration Rules & Arbitration Act 1996, claim for breach of contract, specific performance. Procedural award and Partial Award to Claimant.

- CC v RR (ABTA- Domestic): Under the ABTA Arbitration Rules & Arbitration Act 1996, claim for breach of contract, specific performance, Personal Injury. Award to Respondent.

- CC v RR (ABTA- Domestic): Under the ABTA Arbitration Rules & Arbitration Act 1996, claim for breach of contract, specific performance. Nuisance. Award to Respondent.

- CC v RR (ABTA- Domestic): Under the ABTA Arbitration Rules & Arbitration Act 1996, claim for breach of contract, specific performance. Nuisance. Award to Claimant.

- CC v RR (ABTA- Domestic): Under the ABTA Arbitration Rules & Arbitration Act 1996, Travel Regulations 2018, claim for breach of contract, specific performance, Loss of Enjoyment, Lack of Continuity, Multiple claims for Injury. Award to Claimant.

- CC v RR (ABTA- Domestic): Under the ABTA Arbitration Rules & Arbitration Act 1996, Travel Regulations 2018, claim for breach of contract, specific performance, Loss of Enjoyment, Lack of Continuity, Award to Respondent.

- CC v RR (ABTA- Domestic): Under the ABTA Arbitration Rules & Arbitration Act 1996, Travel Regulations 2018, claim for breach of contract, specific performance, Loss of Enjoyment, Lack of Continuity, Award to Respondent.

Mediation

· Cam has mediated several disputes, frequently related to healthcare, however not exclusively ‘medical’. Mediation skills include both Facilitative and Evaluative approaches.

• P1 v P2 (NHS): Appointed to mediate (NHS Resolution) Commissioned by the NHS to mediate a case currently in litigation regarding failed foot surgery. Partial liability already admitted, quantum was at issue. Issues successfully narrowed to allow parties to concentrate on possible approaches to resolution.

• P1 v P2 (NHS): Appointed by Respondent and Claimant (jointly - Ad Hoc) to mediate a claim of poor care following RTA and fracture failure to heal. Multiple heads of claim with quantum spanning multiple facets of projected disability. Parties settled on compensation and quantum 48 hours later.

• P1 -Surgical College (Aus) v P2 Surgical College (Aus): Appointed by parties to mediate a long (20 year) dispute, with 3 failed attempts to merge. Heads of issues related to Personas, reserved Positions on the Board, Educational process. Mediation over 2-day period with multiple representations. The merger went ahead following 2 failed MOU attempts six months later.

• P1 Employee (NHS) v P1 Employee (NHS). Inter-departmental conflict mediation with 2 HoD’s. Mediation (half day) involved discussion on case mix, allocation of operating space and resources and training experiences. Solutions and pathways created with disputants agreeing resource sharing.

• P1 x2 NHS Consultants v P2 (Independent Hospital) Management Team. Mediation of grievance, unfair restrictive practice and overly punitive response to settled complaint. Mediation involved reality testing, grievance development and reframing. Parties settled on agreed pathways of care and restoration of practice rights.

• University - Australia: Employee workplace mediation. Senior staff members in conflict over allegations of bullying and harassment, unfair treatment and complaints against Fair-work Australia principles. Evaluative mediation and outcomes over a half day mediation.

Regulatory (Expert Opinion & Consultation)

· NHS Trust v Anon: Commissioned by the NHS to investigate and opine on a large series of complaints against a Consultant Surgeon (13 separate complaints) for clinical mismanagement and adventure, resulting in Disciplinary action against the practitioner.

· HPDT and DJ v P (NZ): Instructed to opine by Counsel in a Health Practitioners Disciplinary Tribunal action against a practitioner who was subject to a large series (5 specimen) complaints of clinical negligence and Fitness to Practice, resulting in dismissal from the Register.

· NHS trust v Anon: Commissioned by the NHS to investigate and opine regarding a complaint of negligence against an individual Consultant, resulting in the successful denial of allegations.

· P1 v P2 with the Pvt Hospital Group: Commissioned by the MAC and Clinical Governance Lead to investigate and determine a complaint against a Consultant for negligence and inappropriate billing, leading to a settlement to the complainant.

· HCPC v P: Instructed by Counsel in the defense of a practitioner who faced (27counts) Allegations of Sexual Misconduct. In a hearing lasting 28 days, the practitioner was acquitted of all charges brought against him following Expert Testimony of Intimate examination technique. The Registrant went on to be acquitted in the parallel criminal action.

· Surgical College v P1: (Aus) Chair of the Clinical Governance investigation committee in a case against a registered practitioner who faced 4 allegations of negligence, with 2 findings upheld the case was referred to AHPRA for determination.

· Surgical College v P1: (Aus) Chair of the Clinical Governance investigation committee in a case against a registered practitioner who faced 2 allegations of negligence, with no findings upheld the case was dismissed.

· Surgical College v P1: (Aus) Chair of the Clinical Governance investigation committee in a case against a registered practitioner who faced 1 allegation of negligence, with no findings upheld the case was dismissed with comments regarding future practice.

Clinical Negligence (Expert Opinion)

· C1 v NHS: (Wales) Instructed to determine and advise on allegation of negligence and failure to diagnose, resulting in partial liability and settlement.

· C1 v NHS: (Wales) Instructed to determine and advise on allegations of negligence resulting in loss of limb, which were successfully defended by the Trust.

· C1 v P1: (Aus) Instructed for claimant in an allegation of negligence resulting in permanent disability and non-union of joint surgery. Expert opinion assisted in securing a successful claim.

· C1 v P1: (Aus) Instructed by claimant in an allegation of negligence and unnecessary ‘cosmetic’ foot surgery. Expert opinion assisted in securing a successful claim and settlement.

· P1 v C1: (Aus) Instructed in an allegation of negligence and failed foot surgery. Expert opinion assisted in defending against several spurious and poorly argued claims.

· C1 v NHS: Instructed in a long running and high value claim against an NHS department regarding the failed foot surgery to correct a Diabetic Foot deformity. Expert opinion and oral testimony resulted in partial liability and reduced settlement.

· C1 v NHS: Instructed in a case regarding failed foot surgery and loss of digit in a child. Resulting in a successful claim and compensation.

· C1 v P1: Instructed in a claim of misdiagnosis, failure to refer and loss of limb against a practitioner Podiatrist. This case turned on interpretation of NICE Guidelines and failure to follow good practice. Resulting in a successful claim to restore and compensate the claimant.

· C1 v NHS Trust: Instructed in a claim of failed foot surgery, negligence and failure to heal. Expert opinion assisted in successfully resisting most claims brought against the Trust.

Academic & Professional Qualifications

- Master of Laws (with Distinction). University of Aberdeen (UK). 2023

- PG Cert in Medicines Management (with Distinction). University of Ulster (UK). 2020
- Doctor of Medical Science. University of Ulster (UK). 2006
- Fellowship of the Faculty of Podiatric Medicine of the Royal College of Physicans and Surgeons (Glasgow) 2020
- Fellowship In Surgery. Royal College of Podiatrists (UK). 2000
- Statement of Higher Surgical Training (Podiatric Surgery). Royal College of Podiatrists (UK). 2004
- PG Diploma in Podiatric Surgery. Ohio College of Podiatric Medicine / New Zealand College of Podiatric Surgery. 1994
- Bachelor of Science (Podiatric Medicine). New Zealand National Podiatry School with the University of Westminster (UK). 1994

Professional

- Professor, Faculty of Law (Healthcare), University of Sunderland
- Immediate past Professor and Head of School (Podiatric Medicine), University of Western Australia
- Previously, Consultant Podiatric Surgeon, National Health Service -United Kingdom (various hospitals)
- Previously, Senior Lecturer (Surgery), Durham School of Podiatric Medicine and Surgery with the University of Sunderland
- Previous Lecturer (Surgery), University College London
- Former Staff Clinical Roles- Trainee (Surgery), National Health Service - United Kingdom (various hospitals)

Professional Associations & Recognitions

- CIArb Dispute Resolution Scheme Panel (Arbitration and Mediation)
- AMINZ Panel (Arbitration and Mediation)
- WIPO Arbitration and Mediation Panel member ICC Panel member
- ABTA Panel Arbitrator
- Arbitration Ireland Panel
- Cayman Islands Arbitration Panel
- Abu Dhabi Chamber of Commerce Arbitration Panel
- American Health Lawyers Association, Arbitration and Mediation Panel
- American Bar Association, Member (Healthcare and Dispute Resolution)
- International Bar Association Member
- Hertfordshire Rugby Union - Disciplinary Tribunal Member
- UK Register of Expert Witnesses
- NHS Resolution (Wales) accredited EW Dispute Resolution Panel member
- CIArb Professional Conduct Panel member

Accreditations

- Fellow of the Chartered Institute of Arbitrators Certified in Arbitration and Mediation (6086379)
- Fellow of the Arbitrators and Mediators Institute of New Zealand (20002010)
- UK Register of Expert Witnesses Podiatric Medicine and Surgery (U32232)
- Fellow of the Royal College of Podiatrists (CCST Podiatric Surgery) (Registration 13810)
- Fellow of the Faculty of Podiatric Medicine of the Royal College of Physicians and Surgeons (Glasgow) (154771)
- HCPC (UK - Registration Ch11852) – Annotated in Podiatric Surgery and Independent Prescribing
- AHPRA (Australia-Registration POD0002278645)
- Annual DBS (Enhanced) vetting Scheme
- Civil Mediation Council Accredited Mediator 2023

Publications, Articles & Thought Leadership

- Chartered Institute of Arbitrators (2024) – Clinicans and Dispute Resolution
- Chartered Institute of Arbitrators (2024) – Video Interview ‘Medico-Legally qualified Arbitrators’
- University of Sunderland - AI Medicine /Dispute (2024)
- Bedfordshire NHS Foundation Trust – Medical Negligence and Consent -staff training event 2023
- University of Western Australia (Australia) – Medical Negligence in practice – Doctoral Student event -DPM class 2023
- Hutt Hospital DHB (New Zealand) - Medical Negligence and Consent – Staff training event 2021
- University of Western Australia (Australia) – Medical Negligence in practice – Doctoral Student event - DPM class 2021
- Australian Association of Podiatric Surgeons – Professional Negligence and ‘Duty to Inform’ – WA Branch event 2020
- Nuffield Hospital, Ipswich, Foot and Ankle Symposium. Medico Legal Practice and Complications in surgery 2019
- Foot and Ankle Show, Liverpool – Medical Law and Getting Comfortable with Risk in Surgical practice, 2018
- Royal College of Podiatrists -Faculty of Surgery Conference Organiser, 2011

Recognitions

- Invitation to an audience with HM Queen Elizabeth II, Buckingham Palace, in recognition to services to Healthcare in the United Kingdom (2006)
- Invitation to an audience with the RH Tony Blair PM, Number 10 Downing Street, in recognition of services to Healthcare in the United Kingdom (2007)

Areas of Expertise

- Professional Discipline And Regulatory

- Sport Media And Entertainment
- Investigations And Resolutions
- Commercial
- International Arbitration