



## Michael Stephens

Year of call: 1983

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### Practice Summary

Michael is an experienced senior junior who has conducted a broad common law practice from chambers in Birmingham since 1985. His work in recent years has focused particularly on dispute resolution and the use of ADR, leading him to obtain further professional qualifications.

Michael is a qualified mediator who has conducted numerous successful mediations covering, in particular, construction, professional negligence, property and business disputes. He abides by the European Code of Conduct for mediators.

Michael is also an experienced arbitrator, familiar with both domestic and international rules. He is a member of a number of panels and has spoken frequently on arbitration topics, both in the UK and at international events.

With his interest and expertise in construction law, Michael is well placed to act as an adjudicator under the Housing Grants, Construction and Regeneration Act 1996. He also has considerable experience in the preparation of notices of adjudication and referral notices.

Michael is able to accept instructions direct from the public to provide advice, draft documents or act as advocate and is happy to do so in all of his areas of practice.

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### Adjudication

The broad spectrum of work carried out by Michael covers all aspects of the litigation and ADR processes. He is able to advise about and assist with obtaining interim remedies as well as draw formal pleadings or prepare persuasive position papers. He has undertaken much work with a consumer element to it, including consumer credit litigation, product liability, the efficacy of trading terms and exclusion clauses and local authority regulation.

Michael has experience of insolvency claims, particularly in relation to construction projects.

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## **Arbitration**

As well as acting as advocate in arbitration, Michael has been appointed on many occasions as sole arbitrator, the appointments having been made by institutions as well as by party agreement. The areas covered by his awards include: partnership disputes, professional liability of lawyers, construction projects, sale of businesses and property disputes including boundary and neighbour issues. He is able to manage any reference through to full oral hearing if required or to deal with matters simply on the papers.

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## **Clinical Negligence**

Claimant instructions in clinical negligence claims relating to:

- GP misdiagnosis and mistreatment
- Accident and emergency misdiagnosis and mistreatment
- Orthopaedic negligence
- Dental negligence

Experienced in claims concerning limitation periods

Schedules of loss (including £1m+ claims)

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## **Construction**

Michael has undertaken contentious construction related work, including professional negligence claims, in relation to domestic and commercial properties and engineering projects. He has experience of claims relating to delay and disruption, extensions of time, liquidated damages, defects, variations and valuations claims.

He is familiar with the technique of adjudication and the statutory process involved.

Michael's commercial expertise includes an appreciation of insolvency issues and the effect of them on project management.

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## **Mediation**

Michael trained as a mediator in 1996 and has acted as a sole mediator in a variety of types of dispute. He adopts a facilitative style, underpinned by sound commercial sense and a willingness to help the parties reach not simply a compromise but the agreement that is right for them and has enjoyed considerable success in ensuring the successful outcome of the mediation process.

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## **Personal Injury**

Claimant and Defendant instructions in:

- Workplace accidents including disease (asbestos, deafness, WRULD) and construction related claims
  - Road traffic accidents
  - Fatal Accident Act claims
  - Occupiers' Liability Act claims (both 1957 and 1984 Acts)
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## **Memberships**

Middle Temple (Blackstone Exhibitioner, Bencher)

Chartered Institute of Arbitrators (President 2014, member of Mediation Panel)

Bar Council ADR Committee

TECBAR (member of Arbitration, Mediation and Adjudication Panels)

Adjudication Society (member of Adjudicator Panel)

Society of Construction Law

Midland Chancery and Commercial Bar Association

Professional Negligence Bar Association

British Association for Sport and Law

British Irish Commercial Bar Association

Fellow, Philippine Institute of Arbitrators

Fellow, Malaysia Institute of Arbitrators

Fellow, Singapore Institute of Arbitrators

Panel of Kuala Lumpur Regional Centre for Arbitration

Panel of foreign arbitrators, CIETAC

Panel of Korean Commercial Arbitration Board

Fellow, Association of Forensic & Advanced Valuation Executives

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## **Publications**

Various on arbitration and ADR for institute or in-house journals

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## **Appointments**

Recorder (Crown Court, County Court and Technology and Construction Court)

Tribunal Judge (First-tier, Social Entitlement Chamber; Valuation Tribunal)

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## **Qualifications**

BA (Hons), FCI Arb

Public access trained

Qualified Dispute Resolver, accredited by the Academy of Experts

Called to the Bar of Northern Ireland

Registered practitioner with rights of audience in the DIFC Courts, Dubai

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