



## Stephen Barker

Year of call: 2017 Date of admission as Solicitor: 1989 Higher Rights of Audience: 1998

*"He took the time to listen but was straight-talking in dealing with any of the parties' unrealistic expectations."*

Chambers & Partners (2018)

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## Practice Summary

Stephen Barker is an independent commercial mediator. He is a CMC Registered Mediator. Stephen was trained and accredited by CEDR in 2001 and has regularly been appointed as mediator ever since.

### Experience

Stephen Barker has the experience to mediate the overwhelming majority of commercial disputes with the benefit of a lawyer's understanding of the legal framework of the dispute. His experience includes:-

- Commercial contracts
- International distribution agreements
- Professional negligence (solicitors, accountants, architects and valuers)
- Automotive, manufacturing and motorsport
- Shareholder and partnership (including disputes between family members)
- Franchise agreements
- Property rights, boundaries and rights of way
- Landlord & tenant
- Construction and engineering
- Corporate transactions, including sale and purchase agreements, completion accounts etc.
- IT outsourcing and software development
- Environmental, oil discharge etc.
- Banking and finance
- Housing/local authority

Stephen has conducted some extremely complex disputes requiring a firm grasp of the facts and an eye for detail.

He also recognises that sometimes the simplest of cases are the hardest to crack.

Whether a case is large or small, complex or straightforward, Stephen will bring the same focus and energy to work with the parties to find a mutually acceptable lasting solution.

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## Commercial

- Pharmaceuticals distribution agreement dispute between US drug manufacturer, German global pharma distributor and Hong Kong subsid/ PRC distribution agent dis. The US co. had served notice of termination due to performance issues with PRC distributor. The Chinese distributor valued the potential losses on termination at USD\$50m. Stephen retained to manage the renegotiation of distribution agreement between the parties, facilitating multi-cultural meetings and discussions between parties in five different time zones.
  - Shareholder dispute arising out of automotive technology joint venture. Cross claims and allegations between parties as to performance of obligations, share of profits and cost allocations.
  - Claim for damages for breach of outsourcing contract, alleging poor performance against key performance indicators with equal and opposite cross claim for payment of invoices.
  - Tri-partite mediation in claim by liquidator against former director and connected company relating to the transfer of assets at an undervalue, and claim by liquidator against the solicitors who had carried out the transaction.
  - Six party "Springboard" injunction proceedings between volume car trading business and group of former employees. Allegations of unlawful retention of confidential information such as customer lists, pricing and business plans.
  - Four party guarantee/misrepresentation/solicitor's negligence dispute. Claim by brewery against guarantors for trade debt and lease liabilities. Counterclaim alleging misrep. Third Party claim against guarantors' solicitors.
  - Franchise dispute relating to allegations of breach of franchise agreement.
  - Agricultural machinery financing dispute arising out of contractor refusing to pay lease instalments due to loss arising from excessive downtime of equipment.
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## Construction

- Claim for delay and disruption damages by contractor against supplier relating to allegedly faulty product.
  - Dispute between scaffolding company and main contractor relating to whether scaffolding temporary (and chargeable) or permanent structure transferred to client on practical completion.
  - Final account dispute between main contractor and nominated specialist sub-contractor relating to delay and additional works.
  - Final account dispute as to quantum and allegations of defective/out of specification work.
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## Professional Negligence

- Professional negligence claim against top four accountancy firm relating to handling of tax investigation with counterclaim for unpaid fees.
  - Tri-partite dispute between financial institution seeking to enforce security over property relating to various corporate cross guarantees, defended on basis of undue influence and non-compliance with financial institution's obligations to provide information to surety. Surety brought Part 20 claim against lawyers alleging professional negligence in respect of advice to give the security.
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- Three party professional negligence claim (in effect two mediations in one). Wife in matrimonial case alleged that two sets of lawyers had failed to protect her interests by failing to obtain and enforce worldwide freezing order against husband's substantial business assets in Pakistan.
  - Solicitor's negligence claim for breach of duty arising from issuing insurance coverage claim outside limitation period. Significant dispute concerning the value of the loss of the claimant's chance to recover damages in the first action. The claimant's claim related to an incident that had occurred 14 years earlier.
  - Professional negligence claim against a firm of solicitors for alleged failure to carry out proper searches in relation to the purchase of plot of land. There were issues in respect of both liability and the alleged diminution in value of the land.
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## Property & Housing

### Landlord & Tenant

- Multi-party property ownership dispute. Claim brought by residents' association against property owner alleging rights of way and seeking declarations as to ownership of land.
  - Boundary dispute relating to alleged 'theft' of land.
  - Housing disrepair claim. Tenant claimed damages for distress and inconvenience of having to live in a property with a leaking roof.
  - Dispute between neighbours relating to infringement of right of light caused by the construction of an extension.
  - Disputed vehicular right of way over agricultural/equestrian land and claim for possessory title of land.
  - Disability Discrimination (Equality Act) claim against landlord arising from failure to make reasonable adjustments, and for direct and indirect discrimination against tenant with mental health disability.?
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## Contact

Mobile: 07767 703051

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## Career: 30 years in legal practice

Prior to his call to the Bar in 2017, Stephen worked in private practice as a Solicitor. On transferring to become a barrister, he became a tenant at 4-5 Gray's Inn Square in London.

When he was admitted as a Solicitor in 1989, Stephen joined Eversheds, one of the leading international law firms and became an equity partner in 1999. He was head of the Commercial Litigation team at the Birmingham office of Eversheds, until he moved on in 2006 to join US law firm Reed Smith as a partner in their Commercial Disputes Group. Later Stephen was part of the management team of Reed Smith's Birmingham off-shoot, Hill Hofstetter, now FieldFisher. He set up Barker Commercial Law, to look after the commercial legal needs of a select group of clients, including an automotive systems manufacturer and one of the world's leading cyber-security software developers, both global listed businesses.

During his legal practice career, Stephen has been fortunate to gain fantastic experience representing many household name clients in major business disputes, sometimes with values in the hundreds of millions.

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## Mediation Feedback

*"Please accept our grateful thanks for your hard work at the mediation today. It is inherent in a mediation process*

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that the involved parties rarely get exactly what they want but the end result is *always dependent on the quality of the mediator. That quality shone through today.*"

*"We were delighted at the outcome. I cannot stress enough the feeling of relief at the lifting of three years' worth of harassment and constant pressure which will now allow us to pursue our lives in a manner which we had thought would never return."*

*"What a week we had last week with two trials and a mediation! Hence the delay in my writing to you to thank you for your and your colleague's tremendously valuable efforts in achieving a mediated settlement for our clients".*

*"Stephen's approach was very patient, measured and creative and we ended up with a good and workable compromise."*

*"Stephen achieved a settlement between two difficult clients with entrenched views. He was efficient and organised, he pitched the discussions at exactly the right level. He engaged with the client and kept the momentum going until the very end."*

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