



Stephen Barker

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

"Hard working and highly intelligent."

Chambers Guide [2009]

+44 (0) 20 7404 5252
sbarker@4-5.co.uk



Practice Summary

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.

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 Eversheds' Birmingham office, 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. As a Solicitor Advocate, Stephen exercised Higher Rights of Audience on numerous contested applications in the Chancery and the Mercantile Court. In 1998, he was one of the very first Solicitor Advocates to appear as a junior in the Court of Appeal (in *R v. Chief Constable of North Wales Police ex.p. AB & CD* [1998] EWCA Civ 486).

Commercial

- Representing various insurers in defending claims for credit hire charges, successfully challenging Basic Hire Rates.
 - Successfully represented defendant charity in claim by energy supplier for back-billed electricity usage.
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IT Software and Project Implementation

- Acting for IT services company in £13m claim arising from the termination of the implementation of a new IT system for a financial institution with counterclaim against specialist financial software supplier
 - Advising global software company in respect of licence disputes
 - Representing IT services company in dispute arising from TUPE takeover
 - Acting for IT services company in dispute with IT contractor agency relating to claims for payment arising from roll-out of desktop renewal to one of a global accounting practice.
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Automotive Engineering and Manufacturing

- Advising global automotive systems supplier on UK legal issues and contract drafting relating to sales agreements with EU purchasing groups
 - Acting for Vehicle Manufacture in supply chain issues
 - Acting for Tier 1 Automotive systems supplier in dispute with sub-supplier following global product recall by Vehicle Manufacturer
 - Advising Portuguese aftermarket subsidiary of Global Auto Supplier with regard to breaches of parallel importing during exclusive Distribution Agreement
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Motor Sport

- Representing WRC world champion driver in litigation with his race team
 - Acting for former F1 World Champion in a dispute with and negotiated separation from his management former management company
 - F1 driver in dispute with managers following loss of sponsorship
 - Advised F1 driver management in relation to his claim for unpaid driving fees from race team
 - Acting for former WTC driver in business dispute with F1 driver relating to non-complete issues following separation of a joint venture business
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M&A Disputes

- Acted in £850m completion account dispute and expert determination arising from sale and purchase of car manufacturer from parent group concerning discrepancies in asset value
 - Represented Tier 1 Automotive systems supplier in defending and defeating \$38m warranty claim arising from the sale of one of its UK manufacturing divisions
 - Various expert determinations and warranty claims
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Healthcare

- LCIA Arbitration in Frankfurt acting for a global supplier of medical diagnostic equipment in €7m claim against Turkish distributor
 - Advising US veterinary medical supplies company in complaint concerning adverse procurement decision
 - Assisting US counsel in UK aspects of representing pharmaceutical manufacturer in US FDA prosecution
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relating to illegal payments made to healthcare professionals to promote use of their medical devices

Construction and Engineering

- Adjudication in £120m off-shore energy contract acting for systems supplier
 - Acting for national house-builder in claim against ground works contractor for laying road contrary to s.106 agreement specification
 - Appearing as advocate in Court of Appeal for national housebuilder in appeal by unsuccessful claimant in action for land-finder's fee
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Partnership

- Representing outgoing partners in solicitors' firms in exit disputes
 - Advising spin-off team of stock-brokers in respect of restrictive covenant issues
 - Drafting shareholders' agreement for firm of solicitors following incorporation
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Company Law

- Advising shareholders in respect of secret profit claim against co-shareholders
 - Successfully applying to court for appointment of directors by unrepresented shareholders
 - Acting for minority shareholder in unfair prejudice claim
 - Advising Personal Representatives of sole shareholder/director company in respect of registration of transmission of shares on death
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Judicial Review

- Acting for National Express (trading as West Midlands Travel) in JR of decision of West Midlands Passenger Transport Executive in respect of reimbursement rates for concessionary fares for over 60s
 - Advising Shadow Strategic Rail Authority and Strategic Rail Authority in various challenges to procurement decisions
 - Representing NACRO (National Association for Care and Resettlement of Offenders) as interested party in high profile JR of decision of North Wales Police to release information about the whereabouts of sex offenders. Advocate in Court of Appeal led by Michael Douglas QC. *R v. Chief Constable of North Wales Police ex.p. AB & CD* [1998] EWCA Civ 486
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Banking and Insolvency

- Acting for a clearing bank in contested guarantee actions
 - ROT actions
 - Applying to High Court (as advocate) for the appointment of a Provisional Liquidator of the collapsed airline Excalibur Airways
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Professional Negligence

- Acting for group of HNW unregulated hotel scheme investors in claim against solicitors
 - Acting for group of HNW investors in Eclipse No 35 film financing partnership scheme in claim against tax advisors
 - Acting for claimant in Architect's negligence claim relating to defective building structure
 - Acting for administrative receiver and appointing bank in successful action against firm of Chartered Surveyors in respect negligent valuation of large commercial office block, with counterclaim for contributory negligence against bank based on poor lending decision making process
 - Representing a vendor of a commercial development in claim against M&A lawyers for ineffective drafting of overage provision
 - Acting for claimant in claim against Solicitors for drafting defective charge over book debts
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Commercial Drafting

Negotiating and drafting commercial contracts for global software company as retained outside counsel from 2013-2017, including

- Terms and conditions of purchase of recruitment services
- Digital marketing and SEO outsourcing agreements
- Advising on law relating to marketing to children for child cyber-security service
- Non-Disclosure Agreements with various financial institutions
- Contract for purchase of professional services
- Outsourcing of IT services, including implementation of orders, preparing and installing hardware, and transport and EU distribution
- Advising on consumer complaints handling and disputes
- Termination of outsourced services contract
- Performance management and service level agreements
- Contract with online retail interface company

Terms and conditions of trading for RICS surveying and valuation practice

- Advising in relation to shareholder/directors' powers, rights and duties in a Community Interest Company public sector supplier following the departure of director
 - Drafting shareholders' agreement for firm of Solicitors
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