

## Stephen Innes

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*A dynamic thinker, who is extremely approachable and superbly knowledgeable.*

- Legal 500

**Stephen Innes has established a busy commercial practice. He is recommended as a leading junior for professional liability and costs work.**

### Recommendations

Ranked as a leading professional liability and costs junior by Chambers & Partners, Stephen is described in recent editions as *"a real expert, who is hard-working, extremely easy to work with and has encyclopedic knowledge."* *"Produces very user-friendly, commercial and pragmatic advice, and good client service"* (2021 - Professional Liability). *"An understated performer who just gets right to the point. Costs judges are quite particular, and prefer people who know the rules and don't try to muddy the issues. Stephen is one of those people they like to deal with"* (2021 - Costs). *"Very impressive"* (2019 - Professional Liability), *"he throws everything at a case...He is very diligent and thorough, but at the same time practical"* (2018 – Professional Liability).

Stephen Innes is described in the Legal 500 as being *'l.....'Very knowledgeable of costs matters'* (2019 – Costs), who provides *'clear, concise advice'* (2019 – Professional Negligence). *'A dynamic thinker, who is extremely approachable and superbly knowledgeable.'* (2017 – Costs); *'Extremely proficient.'* (2017 – Professional Negligence); *'A very valuable team member, who inspires real confidence'* (2016 – Costs); *'Approachable and a pleasure to work with; he provides clear, thorough advice and is great in conference with clients'* (2016 – Professional Negligence) ; *'highly reliable, and able to assimilate large quantities of documents and distil the key points'* and *'extremely good on paper and very user friendly'* (2015 – Professional Negligence).

Stephen is regarded as being personable and easy to work with. He always strives to provide sound practical advice and to focus on a strategic approach to litigation.

Stephen's practice is in commercial dispute resolution, with his main areas of specialism being professional liability, costs, professional discipline/regulatory and property damage. Experience of particular types of litigation, such in employment, personal injury, insurance, consumer credit and chancery, proves invaluable in the context of professional liability and costs work.

A key area of expertise, on which Stephen lectures with Ben Patten QC, is property fraud claims against solicitors, involving in particular cyber and "Friday afternoon" fraud. Recently Stephen has written and advised extensively on claims involving Japanese knotweed.



Stephen is a member of the Executive Committee of the Professional Negligence Bar Association and a member of the London Common Law & Commercial Bar Association. Stephen is the Chairman of the Gray's Inn Barristers' Committee and a member of the Gray's Inn Management Committee. Stephen is a member of the Wellbeing at the Bar Working Group.

### **Mediation, Adjudication and Arbitration**

Stephen Innes is an accredited mediator and conducts mediations in his specialist areas of professional liability and costs. Stephen is a trained and accredited adjudicator under the PNBA adjudication scheme. Stephen is regularly instructed as an arbitrator to provide binding or non-binding determinations in matters of insurance and costs.

### **Direct Access**

Stephen Innes accepts clients under the Bar's direct access scheme, and further details can be found on his direct access website [verycivilbarrister.co.uk](http://verycivilbarrister.co.uk)



Stephen specialises in helping direct access clients in dispute with their former solicitors, whether in disputing costs or in investigating potential claims of professional negligence.

Stephen has published a short guide "*3 Common mistakes made by clients in challenging solicitors' fees*".

To request a FREE copy, please [click here](#).

### **CFAs**

In appropriate cases, Stephen Innes accepts instructions under Conditional Fee Agreements.

### **Privacy Notice**

Click here for a **Privacy Notice** and for a **Transparency Statement** for Stephen Innes.

## **Areas of Expertise**

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### **Professional Liability**

*"He has very good judgement, and is very measured and sensible. He never gets gung-ho; he behaves as if it's his money and/or reputation on the line, and gives pragmatic advice."* – *Legal 500, 2021: Professional Liability*

*"A real expert, who is hard-working, extremely easy to work with and has encyclopedic knowledge." "Produces very user-friendly, commercial and pragmatic advice, and good client service."* – *Chambers & Partners, 2021: Professional Liability*

*"Thoughtful and industrious."* – *Legal 500, 2020: Professional Liability*



NEW SQUARE

**“He is very helpful and approachable, gives pragmatic and practical advice, and is good on his feet.” “He’s good on the papers and has good attention to detail. He looks at the case from all angles and his mild-mannered demeanour can be very effective with judges.”** – *Chambers & Partners, 2020: Professional Liability*

**“Very impressive”** – *Chambers & Partners, 2019: Professional Liability*

**“Excellent drafting and clear, concise advice.”** – *Legal 500, 2019: Professional Liability*

**“He throws everything at a case but remains fair. He is very diligent and thorough, but at the same time practical. He listens and explains things, and his skills as a qualified mediator feed into his negotiations.”** – *Chambers & Partners, 2018: Professional Liability*

**“Extremely proficient.”** – *Legal 500, 2017: Professional Liability*

Stephen is recommended as a leading junior in professional negligence in Chambers & Partners and the Legal 500.

Stephen has equal experience of acting for defendants and for claimants. Tactical thinking is crucial and Stephen is acutely aware of the commercial imperatives of defendants and their insurers, and of the pressures facing claimants.

Stephen’s experience of litigation in a number of diverse fields such as employment, personal injury and clinical negligence, Inheritance Act claims, insurance and costs all assists him in dealing with related professional negligence claims.

As well as the more mainstream categories of professional, Stephen has been involved in defending a number of more unusual claims such as against LPA receivers, professional trustees, mortgage packagers and swimming pond installers.

## Cases

- **Harding v BMA**

Stephen is defending a “lost litigation” claim against the BMA by a consultant psychiatrist, concerning issues of “whistleblowing” in the NHS. Several parts of the claim were struck out on grounds of limitation and in relation to duty of care.

- **defending a wasted costs application**

Stephen was successful in defending a senior criminal silk in a wasted costs application following the failure of a private prosecution. Issues of proportionality and privilege were central to the defence of the application.

- **Frank Warren v Hill Dickinson**

Stephen was successful on the High Court appeal in this case concerning legal advice privilege, and specifically whether a firm of solicitors was required to disclose to a former client general advice which it had received from counsel as to assignment of CFAs. Warby J, sitting with Master Rowley as an assessor, accepted that the documents did not meet the test of relevance for specific disclosure and that the solicitors were entitled to maintain a claim of privilege against a former client with whom they had been in a fiduciary relationship.

## Lawyers

Stephen has been involved in all stages of litigation, acting both for claimants and for solicitor and barrister defendants. Stephen is often involved at the early stages of a claim, drafting correspondence under the professional negligence pre-action protocol and advising on strategy and the merits of a claim. He has considerable experience in successfully striking out claims and applying for summary judgment.

Types of case commonly dealt with include: lost litigation and negligent conduct of litigation; negligent conveyancing; defective drafting of wills and trust deeds; incorrect administration of estates; failure to advise on liability under various documentation such as loan agreements, guarantees, mortgages or leases. Recently Stephen has been instructed in large claims relating to legal expenses insurance.



In lost litigation claims Stephen benefits from considerable first-hand experience of underlying commercial litigation, in particular in personal injury, employment and Inheritance Act claims. Through property-related professional liability claims, he has often been involved in related proceedings, such as claims for rectification, applications to the Land Registry Adjudicator, claims for specific performance and claims against vendors for misrepresentation.

Stephen has considerable experience of successfully defending wasted costs applications against solicitors, often where the solicitors have been hampered by legal professional privilege.

Stephen has very substantial experience of mortgage-related work and is frequently involved in claims alleging fraud or breach of trust and fiduciary duties. Recent work in this field includes:

- *Pulvers v Chan* [2008] PNLR 9: acting for solicitors claiming against parties involved in split title mortgage frauds including mortgage brokers, a conveyancer and mortgage borrowers; the claims were successful brought at trial and in some cases by summary judgment applications;
- the Dunlop Haywards litigation: Stephen acted for a firm of solicitors caught up in a lender's claim following a fraudulent over valuation of commercial property; this involved defending a claim by the lender, and bringing proceedings against another parties, alleging dishonesty and breach of undertaking;
- acting for solicitors in litigation arising from Morris Properties transactions in Leeds;
- numerous claims for and against solicitors involving allegations of failing to disclose incentives, and misapplication of trust monies;
- defending high value claims by purchasers of securitised loan books;
- successfully arguing a preliminary issue in relation to a breach of trust claim and the effect of *SAAMCo* in a claim against a solicitor (*Brokerhouse v OJS* [2011] PNLR 23);
- A number of claims where solicitors who drafted testamentary documents have been caught up in disputed probate disputes (such as in *Greaves v Stolkin* [2013] WTLR 1793).

## Cases

- **personal injury lost litigation claim**  
Stephen is acting for a claimant bringing proceedings against solicitors and a barrister, alleging failure to advance his high value claim against his former employer for causing an injury which developed into fibromyalgia. Stephen has acted in a number of claims concerning this and similar medical conditions.
- **Brokerhouse v OJS Law**  
Stephen acted for a solicitor at a preliminary issues hearing. Lewison J determined in favour of the solicitors that the loss claimed by the lender did not fall within the scope of the solicitor's duty and that a claim for breach of trust failed
- **Greaves v Stolkin**  
This case concerns a challenge to a disputed will on grounds of lack of capacity. The decision in the main probate action was given by Newey J. Stephen acts for solicitors facing Part 20 claims by both sides of the probate dispute, which raise allegations including failure to follow "the golden rule".

## Surveyors & Valuers

Stephen has experience of a number of claims against surveyors and valuers and his considerable experience in acting for lenders in mortgage-related work proves useful in claims against surveyors said to have provided negligent mortgage valuations. He has been involved in several successful applications for summary judgment. Recent work in claims against surveyors/valuers includes:

- acting for lenders in numerous claims against valuers alleging negligence; concerning properties ranging from residential properties to commercial properties and development sites;
- acting for solicitors facing claims by lenders and seeking contribution from valuers;
- bringing claims against surveyors who negotiated leases for sites used by mobile telephone service providers;
- the Dunlop Haywards litigation: Stephen acted for a firm of solicitors caught up in a lender's claim following a fraudulent over-valuation of commercial property;
- claims by house purchasers who have discovered faults with their property that a surveyor ought to have discovered and warned them about.

## Cases

- **Toombs v Bridging Loans Limited**

Stephen acted for the valuer in successfully striking out a claim by a lender on grounds of limitation. On appeal, HHJ Seymour QC considered the issues of when loss was suffered, by reference to the value of the borrower's covenant, and the application of section 14A of the Limitation Act 1980.

- **Dudley Building Society litigation**

Stephen acted for the Building Society in a large piece of litigation against an individual valuer who was alleged to have overvalued a large number of residential properties which the Building Society had taken as security for mortgages. The case raised issues of the accrual of the limitation period and of quantifying loss where mortgage securities had been overvalued but borrowers had not defaulted on their mortgages.

- **AREO Sarl v JLL**

Stephen acted (with Ben Hubble QC) in a claim by a Luxembourg investment fund against a valuer alleged to have overvalued a substantial commercial development site in Ipswich. An important issue in the case was whether the valuer was in breach of contractual obligations which imposed strict liability rather requirements to act with reasonable care and skill.

## Accountants, Auditors & Actuaries

Stephen has been involved in numerous claims against accountants. Recent examples include:

- claims arising out of film finance partnerships;
- negligent advice about EIS schemes;
- failure properly to incorporate and run businesses in different jurisdictions;
- failure to prepare tax returns correctly or on time;
- incorrect treatment of matters such as disposal of land, directors' loans;
- claims involving businesses such as estate agency firms, plant nurseries and caravan park.

## Cases

- **auditor's liability**

Stephen defended a firm of auditors in a claim pleaded at over £3m. A clothing retailer alleged that the auditors were negligent in failing to highlight problems with the valuation of stock purchased in different currencies.

- **defending a claim against an accountant/tax adviser**



Stephen acted for an adviser being sued by a company hosting golf competitions, which alleged that it had received negligent advice as to the VAT treatment of competition entry fees and as to the structuring of the company. Detailed work on expert evidence enabled the value of the claim to be rigorously challenged.

## Insurance Brokers & Agents

Stephen spent his first 18 months in practice involved in a substantial piece of film finance litigation involving claims by insurers against the insurance brokers. Since then he has acted in a number of claims for and against insurance brokers, often involving allegations that a broker has failed to draw policy provisions to the attention of the insured or failed to notify a claim to insurers. Examples of cases in which Stephen has recently acted:

- cases involving critical illness policies where there has been non-disclosure of existing conditions or previous treatment;
- a claim relating to the non-appearance of an opera singer;
- claims involving brokers of motor insurance policies;
- a claim against brokers for failure to notify public and professional liability insurers of claims following the installation of a municipal water feature;
- claims following fires at warehouses and factories.

## Financial Services Professionals

Stephen has acted in a number of claims arising out of investment advice and mis-selling of financial products. Examples include:

- A claim by a family trust alleging mis-management of its investment portfolio;
- A claim against pension advisers in relation to advice to withdraw from a company pension scheme;
- A claim relating to management of a pension scheme;
- Claims involving allegations of mis-selling of mortgage and insurance related products;
- A claim relating to the investment of a large personal injury claim settlement.

## Cases

- **Pulvers v Chan**

Stephen acted for the insurers of a firm of solicitors in successfully recovering substantial sums from a mortgage broker, former employee, clients and property professionals involved in a number of frauds against mortgage lenders. The frauds had involved splitting the titles to properties so that a number of mortgages could be secured against the same property.

- **mis-investment of a patient's damages**

Stephen acted for a trustee who, together with an IFA, was the subject of a large and harrowing claim by a patient as a result of the alleged mis-investment of the monies awarded to him in damages following an accident. Particular allegations related to the diversification of the investment portfolio and the responsibility for funds which went into administration

- **company pension scheme**

Stephen acted for the directors of a company pension scheme in a claim against independent financial advisers. The IFAs had advised that funds be withdrawn from the company pension scheme and placed in investments which performed poorly. A central part of the case involved quantifying loss by identifying how funds would otherwise have performed.

## Qualifications & Memberships

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B.A. (Oxon.) CPE (City)

## Insights

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### **Part 36 offers: should I make a Part 36 or a different type of settlement offer? Practical Tips from 4 New Square**

22 January 2019

Hannah Daly and Stephen Innes of 4 New Square consider the pros and cons of different types of settlement offers, following a decision on claimant's Part 36 offers in *JLE v Warrington & Halton Hospitals NHS*

### **2018 – A year in Costs**

21 January 2019

Costs law update by 4 New Square - the most significant costs cases of 2018.

### **Stay of proceedings before serving a claim form**

23 October 2018

Noting the recent Court of Appeal decision in *Grant v Dawn Meats (UK)*, Stephen Innes and Hannah Daly of 4 New Square consider the options open to Claimants.

### **Japanese Knotweed Claims**

25 July 2018

In this article Stephen Innes considers the problems caused by Japanese Knotweed and some of the types of legal claims that can be made, in the light of some recent court decisions.

### **Professional Negligence Claims arising out of GDPR**

14 May 2018

The penultimate instalment in 4 New Square's GDPR series- what happens when professionals get their GDPR advice wrong? Inevitably it will transpire that mistakes will have been made by professionals giving (often very expensive) guidance on GDPR compliance. Their clients will want to consider whether a claim for professional negligence can be made. In this article Neil Hext QC, Stephen Innes and Helen Evans of 4 New Square discuss some of the issues which are likely to arise in such claims.

### **Civil liability of non-medical professionals for personal data breaches**

4 May 2018

Civil liability of non-medical professionals for personal data breaches. Will the new rules alter the traditional relationship between professional and client as the balance of power over personal data shifts in favour of the client? Paul Mitchell QC, Stephen Innes and Helen Evans examine:

### **Professionals, their regulators and personal data breaches: who is in charge of policing the GDPR?**

1 May 2018

The spotlight on the consequences for professionals of data or confidentiality breaches will only intensify once the GDPR comes into force. Paul Mitchell QC, Stephen Innes and Helen Evans of 4 New Square examine what those consequences are likely to be from a professional regulatory perspective.

### **Forthcoming series: what litigators need to know about GDPR, by 4 New Square**

30 April 2018

Over the next couple of weeks, 4 New Square will present a series of articles from specialist contributors on different areas of litigation and professional practice where GDPR is likely to have a significant impact. The articles will be posted on LinkedIn and 4 New Square's website every couple of days.



NEW SQUARE

## **Riaz v Ashwood**

28 March 2018

Note by Stephen Innes on the latest decision in a cluster of applications by clients seeking disclosure of their former solicitors' file. Paul Parker of 4 New Square appeared for the successful solicitor. Master James has noted that courts are receiving a large and increasing number of these types of claims; the increase was attributed to a new business model by which new lawyers seek to challenge the deduction by previous solicitors from their client's damages of a success fee under a post-LASPO CFA. A number of SCCO decisions in this situation have now been reported in the last 4 months:

## **A costly slice of the cake? Litigation funders and security for costs**

19 March 2018

If a defendant is successful in defending a claim brought with the assistance of litigation funders who had an interest in the litigation, that defendant can apply under section 51 of the Senior Courts Act 1981 for a non-party costs order against the litigation funders. A recent example of such a non-party costs order being made was *Excalibur Ventures LLC v Texas Keystone Inc* [2017] 1 WLR 2221. What is more, the funders were ordered to pay costs on the indemnity basis, because of the conduct of the funded parties: the Court of Appeal held that the funders could not disassociate themselves from that conduct.

## **2017 - a year in costs**

20 December 2017

a review of the key costs case from 2017, with Pippa Manby, Shail Patel and Ben Smiley

## **Update on QOCS**

7 July 2017

a review of some recent cases on Qualified One Way Costs Shifting

## **Sanctions for failure to mediate**

9 August 2017

looks at the courts' willingness to penalise litigants for failure or refusal to engage in mediation, including in costs proceedings

## **Don't question Court correspondence**

28 November 2017

considers the approach of Coulson J to relief from sanctions in *Freeborn v Marcal*

## **Solicitor-Client Assessments - a warning**

30 September 2017

Stephen draws together some recent trends in cases of clients challenging their solicitors' fees

## **Relief from sanctions: 10 trends, tips and thoughts from the trenches**

19 September 2017

Stephen draws on his experience of relief from sanctions applications to give some practical guidance

## **Why not hire a McKenzie friend instead?**

30 September 2017

in an article first published on the MyBarrister website, Stephen considers the involvement of McKenzie Friends in litigation

## **What is a "genuine" Part 36 Offer to settle?**

18 July 2017

Considers the requirement introduced into CPR 36.17 from April 2015

## **A solicitor's duty to give commercial advice?**

18 July 2017

Stephen reflects on what conclusions can be drawn from the caselaw





## **Best price reasonably obtainable- what it means for receivers**

18 July 2017

an article giving partical tips for receivers involved int he sale of properties

## **Toombs v Bridging Loans Limited LTL 14.11.14, HHJ Seymour QC**

21 November 2014

In this case a valuer was successful, on appeal, in obtaining summary judgment against a lender's claim, on the ground that it was time barred.

## **Third Party Costs Orders against Solicitors**

25 July 2012

Considers recent trends in applications for non-party costs orders against solicitors