

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



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

Costs

"Level-headed and provides advice in a non-technical way. Extremely genuine, sensible counsel." – *Legal 500, 2021: Leading Costs Junior*

"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." – *Chambers & Partners, 2021: Costs Litigation*



NEW SQUARE

“A reliable, calming presence; appears unflappable throughout unfolding litigation.” – *Legal 500, 2020: Leading Costs Junior*

“Working with Stephen is a stress-free, seamless experience. He has fantastic knowledge of the areas in which he practises, and provides clear advice and guidance.” “Judges like him; he has a manner which is gentle but effective.” – *Chambers & Partners, 2020: Costs Litigation*

“Very knowledgeable of costs matters.” – *Legal 500, 2019: Leading Costs Junior*

“A dynamic thinker, who is extremely approachable and superbly knowledgeable.” – *Legal 500, 2017: Leading Costs Junior*

Over the last few years Stephen has established a thriving practice in costs related work. Stephen regularly appears in the SCCO and in costs cases in other courts. His experience of numerous detailed assessment hearings is proving invaluable in relation to costs management hearings.

Stephen has considerable experience of successfully defending wasted costs applications against solicitors and barristers and in dealing with applications for security for costs and third party costs orders in large commercial cases.

Stephen has contributed to the Lexis Nexis Practice Notes on costs and on Relief from Sanctions. He recently spoke at the London ACL Conference and the Liverpool Law Society Costs Conference. He has lectured extensively and had a number of articles published on topics such as hourly rates, costs budgeting, relief from sanctions, Part 36 and third party costs orders.

Recent experience includes:

- (with Patrick Lawrence QC) a large claim arising out of litigation funding for claims of industrial noise-induced hearing loss; this involved issues such as payment of alleged referral fees and the proper treatment of disbursements;
- a challenge to a solicitor’s contentious business agreement;
- an application to set aside a default costs certificate following a default judgment;
- (with Nick Bacon QC) acting in relation to security for costs in substantial commercial court proceedings;
- an application for an extension of time to commence detailed assessment proceedings in relation to a multi-million pound personal injury claim;
- defending an application for a non-party costs order against a solicitor following the conclusion of a large personal injury claim;
- a dispute over the recoverability of ATE insurance premiums in a group action brought by hundreds of holidaymakers;
- numerous detailed assessment hearings and oral hearings following provisional assessments;
- a successful argument over the level of fixed costs recoverable under the RTA Protocol where the court has dispensed with allocation;
- Applications for detailed assessment by clients and third parties;
- *Turner v Palomo* common law assessments of costs;
- A number of hearings on the application of the fixed costs regime for low value personal injury claim;
- Costs and case management hearings in large personal injury and clinical negligence claims;
- (with Nick Bacon QC) advising on an application for a non-party costs order;



- appearing in one of the leading cases on CFA funding switches (in which permission to appeal was obtained).

Stephen is an accredited mediator and a member of the specialist panel of mediators with CADR: for more information, see www.costs-adr.com.

Cases

- **Surrey v Barnet and Chase Farm Hospitals NHS Trust**
Stephen acted for the claimant in a detailed assessment which raised preliminary issues including in particular the reasonableness of the claimant switching funding from legal aid to a “CFA lite”. This case is also one of the most important authorities in relation to the quantum of ATE premiums.
- **resisting a security for costs application**
Stephen acted (with Nick Bacon QC) for commercial litigation funders facing an application for security for costs in excess of £10 million under the comparatively new jurisdiction in CPR 25.18. The application raised highly topical issues of the extent to which ATE insurance and the level of the “Arkin cap” can be taken into consideration.
- **solicitor-client assessment of costs**
Stephen acted for a leading family solicitor in successfully defending a challenge by a former client to costs of approximately £1 million. The challenge centred around what were said to have been unusual charging structures and costs estimates which were said to have been exceeded without good reason.

Qualifications & Memberships

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

Insights

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.

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