

OUR PEOPLE

Stephen Innes

CALL 2000

CHAMBERS & PARTNERS

“He throws everything at a case...He is very diligent and thorough, but at the same time practical”

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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 “an astute and experienced barrister” (2023 – Professional Liability) “very easy to work with and flexible and he knows his stuff” and “A very good opponent” (2023 – Costs);

“personable and hard-working. His advice and judgement are always sound. He comes across as someone who thinks very deeply about the case in a way that reassures you that nothing has been missed” (2022 – Professional Liability);

“He is incredibly responsive and creative in terms of both his strategic advice and his costs arguments, which he articulates in a logical and highly persuasive way. He demonstrates a wealth of knowledge on the relevant jurisprudence” (2022 – Costs);

“A real expert, who is hard-working, extremely easy to work with and has encyclopaedic 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);

Stephen is described in the Legal 500 as being ‘very knowledgeable and quick to get to the crux of the matter. He has deep knowledge of costs law.’ (2023 – Costs) ‘Good knowledge, clearly a specialist and able to think creatively to assist his clients to achieve their aims.’ (2023 – Professional Negligence)

‘very bright and pragmatic, he has a relaxed air of quiet confidence about him’ (2022 – Costs);

‘level-headed and provides advice in a non-technical way. Extremely genuine, sensible counsel’ (2021 – Costs), ‘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’ (2021 – 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.

Practice overview

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 was a member of the Executive Committee of the Professional Negligence Bar Association for several years and a member of the London Common Law & Commercial Bar Association. Stephen is a bencher of Grays Inn

Stephen has a particular interest in wellbeing at the bar. He is a member of the Wellbeing at the Bar Working Group and the Mindful Business Charter's working group, as well as 4 New Square Chamber's wellbeing committee.

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](#).

Stephen also regularly represents professional in regulatory/disciplinary matter and can be instructed on a direct access basis to save costs.

Privacy Notice

Click here for a [Privacy Notice](#) and for a [Transparency Statement](#) for Stephen Innes.

Expertise

Professional Liability

“Stephen is an astute and experienced barrister.” – *Chambers & Partners, 2023*

“Good knowledge, clearly a specialist and able to think creatively to assist his clients to achieve their aims.” – Legal 500, 2023: Professional Negligence

“Personable and hard-working. His advice and judgement are always sound. He comes across as someone who thinks very deeply about the case in a way that reassures you that nothing has been missed.” – *Chambers & Partners, 2022: 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 encyclopaedic 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

“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 professionals, Stephen has been involved in defending a number of more unusual claims such as against LPA receivers, professional trustees, mortgage packagers, estate agents and swimming pond installers.

Featured Professional Liability cases

- ***Wells v Full Moon Events Ltd*** [2020] EWHC 1265 (QB); Stephen acted with Graham Eklund QC in successfully defending a motorsports centre from a large negligence claim brought by a motorcycle rider who suffered catastrophic injury. The court held that the centre was not obliged to undertake detailed risk assessments in relation to the terrain, to identify and guard against all hazards, to instruct experienced riders how to negotiate all sections of the course, or to avoid parts of the course that would ordinarily be regarded as part of the off-road experience;
- ***Harding v BMA*** [2017] EWHC 5 (QB); Stephen defended 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;

- *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;
- *Brokerhouse v OJS* [2011] PNLR 23: successfully arguing a preliminary issue in relation to a breach of trust claim and the effect of SAAMCo in a claim against a solicitor;
- *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.

Cases on which Stephen is currently acting

- acting for family members on a claim against solicitors tasked with carrying out a scheme recommended by a tax silk in relation to a successful property business: the claim concerns arrangements to reduce liability for IHT and CGT potentially running to millions of pounds;
- a number of claims arising out of solicitors and barristers acting in employment tribunal claims which failed or were allegedly settled at an undervalue;
- acting for a claimant against an estate agent in respect of the price obtained on the marketing and sale of a valuable property in prime central London;
- acting for solicitors who were instructed on the sale of shares in a business which operated waste disposal facilities. The claim concerns security put in place over land and centres on the value of the land, subject to issues of contamination;
- acting for solicitors defending a claim arising from the failure of long-running litigation by a member of the armed forces who suffered a serious injury in Germany and made claims in England and in Germany against the MoD and the German hospital.

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. 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 party, 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;
- *Brokerhouse v OJS* [2011] PNLR 23: successfully arguing a preliminary issue in relation to a breach of trust claim and the effect of SAAMCo in a claim against a solicitor;
- 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).

Featured cases

- *Harding v BMA* [2017] EWHC 5 (QB); Stephen defended 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;
- *Greaves v Stolkin* [2013] WTLR 1793; 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”;
- *Brokerhouse v OJS* [2011] PNLR 23: Stephen acted for a solicitor at a preliminary issues hearing. Lewison J determined in favour of the solicitor 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;
- wasted costs applications; Stephen is regularly instructed to defend wasted costs applications brought against barristers and solicitors. In one case, Stephen successfully represented a leading criminal QC in defending an application which raised issues of proportionality of the application and privilege;
- personal injury lost litigation claims; Stephen acted 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;
- property fraud; Stephen has acted in numerous claims where conveyancing solicitors have been caught up in claims where solicitors have acted for fraudsters impersonating property owners or buyers;
- employment claims; Stephen is currently acting, and has acted, in numerous claims against lawyers relating to employment tribunal claims for unfair dismissal, “whistleblowing” and discrimination. For several years Stephen did employment law work, and benefits from his direct experience in this field.

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. Work on 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.

Featured cases

- *Toombs v Bridging Loans Limited* [2014] EWHC 4566 (QB); 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;
- advising solicitors on defending a £8 million negligence claim following the failure of a multi-million pound claim against valuers. Based on his experience of claims against valuers, Stephen was able to develop arguments as to the weakness of the underlying claim.

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.

Featured cases

- direct access claim against auditor; Stephen acted on a direct access basis for an international construction company bringing a multi-million pound claim against auditors. The claimant alleged that auditors failed to warn it that an employee had, without authorisation, committed the company to extremely onerous foreign currency derivative contracts;
- 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;
- Accountants liability; Stephen has acted for claimants in numerous cases where proceedings have been brought against accountants alleging negligent advice in relation to matters such as tax and preparation of financial statements.

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 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;
- claims relating to management of a pension scheme and to the investment of a large personal injury claim settlement;
- claims involving allegations of mis-selling of mortgage and insurance related products;
- Stephen acted for pension trustees caught up in litigation over property held in SIPPS which had, as the court later found, been invested by company directors acting beyond their powers.

Featured cases

- *Pulvers v Chan* [2008] PNLR 9; 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;
- *Ross v Attanta*; Stephen was instructed in this case after the initial strike out application. This is a claim involving allegations of mis-selling of mortgage and insurance related products, raising issues of limitation and loss;
- pension trustees; a company claimed against former directors who had, as the court found, improperly used company property to invest in SIPPS. Stephen acted for the pension trustees who were caught up in litigation over the property held in the SIPPS.

Costs & Litigation Funding

"Stephen is very easy to work with and flexible and he knows his stuff." "A very good opponent." – *Chambers & Partners, 2023: Costs Litigation*

"Stephen is very knowledgeable and quick to get to the crux of the matter. He has deep knowledge of costs law." – *Legal 500, 2023: Costs*

"Very bright and pragmatic, he has a relaxed air of quiet confidence about him." – *Legal 500, 2022: Costs*

"He is incredibly responsive and creative in terms of both his strategic advice and his costs arguments, which he articulates in a logical and highly persuasive way. He demonstrates a wealth of knowledge on the relevant jurisprudence." – *Chambers & Partners, 2022: Costs Litigation*

"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*

"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 decade 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 has spoken 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

- with Ben Williams QC, acting for commercial funders facing costs orders following the failure of a group action against HSBC;
- advising a commercial litigation funder in a group action in relation to an application for security for costs;
- (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;
- numerous applications to set aside a default costs certificate following a default judgment;
- acting for claimants resisting an application for security for costs in substantial commercial court proceedings and in patent litigation over mobile phone technology;
- 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.

Recent Costs cases

- *ECU v HSBC* [2022] EWHC 1616 (Comm); Stephen acted, with Ben Williams QC, for commercial funders facing costs orders following the failure of a group action against HSBC; issues included the period for which funders should be liable for costs, and whether credit should be received for ATE monies;
- *Godo Kaisa IP Bridge v Huawei* [2021] EWHC 2826 (Pat); Stephen acted for the Claimant, a Japanese entity, in successfully resisting an application for £8 million security for costs in substantial patent infringement proceedings;
- *Koza Ltd v Koza Altin Isletmeleri AS* [2020] EWHC 1092 (Ch); Stephen was brought in to make submissions on costs, in the High Court and Court of Appeal, following the conclusion of applications for interim relief in high value proceedings concerning alleged misappropriation of assets by the Turkish state. Stephen also dealt with the assessment of Supreme

Court costs;

- *Conversant Wireless Licensing SARL v Huawei Technologies Co Ltd* [2019] EWHC 973 (Pat); Stephen was instructed on an application for security for costs in large scale patent proceedings;
- *EC Medica Group UK Ltd v Dearnley-Davidson* [2019] EWHC 1505 (Ch); Stephen has extensive experience of applications for costs against non-parties. In this case he acted for a director said to have controlled the proceedings;
- *Masten v London Britannia Hotel* [2020] 12 WLUK 319; Stephen has particular expertise in applications for relief from sanctions generally, and specifically in costs proceedings relating to default costs certificates. This case concerned an application to set aside a default costs certificate where there had been delay in serving Points of Dispute caused in part by the Covid pandemic;
- *Gregor Fisker Ltd v Carl* [2021] 6 WLUK 165; This was another case about a default costs certificate, which turned on issues of service of the notice of commencement and bill of costs;
- *Kavuma v Hunt* [2018] 12 WLUK 119; Stephen acted for direct access clients in what has become an often-cited authority about relief from sanctions;
- *Rosenblatt v Man Oil Group SA* [2016] EWHC 1382 (QB); Stephen acted in a detailed assessment and subsequently a High Court appeal concerned with the interpretation of a retainer letter;
- *Surrey v Barnet and Chase Farm Hospitals NHS Trust* [2015] EWHC B16 (Costs); 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 law 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.

Regulatory & Disciplinary

Stephen is regularly instructed in disciplinary cases, in which he draws on his considerable experience in the professional liability field. Stephen’s main fields of expertise relate to claims against solicitors and accountants/auditors.

Stephen is very aware of the costs constraints which may affect professionals facing disciplinary investigations or proceedings, and is able to accept instructions from professionals under the Bar’s Direct Access Scheme.

Featured Regulatory & Disciplinary cases

- disciplinary investigation by ICAEW; Stephen advised and acted for an accountant/auditor facing a potential professional conduct investigation by the ICAEW following a large professional negligence claim against the accountancy firm;
- proceedings before the SDT; On a number of occasions, Stephen has represented solicitors at Solicitors Disciplinary Tribunal hearings. In some cases he was instructed through panel solicitors, in others he has acted on the basis of instructions directly from the respondent solicitors themselves;
- regulatory investigation into solicitors by SRA; Stephen advised and acted for solicitors facing a regulatory investigation by the SRA concerning the conduct of a group action by British investors in relation to property developments in Cyprus;
- Disciplinary investigation by ACCA; Stephen advised and acted for an accountant facing allegations of inadequate professional work;
- legal ombudsman complaint; Stephen acts for and advises a solicitor’s former client subject to court proceedings for unpaid fees following unsuccessful litigation, but bringing a complaint to the Legal Ombudsman concerning failure to provide adequate costs information.

Commercial Dispute Resolution

Stephen regularly appears in the county courts and in the commercial and other divisions of the High Court, as well as being instructed to attend mediations and other settlement meetings.

Stephen has considerable experience in mortgage related claims, including numerous appeals in the County Court and High Court. Instructed in a number of claims involving mortgage frauds. Stephen was involved in the leading recent cases on duties owed by mortgagees selling properties to connected parties:

- *Mortgage Express v Mardner*, Times 2 May 2005 (at first instance);
- *Bradford & Bingley v Ross* [2004] EWCA Civ 1859 (in the Court of Appeal and at the successful re-trial).

Stephen was recently successful in defending a finance company in a claim alleging sale at an undervalue of mixed residential/retail premises: *Aodhcon v Bridgeco* [2014] EWHC 535 (Ch).

Examples of general commercial litigation experience include claims concerning consumer credit agreements and accident car hire, recruitment and estate agents' commission, landlord and tenant disputes, franchise agreements, nuisance and product liability, subrogated claims by property insurers.

Stephen has a particular interest in claims in bailment and conversion of goods, having acted in a number of claims and appeals concerning the assertion of liens over vehicles.

Stephen has considerable experience of all stages of personal injury claims, for both claimants and defendants: he has been instructed in claims including those involving industrial accidents and work related diseases, tripping and slipping cases and road traffic accidents.

Stephen has obtained a number of freezing Injunctions in the High Court. He has considerable experience of various methods of enforcement such as charging orders and orders for sale.

Stephen has been involved in the TAG litigation, further large claims involving legal expenses insurance, and claims arising out of the Buncefield explosion.

Featured Commercial Dispute Resolution cases

- *Tyburn Film Productions Ltd v British Telecommunications PLC* [2021] EWHC 334 (Ch); Stephen was successful in a High Court appeal against a decision to strike out an appeal on the basis of failure to comply with an unless order which the client had not in fact received from the court;
- *Tyburn Film Productions Ltd v Windsor and Maidenhead RBC* [2020] EWHC 913 (Admin); Stephen was successful on an appeal which turned on whether a bedroom required for the carer of a disabled person was "required for meeting the needs of" the disabled person resident in the dwelling within the Council Tax (Reductions for Disabilities) Regulations 1992;
- *Woodford v AIG Europe Ltd & Anor* [2018] EWHC 358 (QB); Stephen acted in these proceedings in the Commercial Court, which were concerned with the insurer's liability for, and quantification of, an indemnity for defence costs incurred in litigation against the former director of a Japanese company;
- Court issue fees and abuse of process; Stephen acted with Ben Williams QC in a matter where solicitors who had issued hundreds of claims for industrial deafness were required by the court to show why it was not an abuse of process to have paid court fees based on lower claim values than those subsequently put forward in Particulars of Claim. A successful outcome allowed the claims to continue;
- *Aodhcon v Bridgeco* [2014] EWHC 535 (Ch); Stephen successfully defended a claim at trial where a borrower was alleging sale at undervalue by the lender. The High Court accepted that the price obtained for the property was within the acceptable margin of the best price reasonably obtainable. The case is a leading recent authority on the duty of lenders to obtain the best price reasonably available, which is the same duty owed by receivers;
- educational law: misrepresentation claim against university; Stephen acted for a student bringing a claim against a university, alleging misrepresentation and breach of conduct in relation to its international business degree course.

Chancery

An extensive part of Stephen's practice involves acting for mortgage lenders in claims involving: claims for possession, often involving subrogated claims, equitable charges and allegations of undue influence and *non est factum*, claims for mortgage shortfalls arising on the sale of a property – Stephen is very familiar with arguments relating to limitation, mortgage indemnity insurance and sale at an undervalue; cases where the mortgage lender has sold to a connected entity. He is currently acting in a number of claims where mortgage fraud is being alleged.

Stephen regularly appears in the Chancery Division in applications involving charging orders, orders for sale and freezing injunctions.

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 acted in a number of claims under the Inheritance (Provision for Family and Dependents) Act 1975.

Featured Chancery cases

- *Aodhcon v Bridgeco* [2014] EWHC 535 (Ch); Stephen successfully defended a claim at trial where a borrower was alleging sale at undervalue by the lender. The case is a leading recent authority on the duty of lenders to obtain the best price reasonably available;
- *Pulvers v Chan* [2007] EWHC 2406 (Ch); 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;
- *Bradford and Bingley PLC v Peter Lesley Ross* [2005] EWCA Civ 394; Stephen acted for the lender in this mortgage shortfall claim, which went to the Court of Appeal and then a successful re-trial which vindicated the sale price achieved by the mortgagee. The decision of the Court of Appeal is the leading authority on the duty of a mortgagee when selling to a connected entity;
- *Bradford & Bingley PLC v Ishaq* [2006] EWHC 3129 (QB); Stephen acted in a High Court appeal concerned with whether a default judgment should be set aside, which turned on whether the defendant had a real prospect of being able to defend a mortgage shortfall claim.

Insurance & Reinsurance

Stephen is regularly instructed in insurance and reinsurance matters.

Featured Insurance & Reinsurance cases

- *Europools PLC v Royal & Sun Alliance Insurance PLC* [2021] 7 WLUK 148; Stephen was instructed to defend an application for summary judgment on the enforcement of an insurance arbitration award;
- *Woodford v AIG Europe Ltd & Anor* [2018] EWHC 358 (QB); Stephen acted in these proceedings in the Commercial Court, which were concerned with the insurer's liability for, and quantification of, an indemnity for defence costs incurred in litigation against the former director of a Japanese company;
- instructions by two insurers to determine which is liable to indemnify a claim;
- a claim by an insurer against a reinsurer in respect of a mesothelioma claim;
- critical illness and waiver of contribution benefit claims, including *Malekout v. Allied Dunbar Assurance Ltd* [2003] EWHC 1468 (QB); [2003] All ER (D) 122 and [2004] EWCA Civ 192; LTL 3/2/2004;
- subrogated claims by property insurers, including: claims arising from the Buncefield explosion, a claim for misrepresentation by vendors, claims against construction contractors;
- advising insurers on the drafting of policy wording for employers' liability, product liability, property and motor insurance;
- advising insurers where an insured is suspected of dishonesty;
- advising professional indemnity insurers on issues such as notification of claims and circumstances, successor practices and trade debts;
- advising on claims under the Third Parties (Rights against Insurers) Act 1930;
- advising the owner of a warehouse on a claim under the Fires Prevention (Metropolis) Act.

Property Damage

Stephen has wide experience of property damage claims, usually acting for the insurers of professionals in defending claims or in

making subrogated claims to recover their outlay.

Stephen has been involved in claims for damage caused by explosion, fire, flooding, plumbing leaks and tree roots.

Stephen has particular expertise in claims relating to Japanese knotweed, with experience for acting for claimants and defendants, in claims against solicitors, surveyors and landowners.

- Buncefield explosion; Stephen acted for insurers making subrogated claims in respect of damage to residential properties caused by the explosion at the Buncefield oil storage depot;
- claim by bank against property developer; A leading property developer carried out a major development of residential property above premises occupied by a bank. Stephen acted for the developer in making Part 20 claims against the plumbing and engineering contractors alleged to be responsible for the causes of escapes of water from the apartments into the bank's premises;
- claim against roofing contractor; Stephen acted for a contractor facing a claim by a property owner. The contractor was replacing the roof of a property and used a "top hat" scaffolding structure to protect the property during the works. The structure was breached by unseasonable weather, allowing the interior of the property to be damaged by rain;
- claim against a carpentry contractor; Following a fire at a nightclub, Stephen is acting on a claim against the insurer of a contractor who installed a Christmas lighting display;
- claim against thatched roof installer; Following a fire at a thatched cottage, Stephen acted for the insurer of the contractor in successfully striking out a contribution claim by the owners' insurer.

Mediation

Stephen was called to the Bar in 2000 and is an established senior junior. His practice covers general civil and commercial law, with particular expertise in professional liability and costs. Stephen is well known for being approachable and client friendly and for giving practical commercial advice. His sympathetic and down to earth manner is well suited to acting as a mediator.

Stephen is very conscious that mediation can itself become an expensive exercise and welcomes enquiries for half day, as well as longer, mediations. Stephen believes that time is more productively spent in exploring the parties' objectives, wishes and concerns than rehearsing the arguments which are already familiar to them, and it should often be possible to avoid the need for written or oral position statements.

Stephen was trained and accredited as a mediator by Costs ADR (www.CADR.com) of which he is a member. As well as being able to mediate in the general civil/commercial field, Stephen covers mediations specifically concerned with costs. In addition to the more familiar facilitative mediation, Stephen is able to offer evaluative mediation, where the parties can request various options for more active assistance, including guidance or a non-binding assessment. Stephen has acted as a mediator in a number of cases which have been settled at or shortly after the mediation.

Awards



Qualifications

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