



| | |
|-----------------------|----------------|
| CEDR Accreditation | 2002 |
| CEDR Mediation Panel: | 2003 |
| CEDR Chambers: | 2012 |
| Languages: | English |
| Location: | United Kingdom |

Stephen Bate

“Success was to a large extent due to the skill, expertise and persistence of Stephen. I would not hesitate to recommend Stephen as a mediator.” –

Partner City Law Firm

Overview

Stephen Bate is a member of CEDR Chambers, a full-time mediator of business disputes in particular. Over the past 15 years, he has mediated a very wide range of commercial and other civil disputes with claim values up to £250 million, reflecting his broad experience as a barrister and arbitrator. The Legal 500 2019/2020 recommends Stephen as a leading mediator. The directory has noted that his *‘grasp of detail and his ability to mediate pleasantly and persuasively between parties who could not be further apart are the main contributory factors to the success of his mediations.’*

Stephen is passionate about getting the best deal terms for parties in mediation and helping each party decide whether or not to settle the dispute. With his professional background in dispute resolution over many years, Stephen understands the landscape, pitfalls and consequences of legal disputes for businesses and individuals. He uses critical thinking skills to enable parties and advisers to make the best decisions in the mediation process. In a non-confrontational manner, he is prepared to challenge each side constructively, drawing out essential issues, enabling parties to better understand rival viewpoints and to make/act on an informed risk assessment. He is writing a book on how to resolve business disputes, to be published this year.

Professional Background

Stephen practised as a barrister for over 25 years in a wide range of civil and commercial disputes across many business sectors, often advising and representing high profile businesses and individuals. He was consistently ranked in tier 1 of the professional directories for his barrister work in entertainment law, his specialism. Until September 2017 Stephen was a member of 5RB chambers. As a Chartered Arbitrator, C. Arb., he is appointed by courts, parties and appointing bodies in domestic and international arbitrations: www.arbdb.com.



Expertise

- Commercial Contracts
- Employment & Workplace
- Energy & Natural Resources
- ICT
- Intellectual Property
- Media & Entertainment
- NHS & Healthcare
- Partnership & Shareholder
- Professional Negligence
- Public Sector
- Real Estate, Planning & Environmental
- Reputation Management
- Sale of Goods & Services
- Sport
- Trusts, Wills & Probate

Dispute Experience

(Non-mediation neutral work italicised in bullet points)

Commercial Contracts

- Contract dispute between recruitment company and services contractor over invoices for financial services placements.
- Claim by fund manager for monies due under a contract relating to investment cells.
- Competition / contract claims for £20M arising out of vehicle distribution agreement.
- Claims relating to car assembly contracts of £4M.
- Claims for £5M for breach of joint venture agreement for development of hardware and software for use in internet applications.
- Claims concerning the sale and purchase of electronic equipment.
- Dispute between principal and agent over procuring of contracts.
- Claims relating to pre-contract representations, performance and termination of distribution agreement.
- Claims from the abortive sale of a restaurant business.
- Dispute concerning the importation and sale of timber from Holland.
- Dispute over management services for the construction of an industrial power plant.
- Disputes over performance of settlement agreement; breach of confidentiality provisions.
- Claim to enforce alleged settlement agreement compromising disputes over a UK distribution business involving industrial bearings supplied from outside the UK.
- Dispute about sale of bearing parts over price, delivery and defects between UK and German companies.

- Disputes over leasing agreements between local authorities and leasing company involving allegations of fraud.
- Claims arising out of distribution agreement and ancillary licensing arrangements for manufacture and sale of proprietary products.
- Disputes between joint venturers over liability to repay bank borrowings.
- Dispute between two individuals, who were businessmen and friends, over repayment of a loan from one to the other.
- Contract and copyright dispute arising out of termination of joint venture for pilot training courses.
- Contract dispute between merchant and merchant acquirer (card services) over renewal terms, merchant alleging breach and loss of profits from third party contract.
- Contractual disputes between a healthcare insurer and an advertising agency about online sales.

Employment & Workplace

Stephen has represented clients as a barrister in restrictive covenant, confidential information and IP matters. His arbitration appointments have included disputes over the poaching of management teams.

- Claim by employment recruitment agency for fees due under contract with employing organisation.
- Unfair / wrongful dismissal claims by editor against magazine publisher.
- Wrongful dismissal claims by MD against company and cross-claims for breach of covenant/contract/breach of director's duties.
- Claims arising out of employment references.
- Contract dispute over commissions claimed by retiring investment adviser with cross-claims by the employer for breach of fiduciary duty.
- Conspiracy claims against competing business, ex-director and employees over roles in competing business.

Energy & Natural Resources

- Dispute concerning design of gas extraction plant, project management and related contractual disputes. Stephen has also acted as a barrister in contractual matters concerning the supply of gas.

ICT – Information, Communications & Technology

Stephen has acted as a barrister on many occasions in ICT cases and mediated a number of disputes in this sector. He has acted for purchasers of software systems to operate ambulance services, for owners of satellites and operators of telecommunication services and for broadcasters, as well advising on data protection issues. He has recently been sitting as arbitrator in 2 arbitrations with very high value claims in the mobile phone sector. He is also an expert appointed by Nominet in disputes concerning ownership of co.uk internet domain names.

- Dispute between insurance provider and internet sales company tasked to increase online business.
- Joint venture dispute worth £5M concerning the provision of hardware and software for internet applications.
- Software distribution contract and copyright infringement claims with clients from each side attending mediation by video link from Palo Alto, USA.
- Claim concerning purchase and sale of computer games.
- Dispute between sellers and buyer of a pre-broadcast packaging and transmission business over payment of the deferred part of the purchase price.
- Dispute concerning principal / agent relationship in the distribution of telecommunications apparatus and services.
- Contract dispute over the provision of a paperless medicines prescription, administration and supply software system.
- Contract dispute over design and build of corporate web-site.
- Dispute between investment management company and computer software company over the supply and installation of new software for processing the company's business data, including customer relationship management and other systems.
- Dispute over termination of a contract for the installation and license of a system for the maintenance and use of integrated patient records.
- Dispute between a government department and provider of marketing and communication services under long-term contract for printing and e-distribution of information.
- Contract dispute between merchant and merchant acquirer (card services) over renewal terms, merchant alleging breach and loss of profits from third party contract.
- Contract dispute over licensing arrangements for applications in the pensions market.

Intellectual Property

Stephen specialised as a barrister in intellectual property disputes, including copyright, confidential information, know-how, licensing disputes, passing off, privacy and data protection. He has mediated IP disputes with values up to £80 million and is also an expert appointed by Nominet to determine disputes over '.co.uk' domain name registrations. In addition to IP disputes in the media & entertainment sector (see below), mediations include:

- Dispute between copyright collection society, its licensee and associated parties; concerning compliance with/breach of licence, its termination and subsequent issues of copyright infringement. Case concerned manufacture and use of sound recordings for use in aerobics and fitness.
- Computer software (distributorship agreement and IPRs) claim where the lay clients were in Palo Alto, California and much of the mediation was conducted via video link from solicitors' London offices.
- Patent claims of £80 million in the aircraft sector involving world-wide litigation.
- Computer software business; shareholder dispute over company's IPR assets.
- Long-running dispute between copyright collecting society and former licensees.
- Dispute between company and its managing director over ownership of IPRs.
- Passing off and copyright infringement dispute over car air fresheners.
- Copyright claims brought by editor against magazine publisher.
- Contract and copyright dispute arising out of termination of joint venture for pilot training courses.
- Software dispute over licensing arrangements in pensions market.

Media & Entertainment

Stephen has specialised in these areas for many years as a barrister, consistently recommended in the legal directories with very high ratings.

- Copyright ownership and infringement disputes concerning songs and sound recordings.
- Dispute over costs between film producer and commissioning producer resulting from contractual procedures for prior approval of budgets.
- Dispute over rights to name of musical band involving trademarks, passing off and partnership claims.



- Dispute between musical artist/writer and publisher involving world-wide sub-publishing deal over very successful song releases.
- Accounting claims of £250M involving world famous pop band and associated companies.
- Claims of approximately £1.5M for copyright infringement on a well-known album.
- Dispute between sellers and buyer of a pre-broadcast packaging and transmission business over payment of the deferred part of the purchase price.
- Dispute between shareholders of media services company, as mediator facilitating share transfer arrangements.
- Multimillion-pound licensing and accounting dispute over distribution and sale of computer games.
- Disputes between musical artists and their management companies.
- Minority shareholder's dispute between members of a pop band on break-up of the group.
- Children's animation TV programme dispute between creators and producers.
- Dispute between advertising agency and clients over quality of adverts produced.
- Claims by pop band member for percentage share of copyright in songs and resulting revenues.
- Contract claims by music publisher against artist for signing with new publisher.
- Claims under contractual arrangements between UK and US video production companies.
- Dispute concerning IPRs in cartoon characters created by managing director of company during his employment and time as director.
- Damages claim by satellite broadcaster against companies distributing the broadcast service. The claims related to delays in the launch of the service. The dispute centred on who was to blame for the delays.

NHS & Healthcare

- Contractual dispute between Clinical Commissioning Groups and a health trust over NHS Standard Contract, including 'contract value', CQUIN payments, reporting and QIPP savings.
- Dispute between NHS Trust and Commissioning Groups over performance of NHS Contract, claims of £4M.
- Contract dispute between NHS Trust and software company over the provision of a paperless medicines prescription, administration and supply software system.
- Contractual disputes relating to a joint venture agreement between well-known providers of healthcare products and services.
- Dispute between care home operators and health authorities over fees for operating care homes.

- Dispute between trade association of care homes and local authority about fees for commissioning of residential and nursing services.
- Partnership disputes over GPs' practice.
- Contract termination dispute between Clinical Commissioning Group and provider of osteopathy services.
- Contractual / partnership dispute concerning ophthalmic services provided to two healthcare trusts by a company in the private sector; dispute included whether there was a partnership at all.
- *Legal Assessor in the regulation of doctors under the Medical Act 1983 sitting with GMC/MPTS Fitness to Practise panels 2010 - 2018.*
- *Sitting on appeals before the Medical Appeals Panel of the British Horseracing Authority, hearing often complicated medical evidence; e.g. Re Hayley Turner.*
- *Arbitrator in dispute over valuation of partnership shares in veterinary partnership; restrictive covenants.*
- *Arbitrator in partnership dispute concerning leaving partner, monies owed / claimed and restrictive covenants.*

Partnership & Shareholder

- Disputes between shareholders in food supply companies involving minority shareholder's petition and associated High Court litigation.
- Shareholders' and partners' dispute in the pension field relating to payment arrangements for exploitation of goodwill and infrastructure of established business.
- Disputes between shareholders in food supply companies involving minority shareholder's petition and associated High Court litigation.
- Dispute between shareholders of media services company, as mediator facilitating share transfer arrangements.
- Shareholder dispute involving retail business.
- Minority shareholder claims concerning computer software company.
- Minority shareholders dispute between members of a pop band on break-up of the group.
- Dispute between partners over allocation of costs in land development projects.
- Partnership dispute over GPs' Medical Practice.
- Contractual / partnership dispute concerning ophthalmic services provided to two healthcare trusts by company in private sector; dispute included whether there was a partnership at all.
- Family dispute over investment property transactions and enforcement of a Tomlin order.



- Contractual dispute between two individuals relating to running costs of a co-owned game reserve in South Africa.
- Dispute between two shareholders with 50:50 participations in media company.
- *Arbitrator in dispute over exercise of pre-emption rights in shares in mobile phone company.*
- *Arbitrator in dispute over valuation of partnership shares in veterinary partnership; restrictive covenants.*
- *Dispute between two shareholders with 50/50 participation in media company.*
- *Arbitrator in partnership dispute concerning leaving partner, monies owed / claimed and restrictive covenants.*

Professional Negligence

As a barrister, Stephen has acted in many solicitors' professional negligence disputes and for some years was on the panel of barristers regularly instructed by the Solicitors Indemnity Fund.

Public Sector

- Dispute between a government department and provider of marketing and communication services under long-term contract for printing and e-distribution of information.
- Contract dispute over security, payroll and other administrative services for a police force.
- Many NHS Trust / Clinical Commissioning Group matters: see under NHS /Healthcare.
- *Arbitrator in dispute concerning contracts for the provision of NHS bed facilities.*
- *Sitting on racing regulator's (British Horseracing Authority's) Licensing Committee, hearing several medical appeals and numerous referrals under regulator's 'fit and proper person' jurisdiction.*
- *Sitting on BHA's Regulatory Committee at a hearing resulting in a reasoned decision not to renew racecourse licence on solvency grounds.*
- *Legal Assessor with numerous GMC/MPTS Fitness to Practice Panels on medical misconduct and performance cases 2010 - 2018.*

Real Estate, Planning & Environmental

- Dispute between parties to property joint venture over appropriation of investment costs.
- Dispute over plots of land sold to private investors as to the land's development potential; withholding of monies payable under settlement agreement for alleged breach of confidentiality clause.
- Dispute over contractual arrangements for commercial development scheme involving planning issues.

- Joint venture dispute over development projects.
- Claims by multi-party investors against land development companies.
- Claims between freeholders and leaseholders of UK heritage sites.
- Dispute between freeholders and owners of long lease of commercial premises.
- Claims by lessee of commercial premises for loss of profits, cross-claims for forfeiture.
- Possession claim by owners of stadium against long-term commercial tenant involving three sets of proceedings.
- Commercial landlord and tenant dispute concerning breach of insuring covenant.
- Flooding claim against public utility brought by flat tenants.
- Claims relating to ownership of disputed areas of land.
- Claims for possession, rent and insurance arrears by commercial landlord against residential tenant.
- Boundary dispute also concerning right to light.
- Property ownership dispute between family members.
- Rights of way dispute.
- Contract dispute between a local authority and a provider of temporary and permanent housing accommodation over bonus payments and compensation for occupation voids.

Reputation Management

- Disputes over performance of settlement agreement; claims for breach of confidentiality provisions.
- Disputes over alleged breach of a confidentiality agreement between joint venture parties.
- Slander and assault claims in high profile case involving sports regulator where discreet settlement essential.
- Defamation claims brought by company against trade rival over allegations of insolvency.
- Defamation claims between members of the Sikh community over religious matters.
- Defamation dispute between neighbours involving allegations of racism.
- Defamation disputes between local authority and owners of holiday camps.
- Slander dispute between local government officers.
- Libel dispute over social-media postings arising from performance issues under a building contract.

Sale of Goods & Supply of Services

- Claim based on alleged settlement agreement compromising disputes over a UK distribution business involving industrial bearings supplied from outside the UK.
- Contract and restitution disputes between NHS commissioning groups and care homes.
- Claims of £4M relating to motor car assembly contracts.
- Dispute concerning the importation and sale of timber from Holland.
- Claims for the price of metal bearings and counterclaims for defects and late delivery arising out of contracts between UK manufacturer and German buyer.
- Claims arising out of distribution agreement and ancillary licensing arrangements for manufacture and sale of proprietary products.
- Dispute over management services for the construction of an industrial power plant.
- Disputes between local authority and suppliers over contracts relating to floor sealants.
- Claims in contract concerning the sale and purchase of electronic equipment.
- Claims relating to pre-contract representations, performance and termination of product distribution agreement.
- Contract claims relating to royalties due on sales of computer games.
- Contract dispute over design, manufacture and supply of air pollution sensors.
- Dispute between two barristers and a firm of solicitors over payment of the barristers' fees.

Sport

Stephen is appointed regularly to chair football arbitration panels, including Football League disputes. He was a member of the British Horseracing Authority's Licensing Committee for 9 years and chaired many hearings; see further details under 'Public Sector'.

- Dispute between purchasers and sellers of shares in a football club.
- Contractual image rights dispute over performance of an endorsement contract.
- Dispute over elections and governance of sports regulator.
- Slander and assault claims in high profile case involving sports regulator where discreet settlement essential.
- Dispute between promoter and celebrities over contracts for appearances on a tour of shows.
- Contract dispute over losses claimed in respect of contaminated horsefeed.

Trusts, Wills & Probate

- Dispute over family trusts concerning investment property transactions and enforcement of a Tomlin order.
- Dispute between US executors / English administrator and testator's daughter over ownership of leasehold property in London, which had been purchased by the testator.
- Contract dispute over management of portfolio of properties owned by a family trust and managed by a company owned and controlled by beneficiaries of the trust.
- Dispute over interests under a family trust.
- Family disputes involving powers of attorney and Court of Protection issues.
- Disputes between beneficiaries under a trust and residuary beneficiaries under a will.
- Dispute over governance of charity.
- Family dispute over management and sale of restaurant business.

Feedback – Clients

- *“Stephen was an excellent communicator and was very effective in helping the parties to narrow the issue in the dispute.”*
- *“As I said at the conclusion of the mediation, I am extremely grateful to you for achieving the almost impossible in settling this dispute ... it was a pleasure working with you.”*
- *“Thank you for your adept handling of the mediation yesterday. It was a pleasure working with you and I hope to do so again before long.”*
- *“After the mediation, I spoke with Counsel instructed on behalf of [the construction company] and both of us were impressed by Mr Bate’s performance and thought of him a very good mediator.”*
- *“Success was to a large extent due to the skill, expertise and persistence of Stephen. I would not hesitate to recommend Stephen as a mediator in future, nor would I hesitate in using him again.”*
- *“We all appreciated the fair but firm way you handled the mediation. It’s saved us all a lot of time and expense.”*
- *“And what can I say, “You’re simply the best.””*
- *“We thought Stephen Bate was excellent ... his approach was very measured, sensible and helpful.”*
- *“He had a good understanding of the facts and grasped the issues quickly.”*

- *"I have done about 20 mediations and this one was handled better than any of the others."*
- *"He managed the day extremely well and I will be recommending him for other mediations."*
- *"Well prepared and used the time very effectively during the day."*
- *"Stephen kept both parties focused and we arrived at a deal which both parties appeared very happy with."*
- *"From the moment we kicked off it was apparent he knew the documents.....and because he was so well prepared he asked some very good questions which brought up issues that hadn't been discussed before."*
- *"He showed a real interest in the case and in helping the parties to achieve resolution, and demonstrated an understanding of the commercial as well as legal issues involved."*
- *"He kept the parties on point and drew them back to the issues in order to avoid time being wasted on irrelevant matters."*
- *"He offered pragmatic and commercial solutions, and was of valuable assistance when we were drafting the settlement agreement."*
- *"I felt he dealt very carefully and sympathetically with my client."*
- *"He was very active in the process and really made my client look at his case and made comments which were designed to get the parties closer together."*
- *"I was very impressed by Stephen's patience, grip of the subject matter and tenaciousness."*
- *"It was certainly a case that should have settled in theory but ultimately I thought you did very well in bringing the parties together as you did."*
- *"Thanks for looking after us so well on Friday. And many thanks too for your assistance in getting this to a deal. A very interesting dispute and one that we [were] happy to be get rid of."*

Feedback - Directories

- *'[Stephen's] grasp of detail and his ability to mediate pleasantly and persuasively between parties who could not be further apart are the main contributory factors to the success of his mediations.'*
- *"A creative thinkeras good as it gets for understanding the industry."*
- *"A tremendously hard worker [whom] solicitors like because he gets results."*
- *"He is a standout barrister in this area who puts a lot of time and effort into all he does to excellent effect."*

Taken from Chambers & Partners Guide to the Legal Profession and The Legal 500