



CEDR Accreditation: 1998  
CEDR Panel Member Since: 2001  
Languages: English  
Location: United Kingdom

*“Wonderful presence, brilliant at narrowing down the issues quickly.”*

The Legal 500

## Stephen Ruttle QC

### Overview

Stephen Ruttle QC has been a full time ADR practitioner for over 10 years and spends the majority of his time mediating major disputes in the UK and internationally. He has successfully mediated close to 1000 intractable commercial disputes with sums involved, in individual cases, of up to £2bn. He has for many years been regarded as among the top 10 commercial mediators practising in the UK.

### Professional Background

Stephen began to mediate commercial disputes in 1999. Most of his early cases came from the fields in which he had expertise as a commercial Queen's Council, principally insurance, reinsurance and shipping. However, such is Stephen's expertise as a mediator he now works on disputes related to a wide spectrum of commercial sectors.

### Expertise

- Banking & Finance
- Commercial Contracts
- Construction & Engineering
- Energy & Natural Resources
- Environmental
- Insurance & Reinsurance
- Partnership & Shareholder
- Professional Negligence
- Shipping

## Dispute Experience

### Banking & Finance

- A corporate investor claimed that investment advice provided to it by its merchant bank was negligent. The advice concerned the proportion and nature of emerging market derivatives within the portfolio. Proceedings had not then

been begun. A two-day mediation led to a significant narrowing of the gap. The mediation resumed about two months later when further progress was made. The dispute subsequently settled after protracted telephone discussions between the parties and the mediator.

- The Trustees of a large Pension fund asserted negligence against their actuaries and claimed damages of about £10m. The dispute was resolved after a day of mediation.
- The beneficial owners of a series of off-shore trusts contended that their Trustee Bank was negligent in the investment advice given and in the manner in which particular holdings of the Trusts were sold. A one day mediation resolved the dispute.
- A dispute arose between a beneficiary of a Letter of Credit and the confirming Bank. The case was referred to mediation after a mediation order by the Commercial Court. The case settled at the mediation.

### Commercial Contracts

- A contract was made for the supply of high tech photographic equipment to be installed into MIG fighter jets. A settlement was agreed at the end of a long day of mediation.
- A company had agreed to provide security services to the Customs Service of an ex-Soviet Republic in order to seek to curtail the incidence of smuggling. Disputes arose and a colourful array of individuals attended the two-day mediation. The dispute settled.

### Construction & Engineering

- Sewage and storm water waste pipes were laid in a trench across the sea-bed to a discharge point some miles off-shore. The trench infill failed to prevent the pipes from beginning to rise. Lengthy litigation resulted between the four parties involved. A two day mediation led to a settlement and saved the costs of a six to eight week trial.
- Claims were made by building owners against project managers because of the late completion of two buildings. In relation to the second building (but not in respect of the first) the insurers of the managers denied cover. A claim was made by the insured against the insurers (seeking a declaration of coverage) and against the brokers (in the alternative) for damages. The insurance coverage dispute was mediated. It was soon apparent that this dispute could not really be separated from the incoming claims against the managers. In the course of the one-day mediation an agreement was made by these three parties to settle their dispute and to make a sum available to the building owners. This agreement was contingent on the building owners accepting the sum offered within seven days. They did so; and accordingly all the interlocking disputes were resolved.



### Energy & Natural Resources

- A long term Oil product supply agreement led to disputes between the supplier, which claimed damages of over \$10m, and the purchaser. A two-day mediation took place in London and a further mediation took place in Athens.
- The five owners of a North Sea platform claimed damages of c.\$35m against the builder. The builder counterclaimed \$65m. The mediation took place before litigation as a result of a mediation clause in the Building contract. A one-day mediation was attended by about thirty personnel. The mediation adjourned and lengthy negotiations then took place between the parties directly.

**Environmental:** River pollution claim.

### Insurance & Reinsurance

- A world famous hotel was badly damaged by a hurricane. A claim for more than \$40m was made against the insurers. The mediation lasted two days and led to the settlement of complex interlocking American and English litigation between the four parties involved.
- A claim for about \$50m was made against insurers by the Liquidator of a European commodity company arising out of the loss of large quantities of soya beans. A mediation took place shortly before the case came on for trial. The day concluded with the parties many millions apart and the trial began. The mediator kept in contact with the solicitors and after three weeks of trial arranged another meeting which was attended by representatives of the litigants and of the higher layer insurers. A settlement agreement was signed.
- Liquidators of a Lloyds Broker, acting with a Third Party claimant sued the broker's Professional indemnity insurers for nearly £50m. A settlement agreement was signed after a two day mediation; and the agreement subsequently sanctioned by the Court.
- A claim for \$45m was made by an American reinsured against its reinsurers arising out of North American personal accident and health insurance risks. A one day mediation led to agreement on a figure and the terms of the settlement were finalised shortly after.
- Other insurance claims mediated have involved fires, freight-forwarder liability, subrogated cargo claims, numerous professional negligence liability covers, credit and contingency claims (including several film-finance disputes), Directors and Officers cover, Contractors All Risks cover etc.

**Partnership & Shareholder:** Minority shareholder petitions.

### Professional Negligence



- Many of the disputes identified above involved allegations of professional negligence in one form or another. I have mediated disputes in which the conduct of the following professionals was in issue. Solicitors, insurance and reinsurance brokers, accountants, actuaries, bankers, fund managers, professional trustees, surveyors, architects, engineers, builders, valuers and computer consultants.

### Shipping

- A large tanker went aground when negotiating entry into a UK port. Extensive oil pollution resulted contaminating hundreds of miles of beaches. A claim for over £50m was brought against the relevant port Authority alleging responsibility for the grounding and subsequent contamination. A two-day mediation resolved the dispute.
- A crane collapsed on the deck of a vessel being loaded. Several seamen died and there was damage to both the vessel and the crane. A five party mediation resulted. All the disputes were resolved in one day of mediation.
- A very large quantity of gasoil was sold from a VLCC acting as a floating storage depot. The gasoil was contaminated and out of spec. The cargo had been on-sold to numerous buyers and sub-buyers. Major litigation erupted. Part of this litigation was mediated. A three day mediation led to terms being put forward which were accepted by the counter-party soon after.
- A ship building dispute arose between a Far-Eastern yard and an Italian buyer. The issues related to the fitness of the vessels engines and generators. High-level delegations from both parties attended the mediation. The case came close to settlement and resolved a few days later following further discussions between the mediator and the parties.
- Other cases mediated include salvage, collision, General Average, Charterparty, Bill of Lading and shipbuilding disputes, and a series of disputes involving P and I Clubs.

### Other Sectors

- |                           |   |   |
|---------------------------|---|---|
| • Companies Act Petitions | • Information, Communication & Technology | • Marine personal injury and death claims |
| • Clinical negligence     | • Insolvency                              | • Sale of Goods & Services                |
| • Employment & Workplace  | • Intellectual property                   | • Trusts, Wills and Probate               |

### Personal Style

Stephen approaches mediation, not from a lawyer's perspective but as a problem that it is his role to help the parties try to resolve. He will do all he can to help the parties to reach agreement. Stephen believes that he brings to the process his

personal conviction in the value of mediation, his enthusiasm for what he expects it to achieve, and his never-ending enjoyment in meeting new people. He does his best not only to convey these views but to help everyone have fun!

### Feedback - Clients

- *"You could see he was clearly someone very experienced in settling disputes."*
- *"He was very friendly and business like, as well as clearly very able."*
- *"He did a very good job and got a good result. He lived up to his reputation."*
- *"Very good mediator, as expected." "He reality-tested well and was very effective."*
- *"Stephen Ruttle was an extremely pleasant man which helped to build a good rapport."*

### Feedback - Directories

- *"...in great demand for complex, cross-border and multi-party matters. He has the clout and gravitas of a high-end commercial silk, combined with great courtesy, people and communication skills."*  
- Legal 500 (2010)
- *"combines the kudos and acumen of a top commercial silk with strong people skills" "a good listener" with "great empathy" and "immense reserves of patience"*  
- Legal 500 (2008)
- *"...for big important disputes I always go to Ruttle, Wonderful presence, brilliant at narrowing down the issues quickly."*  
- Chambers & Partners (2007/8)
- *"light touch" "robust charm" "facilitative negotiation style" "clear distillation of the issues" "doesn't spend hours dancing round the daffodils" "cuts to the chase" "bearing his teeth where necessary" "very pragmatic" "gets to the essence of the problem"*  
- The Legal 500 (2007)
- *"A mediator with "charisma and bags of positive energy"."*  
- Chambers & Partners (2004/5)
- *"An immensely capable and effective mediator" who combines a "first-class forensic ability" with a facility for "capturing the confidence of parties".*  
- Chambers Guide to the Legal Profession (2001/2)



### Professional Skills

Stephen has been a practising barrister since 1976 and was appointed Queens Counsel in 1997. When active as a litigation barrister his main areas of practice were reinsurance, insurance, Lloyds, shipping and general commercial law. He also practiced in banking and financial services matters.

In addition to Stephen's work as a mediator he is an active Commercial Arbitrator. He arbitrates extensively in the reinsurance and insurance field usually sitting as Sole Arbitrator or as the Chairman of the Panel. Stephen has Arbitrated a number of ICC and LCIA disputes, is a Lloyds Arbitrator and a member of the British Insurance Law Association and LMAA.

Stephen has been called upon to act as an expert witness on English insurance law in the United States, Sweden and Australia.

### Other Mediation Activities

Stephen is heavily involved in the community mediation movement in the voluntary sector. For a number of years he was on the board of Mediation UK, then the national community mediation organisation. He is a founder Director of a community mediation charity called Wandsworth Mediation Service and is currently involved in developing local dispute resolution/community mediation initiatives in Wandsworth. He regularly mediates clerical and other church based disputes on a voluntary basis and is keen to develop mediation initiatives between faith groups.

An enthusiastic advocate of mediation Stephen regularly writes, lectures and speaks about mediation, its development and its advantages.

Stephen is a member of the Bar Council ADR Committee and of the Civil Justice Council ADR Committee. He is an independent mediator board member of the Civil Mediation Council. He is also Company Secretary of Mediation UK (the national community mediation organisation) and a founder Director of Wandsworth Mediation Service.

### Qualifications & Memberships

- Member of ARIAS US 1998
- Accredited and Registered by CEDR as a Mediator 1998
- Member of the Civil Justice Council ADR Committee 2000
- Member of the Bar Council ADR Committee 2000 - 2007
- Board Member of Mediation UK 2001- 2005

- Founder Director of Wandsworth Mediation Service 2002
- Independent Mediator Board Member of the Civil Mediation Council 2003-2005
- Bencher Gray's Inn 2004
- Vice-Chairman of Mediation UK 2004 - 2005
- Member: Panel of Independent Mediators (PIM) 2005
- Accredited Mediator at Hong Kong International Arbitration Centre 2006
- Fellow of the International Academy of Mediators 2007
- Lieutenant-Bailiff Guernsey 2008

### Publications

- Lecturer at numerous Insurance, Reinsurance and Mediation Seminars.
- Co-Author of "Insurance Brokers" section in Professional Negligence and Liability, LLP 2000.
- Contributor to Butterworths, "Mediators on Mediation, Leading Mediator Perspectives on the Practice of Commercial Mediation" 2005.
- Co-Author of Chapter 9 in the ICC publication ADR in Business 2006 ("Better Dispute Resolution - The Development and Practice of Mediation in the United Kingdom between 1995 and 2005").