



<b>CEDR Accreditation:</b>	2002
<b>CEDR Panel:</b>	2003
<b>CEDR Chambers</b>	2012
<b>Languages:</b>	English
<b>Location:</b>	United Kingdom

***“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.”***

Client Feedback



## Stephen Bate

### Overview

Stephen Bate is a full-time CEDR mediator, both CEDR and IMI accredited. Since 2003, 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 in other areas of dispute resolution (see below).

Who's Who Legal 2022 'recommended' for commercial mediation / Global and UK Bar categories. The directory has noted (2021) that *'Stephen .. is known among peers as "a great mediator who is easy to get along with." He has a first-rate record in high-value commercial disputes across a plethora of sectors.'*

The Legal 500 2022 also 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 mediates in all modes; physical, virtual and hybrid. He is passionate about getting the best deal terms for parties in mediation and helping each party get the best outcome / use the process profitably. 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 mediation. 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 author of '*Resolving Business Disputes / How to get better outcomes from commercial conflicts*', Spiramus Press (2020). The book's topics include litigation outcome forecasting and decision-making in settlement.

## 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 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 and is also on LCAM's panel of arbitrators: [www.arbdb.com](http://www.arbdb.com).

The following are illustrations of mediations Stephen has conducted in the following areas: commercial, company (including partnership), distribution, agency and joint venture, healthcare, information, communications & technology (ICT), intellectual property, media and entertainment, real estate and property, reputation management, sport and trusts.

## Dispute Experience

*(Non-Neutral work in italics)*

### Commercial

- Claims in the oil and gas sector for damages for supply of faulty drilling equipment.
- Competition / contract claims arising out of termination of vehicle distribution agreement.
- Claims relating to car assembly contracts.
- Claims concerning the sale and purchase of electronic equipment.
- Dispute concerning the importation and sale of timber from Holland.

- Dispute about sale of bearing parts over price, delivery and defects between UK and German companies.
- Disputes over leasing agreements involving allegations of fraud.
- Dispute concerning design of gas extraction plant, project management and related contractual disputes.
- 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.
- 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.
- Contract dispute over design, manufacture and supply of air pollution sensors.
- Disputes over performance of settlement agreement; breach of confidentiality provisions.
- Dispute over sale of a food business, claims of unlawful post-sale competition and cross-claims for payment of deferred consideration.

## **Company and partnership**

- 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 English High Court litigation.
- Dispute between shareholders of media services company.
- 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.
- Dispute between shareholders of media services company.
- Contractual / partnership dispute concerning services provided to 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 consent order.
- Contractual dispute between two individuals relating to running costs of a co-owned game reserve in Africa.

## **Distribution, agency and joint venture**

- Claim based on alleged settlement agreement compromising disputes about a UK distribution business involving industrial bearings supplied from outside the UK.
- Claims relating to pre-contract representations, performance and termination of a distribution agreement.
- Disputes between joint venturers over liability to repay bank borrowings.
- Claims arising out of distribution agreement and ancillary licensing arrangements for manufacture and sale of proprietary products.
- Joint venture dispute worth concerning the provision of hardware and software for Internet applications.
- Dispute between principal and agent over procuring of contracts.
- Contract and copyright dispute arising out of termination of joint venture for training courses.
- Contractual disputes over a joint venture agreement between providers of healthcare products and services.

## **Healthcare**

- Contractual dispute between Clinical Commissioning Groups (CCGs) and a health trust over NHS Standard Contract, including 'contract value', CQUIN payments, reporting and QIPP savings.
- Dispute between NHS Trust and CCGs 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.
- Contract dispute over adequacy of software for medicines prescription and supply.
- 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 CCG and provider of osteopathy services.
- Four-party dispute concerning payment of fees for complex medical health needs of a patient in a rehabilitation unit, involving the owners of the unit, the patient, her Court of Protection Deputy and a CCG.
- 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.

## **Information, communications & technology**

- Dispute between insurance provider and internet sales company tasked to increase online business.
- Joint venture dispute over 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.
- Damages claim by satellite broadcaster against companies distributing the broadcast service. The claims related to delays in the launch of the service and which party was at fault.
- Dispute between sellers and buyer of a pre-broadcast packaging and transmission business over payment of 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.
- Dispute over payment of invoices for the supply of IT services for US\$2M.

## **Intellectual property**

- 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 lawyers' London offices.
- Patent claims in the aircraft sector involving world-wide litigation.
- Trade mark infringement claims based on alleged marketing of goods outside licensed territories on a well-known online sales platform.
- Claims for royalties due on sales of computer games.
- Dispute between copyright collection society, its licensee and associated parties.
- 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.
- Contract and copyright dispute arising out of termination of joint venture.
- Multimillion-pound licensing and accounting dispute over distribution and sale of computer games.
- Claims under licensing arrangements between UK and US video production companies.

## **Media & Entertainment**

- Copyright ownership and infringement disputes concerning songs and sound recordings.
- 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.
- Disputes between musical artists and their management companies.
- Minority shareholder's dispute between members of a pop band on break-up of the group.
- Contract claims by music publisher against artist for signing with new publisher.

## **Real estate, property**

- 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.

## **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.
- Libel dispute between journalists over critique of well-known broadcast programme.
- Defamation claims brought by company against trade rival over allegations of insolvency.

- Libel dispute over social-media postings arising from performance issues under a building contract.
- Libel dispute between journalists relating to investigative programme broadcast on TV.

## **Sport**

- 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**

- Dispute over family trusts concerning investment property transactions.
- Dispute between US executors / English administrator and testator's daughter over ownership of leasehold property, 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**

- *"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.”*
- *“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.”*
- *“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.”*
- *“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.”*