



Stephen Barker, Partner
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Stephen is a Partner in the Commercial Disputes team. He has over 20 years experience of commercial dispute resolution. Stephen was one of the first solicitors to be awarded Higher Rights of Audience by the Law Society and subsequently has appeared as advocate in the Court of Appeal. Chambers & Partners' 2011 guide to the legal profession rates Stephen in Band 1 of leading individuals and describes him as an *"A-list player who has a good legal brain and brings incredible energy to his cases"*, while the 2010 edition of the Legal 500 directory rates him as a *"thoroughly switched-on litigator"*.

He has represented parties in a wide range of high-value commercial disputes from complex IT development projects and design and manufacturing contract disputes to litigation and arbitration arising from mergers and acquisitions. Stephen's recent experience also includes public procurement challenges and high profile applications for judicial review.

Stephen is an expert in Alternative Dispute Resolution and has regularly worked as a commercial mediator since 2001, when he was accredited by CEDR. He is also experienced in less well known forms of ADR, such as Early Neutral Evaluation.

He has a solution-focused approach. He works closely with clients to understand their business objectives and creates bespoke dispute resolution strategies to achieve those objectives, as efficiently and effectively as possible. These strategies may be to negotiate, mediate, or if necessary, conduct fully contested arbitration or court proceedings.

Examples of legal experience

- Representing a group of shareholders in High Court proceedings relating to the meaning of a share valuation clause in a joint venture agreement.

- Representing a public transport company as an interested party in judicial review proceedings between a Passenger Transport Executive and the Secretary of State for Transport concerning the meaning of regulations concerning the calculation of concessionary fare reimbursement.
- Defending a £14m claim on behalf of an IT Services company arising from the termination of a project to replace a core IT system for a financial services organisation.
- Prosecuting a £500m expert determination arising from the completion accounting following the sale and purchase of the entire issued share capital of a motor vehicle manufacturer. The expert determination, which was conducted in London, was document heavy and involved complex issues relating to the £850m difference in valuation of the net asset value of the business that had been sold. It also involved questions of construction of the contractual terms, governing the jurisdiction of the expert to make his findings. The case was successfully settled prior to the final determination.
- Representing a UK Government Authority in a Judicial Review before the London High Court, following a challenge by a disappointed incumbent bidder of its decision to exclude them from the final stages of the process for the letting of a major long term transport contract.
- Representing a vehicle manufacturer in the defence of £58m High Court proceedings for loss of profits arising from breach of contract, arising from the discontinuance of negotiations to enter into a joint venture. The claim centred upon whether the defendant was bound by a Memorandum of Understanding, which was expressly stated to be "subject to contract".
- Successfully resisting an interim injunction in a claim to prevent a company operating in the UK as a jurisdiction prohibited by the terms of a contract between two operators of high performance car clubs (*PI v Revo250 [2005] All ER (D)*).
- Defending a firm of thermal engineers in a \$50m claim in the London Technology Court for losses arising from alleged defects in the design and construction of an Aluminium recycling plant in Brazil. The claim involved complex jurisdictional issues as well as disputes as to technical engineering matters. The claim was

resolved to the satisfaction of the parties following a three day co-mediation in London.

- Leading a team of lawyers defending the Vendor of a business from a \$38m claim for breach of warranties given in a Sale and Purchase Agreement. A comprehensive case assessment was carried out, key witnesses were interviewed and the relevant documents were thoroughly analysed. The documents to disprove the claim were spread across offices in three countries. A full and detailed defence to the notice of claim was prepared and served upon the claimant. The claimant discontinued its claim, following the delivery of the defence document.
- Representing a Formula 1 driver in a dispute with his former management company relating to the enforceability of a long term management contract.

Additional information

Before joining Reed Smith in 2006 Stephen was head of commercial litigation at Eversheds in Birmingham. Stephen is a member of the firm's senior management team and is the firm's partner responsible for quality, risk and compliance.

Stephen is a Panel Member of the Association of Midlands Mediators and a Certified Member of the Mediators Institute of Ireland.

Career Experience

- 2009 Hill Hofstetter LLP, Partner
- 2006 Reed Smith LLP, Partner
- 1989 Eversheds LLP, Partner from 1999
- 1987 Glaisyers

Legal Education

- 2001 CEDR Accredited Mediator
- 1998 Higher Rights of Audience (Civil)
- 1987 Law Society Finals, College of Law, Chester

1986 Common Professional Examination, College of Law, Chester

Undergraduate Education

1984 BA (Hons), University of Sheffield, Classical Civilisation