

STEPHEN BATE – MEDIATION PROFILE

OVERVIEW

“We thought Stephen Bate was excellent ... his approach was very measured, sensible and helpful.” Stephen is an experienced mediator and recommended in the Legal 500. He uses forensic and legal skills as a barrister but in a non-confrontational manner, drawing out essential issues in a dispute, enabling the parties to better understand rival viewpoints and make an informed risk-assessment with a view to settlement. His mediation skills cover a broad range of civil disputes, including employment, healthcare and pharmaceuticals, intellectual property, media, entertainment and sport, partnership, professional negligence, supply of goods and services, technology and IT. A practising barrister for over 25 years with a background in general Common Law and Chancery matters, Stephen is also a Chartered Arbitrator, FCI Arb., with an active arbitration practice.

He joined the CEDR Solve mediator panel a year after his accreditation by CEDR in 2002 and has mediated a wide range of disputes since, with claim values up to £30 million. He is also a member of the Civil and Commercial Panel of mediators of the Chartered Institute of Arbitrators and is accredited by the International Mediation Institute.

EXPERIENCE

Supply of Goods and Services

As a barrister, Stephen has acted for clients in many diverse fields in the supply of goods and services. Contract cases have been a focal point of his legal work over the years. His mediation experience includes -

- Claim concerning purchase and sale of computer games equipment - settled on the mediation day.
- Shareholder dispute involving retail business - settled on the day.
- Dispute concerning design of gas extraction plant, project management and related contractual disputes – settled on the day.
- Dispute concerning the importation and sale of timber from Holland.

- Claims for £5M for breach of joint venture agreement for development of hardware and software for use in internet applications – settled on the day.
- Claims concerning the sale and purchase of electronic equipment – settled on the day.
- Claim from the abortive sale of a restaurant business - settled on the day.
- TCC claim over floor finishes supplied to local authority.

Property

As a barrister, Stephen has acted in the following areas: commercial and residential landlord & tenant, title and other conveyancing disputes, trust-related matters, easements and rights of way, covenants, nuisance and like claims. His mediation experience includes -

- Dispute over contractual arrangements for commercial development scheme involving planning issues – settled the day after the mediation.
- Dispute between freeholders and owners of long lease of commercial premises – settled on the day.
- Possession claim brought by owners of stadium against long-term commercial tenant involving 3 sets of proceedings – settled on the day.
- Commercial landlord and tenant dispute concerning breach of insuring covenant.
- Flooding claim against public utility brought by flat tenants – settled on the day.
- Boundary dispute also concerning rights of light – settled on the day.

Media, entertainment & sport

Stephen has been specializing in these areas for many years as a barrister and is, and has been consistently, recommended for media and entertainment work in the main legal directories with very high ratings. His areas of expertise include copyright, royalty and licensing (contract) disputes, recording and publishing agreements, passing off, defamation, privacy, data protection, internet matters and broadcasting regulatory work, privacy rights for sportsmen and sports regulation. He sits as an arbitrator on the Football Disciplinary Commission and Football Appeal Panel of the Football League and is the sole legal member of the British Horseracing Authority's Licensing Committee, which exercises a 'fit and

proper person' jurisdiction. He also sits on the Authority's Medical Appeals Panel. His mediation experience includes -

- Dispute between musical artist/writer and publisher involving world-wide sub-publishing deal over very successful song releases – settled at 6 a.m. next morning.
- Claims of approximately £1.5M for copyright infringement on a well-known album. The parties reached agreement on the main commercial terms on the day of mediation and the case settled soon afterwards.
- Multimillion pound licensing and accounting dispute over very successful computer games – case settled later.
- Children's animation TV programme dispute between creators and producers – settled on the day.
- Dispute over elections and governance of sports regulator – settled on the day.

Intellectual property

Stephen specializes as a barrister in intellectual property disputes, including copyright, confidential information, know-how, licensing disputes, passing off, design rights, privacy and data protection. He has mediated IP disputes with values up to £30M: see the above list under 'Media and Entertainment'. He is also an expert appointed by Nominet to determine disputes over .co.uk domain name registrations.

Technology and IT

With a very strong background in contract matters, Stephen has acted as a barrister in technology and IT cases and mediated disputes in the sector. He has acted for owners of satellites and operators of telecommunication services, and for satellite broadcasters and advises on data protection issues. Recent mediations include a dispute concerning an internet sales company tasked to increase online business for a customer and a high value joint venture case concerning the provision of hardware and software for internet applications, which settled on the day. Stephen is sitting as an arbitrator in two very high value claims in the telecommunications sector. He is also an expert appointed by Nominet in disputes concerning internet domain names and is a panel member of CISAS, the independent

adjudicator set up under the Communications Act 2003 to decide disputes in the provision of telecommunication services.

Partnership

Stephen has acted in many partnership disputes as a barrister, has mediated cases involving disputes between shareholders and is currently sitting as arbitrator in 2 very high value cases concerning pre-emption rights in shares. Stephen also mediates in quasi-partnership matters including the division of real property between couples and family disputes concerning the running of companies.

Employment

Stephen has represented clients as a barrister in restrictive covenant and confidential information cases and he specializes in IP matters. His mediation work has included disputes in these areas, breaches of directors' duties, breaches of employees' duties of good faith, disputes over shares and defamation claims arising out of employment references.

Healthcare and pharmaceuticals

Stephen has mediated commercial disputes in the health insurance field and as a barrister he has acted in health insurance disputes between insurance providers, the interpretation of EU Directives concerning pharmaceutical products and other work on behalf of health authorities. Stephen sat recently as an arbitrator in the healthcare field, in a contractual dispute concerning the supply of beds. He is also a GMC Legal Assessor in the regulation of doctors under the Medical Act 1983 and sits on the Medical Appeals Panel of the British Horseracing Authority.

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Professional negligence

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

Wills and probate

As a barrister, Stephen has acted in disputes concerning wills, trusts and family provision. His mediation practice includes commercial disputes between family members and family disputes arising from powers of attorney.

PERSONAL STYLE & FEEDBACK

Stephen combines forensic and legal skills from his practice as a barrister in a non-confrontational manner with a real interest in the architecture of disputes and their human aspect.

“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”.

OTHER DISPUTE RESOLUTION EXPERIENCE

Stephen's work as a Chartered Arbitrator involves him sitting as arbitrator in both domestic and international arbitrations with very high values. He is also a member of the British

Horseracing Authority's Licensing Committee, which exercises a 'fit and proper person' jurisdiction, and sits on the Authority's Medical Appeals Panel. He is a Legal Assessor in GMC disciplinary work concerning the regulation of doctors under the Medical Act 1983 and also a Nominet appointed expert deciding disputes on rights to .uk domain name registrations. He is also on the CISAS panel of adjudicators, adjudicating disputes over Broadband and telephone services and an arbitrator under the ADR Procedure of Phonographic Performance Ltd, the trade association, which exploits copyrights and performers' rights and represents the interests of record companies and performers.

ADR focus

In addition to his mediation skills, Stephen is able to assist the parties in considering other options to unlock disputes, using what he calls 'the ADR toolbox'.

PROFESSIONAL BACKGROUND

Stephen is a practising barrister at 5RB, 5 Raymond Buildings in London, chambers of Desmond Browne QC and Adrienne Page QC, www.5RB.com. He was called to the Bar in 1981 and has a general Common Law and Chancery background. He has many years experience in litigation and advisory work in a very broad range of civil work.

Other skills

Languages - French and German.

Personal details

Married with 3 daughters. Outdoor interests include fishing, golf, cricket and tennis. Member of the Royal Geographical Society.