



Steven Barrett

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Barrister

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RECOMMENDATIONS

"Steven impresses with his profound knowledge of the relevant law, sound commercial advice, and engaging personality."

Instructing Solicitor

Steven Barrett read law at Oxford and taught law at Cambridge. He has a strong commercial and financial services practice, and regularly works on banking, company, partnership and shareholder disputes. He is frequently praised for his commercial approach. He throws himself in fully to any case and is always available on the end of a phone.

He is fully versed in all forms of ADR and accepts instructions in mediation and arbitration, both domestic and international. Often his cases involve an off shore/international element and he is familiar with the particular considerations of cases which involve proceedings in other jurisdictions. He has extensive experience obtaining emergency injunctions, including freezing orders.

BANKING AND FINANCIAL SERVICES

Steven practices in both contentious and non-contentious financial services law. This includes a paperwork/advisory practice on regulation of financial services providers but also involves actions brought by banks, either for the recovery of property or breach of contract. He is generally instructed by financial services houses, banks or insurance companies, but sometimes does work for an individual.

Steven regularly advises on non-contentious law which involves Financial Services and can include start up ventures or advice to large financial institutions. He is regularly involved in High Court disputes over financial products including UCIS, SWAPS and other IRHPs, derivatives, bonds, funds, Private Equity, personal investment plans, pensions, mortgages and UCITS. He

PROFESSIONAL LIABILITY

Steven accepts instructions in professional negligence matters that relate to his core areas of practice.

Examples of recent cases include:

- Advising in relation to settlements in Ancillary Relief cases
 - Acting for individuals in a mortgage miss-selling case
 - Bringing a case involving negligence by a Trustee in Bankruptcy in relation to the handling of assets during the insolvency – including aspects of land registration
 - Appearing in cases involving solicitors, accountants and barristers.
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PRIVATE CLIENT

For many years, Steven has represented wealthy private clients, and such cases often involve layers of either company law or partnership disputes in keeping with the varied needs of HNW individuals. Indeed, Steven drafted the definition of HNW for the FCA. The needs of this client base can also include trust litigation and advisory work, claims under the Inheritance (Provision for Family and Dependents) Act 1975, advisory work as to estates, TLATA, contentious probate, company disputes and the need to intervene in the Family Division in accordance with TL v ML guidelines. Steven has particular expertise in disputes regarding large estates or country homes as well as private financial investment or failed tax mitigation schemes.

MEDIATION AND ARBITRATION

Steven is fully versed in all forms of ADR and the tactical use of such methods. He has particular experience in relation to Financial Services.

Steven accepts instructions to appear in mediations. This includes mediations offered by the Family Division, up to Court of Appeal level. He is available to explain the advantages of having counsel at mediation as part of a structured settlement and has prepared and drafted the requisite

has experience of LOBO loans and ancillary issues.

In 2013 Steven completed a three-month secondment at the FCA. Here he was part of the small drafting team of GCD tasked with implementing the changes which have been made to the Regulated Activities Order (and which come in to force on 1st April 2014). His work included redrafting parts of PERG and he has particular expertise in the question “Am I regulated by the FCA?” which arises both in advisory work and during litigation. He also drafted parts of CONC – the new part of the handbook which incorporates the old Consumer Credit Act and the new areas of FCA regulation.

His advisory work covers all of the regulatory regimes in this area and he is also able to undertake independent regulatory reviews for firms who are facing allegations of non-compliance with FCA/Pru rules – for example breaches of COBS.

He advises on issues in connection with FSMA and the FCA or Prudential Handbooks. He also advises on cases involving the Financial Ombudsman Service. He has expertise in fairness regimes, such as the Unfair Terms in Consumer Contracts Regulations 1999 and the Consumer Protection from Unfair Trading Regulations 2008.

Steven is also involved in financial services litigation for hedge funds and private banks. He is a fully qualified member of the CIArb in London and is happy to undertake Financial Services arbitrations both in London and Internationally. Steven is also familiar with the provisions of the Dubai International Finance Centre.

Examples of cases include:

- Advising a parent insurance company on structuring for a new sub-company including FSMA and Handbook compliance
- Offering comprehensive advice on MCOB for an existing FS provider considering diversifying into new products
- Advising the board of a company as to redress against a private bank
- Acting in a dispute between an individual and an internet credit company as to the proper interpretation of multiparty credit agreements and the Consumer Credit Act
- Advising on and issuing a claim for miss-selling of financial products.

COMMERCIAL DISPUTES

The core of Steven’s practice remains advising and appearing in commercial litigation. This includes tactical interim applications or the use of a freezing order or other injunctions. He advises on matters which are outside the jurisdiction whether mirror proceedings, service or contesting jurisdiction.

Steven is instructed in the Chancery Division; either in the Rolls Building or in the district registries and appears alone as well as with a leader.

Examples of cases include:

- Appearing in the Court of Appeal (unled) to contest interpretation of contractual clauses and on the admissibility of pre-contractual negotiations

documents (which usually vary by provider) including the effective pleadings or statements of case.

Steven began to be involved during pupillage in elements spinning out of a large international arbitration involving international steel/shipping. He continues to accept instructions in this area particularly those involving LCIA.

Steven is now a qualified Member of the CI Arb. He is also a member of the ICDR Young & International group.

INTERNATIONAL

Steven's focus upon commercial litigation and upon the demands of HNW clients has meant that many of his cases have involved either an international or off shore element. Accordingly he is experienced in the international aspects of all of the areas in which he practices.

His main international focus would be cases involving off-shore trusts and international contracts/arbitration.

Amongst other things, Steven is a Friend of the British Virgin Islands and a member of the British Azerbaijani Lawyers Association. He is familiar with the rules of the Dubai International Finance Centre.

COMMUNITY AND PRO BONO

Steven is a strong supporter of access to the Bar and equality of opportunity; he regularly gives talks to both large and small groups or supports in other ways, such as by acting as a moot judge or by giving a talk/seminar. He is always happy to assist on this topic and should be contacted directly without hesitation. If you are a school who may not have much experience of lawyers or of the law then please do not hesitate to contact Steven through his chambers - he will say yes.

Steven is the Chair of Big Voice London a legal engagement and social mobility charity.

He acts as a mentor for Gray's Inn, Lincoln's Inn, the University of Oxford, Magdalen College, the Social Mobility Foundation and the government of the British Virgin Islands.

- Bringing an application to contest jurisdiction
- Acting on behalf of a company in an agency dispute covering multiple supply agreements, interpretation of contract and implied terms
- Acting for a company engaged in simultaneous proceedings in an employment tribunal, recovering wrongly retained property and commercially sensitive data from a disgruntled employee
- Defending a company for alleged breach of contract involving a national performance tour of popular artists.

COMPANY

Steven has advised and acted for clients in a range of company law claims. These have involved unfair prejudice claims, claims for breach of director's duties and claims under share sale agreements, as well as practising in company law more generally.

PARTNERSHIP AND JOINT VENTURES

Steven is regularly instructed in disputes between members of a partnership as well as disputes relating to joint ventures. These often involve HNW individuals as often as professional groups such as law firms. When involving HNW individuals they are likely to contain an international element. Steven is familiar with the supporting role of forensic accountants.

QUALIFICATIONS

- MA Jurisprudence – Magdalen College Oxford
 - MCI Arb
 - Dubai International Finance Centre.
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MEMBERSHIPS

- Chancery Bar Association
 - COMBAR
 - Member Chartered Institute of Arbitrators (MCI Arb)
 - Financial Services Lawyers Association
 - British Azerbaijani Law Association.
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