



**Stephen Fielding**

CEDR Accreditation: 2003

CEDR Panel Admission: 2005

Languages: English · French · Italian

Location: United Kingdom

*“...a warm and calm demeanour which instantly sets people at ease.”*

*“...robust in moving things on positively...”*

Client Feedback

## Overview

Stephen Fielding is regarded as a leading practitioner nationally in the field of probate and inheritance disputes having mediated over 150 cases with all but three resulting in settlement. A barrister, Stephen has been practising as a mediator for the last 14 years and has been praised by clients for his ability to build exceptional rapport, surface the key issues, and lead parties toward settlement.

His experience in executive management positions in the banking sector means that Stephen is exceptionally well placed to mediate finance and banking disputes, including mortgage-related and investment management disputes using his financial and business literacy. Stephen is particularly well regarded for his skills in tackling cases of financial complexity with a high degree of emotion related to professional negligence, partnership and employment disputes.

## Professional Background

Stephen practised as a lawyer for 12 years, specialising in banking and building society law during which time he wrote a well-received book on the Consumer Credit Act. For nearly 20 years he held senior posts in banking and financial services, including as a partner and client group head at Coutts and Co. This unusual combination of legal as well as financial expertise is highly valued by the many clients who have asked Stephen to mediate commercial cases.

## Expertise

- Banking & Finance
- Professional Negligence
- Trusts, Wills & Probate

Stephen's 10 years of experience as a mediator has crystallised in these three major areas, although he is also in demand as a mediator of church disputes. Running through the Chancery and professional negligence disputes has been a common thread of high emotion, in the face of which Stephen's capacity for active listening and interpersonal sensitivity is a valuable solvent. His ability to assist the parties to put a financial value on interests - for example, the interest of a surviving spouse (or mistress) excluded from a will - is also widely regarded as an advantage.

## Dispute Experience

### Banking & Finance

The range of disputes which Stephen has mediated include high-end commercial lending disputes, mortgage related cases, investment management disputes, FX trading disputes, insurance and pension cases. His background as a banking lawyer and senior executive in banking organisations equips him to be at home with the financial context of most disputes and adept at helping the parties reach a settlement.

- Dispute between business partners in property development over sums loaned and priority as against bank charge.

### Professional Negligence

Stephen has mediated many professional negligence cases, involving solicitors, accountants, surveyors and veterinary surgeons. His approach here is again to understand the essential issue, the grievance and the desired outcome. He believes that with his commercial and legal background he is able to understand the frustrations and resentments of both sides to a professional negligence dispute.

### Trusts, Wills & Probate

Stephen has mediated over 150 inheritance/probate disputes over the last 14 years. These have included disputes involving inheritance family provision, incapacity and undue influence claims. Most have had a high degree of emotion and many have been financially complex. Stephen's approach to each mediation is to encourage the parties to crystallize the key issue or issues around which the mediation will revolve, to get the parties to be clear about the outcome they seek, and to

recognize that a successful mediation always involves both sides giving something up if there is to be a settlement. He is also very alert to the personal dimension or dynamic at work between the parties. A particular strength is his ability to get settlements in disputes with high personal emotion and financial complexity.

- Dispute over validity of will, with challenge for incapacity or undue influence.
- Dispute between brother and sister over the distribution of a £20m + estate consisting of properties and cash.
- Dependent daughter against late father's estate left entirely to second wife. Value £150k.
- Brother against sister for pictures and other assets; claim < £1m.
- Estranged husband against late wife's estate for maintenance and pension provision.
- Alleged destruction of will and resistance to intestacy.
- First wife against second wife for pension payments due to her but never implemented. Value £100k.
- Niece alleging invalidity of later will under which her share was substantially diminished. Estate value £4m; claim £850k.
- Claim against charity for reasonable provision.
- Claim by widow in possession of matrimonial home for reasonable provision in face of husband's leaving of his share in the matrimonial home to his daughter by his first wife. Claim value £300k.
- Daughter of deceased given life interest in deceased's house – issue of valuation of life interest being given up so as to enable distribution of proceeds of sale to other siblings.
- Claim based on resulting or constructive trust or proprietary estoppel.
- Dispute between a long separated spouse and her deceased husband for proper inheritance provision from the estate.

## Personal Style

Stephen builds a rapport with the parties to the greatest possible extent. He is explicit with them in placing confidentiality at the root of their trust. In other words, with each side there has to be the most active exploration of the best way of negotiating. He believes that parties must be absolutely clear about the outcome that they are seeking; and that is why he asks them what they want from

the mediation. The answer to that question can only be achieved, he believes, when the key issue or issues have been crystallised by the parties.

## Feedback

- *"His style was commercial and practical, with good rapport."*
- *"... approachable, sensible and very helpful."*
- *"...robust in moving things on positively..."*
- *"...his intervention helped the parties to reality test effectively."*
- *"...allows the parties to think aloud and consider more than one settlement route for themselves."*
- *"...adopts a calm and measured approach to moving the process forward."*
- *"My client was entrenched in his views. Stephen was very good at getting him to budge."*
- *"Did a good job on the day. He was very effective and our client was very happy."*
- *"After two years of torment we can get on with our lives again, thanks in no small part to your efforts. Thank you enormously for your skill and persistence – you couldn't have done more."*
- *"It was a pleasure to have met you and witness you work your magic! I genuinely believe that if it hadn't been for your professionalism and assistance, the parties would not have settled on the day. Our clients and I would like to thank you for assisting the parties in coming to a settlement and mediating the issues at dispute. We were extremely pleased with the final outcome and would certainly recommend you to other solicitors for any future mediation. Thank you again for all your help."*
- *"...quite simply, first class in every way; diligent, attentive, bright, helpful, polite, kind, concerned and enthusiastic."*

## Professional Skills

- Educated at City of London School and Christ Church, Oxford (modern languages open exhibitioner). BA Jurisprudence 1973; MA 1977.
- Called to the Bar, 1974. 3 New Square Lincoln's Inn (now Wilberforce Chambers).
- Member Chartered Institute of Arbitrators, Associate Chartered Institute of Bankers, Investment Advisory Certificate.

- Substantial private client experience. Pump Court Chambers (door tenant) since 2008.

Stephen is the vice-chairman of Buttle UK, the largest UK children's charity making grants to children and families in need, and a trustee of the Cuddesdon Trust.