



Stephen Butler

Year of Call: 2014

Direct Access: No

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Stephen is a *"tactically astute"* barrister who practises in **commercial** and civil litigation and **arbitration**. He is ranked as a 'Leading Junior' and 'Up and Coming' by Legal 500 and Chambers and Partners.

Stephen has varied experience of conducting litigation and arbitration around the world. He has spent time working at a leading law firm in the Middle East and, before joining chambers, at a specialist litigation solicitors in London.

He has represented clients in disputes in the Court of Appeal, High Court, Country Court, Employment Appeal Tribunal, and Employment Tribunal.

He also has significant experience of international arbitrations, having worked on cases under ICC, LCIA, and DIAC rules, and on cases before the DIFC and the United Nations Appeal Tribunal.

Stephen has won multiple awards and competitions for his advocacy. He is *"an extremely safe pair of hands"*, *"meticulous"* and *"quick at thinking on his feet"*.

Stephen is co-author of the Law Society's Employment Law Handbook (8th ed.), is a contributor to the Pensions chapter of Atkins' Court Forms and lectures, trains and publishes on advocacy and legal issues with particular expertise in the developing law around **cryptoassets**.

Areas of Expertise

Commercial & Chancery

Stephen acts in a wide variety of commercial claims. As well as acting under sole instructions, he has significant experience of working within a team of lawyers in complex and sensitive disputes.

Stephen has experience of dispute resolution and litigation and in both civil and common law jurisdictions. He has been involved in advising European firms on the resolution of disputes governed by foreign substantive or procedural rules outside the traditional court system in England and Wales and abroad, especially in the Middle East.

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Stephen has time working in the Dubai office of a leading UAE law firm and living in the UAE. He worked a number of complex commercial cases involving multi-million pound claims arising out incomplete large-scale construction and development projects.

Stephen has published and lectured to the DIFC Academy of Law and in the UK on the development of the law around cryptoassets and smart contracts, and has taught advocacy to advocates at the ADGM Courts.

Notable Commercial & Chancery cases

Terracorp Ltd v Mistry [2019] 9 WLUK 588 and Terracorp Ltd v Mistry [2020] Costs L.R. 1435

Representing the claimant company at trial and on appeal in consolidated proceedings against several hundred defendants involving allegations of unlawful collective investment schemes, misrepresentation and conspiracy.

In the matter of the Axminster Carpets Group Retirement Benefits Plan [2021] EWHC 1652 (Ch)

Acting, with Andrew Short KC, in one of the leading cases on limitation in trust claims.

Acting in complex multi-party claims arising out of alleged theft of confidential information, breach of confidence, and unlawful means conspiracy.

Acting for a Scottish company in multiple claims arising out of constitutional changes in organisations in Europe and the UK.

Acting for a UAE-registered multi-national company in proceedings arising out of an aborted large-scale development project in Dubai.

Acting for an online trading platform in relation to misrepresentation and breach of contract claims.

Acting for an online retailer in potential civil and regulatory proceedings in the UK and abroad arising out of online selling.

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Acting in litigation in England in contractual disputes arising out of construction work in the UK.

Acting for an international hotel operator in arbitrations related to contractual disputes arising out of the covid-19 pandemic.

Acting for a Dubai-based company in arbitrations at the Dubai International Arbitration Centre (DIAC) arising out of incomplete construction projects in the UAE.

Assisting in an international administrative law appeal from a decision of the Secretary General of the International Maritime Organisation to the United Nations Appeals Tribunal (UNAT).

Representing a Qatari engineering company in an Internal Chamber of Commerce (ICC) arbitration in Doha.

Advising a UAE corporation on a claim before the Dubai Courts arising out of a failed infrastructure development in Dubai.

Assisting in advising a prominent UK law firm on the duty of good faith in UAE law in a large DIAC arbitration.

Working as part of a large counsel team in conspiracy claims brought by Robert Tchenguiz arising out of circumstances surrounding investigations by the SFO.

Pensions

Stephen has been instructed, both individually and with other members of chambers, to provide advice and representation in numerous contentious and non-contentious pensions matters. His pensions work encompasses both private and public sector schemes.

He has expertise in cases which involve overlapping pensions and employment or discrimination law issues, and in professional negligence claims.

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Stephen has significant experience of dealing with 'mass' litigation involving large numbers of parties or affected individuals, including representative claims, group litigation orders, consolidated claims, and Re Benjamin Orders.

Stephen is a contributor to the Pensions chapter of Atkins' Court Forms.

Notable Pensions cases

In the matter of the Axminster Carpets Group Retirement Benefits Plan [2021] EWHC 1652 (Ch)

Acting, with Andrew Short KC, in one of the leading cases on forfeiture, limitation, and interest on pension arrears.

Atos IT Services UK Ltd v Atos Pension Schemes Ltd [2020] EWHC 145 (Ch)

Acting, with Andrew Spink KC, in Part 8 proceedings in relation to complex indexation and construction issues.

Acting, with Keith Bryant KC, bringing discrimination claims on behalf of thousands of claimants against the UK's largest private employer in relation to historic and ongoing pension and wages entitlements.

Assisting Nicolas Stallworthy KC in appealing a decision of The Pension Ombudsman.

Advising The Pensions Ombudsman on a range of legal issues, including misrepresentation and deceit claims.

Advising trustees on the construction of forfeiture clauses and limitation.

Acting for a police force defending negligence, breach of contract and maladministration claims relating to historic pension arrangements.

Acting in a maladministration claim arising out of misinformation provide during a TUPE transfer.

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Advising on alleged pension liberation fraud.

Acting for a claimant in misrepresentation claim in relation to the NHS Pension Scheme

Regularly acting in lengthy discrimination claims with significant pension loss claims, in both private and public sector schemes.

Financial Services

Stephen advises individuals, companies and regulators in England and abroad on a wide variety of matters and has particular expertise in claims relating to cryptoassets.

Stephen has published and lectured internationally and in the UK on the development of the law around cryptoassets and smart contracts.

Notable Financial Services cases

Terracorp Ltd v Mistry [2019] 9 WLUK 588 and Terracorp Ltd v Mistry [2020] Costs L.R. 1435

Representing the claimant company at trial and on appeal in consolidated proceedings against several hundred defendants involving allegations of unlawful collective investment schemes, misrepresentation and conspiracy, and subsequent complex costs disputes.

Multiple claims against lenders under Consumer Credit Act 1974 arising out of inadequacies in the FCA-approved PPI redress scheme following the Supreme Court's decision in Plevin v Paragon Finance.

Advising on the implications of the regulation of land-based collective investment schemes.

Acting for the claimant in a misrepresentation and professional negligence claim against a financial advisor.

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Assisting in a group judicial review of a regulator's determination in a joint investment scheme

Advising foreign entities on compliance with domestic regulations and the jurisdictional scope of the English regulations.

Assisting in advising a foreign regulator on enforcement proceedings in relation to unregulated collective investment schemes.

Advising on Consumer Credit Act claims arising out of failed timeshare agreements.

Employment & Discrimination

Stephen has a busy employment law practice in both the civil courts and the Employment Tribunal. He is often instructed for complex multi-day hearings against counsel of often significantly greater call.

His appellate practice encompasses the Court of Appeal, Employment Appeal Tribunal and High Court.

Stephen acts for both claimants and defendants/respondents in a wide variety of employment contexts including for or against FTSE 100 companies, major financial institutions, quasi-government bodies and NHS trusts, as well as individuals.

He has particular experience of discrimination and equality claims and is well-placed to assist on claims involving cross-over with pensions or other civil law claims. He is often sought out for his "*thorough*" and "*thoughtful*" advice in "*complex*" or sensitive cases.

Stephen is a co-authors of the Law Society's Employment Law Handbook (8th ed.) and often lectures on a range of employment law issues.

Notable Employment & Discrimination cases

Tesco Stores v Element (various judgments including: Case C-624/19, CJEU; and [2022] EAT 165; and [2021] 1 WLUK 474, EAT)

Representing several thousand Tesco workers in multiple equal pay claims in the Employment Tribunal and High Court, including multiple appeals to the EAT and CJEU.

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Acting in complex multi-party claims in the High Court (KBD) arising out of alleged theft of confidential information, breach of confidence, and unlawful means conspiracy.

Agoreyo v London Borough of Lambeth [2019] EWCA Civ 322; [2017] EWHC 2019 (QB)

Acting in appeals in the Court of Appeal and High Court arising out of the suspension of a teacher following allegations of abuse.

Assisting in appeals to the United Nations Appeal Tribunal (UNAT) from decisions of the Secretary General of the International Maritime Organisation relating to equal pay and employment terms.

Acting in sensitive and high-profile litigation relating to alleged discriminatory dismissal related to protected beliefs about same-sex relationships and families.

Acting for the successful claimant in a whistleblowing claim relating to abuse within a care home.

Representing the successful appellant in the Employment Appeal Tribunal in a pregnancy discrimination claim.

Regularly acting for some of the UK's largest housing associations in multi-day disability, race, and sex discrimination claims.

Representing a police employee in multi-day disability discrimination proceedings in the Employment Tribunal.

Advising a teacher on disciplinary proceedings, appeals and injunctive relief to prevent suspension and dismissal.

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Acting for a university in a sex discrimination and part-time working claim.

Representing Transport for London in race and sex discrimination claims.

Representation at successful Judicial Mediations.

Memberships

- **The Commercial Bar Association (COMBAR)**
- **Employment Lawyers Association (ELA)**
- **Young International Arbitration Group (YIAG)**
- **Free Representation Unit (FRU)**
- **Advocate** (formerly Bar Pro Bono Unit)

Languages

- French (intermediate)
- Spanish (basic)

Publications

- Co-author of the 'Law Society's Employment Law Handbook'
- Contributor to the 'Pensions' chapter of 'Atkins Court Form'
- 'The Person in Property – OTC on Cryptoassets: a commentary on David Ian Ruscoe and Malcolm Russell Moore v Cryptopia Limited (in liquidation) [2020] NZHC 728', 2020
- 'Cryptoassets and Smart Contracts – The UKJT Legal Statement', 2019

Awards

- Walter Wigglesworth Scholar, Lincoln's Inn

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- Buchanan Prize, Lincoln's Inn
- Lord Denning Scholar, Lincoln's Inn
- Hardwicke Scholar, Lincoln's Inn
- Bar Professional Training Course, 'Outstanding'
- Glanville Williams Prize for Law, Jesus College, Cambridge
- Ng Prize, Jesus College, Cambridge
- Hogan Lovells Prize, Jesus College, Cambridge

Recommendations



Outer Temple Chambers

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