

STEPHEN MILLS – Mediator Profile

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“up there as one of the top mediators in all the mediations I have carried out.”

Client feedback

Overview

Stephen Mills has been mediating shipping, energy and marine insurance disputes, and all related areas such as broker negligence and commodity trading, for over 20 years. He mediates full time, usually in London, but has mediated in Europe, Africa, the USA and the Far East.

The majority of his work is in the private sector but occasionally overlapping with Government or State sector entities with very different needs and expectations from the mediated solution.

Stephen has been a shipping lawyer for over 40 years and is a highly regarded mediator of commercial disputes. He was a founder partner of shipping and trade law firm Rayfield Mills and has served on or chaired various sub-committees of BIMCO and the International Group of P&I Associations. Until 2013 he was a Director at North of England P&I Association where he was part of the senior management team for over six years.

Stephen has vast experience – as a lawyer and as a mediator - of contracts and disputes for ship owners, charterers, ship managers, ship builders and repairers, cargo owners, oil companies, insurers and brokers. He is the author of two widely used loss prevention guides; Bills of Lading (now in its third edition) and Letters of Indemnity (now in its second edition). From 2013 to 2021 he was a Commissioner to the Port of Blyth and is currently Vice-Chair of the Board of Commissioners and Chairman of the Blyth Harbour Commission Pension Scheme.

He was the founder of SeaMediation (now SeaMediation Chambers) and is the architect of its innovative Early Intervention Mediation (EIM) scheme.

Stephen will consider accepting arbitration appointments, either as a sole arbitrator or as a member of a tribunal and has been appointed for English law disputes in London, Dubai and New York.

Professional Background

Stephen began his career as a practising lawyer in 1980 with Ingledew Botterell Roche and Pybus (later Eversheds), becoming a partner in 1985 and then with his own law firm, Rayfield Mills, from 1993. Early in his career Stephen began to specialise in international trade, commodity and insurance disputes and he is a recognised specialist in all aspects of shipping. In 2006 Steve was invited to join one of his major clients, North of England P&I Association, as General Counsel to the P&I team and then, until November 2013, was joint head of the FD&D team, managing over 26 lawyers in the Newcastle, Athens and Singapore offices of the Association.

Expertise

- Shipping and Energy
- Marine Insurance
- Commodities and International Trade
- Professional Negligence
- Commercial Contracts

Dispute Experience

(All as mediator)

Marine Insurance

- Insurance (H&M) – computation of CTL
- Insurance (P&I) - Club and Member dispute
- Avoidance of policy
- Attachment of risk
- Cause of loss
- Insurance (H&M) – scope of cover
- Insurance (H&M) – whether cause within policy
- Insurance (Cargo) – material non-disclosure, construction of policy terms
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- Insurance (H&M) – alleged casting away, misrepresentation
- Insurance (H&M) – superyacht – breach of warranty
- Insurance (H&M) – late notice of abandonment - CTL
- Insurance – excess of loss – adjustment of losses/layers
- Insurance (H&M) – quantification of loss under policy

Commercial

- Partnership dispute (Solicitors)
- International car dealership/franchise dispute
- Long-term service and supply contract dispute
- Rights over immovable property
- Road Haulage
- Ports – PMSC and occupier’s liability

Energy

- Supplytime – drilling contract – performance and delay
- FSRU – damages for delay, withdrawal and loss of use
- Windfarm construction – delays to vessel
- Diving support – delays and breakdown
- Terminal and Gas Supply Construction Project termination
- Oil storage dispute (multiple parties)

Professional Negligence

- Alleged negligence of surveyor inspecting casualty
- Alleged negligence of S&P broker
- Insurance (H&M) – alleged placing broker negligence
- Insolvency – negligence of barrister
- Insurance (Cargo) – alleged broker negligence, defective policy, failure to advise
- Insurance (H&M) – alleged broker negligence, failure to advise/pass on notices
- Professional negligence – superyacht - broker advising on purchase
- Shipmanagement - alleged negligence

Shipping

- Pool – dispute between members and pool manager
- Bills of lading – delay due to clausing
- Cargo – late delivery – damages
- Charterparty – rejection of cargo – clausing of bills of lading -delay
- Charterparty – delay - CQD
- Collision – apportionment of liability - damages
- Cargo – stranding – unseaworthiness
- Collision – damages – repair costs and loss of use
- Charterparty – loss of use of vessel due to wrongly rejected cargo
- Liability for contaminated bunkers
- Total loss by dangerous cargo (multiple parties)
- Cargo – contamination
- Disputes arising from the carriage and disposal of hazardous substances
- Tank cleaning – indemnities
- Various MOA disputes – Norwegian Saleform
- Contractual terms and conditions of sale and carriage
- Application of P&I Rules
- Fishing vessel – loss of fishing due to defective nets
- Claim under charter party performance guarantee
- Premature termination of time charter party
- Various sale and charter-back disputes (some involving multiple vessels)
- Loss of deck cargo/salvage/general average
- Various unsafe port disputes (some involving multiple parties)

- Speed and consumption
- Loss due to alleged unseaworthiness
- Disputes arising from oil major approvals
- Ship – fire – liabilities
- Various ship-management disputes
- Cross contamination of shore and ship tanks (multiple parties)
- Damage to project cargo, terms of deck carriage, limitation of liability
- Wet damage to cargo, cause, measure of damages
- Threat of piracy in Gulf of Aden, effect on charterparty obligations
- Discoloration and caking of cargo, liability, measure of damages
- Ship-management, scope of duty, measure of damages
- Arrest, off-hire, employment indemnity
- Cargo – responsibility for loading and securing
- Various disputes arising from liquefaction of cargoes and vessel loss
- Collision – damages – loss of oil major acceptability – computation of market loss

Shipping (as non-neutral – limited to reported cases):

- The "ZINNIA" [1984] 2 Lloyd's Rep.211 (Ship repair)
- The "GREGOS" [1985] 2 Lloyd's Rep. 347 (Ship repair)
- The "CARNIVAL" [1992] 1 Lloyd's Rep. 449 and [CA][1994] 2 Lloyd's Rep. 14 (unsafe port)
- The "WALTRAUD" [1992] Italian Court of Cassation (jurisdiction, cargo loss)
- The "IPANEMA REEFER" [1993 and 1995] [CA] (repudiatory breach of time charter)
- The "MERCEDDES ENVOY" [1995] 2 Lloyd's Rep. 559 (repudiatory breach of time charter)
- Newcastle Protecting & Indemnity Association Limited –v–Assurance Foreningen Gard Gjensidig [1998] 2 Lloyd's Rep. 387 (fire, indemnity under time charter)

- ExxonMobil Sales & Supply Corporation –v- Texaco Limited [2003] EWHC 1964 (Comm) (sales contract, rejection of cargo, conclusive evidence as to condition on shipment)

Personal Style

Stephen has been praised for his in-depth expertise of the shipping industry and his ability to keep the negotiations moving at an effective pace without compromising the dynamics of the situation.

Feedback – Clients (all as mediator)

- *“Worked tirelessly to achieve a settlement of the claim. In my view, (Stephen) is up there as one of the top mediators in all the mediations I have carried out.”*
- *“He had a firm grasp of detail and of the applicable law, and a brisk and unfussy style which kept the discussions moving”.*
- *“Well prepared, fully conversant with all the issues, kept the pace moving while being sensitive to the dynamics of the various groups and interests.”*
- *“He was on top of the issues, immediately grasped how to approach the various personalities involved”.*
- *“...appropriately hands-on without being overpowering,... he worked tirelessly to achieve a settlement.”*
- *“He made both sides feel he was on their side and was thus extremely effective in brokering the deal.”*
- *“I would like to say I thought you did a very good job in what was a difficult mediation and I look forward to working with you again in the future”*
- *“A strong mediator”..... “a natural.”*
- *“I hadn’t used him (Steve Mills) before, but he has a good reputation and he did a very good job on the case we had. I liked his touch, which was down to earth, and I thought he was particularly good at reading people and dealing with different characters.”*
- *“He is very knowledgeable, very calm and just a very good mediator overall. We will certainly continue to use him.”*
- *“I thought Steve was excellent. He seemed to have a good feel for how far to push the parties, and when, to keep the negotiations going until we finally got it settled.”*
- *“If I may say so, I thought you handled the mediation superbly and I will not hesitate to recommend you as a mediator to others in the firm. Indeed, I have already done so!”*

Feedback – Directories (as a lawyer)

- *"Stephen Mills remains "undoubtedly a star name – he inspires confidence.." - Chambers Guide to the UK Legal Profession 2002 – 2003*
- *"Clients dubbed all-round shipping litigator Stephen Mills "one of the best shipping lawyers in the country." - Chambers Guide to the UK Legal Profession 2004-2005*

Professional

- Admitted as a solicitor, 1980
- Partner at Eversheds, Newcastle (formerly Ingledew Botterell), 1985-1993
- Founding partner of Rayfield Mills – Shipping and International Trade Lawyers, 1993-2007
- Senior Management Team, North of England P&I Association; including General Counsel (P&I) and Joint Head of FD&D, 2007-2013 (now consultant)
- Commissioner Blyth Harbour Commission, a Major UK Trust Port, 2013-present

Stephen has given seminars and workshops on all aspects of shipping law and mediation in Canada, USA, Greece, Turkey, Croatia, Scandinavia, Japan, South Korea and the UK, to shipowners, charterers, insurers, and oil companies, including as guest speaker or panellist at seminars on mediation or arbitration held by the Civil Mediation Council (in London) and the Association of Maritime Arbitrators of Canada (in Montreal). He was a judge for the UK National Mediation Awards, 2022.

Publications

- "Bills of Lading: A Guide to Good Practice" (North) (1st, 2nd and 3rd Eds.)
- Co-Author: "The Master's Guide to Collecting Evidence" (Nautical Institute)
- Co-Author: "Letters of Indemnity – A Guide to Good Practice" (North) (1st and 2nd Eds.)

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