



## Shaman Kapoor

Year of call: 1999

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*"A razor-sharp advocate, effortless in his delivery of the most complex points." Chambers and Partners*

Shaman specialises in costs and litigation funding together with a broader practice in commercial and common law litigation and group action work. He appears regularly in the High Court and the Senior Courts Costs Office, often involved in appellate work or complex points of principle and injunctive relief. His recent involvement in group action work includes the claims against the regulatory bodies in the sport of rugby in the concussion litigation and the civil claims arising out of the Grenfell tower tragedy. He has experience of representing professional sports players in anti-doping proceedings and has contributed to the editorial work towards the regulation of British Wrestling. He is a Fellow of the Chartered Institute of Arbitrators, having specialised in international arbitration, and receives instructions domestically and internationally. He is a frequent speaker at key seminars on the costs and funding calendar and a contributing editor to Thomson Reuters' "Costs & Funding following the Civil Justice Reforms: Questions & Answers", The White Book. He is a Lead Advocacy Tutor for Lincoln's Inn and has been ranked by the Directories as a leading junior for many years. He is the editor of our bi-annual Costs Newsletter (3+9 = Costs) and is joint-head of Chambers' Costs Group. He is appointed as a member of Chambers' Management Board and separately appointed as a school Governor. He is a qualified Mediator and is an appointed Deputy District Judge.

## Areas of expertise

Alternative Dispute Resolution

Clinical Negligence and Personal Injury

Commercial

Construction

Costs and Litigation Funding

Arbitration

## Arbitration

Shaman is regularly engaged in commercial litigation and arbitration related work. Both as Counsel to the Arbitration and Arbitrator, Shaman's arbitration experience includes domestic and international commercial disputes including contractual arrangements associated with financial investments, construction projects, high net worth individuals, oil and gas, software developers and global corporations. He has experience of

contractual disputes in a variety of commercial settings including litigation funding, shareholder disputes, promissory note issues and loan disputes, fees disputes and injunctive relief.

## Cases of note

- ***Candey Limited v Crumpler & Another (as Joint Liquidators of Peak Hotels & Resorts Limited, in liquidation)* [2022]** - CANDEY (the Appellant) was instructed by Peak Hotels & Resorts Ltd ("PHRL"), a company incorporated in 2014 in the British Virgin Islands ("BVI") in relation to PHRL's US\$368 million joint venture dispute, and interest in, the uber-luxury Aman Hotel group. The Appellant had represented PHRL for 2 years in extensive litigation in England and other jurisdictions including Hong Kong, the BVI and New York. The chief battle ground was London, where a High Court trial was due to commence in April 2016. However, on the eve of trial, PHRL ran out of funds and was wound up on a US\$35 million debt in a Hong Kong arbitration and related insolvency proceedings in the BVI. The Respondents, liquidators from KPMG, were appointed by the BVI court to act as joint liquidators for PHRL with permission to continue the ownership dispute in London. Notwithstanding the insolvency, the High Court proceedings in London continued. CANDEY had previously agreed to act on a deferred fixed fee of £3.86 million. To protect their position in all the foreign jurisdictions, where they were fighting, a fixed and floating charge and security had been agreed by CANDEY's client and registered in the BVI, PHRL's seat of incorporation. CANDEY was disinstructed and the liquidators, through new solicitors, settled the claim for circa US\$13.5 million. A dispute then ensued between CANDEY and the liquidators as CANDEY claimed payment of its contractually agreed fixed fee and asserted a right to be paid first from any recovery because of its solicitors' lien. The matter reached the Court of Appeal several times and ultimately the Supreme Court held that it was a question of construing the intention of the parties as to whether the lien had been waived, and the additional security of a fixed charge without express reservation of the lien was inconsistent with the inference of a solicitor's lien. Shaman was instructed behind the scenes on behalf of the liquidators.
- ***Yumn Ltd v (1) Standard Chartered Bank (2) Shapoorji Pallonji & Company Private Limited* [2021]** - SPC is a company incorporated in India and is a diversified organisation of 18 major companies which operate in the engineering and construction, infrastructure and real estate sectors (amongst others). It has been trading for more than 150 years with landmark construction projects in more than 60 countries. YL is a company incorporated in Rwanda. It is a special purpose vehicle set up to engage SPC for the "project", namely, to design, engineer and construct a peat power plant in Rwanda. YL is owned predominantly by two other Mauritian holding companies. The agreements were subject to English law and included an arbitration clause. They contracted for Onshore works (from inside Rwanda) and for Offshore works (from outside Rwanda) for a total value of USD\$216.6 million. Injunctive relief was sought to restrain the payment of an on-demand bond of USD\$32.2 million, pending referral to emergency arbitration. Shaman was instructed by King & Spalding LLP as counsel for the second defendant.
- ***Sid-Ali Atmani & 84 Others v (1) Royal Borough of Kensington & Chelsea (2) The Royal Borough of Kensington & Chelsea Tenant Management Organisation Limited* [2020 - ongoing]** ***Sid-Ali Atmani & 84 Others v (1) Royal Borough of Kensington & Chelsea (2) The Royal Borough of Kensington & Chelsea Tenant Management Organisation Limited* [2020 - 2023]** - The Grenfell Tower fire tragedy resulted in the death of 72 people. It has proved to be a landmark moment in fire and building safety and construction method and may yet be a landmark case for principles of compensation in an injury claim arising out of a tort. Shaman was instructed as senior-junior on behalf of the claimants and his team was involved not only in the civil litigation but also the significant ADR process. Whilst the litigation is ongoing in the High Court, there are significant ADR efforts ongoing.
- ***Halifax Bank of Scotland Reading Branch Fraud Case* [2019]** - Between 2002 and 2007, small business owners were transferred to HBOS's corporate division, headquartered at its Reading branch, which in turn referred them to Quayside Corporate Services (QCS), a consultancy. QCS

pressurised business owners to take on inflated debt burdens, and then siphoned off money by invoicing the owners for very large fees. Their HBOS contacts received hundreds of thousands of pounds in cash, holidays, luxury goods, drugs and prostitutes.

Many of the businesses were then asset stripped by QCS and either made bankrupt or sold for nominal amounts to companies often associated with the directors of QCS.

The scheme drained the bank and small businesses of around £245m and left hundreds of people in severe financial difficulties. The protagonists were convicted of fraud in 2017.

Lloyds Banking Group, which acquired HBOS in 2009, set up a £100m ADR compensation scheme for customers who had been defrauded. Compensation packages have ranged from £100k to £5m with each party's costs running to hundreds of thousands of pounds. Shaman was instructed on behalf of a group of claimants.

- ***RBOS Shareholders Action Group Limited v Fladgate LLP [2017]*** - Recognised by The Lawyer's Top 20 Cases of 2017, this litigation arose out of RBoS's 2008 shareholder rights issue intended to generate £12billion, but which left shareholders with a wiped-out valuation after RBoS's nationalisation. Shareholders brought claims for mis-selling amongst other losses and the litigation was the subject of a group litigation order. The costs of the litigation have themselves been the subject of intense interrogation and anticipating the potential need for arbitration to resolve the costs issues (themselves running to tens of millions of pounds), Shaman was instructed to advise.
- ***Khorafi & Ors v (1) Bank of Sarasin-Alpen (ME) Ltd (2) Bank Sarasin & Co Ltd [2015-2016]*** - The DIFC ordered the Swiss Bank defendants to pay compensatory damages to the family of a Kuwaiti business for the sale of inappropriate structured real estate, commodity backed and equity sector basket instruments in late 2007-2008. The Court concluded that the Bank had committed a clear case of mis-selling unsuitable investments to an unsophisticated investor without regard to the regulatory protection afforded to customers. The Khorafi family had purchased structured instruments to the value of some USD\$200 million, with a view to secure their capital but to generate a profit on investment over and above their own obligations to a Kuwaiti bank. The case had far reaching consequences worldwide for the regulatory regime in which banks operate. Shaman was instructed behind the scenes on anticipated arbitration proceedings relating to the litigation funding of the Claimants.
- ***ICC Arbitration: Software Provider v Global Telecoms Corporation [2015]*** - The dispute focused on the interpretation of contractual terms as between the parties in respect of the claimant contractor providing open-source software services. The case turned on whether a minimum commitment amount of USD \$14m was payable to the claimant. The case resolved at a mediation a few weeks before a final arbitration hearing and Shaman was instructed as sole counsel.

## Recommendations

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- *"Absolutely at the cutting edge, sold, reliable and innovative."* (Chambers and Partners 2023)
- *"Down to earth and does not mince his words. He embraces technology and has a good drafting style." "Shaman goes above and beyond."* (Chambers and Partners 2022)
- *"Has a broad range of knowledge, and is adept at dealing with all manner of knotty problems thrown up during costs hearings." "Absolutely at the cutting edge." "Solid, reliable and innovative, he offers good-quality advice in a timely fashion."* (Chambers and Partners 2021)
- *"A fighter for the client who has got an encyclopaedic knowledge when it comes to costs. He is able to act for individual clients as well as commercial ones, and can explain things well to them. He knows this area of law inside out and presents his cases with sophistication."* (Chambers and Partners 2020)
- *"Has the right mindset to be able to compromise with the other side on commercial terms; if not able to settle, he is, however, a robust advocate who stands up for the cause." "He is concise and easily*

*understandable.*"(Chambers and Partners 2019)

- "Shaman is truly an expert in the costs arena." (The Legal 500 2022)
- *"One of the most commercially savvy barristers one can find and a very formidable advocate."*(The Legal 500 2021)
- *"Clear, to the point and his advice is always solution focused."*(The Legal 500 2020)

## Memberships

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- The Collective Redress Lawyers Association (CORLA)
- The Commercial Bar Association (combar)
- London Common Law & Commercial Bar Association (LCLLCBA)
- Professional Negligence Bar Association (PNBA)
- Personal Injury Bar Association (PIBA)

## Qualifications

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### Education

- University College London, LLM
- Inns of Court School of Law & City University, Bar Vocation Course, Pgdl
- Manchester Metropolitan University, LLB.Hons Law with French
- Sciences Po, Universite de Lille II, Lille, France, Certificat d'Etudes Politiques

### Scholarships and Prizes

- Fox Scholar, Middle Temple
- Hardwicke Scholar, Lincoln's Inn

## Additional information

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### Appointments

- 2023 – Fellow of the Chartered Institute of Arbitrators
- 2019 – onwards: Deputy District Judge
- 2015 – onwards: Mediator
- 2012 – onwards: Lead Advocacy Tutor, Lincoln's Inn

### Languages

- Punjabi
- French

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