



“Absolutely at the cutting edge; solid reliable and innovative”

Chambers & Partners 2021

Shaman’s practice covers several fields of commercial and common law with his costs practice bridging over both fields. He is regularly in the High Court and SCCO and receives instructions domestically and internationally. He is a regular speaker at seminars for membership organisations as well as for clients in-house and Chambers’ seminar programme. He is frequently instructed for his opinion as an “expert” in costs as a result of the new practice in the SCCO in protected party cases, and he has been regularly trusted by both sides to a dispute through his appointment as Mediator and he has been ranked as a leading junior in costs for many years. He has extended his ADR training to sit as an Arbitrator and Adjudicator on the 39 Essex Chambers ADR panel for civil liability claims and he is also an appointed Deputy District Judge.

PRACTICE AREAS

- Costs & Litigation Funding
- Commercial
- Civil Liability
- Regulatory & Disciplinary
- Alternative Dispute Resolution

PRACTICE AREAS

COSTS & LITIGATION FUNDING

Since 2005, his costs practice has grown with vigour and he is well-known amongst practitioners and the

judiciary. He enjoys the technical points and the diversity of practice areas to which costs work applies and is regularly involved in costs budgeting, enforceability arguments, assessments (County Court, SCCO and Supreme Court) and advisory and drafting work on retainers.

He was a contributing editor to Greenslade on Costs (loose-leaf practitioner text from Sweet & Maxwell) 31/01/2009 – 31/01/2017 and was editor of the Costs Newsletter at his previous Chambers. He is a qualified Costs Mediator (2015).

EJC v East North Hertfordshire NHS Trust

The Defendant's hospital negligently supervised and managed the Claimant in her neonatal period which included a failure to diagnose hypoglycaemia, causing her to suffer hypoglycaemic brain injury with microcephaly, developmental delay and cortical visual motor impairments. An award of £5.25 million was made, with periodic payments of £165,000 per annum for life. Costs amounted to £350,000, however, remains notable because it dealt with the question of what constitutes "a good reason to depart from the budget".

Among the issues at stake were the consequences of the change in discounted rate which was introduced in 2017. This change, the first such alteration since 2001, caused a significant impact on the calculation of damages, and as a result, on the work reasonably required with consequential cost.

Halifax Bank of Scotland Reading Branch Fraud Case

Between 2002 and 2007, small business owners were transferred to HBOS' 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 £100 million 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 on the issue of costs.

Robinson v EMW Law LLP

A hotly contested detailed assessment requiring Shaman's input on the preliminary points of the enforceability and scope of the retainer, and the recoverability of consultancy fees for a solicitor who was a party in the substantive litigation. The matter was appealed from a SCCO Master to a High Court Judge assisted by another SCCO Master.

RBoS Shareholders Action Group Limited v Fladgate LLP

Recognised by The Lawyer's Top 20 Cases of 2017, this litigation arose out of RBoS's 2008 shareholder rights issue intended to generate £12bn, 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. Shaman has been instructed to advise on inter-partes and between the parties costs.

Coventry & Ors v Lawrence & Ors – Supreme Court

In this landmark case, Shaman was instructed to deal with the detailed assessment of the costs in the Supreme Court proceedings where, amongst other issues, the recoverability of additional liabilities was asserted by the opposing party as being incompatible with the ECHR.

Murrells v Cambridge University NHS Foundation Trust

Shaman successfully represented the Claimant in this case before Master Brown who was sitting as a judge of the County Court, albeit in the SCCO. The case arose out of a claim for clinical negligence that settled shortly after the defence for a sum of £9,650 plus costs on the standard basis.

Al Khorrafi & Ors v (1) Bank Sarasin-Alpen (ME) Limited (2) Bank Sarasin & Co. Limited Dubai International Finance Centre Court – CFI 026/2009

The substantive litigation concerned the mis-selling of financial investment products to the Claimants. The investments concerned a total sum of USD \$230M. Judgment has been obtained and quantum assessed at USD \$75M. The substantive litigation is the subject of appeal, however, Shaman has been instructed to advise the Claimants on the issue of costs.

A Firm of Solicitors (Assigning CFAs to an Incorporated Entity)

Advising on the relatively uncharted territory of assigning CFAs from one firm of solicitors to another entity, with the potential for far reaching consequences given the book value.

Burton v Delta Whiskey Group

An early example post-Mitchell of relief being granted over a failure to serve a N251 notice of funding.

COMMERCIAL

Shaman's commercial law experience includes international arbitration and 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 interpretation, promissory note disputes and shareholder disputes. He is motivated to develop his international practice and has sought opportunities in recent years in Dubai, Dublin, Munich and Singapore.

BE in Google

Working as junior counsel in the preparation and issue of a claim in the Commercial Court against Google for breach of a non-disclosure agreement and duty of confidence.

Global Energy Horizons Corporate v Gray

One of a team of junior counsel acting for the Defendant, a former shareholder in the Claimant company. The Claimant was an advisory and investment firm. The Defendant was accused of having diverted an opportunity to acquire interests in technology for the stimulation of late life oil wells. The Claimant considered the wells to be worth in excess of US\$500 million. The complex proceedings were split between a Liability Trial (2012) and an Enquiry Trial (2015). Shaman was instructed in the preparation for the Quantum Trial (2019) and in particular with respect to the preparation for an interim application for an abuse of process. The Defendant's interests were ultimately held to be valueless.

ICC Arbitration – Software Provider v Global Telecoms Giant

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.

CIVIL LIABILITY

His common law experience is broad and has developed through the fields of serious personal injury, clinical negligence, disciplinary, coroner's inquests, credit hire, insurance fraud and employment law.

Chen Wei v Cambridge Power & Light Ltd

Shaman was instructed in a credit hire case which ran to an appeal before a Circuit Judge on the interpretation and construction of the Cancellation of Contracts made in a Consumer's Home or Place of Work, etc. Regulations 2008. Shaman was successful in arguing that the credit hire agreement was unenforceable as a result of the company's failure to serve a cancellation notice. This case had widespread ramifications for the credit hire industry.

REGULATORY & DISCIPLINARY

A V A Firm of Solicitors

The Claimant brought a claim for damages arising out of professional negligence in drafting an agreement as between it and a Russian oil exploration service provider, in which the Claimant was to have secured certain fees for brokering deals in India. The Claimant instructed Shaman from the outset to ultimate settlement.

ALTERNATIVE DISPUTE RESOLUTION

Shaman is a highly regarded and sought after Costs Mediator for all Costs disputes. As a Barrister, he has extensive experience of Costs mediations, commercial litigation mediation and international arbitration, and civil liability claims resolved through ADR including JSMs and RTMs. He has further undertaken specialist Mediator training for Provisional Assessments and separately to sit as an Adjudicator and Arbitrator on the 39 EC ADR panel for the resolution of civil liability claims. He carries the experience of more than 20 years at the Bar and sitting as a Deputy District Judge.

RECOMMENDATIONS

Shaman is ranked in Chambers & Partners for Costs where he is described as having 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" (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." (2020/2019) "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." (2018) "Absolutely brilliant with the client". (2017) "His attention to detail and ability to cut to the chase is pretty invaluable. He's able to come out with facts on the case rather than just knowledge of the law, which really helps to hammer home the issues to the judge." "He's an efficient junior with a good eye for figures." (2016)

He is ranked in Legal 500 as a leading Junior in Costs and is described as being "one of the most commercially savvy barristers one can find and a very formidable advocate" (2021), "clear, to the point and his advice is always solution focussed" (2020/2019), "recommended for costs budgeting" (2018), noted for being "up and coming" (2017), "enthusiastic, clear in his advice and his advocacy is excellent" (2016), "tough and always fights hard for

his clients” (2015), a “pragmatic and forceful advocate” (2014) and for his “ability to manage clients’ expectations from the very earliest stage, and for his confidence in court” (2013).

MEMBERSHIPS

- PIBA

QUALIFICATIONS

Deputy District Judge (2019)

Costs Mediator (2015)

Lincoln’s Inn Advocacy Tutor (2012)

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