

Member Spotlight: **Shilpen Savani**

# In the battle between David and Goliath, Shilpen is fighting in David's corner.



*Shilpen has a dual practice focused on dispute resolution and employment law. His expertise as a litigator is in high-value commercial dispute resolution and contentious corporate matters, often involving an international element. He has conducted a number of reported cases and cross-border disputes.*

*Shilpen also advises and represents employers, employees and professional clients in all aspects of employment law.*

*He has particular expertise in acting for senior executives, self-employed professionals and company directors in connection with their entire employment needs, including claims in the Employment Tribunal and the High Court.*

Shilpen Savani is a man with a passion. For law, for conservation, for equity in the workplace – and for accessing justice for the smaller players who often get trampled by big business and the world of corporate intrigue.

These factors have played a significant part in his choice of profession as a lawyer resolving high-stakes commercial disputes, and as an employment specialist, where he advises employers and employees on workplace issues and claims.

"I wear two hats if you like," he smiles. "I'm first and foremost a commercial dispute resolution lawyer, but with an employment specialism. Complex business disputes are what I enjoy most and understanding employment law and the way companies work at board level often helps in these cases."

By his own admission, Shilpen likes unpicking and unlocking disputes, especially in a David and Goliath scenario, working for the underdog who's under pressure from a big corporate. The work involves breaches of contract, and disputes over intellectual property or company assets in the High Court.

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It's not just UK cases in the High Court, Shilpen also works in international arbitration and says many of his High Court disputes have an

international element to them – or clients will be based internationally and prefer to bring their disputes to the UK, where the judiciary has a reputation for independence.

"Every dispute is different," he says. "Being based in London is a real advantage as businesspeople around the world trust the English court system. You often find with these disputes that the contracts have been drawn up elsewhere. Very often we litigate in the High Court, but the problem is sourced in far flung destinations. They feel that they're going to get a fairer hearing in London."

Similarly, in arbitration Shilpen sees this as a growth area and – from an international perspective – for many companies their contracts are governed by English law: "While a dispute may be happening in Abu Dhabi or Singapore, for instance, we're applying English law and I'm the right lawyer to advise, often without ever leaving London."

Regarding his clients, Shilpen admits he prefers representing entrepreneurs and owner-managed businesses. "I'm a bit of a maverick and I like to approach every problem with a fresh perspective," he says. "Because of that, I've always preferred the freedom that comes with being at a smaller firm in a boutique. This gives me much more freedom to express myself in a professional way, and without the strictures that can apply when working for larger firms."

It's a reason why he prefers the David and Goliath example; working with a very small team that punches above its weight. He's almost always up against bigger firms. He admits it's challenging, but he thrives on the pressure: "I

relish that kind of challenge. In fact, I love it. I really enjoy setting the bar high. Performing my own assessment of a problem or a case and there's nothing I like more than building something from the seed of an idea. Something that takes shape from a sapling of an argument into a real claim and then winning it or settling it favourably."

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Shilpen enjoys the journey from start to finish; spotting a gap in a contract or assessing a client's problem from day one and then seeing it come to fruition. He also likes sharing litigation risk with his clients and regularly finds creative funding solutions where affordability is an issue. "The market for litigation funding is evolving fast and I know my clients are reassured whenever their lawyer is willing to share the risks and rewards with them."

He continues: "I have a lot of experience of contractual disputes, executive remuneration and shareholder disputes and these types of cases call on my dual specialisms. I recently acted for 12 ex-directors and victims of the HBoS Reading fraud scandal against one of Britain's largest financial services groups and that was very illuminating about how vulnerable businesses are to abuse from the banking sector. I also recently advised a UK manufacturer threatened with huge claims brought about by a massive Covid-19 breakout which jeopardised the production line of a prominent car manufacturer. We were able to craft an effective argument of "force majeure" in that instance but it brought home the devastating economic impacts of the pandemic".

"Dispute resolution is very satisfying if it's done well and with the client's true objectives in mind. It's also a great way to use one's intellect together with strategic thinking and the ability to persuade, negotiate and convince. No two cases are ever the same and there is no such thing as an uneventful day."

Shilpen has a small, highly specialised team within gunnercooke. As he defines it, his practice is a business within a business but without any of the traditional hierarchies or structures, which can often lead to inefficiencies.

"My team has a very flat structure. This means that we do away with all of the politics and the inefficiencies of traditional hierarchies and are able to be very commercially focused for our clients' benefit, including funding solutions.

"I'm a real proponent of alternative dispute resolution, ADR, and I believe that the future of dispute resolution is very much in ADR, especially in the form of arbitration with awards under the New York Convention. Having an effective dispute resolution clause in place is essential for all cross-border contracts."

Shilpen is enthusiastic about being a newly qualified mediator himself: "It was a longstanding ambition and I can now act as a facilitator to help parties resolve disputes. When people realise that they are spending six-figure sums on a legal case with an uncertain outcome, they often need to look for a quick way of getting out and mediation can really help to resolve issues and save a huge amount of money.

"It can also apply to workplace disputes. Whenever you have intractable differences, mediation is an excellent way to unlock those differences. I'm fascinated by arguments, conflicts and how to resolve them. I've turned to mediation increasingly in the past 15 years and, as a mediation advocate with a strong record of success, have experienced the benefit to clients first-hand."

"I represented a senior partner recently in a large professional firm who was unceremoniously ejected from a business he had built up. There was a complete breakdown in the relationship and my client had been treated very harshly and potentially in a discriminatory manner. We went to mediation with low expectations but managed to get a breakthrough settlement after a day of wrangling."

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Shilpen says mediation requires both parties to come to the table and the mediator will then help them to find a quick and confidential outcome: "I find my business clients all prefer

this than going the whole way through the litigation journey with all the risks and publicity involved.

"I personally think that commercial disputes in the High Court have had their day. Businesses and sophisticated decisionmakers understand there's a genuine commercial solution that usually lies in one of the ADR options instead. You don't need to agree to anything if you don't want to and you're always free to walk away from a mediation. But a good mediator takes pride in brokering settlements and their own personal refusal to allow either side to walk away. That's where the deals come from and this is what I am focusing on as an independent mediator."

High Court disputes and mediation in the heart of London are a world away from Shilpen's Kenyan origins and his upbringing in Bahrain. As an Indian Kenyan, his first language is Swahili. It was there that he found his three big passions in life; English literature, conservation of natural habitats and the law.

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"My driving passion has always been English literature and the written word, and my love of the environment comes from my time in Kenya, spending my formative years in the natural abundance of Mombasa surrounded by different wildlife. It gave me a very early appreciation of conservation and the need to protect the environment."

In many ways that environmental passion was responsible for Shilpen taking up the law and using it to protect the vulnerable and the under-represented. This has loomed large in his work navigating the toughest situations for his clients whether in the boardroom, at Court or in mediation.

"I'm not saving the world in terms of the environment as I once set out to do, but I've channelled that energy into doing something practical that offers its own rewards and fits with my ideals for a fairer, just world. I'm a big believer in the civilised society, and how we should civilise the workplace. I want to focus on the best standards of diversity and inclusion and fairness in the workplace and that reaches far beyond into the world around us."

## Shilpen Savani

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