

## DANIEL STILITZ QC

### MEDIATION EXPERIENCE

Daniel is a CEDR trained Mediator and has been accredited since 1997. He has mediated in more than 50 disputes.

His mediation experience is in the following fields:

- Commercial disputes
- Employment disputes
- Public law disputes

### RECENT CASES SUCCESSFULLY MEDIATED INCLUDE:

- A commercial dispute between a firm of headhunters and a law firm over fees payable following a team move. The case was settled through mediation prior to the issue of proceedings
- A dispute over the sale and purchase of a company owning a chain of clinics, involving issues of share ownership, misrepresentation and debt
- A £5 million sex discrimination claim brought by a senior banker against a major US investment bank
- A High Court action for alleged misuse of confidential information, poaching of staff and unlawful competition between financial advisers
- A sex discrimination claim brought by an associate solicitor against a leading law firm, settled prior to the hearing of an internal grievance
- A £2 million maternity leave discrimination claim brought by a banker against a Swiss bank
- A multi-party Chancery Division dispute over a share sale agreement in relation to a company engaged in the exhibitions business, including allegations of fraud and misrepresentation. Settlement included both financial and non-financial elements
- A sex discrimination, maternity and victimisation claim brought by a senior structurer in an international bank (valued at \$10 million), settled on financial terms
- A bonus and share award retention dispute between a very senior manager and an international bank, involving both legal and regulatory issues (valued at £5 million). The settlement included both financial terms and terms relating to cooperation in regard to an ongoing investigation by the FSA
- A highly sensitive disability discrimination claim brought by an officer of a government department, involving working with a party and a solicitor who were both profoundly deaf. The settlement included both financial and non-financial terms
- A dispute between an investment house and a senior marketer over commission payments (value approximately £900,000): settled on financial terms.
- A High Court dispute over garden leave, pension and contractual entitlements: settled on the basis of a global agreement including financial and non-financial elements.
- A dispute between a boarding school and a teacher who alleged she had been the victim of a serious sexual assault by a colleague: settled on the basis of financial terms, but also non-financial elements including agreements as to future practice and an apology. This case involved dealing with high emotion and the differing perceptions of the parties.
- A shareholders/directors dispute (value approximately £200,000): settled on the basis of agreement on financial terms and limited restrictive covenants. Involved detailed

analysis of the legal merits of each party's position and the risks and costs of litigating in the High Court.

- A multi-party equal pay claim: settled on terms which included pay rises, lump-sum payments, the adoption by the employer of a new equal opportunities policy, the provision of training and laying down of new management guidelines. Settlement required maintaining a degree of trust between the parties in the context of tough negotiations on the financial elements of the case.
- A workplace bullying complaint: settled on the basis of agreed management procedures and ground-rules for future communication between the parties. A sensitive approach was required in order to enable both individuals to maintain their dignity in the working relationship.
- A multi-party dispute over sales commission: settled on the basis of payment of commission and costs and the agreed termination of employment. Assessment of litigation risk played a large part in the parties moving towards settlement.
- A contractual and unfair dismissal dispute: settled on the basis of financial terms and re-engagement. Trust needed to be maintained so that the parties could resume their working relationship in the wake of an acrimonious dispute.
- A multi-party public law dispute over the vires of a land transaction: the options for settlement needed to be carefully considered against the limited statutory powers of the parties. The settlement involved both financial elements and further transactions in relation to the land concerned.
- A commercial dispute over the rights of an individual departing from a family-owned electronics business: accommodating the sensitivities of the various parties to this involved dispute was of key importance to assisting in a constructive resolution.
- A multi-million pound dispute over profit-sharing brought by a former executive in a venture capital company: settlement was eventually achieved on the basis of relaxing the rules on profit-share which would otherwise apply to departing employees.
- A dispute between an educational establishment and a member of staff regarding allegations of serious sexual misconduct.
- A dispute over bonus between a senior investment professional and a French investment bank.

Daniel also participated as a mediator in a Workplace Mediation Pilot scheme.

## MEDIATION STYLE

Daniel has a versatile and flexible mediation style which may include facilitative, interventionist and evaluative elements, depending on the requirements of the particular dispute. He sees gaining the confidence of the parties as key to successful mediation.

Comments from parties include the following:

*"kept things moving, facilitated well"*

*"very bright ... really excellent throughout the day"*

*"creative in his thinking"*

*"very personable ... obviously a very good barrister and mediator"*

*"grasped the facts of the case very quickly and also the feelings of the parties"*

*"demonstrated a clear ability to focus the parties and encourage them to make progress"*

*"confident, sensitive and pro-active, whilst remaining neutral at all times"*

*"his opening statement was extremely succinct and he was very clear about what the parties should expect"*

*"extremely impressed with Daniel Stilitz"*

## OTHER DISPUTE RESOLUTION EXPERIENCE

### Early neutral evaluation

- Solicitors negligence claim: acted as a neutral evaluator to provide an independent expert opinion to the parties on issues of causation and quantum of damages.

### Advocacy

- As well as appearing as an advocate in court, Daniel regularly appears as a representative at mediations. He recently appeared for a senior banker in dispute with a large international bank, for a Government agency in dispute with a firm supplying agency workers, for a Government department in relation to a commercial dispute with a large bank, for an investment banker in a bonus dispute with his former employer and for a US lawyer in a dispute over alleged sex and maternity discrimination.

## PROFESSIONAL BACKGROUND

First Class Honours in Philosophy, Politics and Economics from New College, Oxford (1990)

Distinction in Diploma in Law from City University (1991). MA from City University (1992)

Called to the Bar in October 1992 and appointed by the Attorney General as Junior Counsel to the Crown (Panel A) in 2006. Appointed silk in 2010.

Daniel is a Barrister at 11KBW Chambers specialising in employment, public and commercial law. He has extensive experience of advisory and advocacy work in various courts and tribunals.

Some examples of his work include:

### Employment law

- Unfair and wrongful dismissal
- Post-termination restrictive covenants
- Race, sex, age and disability discrimination and equal pay
- Whistleblowing

### Public law

- Human rights
- Acting for government departments in housing, Gypsies and travellers, prisons, extradition and other judicial review cases
- Commercial judicial review
- Financial powers of local authorities
- Social services
- Transport
- Health

### Commercial law

- Prejudice to minority shareholders (s 994 CA)
- Knowing receipt
- Breach of contract
- Breach of directors' duties
- Professional negligence
- Misuse of confidential information

**Distinctions**

Listed as a leading silk in Employment law and Administrative Law in Chambers & Partners Guide to the Legal Profession.

Listed in Employment law and Administrative Law in The Legal 500 and Legal Experts.

**Publications**

Contributor to Tolley's Employment Handbook, 25<sup>th</sup> Edition (Trade Unions and Industrial Action)

Contributor to Tottel's Local Government Law (Non-judicial control of local authorities)

Editor of Butterworths Local Government Reports

Joint author (with Philip Sales) of 'Intentional Infliction of Harm by Unlawful Means' Law Quarterly Review (1999) 411

Joint author (with Michael Supperstone QC and Clive Sheldon) of 'ADR and Public Law' Public Law (2006) 299