

DINESH DONNY RAM SURTANI, *FCIArb.*
International arbitration and mediation

Donny Surtani has an independent practice advising and representing parties or acting as a neutral in arbitration or in mediation. He is dual-qualified in England and Ontario, and is a former Chartered Management Accountant. Formerly a partner at Herbert Smith Freehills (HSF) in London, he now practises independently through [Crown Office Chambers](#).

In addition to counsel work, Donny accepts appointments to act in a neutral capacity as an arbitrator or mediator, particularly in cases with a substantial accounting, banking or financial element, or with complex quantum of damages issues. His practice experience encompasses financial services, energy, TMT, corporate, construction, insurance, joint venture disputes, M&A disputes, and civil fraud.

Before moving to Toronto in 2019, he spent 15 years practising in London, England, and has appeared as an advocate before the High Court, Court of Appeal and various tribunals. In addition to the arbitration and mediation experience below, he has acted in complex commercial litigation, often with a cross-border element, including in the RBS Rights Issue Litigation (a £4 billion dispute settled in 2017) and the Construction All Risks coverage claim brought by Single Buoy Moorings against a variety of insurers (for US\$1.3 billion, settled in 2018).

He is a Fellow of the Chartered Institute of Arbitrators, a member of the ICC Task Force on Arbitration and ADR, and a listed or database arbitrator at a number of leading arbitral institutions. He has been a guest lecturer on arbitration and ADR at the Centre for Commercial Law Studies at Queen Mary University of London, the Academy of Financial Crime Litigators, and Osgoode Hall Law School, Toronto. He has been accredited as a mediator by the Centre for Effective Dispute Resolution (UK), and co-authored the leading practitioner text *Class Actions in England & Wales* (Sweet & Maxwell, 2018). He is an Advisory Board member for the Centre for the Online Resolution of Disputes (CORD).

Selected credentials

Arbitration

- Advising a **US energy group** in relation to LCIA arbitration proceedings (and related English High Court matters) arising out of an investment into a petrochemicals project
- Advised a **Chinese investor** in relation to quantum and settlement aspects of a 10-figure SIAC arbitration claim against a European respondent
- Advised a **Japanese construction business** on an LCIA arbitration dispute concerning a Middle Eastern agency relationship
- Advised an **Indian oil exploration company** in ICC arbitration proceedings against its rig operator and repair contractor for defective work and overcharging of costs and wages
- Advised a **consortium of European banks** in LCIA arbitration proceedings against an Eastern European borrower and guarantors, and a related freezing injunction
- Advised an **Indian telecommunications company** on the quantum phase of its US\$400 million ICC arbitration dispute in The Hague, for loss of access to the Indian market
- Advised a **Middle Eastern investor** in a high value claim under the LCIA-India Rules seated in New Delhi against its joint venture partner in the food sector
- Advised the **purchaser of a Central Asian energy business** in an LCIA arbitration claim against the seller for breach of accounting warranties
- Advised a **leading US cash fund manager** defending an LCIA arbitration claim by a former client for alleged misinterpretation of mandate terms and mismanagement of funds

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- Advised an **Indian investor** on a potential bilateral investment treaty arbitration claim under the UNCITRAL Rules in connection with its investment into a European bank
- Advised a **FTSE-listed communications company** on LCIA proceedings and a related injunction application in a claim relating to termination rights in key supply agreements
- Advised the **purchaser of a Latin American energy business** on potential tax warranty claims under the UNCITRAL Rules
- Advised a **German insurance company** on recovery of part of its liability under an SCC arbitration claim against co-defendants, through the English courts' contribution regime and enforcement in other European jurisdictions
- Advised a large **European insurance group** on an LCIA arbitration claim against its external fund manager for negligent management of policyholder funds
- Advising a **specialist third party litigation funder** on prospective investments into investment treaty arbitrations: (i) under the UNCITRAL Rules in connection with a precious metals mining asset in an East Asian state; and (ii) under NAFTA.

Mediation

- Acting as settlement counsel for a **large Australian financial institution** in connection with a week-long virtual mediation of an insurance claim arising out of regulatory liabilities
- Advised the **Royal Bank of Scotland** and its former directors in their defence of a £4 billion prospectus liability claim by approximately 40,000 investors in connection with the bank's 2008 rights issue, which settled following a mediation with two co-mediators
- Advised **Single Buoy Moorings** in its US\$1.3 billion insurance claim against seven different insurer groups, with a particular focus on mediation strategy. The claim settled following two mediations with two co-mediators
- Acting as settlement counsel for a **listed mining company** in connection with the prospective mediation of an insurance claim arising out of a dam wall collapse
- Advising a **major UK insurance broker** on the prospective mediation/settlement strategy of a claim brought against it by a Northern European regulatory authority
- Advised a **private equity house** on a multi-faceted dispute with the majority shareholder of a portfolio company, which settled following a mediation
- Advised the **purchaser of a publishing business** on fraudulent misrepresentation and breach of warranty claims against the sellers, which settled following a mediation
- Advised a **specialist insurance brokerage firm** in a team move dispute, bringing claims against its former directors and their new employer, which settled following a mediation
- Advised a **large European insurance group** on an LCIA arbitration claim against its external fund manager for negligence. The claim settled following a series of mediation meetings, leading to the rehabilitation of the parties' commercial relationship
- Advised **one member of a British Indian family** in a high value business ownership dispute between siblings, which settled following a four-day mediation the week before trial
- Acted as mediator in two claims for compensation for issues arising in funeral care
- Acted as mediator in two claims alleging mis-selling of financial risk mitigation products
- Acted as mediator in two claims arising out of construction disputes
- Acted as co-mediator in a claim for compensation following a railway line accident

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- Acted as co-mediator in a cross-border agency dispute between an industrial equipment manufacturer and its North American agent regarding commissions and trading practices

Current and past positions

- Barrister, Crown Office Chambers: 2020 -
- Member, ICC Task Force on Arbitration and ADR: 2020 -
- Senior Advisor to the Investment Committee, Balance Legal Capital: 2019 -
- Consultant, Herbert Smith Freehills (London): 2019 -
- Partner, Herbert Smith Freehills (London): 2017-2019
- Senior Associate / Associate / Trainee, Herbert Smith Freehills (London): 2004-2017
- In-house Advisor, Essar Group (Mumbai): 2010-2011 (seconded)
- Treasury Analyst, Shell Treasury Centre (London): 2000-2002
- Revenue Accountant, Shell Gas Lanka Limited (Sri Lanka): 1999-2000

Qualifications & Awards

- Barrister and Solicitor, Law Society of Ontario: 2020
- Barrister, England & Wales (Inner Temple): 2020
- Accredited Mediator, Centre for Effective Dispute Resolution: 2017
- Solicitor, England & Wales: 2006 (Higher Rights All Courts since 2008)
- LL.B (Hons), London School of Economics: 2003
 - LSE Hughes Parry Prize - Law of Obligations: 2001
- Chartered Institute of Management Accountants (Associate Member): 2001-2003
 - CIMA Leverhulme Prize - Management Accounting Applications: 1998

Publications

- *English Court of Appeal Issues Key Decision on Law Governing Arbitration Agreements* - Canadian Journal of Commercial Arbitration [blog](#), July 2020
- *Data vs "gut instinct": analytics in dispute resolution* (with A.J.Oddy) - HSF Global Bank Review 2019
- Co-author, *Class Actions in England and Wales* (2018, Sweet & Maxwell)
- *Developments in the law on bankers' duties* (with K. Kilgour) - Butterworths Journal of International Banking and Financial Law, 2018, 33(7)
- *When should a prospectus' jurisdiction provision bind a secondary purchaser of securities?* (with N. Chapman) - Butterworths Journal of International Banking and Financial Law, 2016, 31(8)
- *Where in the world?* (with N. Chapman) - New Law Journal, 2016, 166

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- *Claims against directors under the Brussels Regulation* (with A. Taggart and A. Pertoldi) - Employment Law Journal, 2015/16, 166
- *Hague Choice of Court Convention: gaining momentum* (with G. Rowan, A. Alcasabas and D. Waldek) - PLC Magazine, 2015, 26(10)
- *Prospectus Liability: bracing for parallel claims in multiple jurisdictions* - Butterworths Journal of International Banking and Financial Law, 2015, 30(5)
- Various posts on HSF blogs on international arbitration, banking disputes and private international law