

Shona Crallan Mediation



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Curriculum Vitae

Overview

Shona Crallan has two decades experience in litigation, corporate law, human rights law and policy. She has been a practicing mediator since 2017, managing and resolving disputes across a range of sectors, both public and private, and has experience mediating civil, commercial, workplace, clinical negligence and community disputes. She brings a considered, professional and friendly approach to her mediations, creating the space for parties to explore creative solutions to often complex disputes. Shona has an impressive settlement rate and specialises in designing bespoke mediations to suit the individual needs of her clients. She is a dual-qualified lawyer, conciliator and facilitator.

Professional Background and skills

Before becoming a full-time mediator, Shona had a successful legal career in corporate litigation and human rights law. She is a qualified lawyer in the US (New York) and England & Wales, and a Columbia Law School alumni. Shona qualified at Freshfields Bruckhaus Deringer LLP, working in the corporate and litigation departments, where she also undertook a secondment to the

London Organising Committee for the Olympic and Paralympic Games working within the Intellectual Property team. She then specialised in human rights law, working at Amnesty International, the Howard League for Penal Reform, Hickman & Rose and INQUEST where she advised on numerous high-profile deaths in state custody cases. This breadth of experience means that Shona is equally comfortable working with high-profile corporate CEO's and vulnerable individuals and she utilises this skill set in her mediation style ensuring all parties are comfortable to collaborate in seeking a resolution.

She is recognised as a "highly skilled facilitator" and as having "first class legal knowledge and analytical skills". Her clients have described her as "sensitive", "professional" and "a bastion of calm". She has an active online mediation practice in addition to a traditional in-person practice and has mediated across the UK utilising her knowledge of Scots law as well as that of England & Wales.

Shona is CEDR accredited and a member of their commercial panel of mediators, as well CEDR's panel of clinical negligence mediators approved to conduct mediations for NHS Resolution's Clinical Mediation Scheme. In addition, Shona has a strong private practice, mediates workplace matters for The University of Edinburgh, as well as for Optima Health EAP across private and public sector and emergency services organisations. She mediates Special Educational Needs and Disabilities (SEND) disputes between parents, schools and local authorities for Prime Resolution.

Shona also sits as a foreign mediator for Brazil's American Chamber of Commerce Arbitration and Mediation Centre (AMCHAM-Brazil) and is on the panel of CCAMI, a Brazilian organisation providing support to refugees through mediation training and services.

She is registered with the Civil Mediation Council and Scottish Mediation.

Shona has facilitated large scale reviews between state bodies and their service users and provides negotiation strategy coaching for professionals internationally. She volunteers for Wandsworth Mediation Service on their panel of commercial and workplace mediators. In addition, she sits on Scottish Mediation's Excellence Committee and is a non-executive director for REACH Advocacy, a national human rights organisation.

Expertise

- Aviation
- Banking and Finance
- Clinical Negligence
- Commercial Contracts
- Construction and Engineering
- Ecclesiastical
- Education
- Employment & Workplace
- Energy & Natural Resources
- Human Rights
- Horticulture and Landscaping
- Intellectual Property & Brand Protection
- Insurance
- Landlord & Tenant
- Neighbour & Community
- NHS and Healthcare
- Partnership/ Shareholders
- Police
- Property
- Public Sector
- Professional Negligence
- Sale of Goods and Services
- SEND
- Sports Law
- Trusts, Wills and Probate

Dispute Experience

Non neutral experience noted in italics.

Aviation

- A multi-party dispute involving an international airport, a non-executive board and elected officials. This mediation spanned several months and reached agreement on a complex number of issues for multi-layered working partnerships and corporate governance.
- A dispute between aviation companies regarding repair-work for an airplane.

Banking and Finance

- A mediation involving allegations of fraudulent accounting.
- A claim between a global MFO and an asset founder for an alleged unpaid bridging loan.
- *Finance and security restructuring for foreign banks in relation to High Speed 1 (Channel Tunnel Rail Link) including issues of state aid and tax.*

- *Assisting in representing a major investment bank in its acquisition of a property unity trust.*

Clinical and Professional Negligence

- A clinical negligence claim against a surgeon regarding injuries sustained following a breast reconstruction.
- Allegations of professional negligence relating to engineer and architectural firms following delays and alleged errors in design and construction.
- A dispute regarding the provision and installation of bespoke windows in relation to a major refurbishment project.

Commercial Contracts

- A dispute between two global retail companies regarding Intellectual Property and alleged breach of contract, concerning costs and damages following an Appeal Court Ruling.
- A civil claim alleging unjust enrichment in relation to a large property portfolio that relied on the interpretation of a historical contract and implied business terms.
- A contract dispute regarding payment for security services including a high net worth individual with a public profile. The claim included allegations of forgery and extortion.
- A commercial claim following a dispute alleging breach of contract of landscaping and gardening services.
- A civil dispute involving an allegation of breach of contract over a parcel of land.
- A breach of contract claim by an insurance company seeking indemnity regarding a charge on a property following payment of civil damages.
- A high value claim for unpaid fees for facility services involving a counter claim for breach of contract and allegations of incorrect accounting.
- A Contractual dispute regarding the provision of, and payment for, telecom services to an NHS Trust.
- A multi-national contractual claim regarding a services agreement between a recruitment agency and a pharmaceuticals company.
- *A claim against a foreign government in an action for alleged corruption and bribery against corporate entities, which included multi-jurisdictional disputes and questions of privilege.*
- *An arbitration involving a high-profile telecommunications company regarding a contract dispute.*

Ecclesiastical

- A civil claim regarding damages paid in relation to historical child sexual abuse convictions.

Education

- A claim of breach of contract regarding student fees and course syllabus.
- Numerous Special Educational Needs and Disability (SEND) mediations regarding an appeal by a parent or school against the local authority in relation to the decision to assess and/or issue an Educational Health & Care Plan for a child or young person with learning or physical disabilities, or the content thereof.
- SEND mediations involving multiple parties, issues of power imbalance, heightened emotion and vulnerability as well neurodivergent parties.

Employment & Workplace

- A dispute between two senior Directors and the Managing Director of a multi-national energy company.
- A complaint of sexism and abuse by a board member against the Chair of the board.
- A dispute between two founding partners of a real estate company.
- A workplace dispute within a healthcare setting involving the re-integration following suspension of a hospital director, leading to amended working practices and models of communication.
- A mediation of entrenched conflict between founding partners of a psychiatrist practice. Resolution involved an organisational restructure, amended compensation packages and a modified business plan.
- A workplace mediation regarding the behaviour and work practices of a senior medical consultant. Settlement included agreements on work practices, behavioural changes and operating frameworks.
- A multi-party conflict including boss/ subordinate relationships at senior management level and team dynamics.
- A dispute between the CEO, Chair, and Vice Chair of Trustees of a large national charity including allegations of discrimination and bullying.

- A series of workplace mediations involving conflicts between the co-leads of a project co-ordinated between European Science Research Institutes and Universities. The dispute included issues of status, experience and hierarchy and resolution required agreements about roles and responsibilities, working patterns and communication.

Human Rights

- A mediation involving the right to life under Art 2 of the Human Rights Act, and the tragic loss of life of a child.
- A claim brought under the Modern Slavery Act including allegations of false imprisonment, forced labour and inhuman and degrading treatment.
- A claim against the Home Office for alleged breaches of the right to liberty and security, private life and for false imprisonment. Including issues of national security and immigration.
- A dispute between an individual and a local authority involving a claim for damages for discrimination under the Public Sector Equality Duty of the Equalities Act.
- A claim against the Metropolitan Police for false imprisonment and unlawful search.

Advising on multiple inquest, civil claim and judicial review cases against the State involving issues of public law and human rights law including the right to life, fair trial and unlawful detention.

- *Complex and tragic multi-party cases in the public domain relating to state detention, including loss of life.*
- *Judicial review matters challenging the legality of search warrants, police decision to caution and assisting in representing an interested party following the enquiry of a police shooting.*
- *Advising on and contributing to independent reviews regarding deaths in state custody.*
- *Actions against the state involving issues of race discrimination, unlawful arrest and detention, and personal injury.*

Intellectual Property

Representing a global organisation on intellectual property and brand protection litigation matters in preparation for an international sporting event.

- *Numerous claims relating to intellectual property rights infringements in multi-jurisdictional disputes.*

- *Contractual issues of intellectual property law relating to sports law.*

Landlord and Tenant

- A dispute involving issues of security, repairs and use of shared areas.
- A Breach of contract and possession claim, which settled on the basis of a transfer and debt repayment scheme. Included issues of wills and estate planning.
- A mediation between a London Borough and an individual relating to a claim and counterclaim respectively of rental arrears and discrimination under the Equality Act.
- A claim for rent diminution due to housing disrepair over a period of 12 years and personal injury for claimant and child due to injuries alleged to have been caused by poor condition of property.
- A mediation involving a claim for damages due to allegations of disrepair.

Neighbour Disputes and Community

- Several neighbour and community disputes involving allegations of abuse and harassment, noise disturbance, tensions caused by the Covid-19 national lockdown and pre-ASBO actions by Housing Associations.
- A dispute between two tenants over privacy issues and threatening behaviour involving allegations of harassment and racial discrimination.

NHS and Healthcare

- A claim by a bereaved family following the death of their son in a psychiatric unit under the Human Rights Act right to life.
- A multi-party mediation held overall several weeks involving a large private healthcare provider, clinical director and nursing staff, resulting in agreed changes to systemic operating practices.
- A dispute involving a senior medical consultant and a hospital relating to issues of clinic scheduling and surgical equipment.
- A third party duty of care clinical negligence claim regarding an alleged failure to adequately assess risk involving a life altering injury.
- A fatal clinical negligence claim involving complex medical history and multiple expert witness evidence.

- *Advising on numerous inquest and civil claim matters representing bereaved families against the Secretary of State for Health and/or NHS Trusts following a death in hospital or psychiatric care involving issues of public law, human rights and clinical negligence.*
- See also under workplace for further healthcare mediations.

Partnership and Shareholder

- A dispute involving the dissolution of a real estate partnership and the division of multiple assets.
- A claim regarding an alleged breach of a partnership agreement.
- A mediation between business founding partners and shareholders in a healthcare setting, resulting in a modified partnership agreement and financial restructure.

Property

- A multi-party boundary dispute involving claims and counterclaims of harassment, disputes over communal property, shared access areas and allegations of property damage.
- A boundary dispute between commercial properties involving a damages claim for nuisance and breach of duty of care relating to trespass, water damage and breach of the Party Wall etc. Act.
- A damages claim involving issues of liability following landscaping and engineering works in adjacent properties.
- A construction dispute involving faulty products and delayed installation resulting in significant repair costs.
- A claim of equitable accounting following a divorce including matters regarding occupation orders and sale of property.
- A dispute between property management companies regarding repairs, service charges and Directors' liability.

Professional Negligence

- A claim of professional negligence regarding legal services.
- A dispute regarding breach of contract of legal services, negligence and loss of chance.

Public Sector

- A claim against a London Borough regarding the grounds for a right to possession.
- A Judicial Review between a London Borough Council and the Home Office regarding national asylum policy.

Sales of Goods & Services

- Numerous disputes between individuals and Funeral Directors regarding alleged failures in funeral services and arrangements including issues of professional negligence and breaches of policy and loss of property.
- Numerous consumer disputes regarding construction and glazing contracts under industry specific conciliation schemes.

Trusts, Wills and Probate

- A multi-party claim including allegations and counter claims of breach of trust, unjust enrichment and harassment between generations within a family.
- A dispute over the property rights of a widow in circumstances where her husband died intestate with assets in multiple jurisdictions.

Personal Style

Shona's style is warm and direct, creating the space for all parties to feel at ease. Her natural energy and interest in people builds trust and rapport at an early stage allowing her to explore creative solutions with parties. She is equally comfortable facilitating conversation between high profile commercial directors and vulnerable individuals. Shona's ability to manage power imbalances is one of her strengths as is her calm nature regardless of the heightened emotions or pressure of a situation. She is naturally empathetic and creates the space for parties to express their needs and explore creative solutions to complex disputes.

Shona has experience mediating with vulnerable individuals with mental health and neuro-diverse conditions such as autism, ADHD, Bipolar, depression, anxiety and PTSD amongst others. Ensuring all parties are able to engage fully in the mediation process is an important part of Shona's practice including where one or both parties are litigants in person.

Feedback

- *"Shona is a highly skilled facilitator. She creates the environment to assist people to voice their concerns in a way that allows for conversations to lead to both better understanding and an opportunity for resolution."*
- *"Shona Crallan is an excellent mediator and assisted me and the other side to reach a settlement when at the beginning of the day it seemed far away."*
- *"Bringing tact, diplomacy and setting realistic limits and managing expectations she brought the parties to closure."*
- *"The professionalism and care with which you handled the matter is commendable."*
- *"I worked with Shona on extremely high-profile human rights cases examining state responsibility for deaths in custody. Her legal knowledge and analytical skills were first class. She understands the law; she understands human beings; she cares."*
- *"Thank you for successfully helping us agree how the Board could be improved."*
- *"[Shona] grasped the issues and the background to the 'maths' in our matter extremely quickly and in a very human way. I believe her professionalism, impartiality, commercial acumen and negotiation-facilitating skills would benefit very many situations where clients need help to settle disputes they are embroiled in."*
- *"Shona delivered a result that was better than we had ever hoped for. The perspective of the colleagues involved shifted and the foundations were laid that enabled trust to be rebuilt. The result for our business was improved levels of colleague engagement and performance, all of which was underpinned by the retention of key colleagues."*
- *"Shona is a rarity amongst lawyers. She is much cleverer than she makes out and is very sympathetic to the clients. She knows how to cut a deal. Top rate and good value."*
- *"Shona was professional, helpful and imaginative in exploring options throughout the process. She facilitated dialogue in the group sessions and in private sessions struck a good balance between challenging the client's assumptions and respecting their positions."*
- *"Shona's approach throughout the process was very empathetic and sharp, as well as very personable with all the parties. She helped get the parties to the important points and consider the litigation risks instead of debating the merits of the case. Her valuable assistance, most likely persuaded the claimant to settle as the morning after the mediation a settlement was reached!"*
- *"Thanks to your mediating skills, we have an agreement that is fair and robust, and will greatly assist in driving the success of [the company] in the future."*

- *"Shona showed great sensitivity when adapting the process for my clients' additional needs."*
- *"I highly recommend Shona as a strong mediator. She is bright and engaging and helped facilitate a successful outcome for both parties."*
- *"Having you at the helm, a bastion of calm at the centre of this, has been hugely beneficial".*

Qualifications

- 2003: LLB.Hons. Glasgow University
- 2005: LLM. Columbia Law School, NYC
- 2005: Attorney for New York and US Multi-State Bar
- 2010: Solicitor for England & Wales
- 2017: CEDR Accredited Civil and Commercial Mediator
- 2018: Community Mediation Training
- 2020: Accredited SEND Mediator
- 2021: CEDR Workplace Conversion

Memberships

- The American Bar Association
- The Law Society
- Civil Mediation Council
- Scottish Mediation

Panels

- CEDR Civil & Commercial Panel
- CEDR ADR Officials – Conciliators & Adjudicators
- Scottish Mediation
- Brazil American Chamber of Commerce (AMCHAM–Brasil)
- Edinburgh University Workplace Mediator
- Prime Resolution
- Optima Health EAP
- Wandsworth Mediation Service

Other Dispute Experience

Shona facilitated numerous high-profile reviews for state bodies including the Independent Office for Police Conduct, the European Human Rights Commission and the Care Quality Commission. She has also contributed to the Dame Angiolini Report of the Independent Review of Deaths and Serious Incidents in Police Custody; the 'Where's Kilbrandon Now?' Inquiry into the Scottish Children's Hearing System and collected early testimonies for the Grenfell Tower Inquiry.

She provides coaching and negotiation strategy consultation for professionals, assisting in obtaining promotions and negotiating employment contracts and exit packages.

Shona was shortlisted for the National Mediation Awards Newcomer Award in 2024.

Shona regularly gives talks on mediation and provides mediation training workshops and seminars for law firms in the UK and Brazil and organisations such as Ten Years' Time, an organisation promoting equitable philanthropy and diversity in the grant giving industry and CCAMI, a Brazilian organisation providing support to refugees.

Shona provides mediation services for Scottish Mediation's Workplace and Third Sector Civil/Commercial panels as well as low-cost mediation services for the CMC and Scottish Mediation's Fixed Fee Schemes. She offers pro bono mediation for Wandsworth Mediation Service, the Royal Courts of Justice Mediation Project and Tower Hamlets Mediation Project.

She has judged several mediation and negotiation competitions: Columbia Law School Harlan Fiske Stone Moot Court; UK National Mediation Competition; and the CPR Institute International Mediation Competition in Sao Paulo where she was on the panel to judge the finalists.

She is a signatory to the World Mediators Alliance on Climate Change (WoMACC) Green Pledge.