



David Halpern QC

Call: 1978

Silk: 2006

+442078222126
(direct line)

d.halpern@4newsquare.com

Clerk: Dennis Peck

d.peck@4newsquare.com

+442078222040

+447912405149



He's a first-rate analyst of the facts, and an impressive authority in chancery law. He provides excellent, clear delivery to clients.

- Chambers & Partners

David Halpern QC has been rated for many years in the legal directories as a leader in the fields of property litigation and professional liability claims.

Since taking Silk in 2006, his practice has broadened to include a wide range of Chancery and commercial work.

He enjoys working as part of a team with other lawyers and experts in a broad range of disciplines, in relation to both litigation and advisory work. He relishes cases involving difficult questions of law but is also very alive to the client's requirement for clear advice and commercial solutions. He accepts appointments as an arbitrator and is regularly instructed to participate in mediations. He also sits part-time as a deputy High Court judge in the Chancery Division.

"Very knowledgeable and gives good strategic advice. He's good on some of the more complex areas of professional indemnity law." "If I want a binding opinion on a complicated issue of law, he is a go-to." (Chambers & Partners, 2022)

"Immensely knowledgeable and always gets on well with clients." "He has particular expertise in solicitors' negligence, and is very hands-on and extremely approachable." "He's an imaginative advocate." (Chambers & Partners, 2021)

"He is a walking fountain of knowledge with case law references to match. He is commercially aware and focuses on achieving the outcome the clients are seeking." "A charming man with an agile and creative mind, a great person to have on your team. There is nothing which fazes him." (Legal 500, 2021)

"He has fantastic insight, is immensely knowledgeable and is brilliant with clients." "He has an impressive knowledge of property and professional negligence law, and his drafting is quick, excellent and concise." "He is charming in his advocacy, but it's also underpinned by a real intellectual strength." (Chambers & Partners, 2019)

"His advocacy is strong and to the point, and he is quick to raise relevant points in cross-examination." "He can find and sustain a cause of action where lesser barristers would fail." (Legal 500, 2019)

"David is amazing; he is a fount of legal knowledge and his ability to pinpoint issues and form an early view is invaluable." "Very intelligent, pragmatic and commercial." "Very personable and extremely knowledgeable with great technical skills and a great turnaround. He pays very close attention to detail." (Chambers & Partners, 2018)

"His knowledge is encyclopaedic, and he attacks even the most intractable legal problems with zeal and gusto." (Legal 500, 2017)

"A highly experienced silk whose broad commercial chancery experience feeds into his sophisticated professional negligence practice. He handles a broad range of claims arising from business and property disputes, and also takes on cases involving insurance elements. He's a first-rate analyst of the facts, and an impressive authority in chancery law. He provides excellent, clear delivery to clients." (Chambers & Partners, 2017).

"He adopts a client-friendly and very practical approach, and is a terrific strategic thinker." "Never more at home than when dealing with tricky cases" (Legal 500, 2016).

"A very sound and meticulous advocate who is very good at what he does." "He is extremely intelligent with excellent client-handling skills" (Chambers & Partners, 2016). "A very bright guy, who gets all the angles of a case. He's diligent and conscientious." "He is very thorough, as well as good-humoured and approachable" (Chambers & Partners, 2015). "Unbelievably brilliant. He is the advocate for all seasons, and fantastically easy to deal with. He's incredibly direct in terms of identifying the problem, fantastic on his feet and a huge amount of fun." "A master tactician," "fantastic on complex areas of law and extremely collaborative in his approach. The lawyer's lawyer." (Chambers & Partners, 2014).

Privacy Policy

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Areas of Expertise

Company and Insolvency

Company

David's work in this field is principally concerned with:

- Litigation between shareholders involving s.994 petitions; and derivative claims
- Claims against directors under the Companies Act 2006;
- Claims relating to company securities; and
- Claims for breach of warranty arising out of share sale agreements.

He is also regularly instructed in relation to partnerships, joint ventures and LLPs.

Insolvency

David began his professional life in Chancery chambers, where he gained considerable experience during the recession of the 1990s in insolvency work, both individual and corporate. During the latest recession he has been involved in a number of domestic and international insolvencies, acting variously for liquidators, secured and unsecured creditors, directors, auditors and shareholders. He has also acted in disqualification proceedings.

Cases

- Acting for family member claiming her share of a property empire held through a network of companies and partnerships

- *Insight Group Ltd v. Kingston Smith* [2014] 1 WLR 1448

David acted for the controlling shareholder in a claim arising out of the dissolution of companies in Nevis and the Isle of Man, which led to the intellectual property of the company becoming bona vacantia. The case is reported in relation to his successful



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appeal against a refusal of permission to amend.

- Advising a South Korean company in relation to a share sale agreement in Hong Kong
- Acting on a claim in the Abu Dhabi Global Markets court to rectify the share register following the improper service of a drag-along notice.
- Acting in Gibraltar for a Nevis Foundation claiming an interest in a Russian fund worth \$1bn
The parties had arranged their affairs through a complicated web of trusts and companies in England, Russia, the BVI and Gibraltar, which led to some interesting issues of trust and company law, as well as international law.
- Acting for insolvency solicitors defending negligence claims arising out of their handling of bankruptcies and liquidations
- Defending a claim against an auditor for fraudulent trading under section 213 of the Insolvency Act 1986
- *Raja v. Rubin* [2000] Ch 274
This remains one of the most significant decisions on Individual Voluntary Arrangements. David successfully argued in the Court of Appeal that the debtor was entitled to alter the arrangement with some of his creditors, provided that a creditor who did not consent was not prejudiced.
- *Re Portbase Clothing Ltd* [1993] Ch 388
This is one of the very few reported cases on priorities where a fixed chargeholder had agreed to give priority to a subsequent floating chargeholder.

Qualifications & Memberships

David is a member of of the Chancery Bar Association and is a former chairman of its International Subcommittee. He is also a member of the Property Bar Association, the Professional Negligence Bar Association and COMBAR.

Other activities:

- He sits part-time as a deputy High Court judge in the Chancery Division. He previously sat as a Recorder in crime.
- He is a Bencher of Gray's Inn and an advocacy trainer for the Inn.
- He has chaired disciplinary proceedings for the Bar Standards Board.
- He is on the panel of the Bar Pro Bono Unit.

Education

M.A. (Oxon)

Insights

Sevilleja v Marex: Reflective Loss Restated

18 July 2020

David Halpern QC writes on the recent Supreme Court judgment in *Sevilleja v Marex* restating the doctrine of reflective loss in company law.

COVID-19 and remote trials



14 April 2020

The first judgment has now been reported on the effect of COVID-19 on a forthcoming trial. In *Re One Blackfriars Ltd, Hyde v. Nygate* [2020] EWHC 845(Ch), John Kimbell QC, sitting as a Deputy High Court judge, refused to adjourn a trial due to start in June but ruled that it should proceed remotely by video-link.

Unfair Prejudice Petitions: what makes prejudice “unfair”?

3 July 2019

Unfairness is an essential ingredient in minority shareholder petitions. Prejudice alone is not enough. This article explores just what it is that a petitioner needs to prove to make prejudice “unfair” in order for a petition to succeed.

Former editor of Jackson & Powell on Professional Liability

1 December 2016

He edited the chapter on Accountants and Auditors in *Jackson & Powell on Professional Liability* between 2002 and 2015 and wrote a new chapter on Actuaries.

Casenote on *Stone & Rolls v. Moore Stephens* in *Modern Law Review* 73 MLR 487 (cited by Lord Neuberger in the Supreme Court in *Bilta v. Jetivia* [2016] AC 1 at [21]).

Exoneration Clauses for Trustees and Directors and Statutory Relief from Liability (an analysis of the law in Guernsey with reference *Spread Trustee v. Hutcheson*), 2012 *Trust Law International* 32.

“Negligent Investment: Claims against Trustees and Agents”: in (2009) 15 *Trusts & Trustees* 602