



## David Halpern QC

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*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).

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## Areas of Expertise

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### Offshore

David's work has a significant international dimension, which is reflected both in work offshore and in conflict of laws issues in England. His offshore work mirrors the breadth of his domestic practice. He is a former chairman of the International Subcommittee of the Chancery Bar Association. He has been called to the Bar in Gibraltar and has given expert evidence in US proceedings.

### Cases

- **Hamilton v. Hamilton [2016] WTLR 1699**  
David successfully defended the trustee of a will in a claim by her brother for maladministration. The brother claimed that a Liechtenstein Stiftung created by their late father had been a sham and that the assets in the Stiftung formed part of the father's estate. The trial took place in London before Henderson J but involved a detailed examination of Liechtenstein law relating to Stiftungen and related issues of conflict of laws.
- **Acting for a solicitor-trustee defending a £95m claim in Jersey for negligent investment**  
A major issue in these proceedings concerned the meaning of gross negligence. The trust deed exonerating the trustee from liability for negligence, but not gross negligence.
- **Acting in Gibraltar for a Nevis Foundation claiming an interest in a Russian fund worth \$1bn**  
The claim involved joint venture agreements, trusts and company law issues in England, Russia, the BVI and Gibraltar.
- **Advising a major professional body in the Isle of Man on the rent review under its lease**
- **Acting for two Guernsey companies successfully resisting winding-up.**  
A Guernsey service provider sought to wind up the companies for non-payment of fees. The underlying dispute was for breaches



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of fiduciary duty by the service providers in relation to the assets, which included a house in Belgravia.

- Advising Jersey trustees on requests for information from the Comptroller of Taxes
- Acting for Nevis fiduciaries caught in the cross-fire between two warring factions of the family which owns a business empire in the USA
- Acting in a share dispute, which is one of the first claims brought in the Abu Dhabi Global Markets court.
- Defending a solicitor on a negligence claim arising out of investments in a failed development in the Turks & Caicos Islands.
- Advising a South Korean company in relation to a share sale agreement in Hong Kong

## Qualifications & Memberships

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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

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### 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.

**Casnote 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**