



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).

Privacy Policy

Click here for a [Privacy Policy](#) for David Halpern QC.

Areas of Expertise

Professional Liability

David has been rated for in the Directories for professional liability work since the mid-1990s. Before he took Silk he was the highest-rated junior and was shortlisted by Chambers & Partners for Professional Negligence Junior of the Year. He is rated by Chambers & Partners (2022) and the Legal 500 (2022) as a leading Silk.

"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*

"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." – *Legal 500, 2021*

"He has particular expertise in solicitors' negligence, and is very hands-on and extremely approachable." **"He's an imaginative advocate."** *Chambers & Partners, 2021*

"Exceptionally bright and unflappable." – *Legal 500, 2020*

"He is extremely knowledgeable and quotes cases from memory in consultation. He's also very easy to deal with." **"He has a great deal of experience and his submissions carry a lot of weight; they are painstaking and thorough, and he presents arguments very attractively."** – *Chambers & Partners, 2020*

"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." – *Legal 500, 2019*

"Very personable and extremely knowledgeable with great technical skills and a great turnaround. He pays very close attention to detail." – *Chambers & Partners, 2018*.



“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.*

“Never more at home than when dealing with tricky cases”. –*The Legal 500, 2016*

“He is a very intelligent and thoughtful barrister, and a good strategic thinker who is well liked by clients” –*Legal 500, 2015.*

David developed his practice as a junior in Chancery chambers. This made him an obvious choice for professional liability claims in his core areas of expertise. He continues to be especially well known for his work in claims relating to property, business and finance, but as a Silk he has broadened his practice to include claims against professionals in a wide range of disciplines, as well as coverage issues in relation to professional indemnity insurance.

In the best tradition of the Bar, he will act for either claimants or defendants. He believes that this helps him to give objective advice to all his clients and to provide them with the most effective representation in court.

Accountants, Auditors & Actuaries

David has considerable experience of claims against auditors and accountants, including both auditing and advisory work. He has a thorough understanding of accounts and of the audit process. 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. An article he wrote on auditors’ liability was cited by Lord Neuberger in the Supreme Court in *Bilta v. Jetivia* [2016] 1 AC 1 at [21].

Cases

- Claim against a “Big Four” accountant for negligent tax advice to a trust
- *Barclays Bank plc v. Grant Thornton UK LLP* [2015] 2 BCLC 537
Claim by Barclays for £50m. Issue as to whether an auditor engaged to perform a non-statutory audit could rely on a disclaimer of liability to third parties.
- Defending accountant against claim for negligent valuation of shares
The issues concerned the treatment of unlawfully paid dividends and the appropriate discount for minority shareholding.
- Defending accountants in relation to failed film finance schemes
- *Insight Group Ltd v. Kingston Smith* [2014] 1 WLR 1448
Claim against accountants for negligently allowing an overseas subsidiary to be struck off, thereby causing the group’s valuable intellectual property rights to become bona vacantia. The case is reported on David’s successful application to amend outside the limitation period.
- Defending a claim against an auditor for fraudulent trading under section 213 of the Insolvency Act 1986

Financial Services Professionals

Chambers & Partners (2016) says that David “has considerable expertise in claims relating to negligent financial advice” and is “very well equipped to handle commercial disputes”. He regularly deals with claims arising out of the investment powers and duties of trustees and other fiduciaries, claims against IFAs for negligent investment advice and claims for the mis-selling of financial products.



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Cases

- Defending a claim against an IFA arising out of a failed film finance scheme
- Advising a City firm as to its liability for a Collective Investments Scheme.
Advice to a City firm of solicitors as to liability for statements in a prospectus which promoted a financial product as a Collective Investments Scheme.
- Acting for a claimant who lost 60% of the value of his portfolio through his IFA's negligent investment policy

Lawyers

A major part of David's practice is acting for or against solicitors and barristers in a wide range of cases, but especially in relation to areas of Chancery and commercial law which are within his particular expertise. He is rated in the Directories for property litigation as well as for professional negligence. He is also able to draw on experience outside the Chancery and commercial fields, for example the understanding of criminal law and procedure which he gained from sitting for several years as a Recorder in crime.

David represented the appellant in the Supreme Court in the recent landmark case of *Hughes-Holland v. BPE*.

He advises on coverage issues (for further details, see under the heading Insurance).

Cases

- *Hughes-Holland v. BPE Solicitors* [2017] 2 WLR 1029
David acted for the appellant in this landmark appeal to the Supreme Court which has restated the law on the scope of a professional's duty of care.
- *Dreamvar Ltd v. Mishcon de Reya* (reported under *P&P Ltd v. Owen White & Catlin* [2018] 3 WLR 1244)
The claimant (for whom David acted) was duped into buying a property from an impostor. He successfully sued his own solicitor for breach of trust in paying the purchase price to the impostor's solicitor. The judge held that the solicitor should not be allowed to rely on s. 61 of the Trustee Act 1925, notwithstanding that the firm had acted honestly and reasonably.
- *Bacciottini v. Gotelee & Goldsmith* [2016] PNLR 22
Acting for the appellant in the Court of Appeal in a case about the proper approach to mitigation of loss.
- *Ridgewood Ltd v. Kilpatrick Stockton* [2014] PNLR 31
Acting for a solicitor in successfully striking out a £54m claim for negligence on the grounds that it had no real prospect of success and was an abuse of process.
- Acting for the claimant in claims against solicitors and counsel arising out of a claim for compensation in the Lands Tribunal following a CPO
- Acting for a solicitor-trustee defending a £95m claim in Jersey for negligent investment
- *Thames Valley Housing Association v. Elegant Homes Ltd* [2011] NPC 54
Defending a raft of claims against a firm of solicitors for £40m for breach of trust and breach of undertakings. This included a successful recovery action against the former client's shadow director for conspiracy and inducing breach of contract.
- Acting for insolvency solicitors defending negligence claims arising out of their handling of bankruptcies and liquidations

- **Jassi v. Gallagher [2007] PNLR 4**

Most of David's work in relation to claims against barristers settles before trial. This is a comparatively rare example of a case which went to the Court of Appeal. David successfully defended a barrister at trial and on appeal against a claim arising from a failed leasehold enfranchisement.

Surveyors & Valuers

David is ranked as a leading silk for Real Estate Litigation by both Chambers & Partners and Legal 500.

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

Chambers & Partners (2018) describes David as someone who "displays excellence in both professional negligence and property litigation." Chambers & Partners (2017) in recommending David for Real Property litigation as well as Professional Liability litigation, says that he is "very technically gifted on property matters" and (in 2016), "he is noted for his specialist knowledge in matters concerning valuation principles."

David is regularly instructed in claims involving surveyors and valuers, particularly in relation to valuation and planning issues, and he frequently works with experts in these fields. He has considerable experience in relation to the valuation of development land.

Cases

- Acting for the claimant in claims against valuers and planning advisers arising out of a claim for compensation in the Lands Tribunal following a CPO
- Acting for Barclays Bank in pursuing a £10m claim against a valuer in relation to mortgage fraud
- Acting for valuers sued for negligence in agreeing a formula for the sale of development land

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.

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