



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

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Areas of Expertise

Property

David is rated as a leading Silk in property litigation by The Legal 500 (2021), Chambers & Partners (2021) and Who's Who Legal (2021).

"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*

"Immensely knowledgeable and always gets on well with clients." – *Chambers & Partners, 2021*

"He is very impressive on his feet." "He has an excellent manner and is great to work with, pragmatic and commercial." – *Chambers & Partners, 2020*

"He has fantastic insight, is immensely knowledgeable and is brilliant with clients." – *Chambers & Partners, 2019*

"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." – *Chambers & Partners 2018*

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

"Adopts a client-friendly and very practical approach and is a terrific strategic thinker." – *The Legal 500 2016*

"Advises on a mix of real estate and professional negligence cases. He is noted for his specialist knowledge in matters concerning valuation principles. 'He is extremely intelligent with excellent client-handling skills.'" –Chambers & Partners 2016



NEW SQUARE

“An eminent property litigation silk with a wealth of experience, who is highly sought after by solicitors for his work on the intersection between property and professional negligence disputes. ‘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.’ ‘He’s got all the points and is persuasive in writing.’” –Chambers & Partners 2015

“A very sound property lawyer with a great reputation. He is often hired by developers due to his strong business acumen. He also has a property-related professional negligence practice, and is an excellent all-rounder.” –Who’s Who Legal 2015

His real property work regularly includes litigation and advice on:

- Contracts for the sale of land;
- Disputes as to title (including advising on title) and rectification;
- Disputes involving developers, including easements and covenants, ransom strips and overage (his skill in relation to overages was singled out for praise by the Legal 500 in 2014);
- Landlord and tenant disputes, particularly in relation to commercial leases; and
- Mortgages.

Cases

- Acting for a vendor who has agreed to sell four hotels as a going concern where the purchaser claims that the agreement has been frustrated by COVID-19 and Lockdown.
- Acting for the trustees of a mosque who own a 23-acre site (with significant planning potential) adjoining the Olympic Stadium in a dispute with a rival group who claim it is held on trust for them.
- Defending an alleged anchor tenant for breach of a keep-open covenant
David acted for a national leisure company which was sued for breach of a keep-open covenant in a commercial lease. It was alleged that David’s client was the anchor tenant of a shopping centre.
- Acting as arbitrator in relation to a lock-out agreement
- *Ridgewood Ltd v. Kilpatrick Stockton* [2014] PNLR 31
Acting for a solicitor in successfully striking out a £54m claim arising out of the purchase of 11 petrol filling stations conditional upon the grant of planning permission.
- Drafting an overage clause to secure an uplift of £11m for the vendor
- Acting for a developer in a misrepresentation claim arising from an exclusivity agreement for the purchase of a property for £80m
- Acting for a landowner disputing a ransom strip which was preventing the development of 750 houses
- Advising a national housebuilder on ownership of a riverbed and whether a large development site had prescriptive rights of drainage

Qualifications & Memberships

David is a member 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

