

David Turner QC

Call: 1992

Silk: 2009

+442078222000

d.turner@4newsquare.com

Clerk: Alex Dolby

a.dolby@4newsquare.com

+442078222036

+447912405151



A superb courtroom performer and deadly cross-examiner; he is very quick-thinking on his feet with a measured style which earns the court's trust.

- Legal 500

David Turner QC specialises in commercial insurance and reinsurance, professional liability (principally accountants (both complex tax planning and auditors' negligence), brokers and solicitors) and commercial product liability disputes.

He has been described in the Directories as *"a superb courtroom performer and deadly cross-examiner"*, *"tactically astute with a forensic approach to detail"*, *"very quick thinking on his feet"*, *"there is no part of a case which he does not familiarise himself with. There are no corners cut, he has everything at his fingertips in court"*, *"an excellent QC - very meticulous, thorough and measured"*, having *"a measured style which earns the court's trust"* and *"great with clients"*.

David's practice has typically involved large-scale disputes in the Commercial Court, Chancery Division, the Technology and Construction Court and in arbitration both at home and overseas. He enjoys working as part of a large, multi-disciplinary team, and places great emphasis on identifying and pursuing a strategy which meets his client's commercial requirements.

David accepts appointments to serve as either a sole or a party-nominated arbitrator in disputes in the UK and internationally. He is a Fellow of the Dispute Board Federation.

David is a member of COMBAR, TECBAR and the Professional Negligence Bar Association. He is an advocacy trainer for Gray's Inn.

Publications:

David is author of the chapter on Professional Indemnity Insurance in *Jackson & Powell on Professional Liability*, and a reasonably frequent contributor to *Insurance Law Monthly*.

Wider experience

David was a non-executive board member of a national charity from 2013 until 2019, serving additionally on its finance and medical research grants committees. He has also been a lay member of a Clinical Reference Group for a national specialised service.

Privacy Policy

Click here for a **Privacy Policy** for David Turner QC.

Areas of Expertise

Construction & Engineering

David's experience in the **construction** field includes:

- Acting for a PFI contractor in defending a claim by a waste disposal authority for declarations as to the authority's entitlement to terminate a contract for the construction and operation of a substantial Biological and Mechanical Treatment plant?.
- Representing the Employer in an arbitration seated in Dubai under DIAC rules, defending claims (including claims for delay and disruption) from the Main Contractor with an overall value of approximately AED80m relating to the construction of a hotel under FIDIC Red Book (1977 Edition) conditions.
- Acting for the supplier of aggregate used for the construction of motorway concrete safety barriers in a case raising issues as to the extent of remedial works necessary to address contamination of the aggregate, the incorporation and application of the ADR provisions contained within Clause 93 of the NEC 3 Supply Short Contract, the effect of the duty of mutual trust and co-operation imposed by Clause 10.1 of the NEC 3 suite of contracts and whether the parties' arbitration agreement was "*null and void, inoperative or incapable of being performed*" within the meaning of s.9(4) of the Arbitration Act 1996.
- Advising insurers for a major UK construction company as to coverage in relation to potential claims arising from the construction of a mechanical biological treatment plant under a major waste and recycling PFI contract in the North West of England.
- Acting for insurers in a mega-arbitration seated in Mumbai under the IBA Rules, arising out of the construction of a 10.5 MMTPA oil refinery in Asia and involving claims under both the material damage and ALOP (DSU) sections of the project all-risks policy. Part of a multinational team, David led on the extensive programming, project management, construction and associated procurement issues relating to almost every process unit, utility and offsite.
- Acting for property owners in Part 8 proceedings against a contractor's liability insurers concerning the scope of the contractor's obligation to provide collateral warranties and the interrelationship between that obligation and an exclusion in the contractor's policy.
- Advising professional indemnity insurers in relation to policy response to a claim alleging defects in the design/construction of a piled slab.
- Acting for the Employer in a dispute as to whether the terms of a final account settlement precluded further claims against a main contractor.
- Acting for defendant M&E contractors in a claim relating to corrosion of chilled water pipework.
- Acting for the owner/operator of a PFI waste recycling facility in a claim arising from fire damage to the plant during the course of modifications.
- Acting for M&E consultants/contractors in a £6M claim arising out of the design and construction of the London Fire Brigade's training facility.
- Acting for defendant structural engineers in defending a £15M claim by the operators and owners of a distribution warehouse alleging that negligent design had caused the spread of a catastrophic fire.
- Acting for design and build contractors on recovery claims against consultant engineers and specialist piling contractors in relation to a piling scheme in alluvial/running sands.
- Advising design and build contractors in relation to a recovery claim against consultant engineers concerning a housing development on built on compressible peat where the hard landscaping and services "sank" but the houses did not.
- Acting for claimant building owners in a claim against consulting building services engineers arising from a flood.
- Acting for specialist M&E consultants in a claim arising out of the refurbishment of the Berkeley Hotel.
- Acting for defendant site investigation consultants in the Panatown litigation.
- Acting for defendant design engineers in a claim arising out of the design and construction of a fabricated steel walkway at Pembroke docks.
- Acting for defendant design engineers in a claim arising out of the design of a coal injection plant installed at a major steel works.
- Acting for defendant consultant engineers in a claim arising from the design and construction of an amenity lake as part of a land reclamation project in the Welsh valleys.
- Acting for the defendant architects who had designed the Point West development.

Cases



• David Turner QC

Qualifications & Memberships

M.A. (Cambridge) Dip Law (City University)

Member of COMBAR, TECBAR and PNBA

Insights

4 New Square E-Bundling Guide

14 April 2020

Drawing on extensive experience of working with different types of e-Bundle, David Turner QC has created a guide setting out the advantages and disadvantages of different types of standalone e-Bundle, a step-by-step approach to their compilation and how to get the most out of them.

Halliburton Company v Chubb Bermuda Insurance Ltd [2018] EWCA Civ 817: arbitral appointments in related or overlapping references

23 April 2018

The question of whether an arbitrator can accept appointments in related or overlapping references can arise with surprising frequency, especially in the context of excess layer insurance programmes. In *Halliburton*, the Court of Appeal held that (1) an arbitrator should have made disclosure of later references but (2) on the facts of the case, neither the fact of the later references nor the failure to disclose them would have led a fair-minded and informed observer to conclude that there was a real possibility that the arbitrator was biased.

Jackson & Powell on Professional Liability: chapter on Professional Indemnity Insurance in the current, 8th, edition

The ‘MV Renos’ [2018] EWCA Civ 230

21 February 2018

In the ‘MV Renos’ the Court of Appeal had to determine whether the Respondents (“Owners”) had lost the right to abandon the vessel and claim that it was a constructive total loss

Bluebon Limited v Ageas (UK) Limited plc and others [2017] EWHC 3301 (Comm)

15 December 2017

Many commercial property insurance policies contain a term, dressed up as a warranty, requiring the electrical installation to be tested every five years. In *Bluebon*, Bryan J had to determine whether the five year period started from the date of the last inspection (if any), or from the date on which the policy inception

Premier Motorauctions Ltd v PricewaterhouseCoopers LLP [2017] EWCA Civ 1872

23 November 2017

Ever since Stuart-Smith J’s decision in *Geophysical Service Centre v Dowell Schlumberger (ME) Inc* [2013] EWHC 147 (TCC), impoverished claimant companies have sought to rely on the existence of an ATE insurance policy as a reason why a Court should not make an order for security for costs. In *Premier Motorauctions* the Court of Appeal was required to decide whether, and to what extent, the existence of ATE cover really could defeat an application for security for costs

Ted Baker plc v AXA Insurance UK plc [2017] EWCA Civ 4097

11 August 2017



In *Ted Baker plc v AXA Insurance UK plc*, the Insured appealed Mr Justice Eder's findings at first instance ([2014] EWHC 3548 (Comm)) that it (1) had breached a claims co-operation clause, compliance with which was a condition precedent to Insurers' liability, and (2) had failed to prove that its claimed loss of profit exceeded the deductible

AIG Europe Ltd v. OC320301 LLP and others [2016] EWCA Civ 367

14 April 2016

In *AIG Europe Ltd v. OC320301 LLP and others* [2016] EWCA Civ 367, the Court of Appeal reviewed a decision of Teare J concerning whether a number of different claims against a firm of lawyers could be characterised as arising from similar acts or omissions in a series of related matters or transactions for the purposes of limb (iv) of the aggregation provision within the prevailing Solicitors' Minimum Terms and Conditions