



David Hoffman

Year of call: 1997

'His knowledge of commercial law is first class.'

Legal 500 2018

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Practice Summary

David specialises in business and property work, primarily on the Northern Circuit. He is listed in the Legal 500 which for 2017 recommends him as 'Very experienced across the spectrum of Chancery law.'

He undertakes a broad range of business and property work, including contract drafting as well as litigation, and general commercial work such as insurance, construction, IT and e-commerce and professional negligence. His property practice includes property disputes, insolvency, trusts and wills and other general succession matters. He is also experienced working as a junior to QCs and as part of a team on larger or more complex matters.

David is qualified as an arbitrator and is a Fellow of the Chartered Institute of Arbitrators and a CEDR accredited mediator. David was trained and accredited by CEDR in 2017 and has been appointed mediator in various cases since.

He is an experienced advocate both in mediation and arbitration and has an excellent record of settling cases by ADR. David has experience in a wide variety of areas of law, including commercial contracts, property disputes, wills, trusts and succession, partnership and company disputes. He has a great deal of experience as a mediation advocate and is now qualified as a mediator. He takes mediation work through the public access scheme and offers reduced prices for small cases.

Commercial

- contract litigation including sale of goods and services
- professional negligence

- construction
- insurance and banking
- company disputes and partnerships
- intellectual property: copyright, trademarks and passing off
- drafting commercial contracts and standard terms

Some notable cases

Lavin v Hawayek (2017) setting aside default judgment; partnership dispute

Waterfall v HSBC (2008, HC) LTL 13/1/2009

professional negligence in provision of financial services

Coupers Partnerships Ltd v Basarik (2007, CA) [2007] EWCA Civ 40

contractual interpretation of a ratings agency contract and the condition upon which fee is due

T&N v Royal Sun Alliance (2003, HC, CA) [2003] EWHC 1016 (Ch)

asbestos insurance case; CA – successful case management appeal, led by Christopher Moger QC and Jeffrey Terry.

Also acted in substantial commercial arbitrations which can't be named for reasons of confidentiality, including as a junior to leading commercial silk Clive Freedman QC in particular regarding biotech contracts, other commercial contracts and partnership disputes.

Property

David acts in a range of property matters ranging from neighbour disputes, through to commercial property and conveyancing.

- land and real property
- conveyancing disputes
- landlord and tenant and housing
- partnerships
- breach of fiduciary duty and civil fraud
- insolvency
- equity and trusts
- family provision, wills and succession

Some notable cases

Wild v Wild (2018) EWHC 2197 (Ch), [2018] All ER (D) 04 (Sep) Represented successful party in dispute about partnership account

Hitchen v Hitchen (2012)
series of successful contempt of court regarding partnership dispute.

Acacia Securities Ltd v Sukhram (2011)
freezing injunction, breach of fiduciary duty

Parker v Snyder (2004-5, HC)
civil fraud, led by Clive Freedman QC

David has also acted in a arbitrations which cannot be named for reasons of confidentiality, including as a junior to leading commercial silk Clive Freedman QC

Property Associations & Memberships

- Fellow Chartered Institute of Arbitrators
 - CEDR Exchange
 - Northern Circuit Commercial Bar Association
 - Society of Legal Scholars
 - European Circuit
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Publications

Journal of Professional Negligence (2018) book review of Professor Jane Wright's "Tort Law and Human Rights" (2nd edition).

Human Rights in the UK: An Introduction to the Human Rights Act 1998

David Hoffman and John Rowe QC (Pearson, 4th edition 2013).

"The authors have combined meticulous scholarship with an enviable ability to express matters, however complex, in clear and understandable terms" (Lord Saville of Newdigate, Foreword to 2nd Edition)

The Impact of the UK Human Rights Act on Private Law (editor; published: Cambridge 2011)

'The chief glory of [the book] lies in its 12 substantive chapters on specific aspects of private law ... David Hoffman gives himself three modest pages at the end to reflect on the book's contents, expressing the hope as he says 'that the discussion' in it 'can assist' in the effective reception of the HRA into private law ... He should be proud of what he has achieved here: a superb partnership between academics and practitioners, a volume very well presented by Cambridge – and an important contribution to legal understanding of the HRA.' Conor Gearty, Public Law.

Arbitration Appeals

chapter co-written with Clive Freedman QC in 'Civil Appeals' edited by Michael Burton J, (Sweet & Maxwell, 2nd edition 2013)
