David Hoffman

Year of Call: 1997



Practice Summary

David specialises in business and property work, primarily on the Northern Circuit. He is listed in both the Legal 500 and Chambers and Partners, the Legal 500 recommends him as having "exceptional understanding of the 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, e-commerce and professional negligence. His property practice includes property disputes, landlord and tenant, trusts and wills and he regularly acts in probate and inheritance 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 a Fellow of the Chartered Institute of Arbitrators, and is a CEDR-accredited mediator. He is an experienced advocate both in mediation and arbitration and has an excellent record of settling cases by ADR.

Commercial

David is an experienced commercial litigator, acting in a wide variety of business and property cases. This includes contract litigation, such as sale of goods and supply of services, including unfair contract terms, as well as contract drafting. He also has experience of insurance law, including acting in a recent high profile business interruption insurance test case, *London Excel*. He acts in company and partnership disputes and in professional negligence cases concerning solicitors, accountants, tax advisers, and other commercial professionals. He also deals with partnership and company matters, including commercial property, trust and succession, breach of fiduciary duty and commercial fraud. He has experience of urgent injunctions where required. He has also acted as arbitrator and mediator in commercial matters.

Some recent and reported cases

Why Not Bar v Aegeas Insurance (one of the cases in London Excel) [2024] EWCA Civ 1026, appeal from [2023] EWHC 1481 (Comm) one of the claimants succeeding in argument on causation in business interruption insurance cases arising out of covid-19 pandemic (and successful on appeal).

Hamilton v Barrow (2025) assisted litigant in person with skeleton argument, successful in Court of Appeal and then in a second action in fending off strike out application.

Direct Accident Management v Legend Legal LTL 3/12/2019 : [2019] 7 WLUK 818 breach of confidence, successful application for summary judgment for alleged recipient of information for lack of knowledge of confidentiality

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

Property

David acts in a range of property matters ranging from neighbour disputes, through to commercial property and conveyancing. This includes easement and boundary disputes and adverse possession, conveyancing disputes, landlord and tenant (domestic and commercial, including acting for property management companies about company matters) and other real property disputes. He also deals with partnership and company shareholder disputes, insolvency, equity and trusts, and with family provision, wills and succession.

He has successfully obtained injunctions to prevent property infringements as well as unlawful forfeiture of leases. He has also acted as arbitrator and mediator in property matters.

Some recent and reported cases

Grazdankin v Guissi [2023] successfully acted for landlord in defending against claim for noise nuisance and breach of covenant

Awan v Awan (2021, Judge Rodger QC on appeal in the Upper Tribunal) Successful land registration claim including complex allegations of fraud relating to a family dispute, included consideration of interaction with ongoing criminal proceedings and extremely difficult evidential issues and then successfully opposing appeal.

Cumbria Zoo Company v Zoo Investment Company [2021] EWHC (Ch) obtained urgent interim injunction to regain possession of tenanted property (Cumbria Zoo) from landlord claiming forfeiture and [2022] EWHC 3379 (Ch) succeeded at trial in showing that forfeiture

was unlawful. Case reported on compliance with BPC witness statement PD.

Wild v Wild (2018) EWHC 2197 (Ch), [2018] All ER (D) 04 (Sep) family farming partnership, reported case on whether farm and other assets are part of the partnership

Hitchen v Hitchen (2012) series of successful contempt of court regarding farming partnership including injunction in support of partnership arbitration and multiple committals.

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)

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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.

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

Qualifications

- FCIArb Fellow Chartered Institute of Arbitrators from January 2018
- CEDR accredited mediator qualified 2017
- CIArb qualification 2017
- BCL (Oxon), 1994, University College Oxford
- MA (Oxon) Jurisprudence, 1993, University College, Oxford, first class
- University College, Oxford 1990-1994
- Manchester Grammar School 1983-1990

Memberships

- Fellow Chartered Institute of Arbitrators
- CEDR Exchange
- Northern Business and Property Bar Association
- Northern Circuit (Remembrancer)
- European Circuit
- Society of Legal Scholars
- Selden Society

Arbitration Appeals

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

Areas of Expertise

- Commercial
- Housing
- Property