



**KINGS  
CHAMBERS**



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**Clerked by:**

Colin Griffin

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## David Casement QC

**Year of Call:** 1992

**Year of Silk:** 2008

[Click here to email direct](#)

### Practice:

**Company:** Shareholder disputes, corporate governance, protecting minority rights, derivative actions, directors duties, just and equitable winding-up

**Insolvency:** All aspects of administration, liquidation and receivership as well as personal insolvency

**Trust litigation:** Trustee's rights and obligations, asset tracing, third party liability for receipt and assistance, advising trustees and beneficiaries in cross-border litigation

**Commercial litigation:** Entertainment, media (including privacy injunctions) and sports law, confidentiality and restraint of trade, TCC disputes, arbitrations and adjudications, sales of goods

**Banking:** Securities, factoring and guarantees

**Professional negligence:** lawyers, accountants and surveyors

**Commercial fraud**

### Profile:

David is a silk specialising in chancery and commercial litigation. He is regularly instructed in large-scale disputes involving company, LLP and partnership disputes advising and representing companies, directors, shareholders, members and partners. He covers the full range of commercial litigation such as banking, finance and securities, professional negligence, and sports, entertainment and media. He also specialises in all aspects of insolvency litigation and has acted for office-holders and third parties in corporate and personal insolvency disputes. David has acted for claimants and defendants in commercial fraud litigation and asset tracing across multiple jurisdictions. David has also represented trustees and beneficiaries in trust litigation including the liability of trustees and obtaining information regarding assets and the terms of settlements.

David was appointed as a Part-time Judge in 2005 and was appointed as a Queen's Counsel in 2008. He was one of the youngest barristers ever to be appointed to either position outside of London.

He also acts in high profile sports-related disputes acting for clubs, agents and players. He is a member of the Sports Resolution Panel of Arbitrators - Chairperson's List and has adjudicated in a wide variety of sports.

David is a member of the Bar of Ireland and the Bar of Northern Ireland.

### Significant cases:

**(2011)** Acting for off-shore trustee in proceedings alleging £1 billion fraud on a major Nigerian bank. The case involves alleged breaches of fiduciary duties by the bank's CEO and other employees and includes asset tracing and litigation across multiple jurisdictions.

**McKenna (2010)** Acting for innocent investor in fraudulent property scheme seeking to recover multi-million pound fund misappropriated by fiduciary

**Charlie Adam v Blackpool FC (2010)** - Premier League adjudication between the club's star player and the club in respect of a "survival bonus".

**Barclay Pharmaceutical v Waypharm (2010)** - alleged £12 million pharmaceutical fraud with actions in multiple jurisdictions including Switzerland, Belgium, France and Panama.

**Davenham Trust v Homegold Limited and Costello (2009)** LTL 23 October 2009 - instructed by a second tier lender to enforce securities where the issues included analysis of the principal obligor clauses in a guarantee and whether the contractual increase in interest following default was void as a penalty.

**CEP v Steni (2009)** LTL 15 October 2009 - instructed for the claimants in respect of the alleged unlawful termination of an exclusive, international distribution agreement. The case raised issues as to the validity of default notices and the obligations under an "all reasonable endeavours clause".

**Aqua Design & Play International Ltd Liquidation (2005-2009)** - instructed by the liquidator in a wrongful trading case against de facto and alleged shadow directors where the issues included the applicability of principles of causation and foreseeability in limiting recoverable losses.

**Shaw v API and others** - LTL 11 June 2008 - successfully defended a claim for alleged breach of confidentiality and fraud brought against members of a management-buy-out team. The case raised important questions as to the quality of the information that was said to be confidential.

**Bracegirdle v All Facility Services Limited (2008)** - s994 shareholders' petition, derivative claims and personal claims involving alleged breaches of fiduciary duties, shareholder agreements and statutory obligations. The case raised issues concerning the "no conflict rule" and the diversion of corporate opportunities and assets.

**Pen Associates (Europe) Limited v Cardpoint Services Limited (2008)** - instructed to defend a member of LINK (UK's national cash interchange network) in respect of a claim for £7 million for breach of contract in the supply of connectivity to the LINK network.

**Team Associate Limited v Micah Richards (2007)** - instructed by a premiership footballer to defend arbitration proceedings brought by a former agent.

**Stretford v The Football Association Limited** - Times 13 April 2007 - the claimant was the subject of disciplinary proceedings by The FA which were contended to be contrary to public policy and a breach of the immunity of a witness in legal proceedings as well as being wrong in law. The claimant contended that the appropriate venue for challenge was the court irrespective of the existence of an arbitration clause.

**Proform Sports Management Limited v Proactive Sports Management Limited [2007] 1 All ER 542** - an important case concerning the voidability of Wayne Rooney's contract of representation with an agent and the liability of a third party for inducing breach of a voidable contract. The case is a leading case on minors' contracts.

**Baybut v Eccle Riggs Country Park Limited** - Times, 13 November 2006 - instructed to defend a class action brought by licensees of a caravan park alleging unlawful early termination of their licences. The case raised important issues regarding the effect of the Unfair Terms in Consumer Contracts Regulations 1999 on implied terms.

**C plc v P (Attorney General and Home Secretary Intervening) [2006] Ch 549** - instructed by P to defend claim to privilege against self-incrimination in the context of a search order in intellectual property proceedings. The case is a landmark decision in respect of the scope of the privilege against self-incrimination and the relationship between precedent under domestic law and the Human Rights Act.

**Green Corns Limited v (1) Claverley Group plc (2) Express & Star Limited [2005] EMLR 31** - instructed by the claimant to obtain an injunction to restrain a newspaper from publishing private information including addresses. This is an important case on breach of confidentiality and misuse of private information and in particular the ultimate balancing test between Article 8 and Article 10 ECHR.

**Fitzgerald v Robinson** (2005) - instructed by the executrix and beneficiary in a trust case involving fraud and asset tracing in UK, Isle of Man and Cyprus against a trustee. The case included coordinated actions in different jurisdictions against fiduciaries, banks and corporate service providers - search orders at multiple premises - worldwide freezing injunctions and examinations on affidavits.

**Robin Clayton Partnership bankruptcy** (2005) - instructed by the trustee in bankruptcy of three architects to set aside transactions defrauding creditors entered into 20 years prior to bankruptcy. The case involved tracing assets in UK, Saudi Arabia and Spain.

**Sterling Travel Insurance Liquidation** (2003) - instructed by the Liquidator in the alleged "smash and grab" fraud by the director committed just prior to liquidation. The case involved a world wide freezing injunction, asset tracing and numerous transaction avoidance proceedings.

**Pickfords Limited v Celestica Limited** (2003) LTL - instructed by the UK subsidiary of a large multinational to defend a claim based upon what the Court of Appeal concluded was an erroneous analysis of the principles of counter-offer and revocation in contract.

**Union Music Limited v Russell Watson** [2003] 1 BCLC 453 - instructed by Union Music in respect of a claim against Russell Watson for breach of contract. The case raised an important question as to the power of a court to order an extraordinary general meeting of shareholders to consider a resolution where the majority of the board were opposed to such a meeting and resolution.

**Union Music Limited v Russell Watson** (2002) LTL - instructed by Union Music in respect of a claim against Russell Watson for breach of contract. The Court of Appeal considered the true nature of common election in respect of an application to strike out which depended upon an agreement that was said to be voidable.

**Larvin v Phoenix Office Supplies Limited** [2002] 2 BCLC 556 (company law dispute - unfair prejudice against minority shareholders).

**Reimbold v English, DJ Withers (Farms) Limited v Ambic Equipment Limited** [2002] 1 WLR 2409 (Court of Appeal - landmark decision on Article 6 ECHR and the extent of a judge's obligation to give reasons).

## Recommendations

David Casement QC is consistently recommended in the legal directories:

The "eminent" David Casement QC wins plaudits for his work on company, commercial and trust litigation. (Chambers UK 2013)

"as good as a top silk in London" and "not just an excellent technical lawyer but also highly commercially oriented." (Chambers UK 2013)

"authoritative and polite. He is persuasive and forceful when he needs to be and has an ability to adapt to circumstances." Peers further say that "his pleadings and written work are extremely good. He has an ability to pitch the document at the right level." (Chambers UK 2013)

"an excellent technical lawyer who is not scared of getting stuck in," and instructing solicitors note that this "highly approachable, highly intelligent" lawyer is "a good guy to have on your side." (Chambers UK 2013)

Is "Commercially Sound" and "a heavyweight Chancery and Commercial silk" (Legal 500 2012)

"is an "excellent litigator" who impresses with his "bang-on-the-mark judgement." He is "splendid with clients, a team player through and through, and very proactive." (Chambers UK 2012)

"a strong advocate with a brilliant approach to the judiciary." (Chambers UK 2012)

"has cultivated a strong reputation for handling both regulatory and disciplinary cases across a variety of sports, but most notably football." (Chambers UK 2012)

"covers an impressively broad array of chancery-related matters. He bowls commentators over with his collected and well-judged opinions, and further impresses due to the "clever, cautious and effective approach he adopts"." (Chambers 2011)

"earns praise for his "superb intellectual prowess and ease with clients." " (Chambers 2011)

"He is a forceful advocate who connects well with judges." (Chambers 2010)

"Tipped as a "star of his generation" for commercial litigation." (Chambers 2009)

### **Memberships**

Chancery Bar Association

Northern Circuit Commercial Bar Association

Insolvency Lawyers Association

Hon Society of the Middle Temple

The King's Inn, Dublin