

## DAVID CASEMENT QC

Year of call: 1992  
Year of silk: 2008

Qualifications: MA (Oxon)

Clerked by: Gary Young Gary Smith

AREAS OF EXPERTISE:  
Arbitration Company Commercial Litigation Insolvency  
Sport Banking & Finance Professional Negligence



### Profile

David Casement is a Queen's Counsel specialising in chancery and commercial arbitration and litigation. He is a Member of the Chartered Institute of Arbitrators and a Deputy High Court Judge. He is regularly instructed in large-scale disputes involving companies, LLPs, LPs and partnerships. He covers the full range of commercial litigation and arbitration such as banking, finance and securities, professional negligence, and sports, entertainment and media as well as commercial judicial review. 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. He has also represented trustees and beneficiaries in trust disputes including the liability of trustees and obtaining information regarding assets and the terms of settlements.

In December 2019 David was appointed as a judge of the International Tribunal and the International Court of Appeal of the Fédération Internationale de L'Automobile.

**Year of Silk:** 2008

### Areas of Expertise

#### Arbitration

Experienced in domestic and international arbitrations both as an arbitrator and as an advocate. He has chaired three-person tribunals and acted as sole arbitrator. The areas covered include financial services, insurance, professional disputes, franchises, sport.

#### Domestic and International Arbitration disputes:

- Insurance and reinsurance
- Construction
- Sale of goods
- Franchises
- Banking and financial services
- Company, joint venture and partnership
- Sport

#### Company

Larvin v Phoenix Office Supplies Limited - s459 (now s994) proceedings arising out of a quasi partnership

Shaw v API and others - LTL 11 June 2008 - 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.

Webb v Rothwell - substantial shareholders dispute involving film distribution rights

Bamford v Harvey - important decision in the Companies Court on derivative claims and wrongdoer control.

Representing New Order, English rock band originally formed in the 1980s, in a dispute brought by a former member by way of a derivative claim

Waldron - section 994 proceedings arising in the context of a family-owned construction company

Brown v Graham – s994 proceedings arising in the context of a long-established company where the main shareholders were two families

Re A Company – s994 proceedings arising out of a quasi partnership company in the High Court in Northern Ireland

## **Commercial Litigation**

Contractual and economic interest disputes including sale of goods and services, financial services and insurance, banking, factoring and franchise agreements.

### **Current and Recent Cases:**

New Order – acting for the members of the band defending derivative proceedings brought by the former member Peter Hook.

High Fliers Films Limited – unfair prejudice petition and shareholder dispute involving film distribution rights.

Laird Resources LLP v Aumm Holdings – dispute in respect of a deed of settlement involving off-shore trusts and off-shore companies.

EEW Eco Energy World Limited – renewable energy scheme dispute between investors, advisors and property owners.

Professional negligence claim against leading accountants regarding tax advice – in excess of £200 million.

Re Al Midani – acting for the Trustee in Bankruptcy tracing assets throughout Europe and the Middle East.

Intercontinental Bank – defending an off-shore bank in proceedings alleging £1 billion fraud on a major Nigerian bank. The case involved alleged breaches of fiduciary duties by the bank's CEO and other employees and includes asset tracing and litigation across multiple jurisdictions

Redeem Holdings Limited v Entertainment Magpie Limited and others – defending a £30 million intellectual property and unlawful interference claim.

Bamford v Harvey – important decision in the Companies Court on derivative claims and wrongdoer control.

Alpha Panareti – acting for a major Cypriot property developer defending claims by multiple purchasers.

Shaw v API – defending proceedings alleging fraud and breaches of confidence in respect of a management buy out.

Baybutt v Eccle Riggs – leading case on implied terms and the application of the Unfair Terms in Consumer Contract Regulations.

Proform Sports Management v Proactive Sports Management – commercial dispute over the agency representation of Wayne Rooney.

Union Music v Russell Watson – leading case on approbation and reprobation and the power to call EGMs in the event of deadlock in companies.

## **Insolvency**

Clayton Partnership – Acting for the Trustee in Bankruptcy in setting aside transactions defrauding creditors.

Stirling liquidation – Acting for Joint Liquidators in numerous claims seeking to trace and recover assets following a liquidation including claims against third party recipients and overseas assets.

Re Al Midani – Acting for the Trustee in Bankruptcy tracing assets throughout Europe and the Middle East.

Strobe – Acting for the Liquidator in claims for wrongful trading and transaction avoidance claims.

An action against office-holders, receivers, arising from the sale of a large hotel for failure to take reasonable steps to obtain the best price.

Acting for third parties resisting claims by a Liquidator seeking to avoid transactions on the basis of transaction at undervalue and preference.

## **Sport**

Sports litigation and advice – all aspects of the sports industry – disputes between players, agents, clubs, regulators and sponsors. David Casement QC has acted in some of the biggest cases in sports law and is recognised as a leading authority.

### **Significant Reported Cases**

Acting for Premiership football clubs in all types of commercial disputes – including Manchester City, Manchester United, Crystal Palace, West Bromwich Albion, Everton

(2013) Acting as Chairman of a three man Rule K Arbitral Tribunal in respect of a multi-million pound arbitration claim alleging unlawful

interference with economic interests.

England Cricket Board v Middlesex County Cricket Club – Acting as Chairman of the three man panel sitting at Lords to determine a regulatory dispute

Manchester City v Stephen Ireland – Premier League arbitration – first instance and appeal

Charlie Adam v Blackpool FC - Premier League arbitration between the club's star player and the club in a contractual dispute regarding the true construction of an agreement

## **Banking & Finance**

All areas of Chancery practice and in particular company, partnership, insolvency, trusts and commercial fraud.

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Bamford v Harvey – important decision in the Companies Court on derivative claims and wrongdoer control.

Alpha Panareti – acting for Cypriot property developer defending claims by multiple purchasers.

Shaw v API - defending proceedings alleging fraud in respect of a management buy out.

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## **Professional Negligence**

## **Memberships**

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Bencher of The Honourable Society of the Middle Temple

Member of the Bar of England and Wales, Ireland and N. Ireland

Former Chairman (UK) of the British Irish Commercial Bar Association

Chartered Institute of Arbitrators

London Court of International Arbitration

International Bar Association

Chancery Bar Association

## **Appointments**

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Judge of the International Tribunal and the International Court of Appeal - Fédération Internationale de L'Automobile

Deputy High Court Judge – Chancery Division and Queen's Bench Division

Recorder of the Crown Court

Member of the Chartered Institute of Arbitrators

Sport Resolutions Panel: Chairpersons' List

National Anti-Doping Panel: Arbitration Chairpersons' List

Football Association Judicial Panel

## Qualifications

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MA (Oxon)

## Recommendations

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### Chambers UK 2021:

"David is one of the best in the North. He's really intelligent, he really knows his stuff and he presents well in court." "His advice is second to none. He is technically excellent and an extremely good communicator."

"He's superb - a real team player and great with clients."

"He is extremely good and very detailed." "Absolutely excellent - he is a real team player and his advice is second to none. He's also an extremely good communicator and is great with clients."

"He's superb - a real team player, technically excellent and an extremely good communicator." "He is a good strategist."

"He is a real team player, he is technically excellent and he is an extremely good communicator." "He is really good at seeing the bigger picture."

### Legal 500 2021:

"A leading and user-friendly silk."

"A superb, intellectual silk."

"David is superb. His intellect is fantastic. He is a really team player and gets on well with lawyers and clients alike. He is very well thought of and respected. There are very few lawyers, solicitors and counsel, that I have come across in the last 20 years that are as capable as David."

"A first choice silk for sports law matters. He is a leader in this field."

### Legal 500 2020:

"Relates well to clients."

### Chambers UK 2020

"His reputation is very strong for insolvency and fraud litigation. He is a clever barrister."

"He's extraordinarily bright and has a great talent for getting to the heart of the issue while never losing sight of the commercial reality. His excellent ability to put clients at ease belies his ferocious advocacy in court."

"He is super bright and very approachable. He gets on very well with clients and is very good in court. He is also very incisive." "He is absolutely excellent. He brings an air of calm into everything he does."

"He is technically superb and a great advocate. He's commercially minded and very client-focused."

"A formidable commercial silk who represents many sporting individuals and is a very strong details man."

### Chambers UK 2018

"Very bright and a very relaxed advocate."

"He is a real standout." "He has wonderful intellect and is a great advocate."

"Go-to commercial chancery silk with a substantial arbitration practice and a reputation for excellence in complex litigation. In addition to appearing as an advocate and an arbitrator he sits as a Deputy High Court Judge."

"He is a very intelligent operator and has a fine legal mind."

"David has an exceptional reputation for handling high-profile and complex sporting disputes. His knowledge of the legal and regulatory frameworks is second to none."

### Legal 500 2018

A superb lawyer with invaluable clarity of thought.'

## **Legal 500 2017**

'An intellectual heavyweight lawyer with superb work stamina and attention to detail.'

## **Chambers UK 2017**

"He is very good on tactics and really understands the psychology of negotiation." "He is absolutely excellent. Very highly regarded and a very good all-round lawyer."

"He's absolutely excellent, first-rate and very highly regarded - just a very good all-round lawyer." "An impressive silk whose advice is technically sound and also commercial. He also has a very good manner with clients."

"He has an affable personality, allied with a great ability to absorb complex facts and give clear advice, especially on matters involving shareholder disputes or insolvency."

"He is an extremely good sports lawyer who is technically brilliant and forceful before any tribunal."

"An absolutely first-rate barrister."

## **Chambers UK 2016**

"A brilliant barrister and a robust chancery counsel who is highly intellectual, always well prepared and utterly reliable."

"He cuts through to the heart of the case; he is excellent at providing real forensic analysis."

"He is well respected for his doping knowledge, as a senior member of the National Anti-Doping Panel."

## **Chambers UK 2015**

"He is completely cool, calm and collected and totally unflappable. He is extremely focused on the strategy and commerciality of the case." "He is an excellent advocate - superb - with a confident style in court."

"He is a very strong, robust and respected advocate."

"He is superb; a good team player, thorough, reliable and his knowledge of this area of law is excellent. He takes a commercial view."

"He is very bright, very articulate and a real team player." "When you have him on your side you really do feel special."

## **Listed as one of the top 100 silks in England and Wales by Chambers and Partners 2014.**

"ability and experience belie his years of call." "very accessible, enthusiastic, and fully immersed in the case as part of the team."

The "utterly brilliant" David Casement QC

