David Hoffman

Year of Call: **1997**

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David specialises in business and property work across the Northern Circuit. He is regularly listed in the Legal 500 and Chamber & Partners Legal Directories with testimonials including: 'David has excellent knowledge of the law and he is very practical. He is good with clients, reliable, and delivers good results.' (2025), "works extremely efficiently and gets to the problem very quickly, and he is a good sounding board too.'(2024) and " exceptional understanding of the law ….approachable, flexible and helpful." (2023).

He undertakes a broad range of business and property work. He is also experienced working as a junior to KCs and as part of a team on larger or more complex matters (including leading more junior counsel). Practice areas include:

Business / chancery and commercial

David acts in all types of contract and commercial litigation including sale of goods and services, domestic construction, professional negligence of lawyers, accountants and other professionals, insurance and banking contracts. This has recently included business interruption insurance arising out of the pandemic. He has also acted for clients in company and partnership disputes, including obtaining and defending urgent injunctions, and commercial wrongs such as passing off and breach of confidence, breach of fiduciary duty and breach of trust. He is especially strong in legally complex cases, where these areas overlap and need to be disentangled, including areas such as restitution, breach of fiduciary duty and complex corporate and trust matters. He is skilled at mobilising clients quickly to bring or defend urgent injunction applications.

Clients include acting for firms of solicitors in disputed fee cases and partnership issues, acting for a large biotech company in a confidential arbitration (led by Clive Freedman KC), local authorities including Manchester City Council, large companies including British Nuclear Fuels, and a variety of corporate and private clients.

Recent cases include breach of confidence, commercial contract disputes, partnership cases, professional negligence, commercial fraud, recovery of care home fees, supply of telecoms services, shareholder disputes fraud, breach of fiduciary duty, personal guarantees, liens, assignments, franchises, and commercial arbitration.

Contract drafting

David also undertakes drafting commercial contracts including standard terms of business, substantial and bespoke property contracts, shareholders agreements and other corporate documentation, leases, conveyances and property contracts. Drafting standard terms of business has included advising on provisions required to comply with consumer protection and similar legislation, in some cases dealing with challenges from trading standards.

Property

David acts in a variety of property cases, including land and conveyancing disputes such as registration, rights of way and boundaries; landlord and tenant cases, residential and commercial; insolvency; and equity and trusts, including co-ownership. He appears in the Chancery Division of the High Court, the County Court and the First-Tier Property Tribunal. He has acted for both landlords and tenants and for a

variety of property management and resident management companies.

Recent cases include acting for a zoo which was repossessed by its landlord and obtaining an urgent injunction, commercial companies and partnerships, agricultural landowners and partnerships, private clients with neighbour disputes, families with succession disputes, co-owners with property disputes, such as boundary disputes and rights of way.

Succession

David can advise on a wide range of succession matters, including regularly advising on and acting in cases on the Inheritance Act and family provision, wills and probate, capacity, undue influence and issues arising with estate property. As well as litigation, David frequently acts to help parties to settle disputes at mediation and has acted as arbitrator in estate matters.

Alternative dispute resolution

David is a Fellow of the Chartered Institute of Arbitrators and has acted as an arbitrator, as well as published on arbitration law. Recent arbitrations include landlord and tenant, commercial contracts and estate and will issues. David is also an accredited mediator (Centre for Effective Dispute Resolution) and a member of the Association of Northern Mediators. He is an experienced advocate in both mediation and arbitration with a strong record of settling cases. Both for mediation and arbitration, David welcomes creative approaches to ADR, including paper-only arbitration, and conducting ADR at fixed rates for modest-value claims.

David is also accredited to take public access clients.

Education

School: Manchester Grammar School
University: University College, Oxford
Inns of Court School of Law

Qualifications:
First class law degree, University College Oxford (1993)
BCL graduate degree, University College Oxford (1994)
College Scholarship

Notable Cases

Why Not Bar v Zenith Insurance Ltd
CA [2024] EWCA Civ 1026
Successfully acted for insured in a business interruption insurance case arising out of the Covid-19 pandemic, led by Richard Chapman KC, in opposing an appeal.

Why Not Bar v Zenith Insurance Ltd
[2023] EWHC 1481 (Comm) Jacobs J
Successfully acted for insured in a business interruption insurance case arising out of the Covid-19 pandemic, led by Richard Chapman KC

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

Cumbria Zoo Company Ltd v Zoo Investment Co Ltd
[2022] EWHC 3379 (Ch) HHJ Pearce sitting as a Judge of the High Court
Successful trial of preliminary issues acting for tenant demonstrating that landlord had unlawfully forfeited lease. Judge also gave guidance on BPC witness statements

Cumbria Zoo Company Ltd v Zoo Investment Co Ltd

(2021, HHJ Eyre QC sitting in the High Court)

Successfully obtaining urgent injunction to prevent re-entry by landlord. Continuing to act in the case including with a leader (Mark Wonnacott KC) on a further successful injunction application

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.

Latimer Lee Ltd v Riaz Ahmad
(2020, Mr Recorder Wells in the County Court)
Lengthy and complex claim for professional fees and addressing counterclaim for professional negligence, including dealing with ad hoc allegations of false documentation.

Direct Accident Management Ltd v Jon Mitchell Marketing Ltd & others, Legend Legal [2019] 7 WLUK 818
(2019, HHJ Eyre QC sitting in the High Court)
Breach of confidence relating to clients of a claims management firms, acting for two firms of solicitors. David obtained summary judgment for D4 on the basis of lack of evidence of knowledge of any breach of confidence, even if that was established at trial.

Wild v Wild (2018) EWHC 2197 (Ch), [2018] All ER (D) 04 (Sep)
(2018, HHJ Eyre QC sitting in the High Court)
Dispute about a family farming partnership, won at trial on whether the farm and other assets were part of the partnership, raised issues of partnership accounting.

Selected older cases

Hitchen v Hitchen (2012)
Series of successful contempt of court applications in support of a family farming partnership dispute. Also acted in the arbitration of the dispute itself.

Acacia Securities Ltd v Sukhram (2011)
Obtaining an interim freezing injunction for director's breach of fiduciary duty

Waterfall v HSBC (2008) LTL 13/1/2009
Claim for 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, consideration of standard terms and whether there can be an oral variation.

Parker v Snyder (2004-5, HC)
Successful defence of a civil fraud claim against company directors, led by Clive Freedman QC

T&N v Royal Sun Alliance (2003, HC, CA) [2003] EWHC 1016 (Ch)
Asbestos insurance case; successful case management appeal in the Court of Appeal, led by Christopher Moger QC and Jeffrey Terry, and acted for insurer at trial.

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



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