

## David Mohyuddin QC

Call 1999 | Silk 2016



### Clerks' Details

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### Appointments

- Recorder (2019)
- Junior Counsel to the Crown (Regional Panel) 2007 - 2016
- Deputy High Court Judge (chancery division)

### Memberships

- Chancery Bar Association
- Northern Chancery Bar Association
- Northern Circuit Commercial Bar Association
- Association of Business Recovery Professionals (R3) (Fellow)
- Insolvency Lawyers' Association
- COMBAR
- Professional Negligence Bar Association

### Education

- Bolton School
- LLB University of Birmingham
- Bar Vocational Course, Inns of Court School of Law

### Professional Negligence CV

#### Overview

Having practised commercial litigation since he started at the Bar, David was appointed Queen's Counsel on 22 February 2016.

His work includes bringing and resisting (including on insurers' instructions) claim against professionals acting in the fields in which David conducts his cases. Solicitors, accountants, insolvency practitioners, architects and company directors have been the subject of his professional negligence and similar cases.

By way of example, he led, as a junior, in the Court of Appeal in *Denton v White* [2014] EWCA Civ 906 when further guidance was given on the proper approach to applications for relief from sanction under CPR 3.9. The failing in that case was of the late filing by solicitors of a costs budget. He has advised and represented an insolvency practitioner against whom an allegation of, in effect, professional negligence had been made and successfully defended allegations of dishonesty made against professionals in a procurement context (*Montpellier Estates Ltd v Leeds City Council* [2012] EWHC 1343 (QB), [2012] EWHC 166 (QB)).

David has extensive experience of heavy, multi-day trials and of making urgent applications, as well as advising prior to the issue of proceedings including drafting letters before action and replies to them.

## Recommendations

### Chambers and Partners

“He works very well in a team, adopting a collaborative approach. He has great attention to detail and is also very effective with clients and their expectations, giving them the necessary robust advice to calm them down. He also adapted quickly to the changes from COVID.”

“David is very commercial and is popular with clients. He is intelligent, outcome-focused and thoughtful.”

“He is a pleasure to work with – always happy to chat through any issues.”

“A strong performer in court.”

“He got to grips with the detail of the case very quickly and quickly won the confidence of the clients.”

“He has an easy presence in court and he gives good commercial advice.”

“A pleasure to work with - he ‘s quick to respond to queries and is unflappable in court. His written submissions are always succinct, and his cross-examination is thorough and tenacious.” “He’s really bright, a good team player and very approachable.”

“He is really respected by the judges and he has a lot of gravitas.”

“He is very good at analysing a case and getting down to the core essentials.” “He is superb on the law and has a practical approach.” “He is very quick to grasp the issues and to give you a clear and well-rounded view.”

“Very bright and a great team player. He is very personable and gets the right balance between being aggressive but also pragmatic and sensible when needed.” “David is fantastic to work with – on top of being technically excellent he is extremely user-friendly and very quickly builds up a great rapport with clients.” “Technically sound and very aware of the practical and commercial context of his advice.”

“He produces good skeleton arguments.”

“He sets a position out very clearly and his advocacy is excellent in court. He is easy to get on with and takes a very collaborative approach, which is refreshing for a silk.”

“Technically excellent in his advice while providing a commercial focus.” “My go-to: very considered, calm and easy to work with.”

“A relatively young silk who’s highly knowledgeable and a good choice if you need some aggression to be injected into a case.”

“David is fantastic to work with – on top of being technically excellent, he is extremely user-friendly and very quickly builds up a great rapport with clients.” “He is extremely personable, bright and gets to the heart of issues very quickly.”

“He’s very down to earth and happy to take calls at any time.” “He’s very useful as he gets you over any initial hurdles you might have.”

“He’s extremely bright, but at the same time has the ability to engage with clients.” “He’s absolutely fantastic - he’s a real team player.”

“He is clever, authoritative and willing to buy into the case and be part of the team.”

“Extremely precise in court.”

“He is very forensic and analytical in his approach and his arguments are very well put together.” “A very personable type and he is good on his feet.”

“He’s very well prepared and his papers are immaculate - he thinks outside the box.”

“He’s excellent, very proactive, bright, tactical and frankly very cost-effective.”

“Decisive and thorough, he displays an intricate knowledge of the law and applies it brilliantly.” “An excellent strategist.”

“A renowned insolvency barrister with a strong reputation in the adjacent field of commercial chancery.”

“He has the gift of being able to condense an argument where others would be overly verbose. His skeleton arguments are always spot-on and to the point and he has a very persuasive advocacy style.”

“Proficient senior junior adept in a variety of commercial and insolvency work, including commercial fraud matters. Assists with high-value cases of legal importance, including Court of Appeal briefs.”

“He has in-depth knowledge. He is also very straightforward and very down-to-earth.”

“Really user-friendly. He rolls up his sleeves, gets involved and is prepared to put his neck on the line and back his judgement, which he always comes through on.”

“He is decisive and thorough, he displays intricate legal knowledge and he crafts the perfect legal strategy for the client.”

“He is at the top of our list for instructing.”

“He is always very thorough and well prepared, and he is fantastic on his feet. He is a match for any insolvency barrister on the Northern Circuit.”

“He is superb on his feet, very bright and highly recommended for commercial matters.”

“A real expert in insolvency matters.”

### **Legal 500**

“Extremely approachable, responsive and hands on. Very much a team player. Legal and strategic advice is always clear and robust and advocacy is first rate.”

“David is intelligent, quick to understand the issues yet able to simplify them to assist the client. David is also decisive, and doesn’t look to avoid giving an opinion on difficult questions.”

“David does not shy away from the merits of the cases. He actively takes part in mediations. It is a pleasure to work with David on this matter and solicitors look forward to doing so again – he is an excellent barrister.”

“David is a pleasure to work with. He quickly gets to the heart of complex issues and provides sound and clear strategic advice. He is also a reassuringly thorough and tenacious advocate.”

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“David is an excellent silk and a pleasure to work with.”

“A silk who gets his hands dirty.”

“A forceful advocate with a great client manner.”

“A star performer.”

“An extremely capable and forceful advocate.”

“Tactically excellent; he is liked and respected by clients.”

## Cases

### Illustrative cases include:

**2020:** Advising a large group of claimants seeking damages from the professionals who acted for them in their failed investments in off-plan apartments

***Horler v Rubin*** – successfully defending insolvency practitioner accused of having obtained earlier judgment by giving false evidence at trial [2019] EWHC 660 (Ch) and [2019] EWHC 2487 (Ch)

***Utilise TDS Ltd v Davies & Bolton College [2014] EWCA Civ 906*** Appeared for one of the respondents in the Court of Appeal where three cases were heard together and fresh guidance was issued on the way in which CPR 3.9 was to be applied on applications for relief from sanction, following the decision in *Mitchell v News Group Newspapers Ltd*. (Reported as *Denton v TH White Ltd*.)

**2014:** Advising a company director (with the benefit of insurance) who is subject to proceedings brought following the sale of his business to a third party in which he is alleged to have breached the warranties he gave upon the sale and to have breached the duties he owed to the purchaser whilst he was engaged as its director.

**2014:** Advising and representing an insolvency practitioner (with the benefit of insurance) against whom a claim of (in effect) professional negligence was made. Applied for the claim to be struck out; all allegations struck out on first hearing of application. Now in part the subject of an application to the Court of Appeal.

***Montpellier Estates Ltd v Leeds City Council [2012] EWHC 1343 (QB), [2012] EWHC 166 (QB)*** Successfully defending huge deceit claim (£40m; trial 35 days) in context of procurement exercise for Leeds Arena. Allegations of dishonesty made against elected Councillor, Council officials and independent professionals.

***Williams v Mohammed [2012] BPIR 1787*** On appeal, obtaining order for production of solicitor's file note; legal professional privilege overridden by fact that advice was sought to further fraud.