

DAVID THOMAS

Call 2009

Get in touch

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+44 (0)20 7822 1200



"Exceptionally bright, enthusiastic and hard working"
(Chambers UK)

Practice Overview

David has a particular interest in professional negligence, property damage and insurance work, taking on extensive advocacy and advisory work for both claimants and defendants.

David has been described in Chambers & Partners 2018 as *"Exceptionally bright, enthusiastic and hard working."* He is recommended for his professional negligence work in Chambers & Partners where he has been praised for being: *"easy to work with, very reliable and hard-working; he can take the lead when he needs to... He turns things around quickly and always gives good-quality work."*

David's practice also encompasses commercial fraud, personal injury and construction work, where he has considerable experience of both court and paper work.

Commercial Dispute Resolution & Commercial Fraud

David is an established commercial practitioner, having experience of a wide range of commercial disputes, including commercial disputes where fraud is alleged.

David has a busy and varied commercial practice, which overlaps with his insurance and professional indemnity work.

David has also been involved in a number of high value commercial fraud cases, often with an international element, including a claim against the former partner of a solicitors' firm for diverting client funds and an action for injunctive relief against the legal advisor to a high net worth individual.

Practice areas

Commercial Dispute Resolution &
Commercial Fraud
Insurance & Reinsurance
Life & Health Insurance
Personal Injury
Professional Negligence
Property Damage
Road Traffic

Memberships

COMBAR
PNBA
PIBA

Qualifications

BA Jurisprudence (1st)
BCL (Distinction)

Education

Exeter College, Oxford University
Lincoln College, Oxford University
BPP Law School, London



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DAVID THOMAS

Current and Recent Work

Representing an international school in a dispute concerning the correct interpretation of a shareholders' agreement.

Advising a Turkish business in respect of the enforcement of personal guarantees held by directors of an English company.

Defending a claim made by a Dutch executive search company for commission said to be due under an agreement to find candidates for leadership roles in a UK design firm.

Advising on contribution proceedings following the commercial settlement of claims arising out of allegedly defective water pumping equipment.

Insurance & Reinsurance

David is regularly instructed to advise insurers and insureds on matters of insurance coverage and insurance claims and he has extensive experience of advisory and court work in this area.

Current and Recent Work

Advising on scope of notification and aggregation as part of a coverage dispute under the solicitors MTC in respect of a firm of solicitors involved in selling 'hotel development' schemes (with Charles Dougherty QC).

Advising on notification and mitigation provisions in the context of repeated flash flooding to local authority housing.

Representing an insurance company seeking to recoup money paid to an insured on a business interruption policy prior to learning that the insured had failed to disclose its director's string of previous failed business ventures.

Advising as to the effects of negligent misrepresentations made when obtaining motor insurance the context of the Consumer Insurance (Disclosure and Representations) Act 2012.

Representing a claimant in a home insurance claim arising out of the use of a buy-to-let property as a cannabis farm.

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David also has a specialist practice pursuing and defending claims made on permanent health and critical illness insurance policies, where he is able to draw upon his experience of both insurance and personal injury work.

Life & Health Insurance

David is regularly instructed in proceedings arising out of claims made on permanent health and critical illness policies, where he is able to draw upon his experience of both insurance and personal injury work. He is also instructed in a range of life insurance matters, from issues of policy construction and administration to attendance at inquests.

Current and Recent Work

Representing permanent health and critical illness insurers in contested High Court proceedings arising out of claims in respect of CFS/ME.

Advising and representing a life insurer in respect of allegedly fraudulent withdrawals made from a life insurance bond.

Successfully representing a permanent health insurer at a three-day trial where an indemnity had been denied on the basis of a pre-existing condition.

Advising and securing an advantageous settlement for a life insurer/pension scheme administrator who had allegedly overpaid benefits to a deceased member of a pension scheme.

Attendance and representation of a life insurer's interests at an inquest in a case of suspected suicide.

Personal Injury

David frequently appears in fast-track trials and disposal hearings in personal injury matters.

David also has a busy paper practice, drafting and providing legal and tactical advice in a range of cases, including industrial deafness and sun protection claims.

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Professional Negligence

David has a busy professional liability practice, frequently taking on professional negligence claims concerning solicitors, brokers, architects and surveyors.

David's professional negligence practice has been recognised in Chambers & Partners in recent years, where he has been described as: *"very approachable", "exceptionally bright, enthusiastic and hard working" and "easy to work with, very reliable and hard-working; he can take the lead when he needs to; He turns things around quickly and always gives good-quality work."*

David has been regularly instructed in lenders' claims for and against solicitors and valuers. David also has a more general solicitors' liability practice, having pleaded and advised upon a wide range of matters, including allegations of: incorrect advice on limitation; failing to adequately pursue cases; recommending poor settlements; issues arising out of the assertion of liens over client papers.

David's professional negligence practice overlaps with his construction practice. David is regularly instructed on architects' negligence matters and claims arising out of the negligent design or construction of buildings.

David also has a good deal of experience with accountants' negligence claims. Cases have included defending a firm of auditors who failed to prevent an employee from embezzling money and proceedings involving a firm of accountants whose solicitor client was found to be in breach of SRA reporting rules.

Current and Recent Work

Representing a firm of solicitors in a negligence claim arising out of the omission of Fitness First's leasehold interest in its Glasgow gym from its CVA.

Acting for a firm of architects who were alleged to have failed to specify the correct materials for an external timber staircase at a new build residential development, leading to a homeowner sustaining personal injury.

Acting for solicitors who were alleged to have failed to spot the existence of a right of way running through land that their clients wished to purchase in order to build their dream home upon it.

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Representing a firm of brokers in a claim brought by property management agents/LPA receivers who alleged that they had negligently obtained inadequate insurance cover for properties under the agents' management.

Advising a firm of solicitors who were alleged to have negligently advised their lay clients to invalidly attempt to terminate an agreement with a property developer for the development of a residential estate on land that they owned.

Advising (with Charles Dougherty QC) a French Notaire and his insurers in a claim brought by English clients arising out of alleged negligence and breach of fiduciary duties in respect of the purchase of properties at a French tourist village.

Representing a firm of solicitors in a lender's claim arising out of the purchase of a flat conversion property which had not been converted in accordance with planning permission.

Property Damage

David regularly advises and appears in a wide range of property damage proceedings including flood, fire, tree root subsidence and defective premises claims. His work is evenly balanced between representing claimants and defendants.

David has been involved (alongside Daniel Crowley) in a multi-million dollar international arbitration arising out of the design and supply of production equipment to a meat processing plant in South America. He was also involved with Daniel Crowley in the high profile case of *Zennstrom v Fagot and Others* [2013] EWHC 288 (TCC) which considered the scope of the duty owed by a property owner under section 1(4)(a) Defective Premises Act 1972.

Other recent cases include representing (with Neil Moody QC) a building firm in the defence of a £2.5 million claim arising out of a fire at a residential care home in Watford, where it is alleged that the fire was started by the firm's unsafe working practices.

David's property damage practice overlaps with his professional liability work and he regularly acts for or against professionals in claims arising out of property design or construction.

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Current and Recent Work

Pursuing claims against a fire prevention advisor and an industrial cleaning company following catastrophic fires at fast food units in London railway stations.

Acting for a claimant care home owner in respect of flooding to its property, said to have been caused by the local council's installation of railings in an adjacent park, which diverted the flow of water in the direction of its property.

Representing a home and business owner in a flooding claim said to have been caused by the change of use of farmland surrounding his property.

Representing claimant homeowners at trial in a tree root subsidence damage claim against a local authority.

Acting for landlords in a nuisance/business interruption claim arising out of allegations of disrepair in a commercial building.

Representing the importer of LED spotlights which were alleged to have caused a significant house fire.

Road Traffic

David gained valuable experience from regularly appearing and advising in wide range of road traffic matters. David has appeared in a wide range of road traffic trials, from small claims to the multi track.

He has particular experience in credit hire and diminution in value claims, as well as actions brought against the Motor Insurers' Bureau.

Recommendations

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