

David Thomas

Call 2009



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David Thomas is an experienced junior with particular interests in property damage, insurance, product liability and professional negligence work. He takes on extensive advocacy and advisory work for both claimants and defendants.

Since 2018 David has been representing a core participant in the Grenfell Tower Public Inquiry. As well as gaining extensive experience of public inquiry practice and procedure over the last 6 years, David has developed a deep understanding of the legislative and regulatory requirements of construction and fire safety in this context. This enables him to provide commercial, practical advice on the many issues currently being raised over the remediation of modern tall buildings.

David is ranked in the 2024 editions of Chambers & Partners and the Legal 500.

Expertise

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 both the Legal 500 and 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’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.

Notable Professional Negligence cases

Defending a firm of litigation solicitors alleged to have negligently advised upon and/or issued a Part 20 Claim in proceedings concerning the alleged forgery of financial documentation.

Advising solicitors in a claim against a barrister instructed to write a ‘standard form’ letter of claim, but which was plagiarised from another firm’s standard form letter.

Acting (with Charles Dougherty KC) for a leading Silk and the Bar Mutual in the defence of a £15m claim arising out previous unsuccessful litigation relating to a historic share sale agreement in the IFA sector.

Defending a firm of family law solicitors who in wardship and committal proceedings for a client who was imprisoned for contempt of court due to his refusal to return his children to the UK.

Insurance & Reinsurance

David acts for insurers and insureds on a variety of coverage and claims issues; he has extensive experience of advisory and court work.

Recently David has advised extensively on the various insurance repercussions arising out of the ‘cladding crisis’ following the Grenfell Tower fire, and in respect of the COVID-19 pandemic.

Alongside his general insurance work, David has a specialist practice pursuing and defending claims on permanent health, critical illness (and similar) insurance policies.

David has also developed a niche practice in respect of art insurance related disputes.

Notable Insurance & Reinsurance cases

Advising an art wealth management company in a claim on its PII policy following a loss of funds arising out of a sophisticated email interception fraud.

Acting for an insurer in respect of an insurance claim arising out of arson at a cinema and nightclub in where the scope and application of a malicious person's exemption is in dispute.

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

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 KC).

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.

Notable Commercial Dispute Resolution & Commercial Fraud cases

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.

Life and 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.

Notable Life and Health Insurance cases

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.

Product Liability

David has extensive experience of a wide range of product liability matters, with particular experience of cases arising from all manner of products resulting in fire, and he has particular experience of claims under both Parts I and V of the Consumer Protection Act 1987.

David is part of a multi-specialist team in the Grenfell Tower Public Inquiry representing the designer and commissioner of the smoke extraction system installed at Grenfell Tower. This role continues call upon David's expertise in understanding extensive expert and technical evidence. David has also developed a deep understanding of the legislative and regulatory requirements in this context.

David's involvement in the Inquiry has also given him a detailed knowledge of the issues arising out of the use of various cladding and insulation products in tall residential properties.

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's involvement in the Grenfell Tower Public Inquiry, competing with his insurance knowledge, have made him well placed to advise on the many construction and fire safety issues faced by the owners, developers and insurers of modern residential buildings; and he has extensive experience of such work.

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.

Notable Property Damage cases

Acting for a firm of consulting structural engineers alleged to have designed foundations inadequate to withstand the effect of nearby vegetation leading to a client's home being demolished.

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

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

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.

Awards

- Denning & Hardwicke Scholarships, Lincoln's Inn
- KPMG Prize – for best performance in BCL Corporate & Business Taxation
- Accredited FRU Representative – Employment Law
- Volunteer, Hackney Community Law Centre

Education

- BPP Law School, London

- BCL (Distinction), Lincoln College, Oxford University
- BA Jurisprudence (First), Exeter College, Oxford University

Memberships

- COMBAR
- PNBA
- PIBA

Mooting

Winner of BPP Mooting Competition (2009)

Recommendations

“David Thomas consistently provides sound commercial advice, and is extremely user-friendly and responsive.”

“He has attention to detail and a nice way with clients. He turns work around quickly – the quality of the work stands out.”

“He has demonstrated commerciality and responsiveness as well as providing technically excellent advice.”

“A valued junior who is user-friendly and knows his stuff.”

Chambers UK 2024

“Reliable and helpful. Good drafting skills and effective in Court, on what are often sensitive cases where the claimant has very strong views.”

Legal 500 2024

“David Thomas is an absolutely fantastic barrister. He is very analytical and extremely bright.” “David is able to quickly process and understand large volumes of information and complex issues.” “He is an incredibly safe pair of hands and has extremely good judgement.”

Chambers UK 2023

“David has a calm manner, is very thoughtful and offers considered advice in conference. His written work is also of high quality.” “A real gem – one of the best professional negligence barristers out there. Brilliant lawyer and a delight to work with.”

Legal 500 2023

“He’s helpful, completely on top of all documents and has a broad knowledge of property damage law. Whatever question you ask him, he’ll always have a practical answer.” “He’s thorough and has so much knowledge in his head. He’s good at analysing the issues and finding the right strategy to apply.” “He’s responsive and good at the technical detail of cases.”

Chambers UK Bar 2022

“David is beloved by clients and fantastically easy to work with. A real brain, and charming with it.”

“Very user-friendly with prompt turnarounds – my go-to mid-level junior.”

Legal 500 2022

“He’s a very bright and practical team player.”

“His diligence and ability to get on with tasks is impressive.”

“He has a very good attention to detail.”

Chambers UK 2021

“He is very bright, user friendly and a team player. He is an established practitioner in this area, and has expertise in “pure” professional negligence and technology and construction work.”

“Has established a first-class junior insurance practice, based on his excellent technical understanding of the law and his multi-disciplinary understanding of the issues underlying policy coverage claims.”

Legal 500 2021

“Diligent, thoughtful and displays a maturity of analysis above his year of call”

“He is impressive and very good with clients”

Legal 500 2020

“Exceptionally bright, enthusiastic and hard working”

Chambers UK 2018

“...easy to work with, very reliable and hard-working”

Chambers UK 2017