David Herbert

Partner

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David is a seasoned litigator and commercial Chancery barrister with extensive experience in high-stakes, complex international disputes, insolvencies, and restructurings, many involving claims of civil fraud, dishonesty, and misappropriated assets.

OVERVIEW

David handles cases involving offshore trusts, structures, and investment funds, representing a diverse clientele that includes insolvency practitioners, banks, private and corporate investors, trustees, and high- and ultra-high-net-worth individuals.

David's practice spans both domestic and international courts, where he navigates jurisdictional challenges and contentious applications for interim relief. Notable cases include defending an Australian financial services group in US$250 million conspiracy claims, leading SIFCO5's defence to a $10 billion fraud claim in AHAB v Saad, acting for liquidators of Madoff feeder funds in a variety of claims (all in the Cayman Islands), and representing the claimants in the £132 million Holyoake v Candy trial in London, a case highlighted in The Lawyer's Top 20 Cases of 2017.

David's background in art law further distinguishes his practice, having litigated numerous cases involving looted or stolen artefacts and disputes over provenance.

David previously spent nearly 10 years practicing as a Barrister at XXIV Old Buildings, a set of barristers' chambers highly rated and regarded for its international and offshore credentials. He also headed up and helped build the litigation practice at an offshore law firm based in its Cayman Islands office.

REPRESENTATIVE MATTERS

- Acting in a multiparty claim for a group of more than 200 institutional investors against a multinational industrial conglomerate in a £300m claim brought under s.90 and 90A of FSMA for investment losses, arising out of the defendant's (admitted) campaign of bribery and corruption.
- *Glenn v Walker*: Acting in an ongoing dispute for the claimants in more than £18m claims brought in the Chancery Division for breach of fiduciary duty and unlawful means conspiracy, arising out of the termination of a renewable energy business. The proceedings also involve derivative claims under the Companies Act 2006.
- *Allianz v Revolut*: Acting in a £10m commercial claim brought by an insurer against a challenger bank for

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wrongful repudiation of a long-term contract to provide travel insurance for its customers.

- Acting for a football club owner in fraud claims arising out of the misappropriation from its bank accounts of the sale proceeds of a Premier League football club.
- *Harrington v Retiwalla*: Defending fraud claims brought by a professional golfer against an IT specialist for deceit and misrepresentation relating to the failure of a tech startup.
- *GMBH & Co v. Inigo Philbrick Limited*: Recovered a valuable and important modern painting for an international collector, which had been wrongly seized by the High Court Enforcement Officer acting in the notorious Inigo Philbrick art fraud.

AWARDS

- *Legal 500 United Kingdom,* Solicitors, London: Dispute Resolution: Commercial Litigation: Mid-Market (2027)
- *The Legal 500 UK*, Dispute Resolution: Banking Litigation; Investment and Retail and Dispute Resolution – Commercial Litigation: Mid-Market (2022)

TOP AREAS OF FOCUS

- Art
- Litigation + Trial
- Private Wealth Management

PROFESSIONAL EXPERIENCE

- Member, XXIV Old Buildings, London (2003–2011)
- Attorney-at-law, Cayman Islands (2009)
- Barrister, Eastern Caribbean Supreme Court (Virgin Islands) (2003)
- Barrister of England and Wales (Middle Temple) (2000)

EDUCATION AND CERTIFICATIONS

EDUCATION

- City University, London, Postgraduate Diploma in Law
- Courtauld Institute, University of London, M.A.
- Oriel College, University of Oxford, B.A. (Hons)

BAR ADMISSIONS

- Cayman Islands, Attorney-at-law
- Eastern Caribbean Supreme Court (Virgin Islands), Barrister
- England and Wales (Middle Temple), Barrister

COURT ADMISSIONS

- Attorney-at-law, Cayman Islands
- Eastern Caribbean Supreme Court (Virgin Islands), Barrister
- England and Wales (Middle Temple), Barrister

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PUBLICATIONS

- Author, “Discharge of Contractual Obligations by Prospective Frustration: When is a Frustrating Event Triggered by COVID-19?” Locke Lord QuickStudy, March 13, 2020.