

David Dabbs

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Chancery

Fiduciary duties, constructive trusts and asset protection/recovery; investigations and urgent remedies (e.g. Search/Seizure and “Freezing” orders, tracing, accounts & inquiries); the forfeiture of assets; declarations as to rights, ownership and authorised transfer; Restitution and Rectification.

For example –

- Applications by one bank against another for a “public interest” order requiring the respondent bank to disclose the identity of fraudulent customers.
- Action brought by the State Liquidators (domiciled in Romania) of what had once been a potentially successful national airline, forced into liquidation when its English lawyers refused to release monies received in settlement of a major dispute, claiming a lien on that money against legal bills later found to be excessive.
- Freezing Order and disclosure in a claim for c.£9m alleged diversion of loan funds by an insurance agent in breach of fiduciary duties; summary judgment for £2.5m and accounts/enquiries for another £5m. Currently under pending appeal and stay of execution.
- Acting for a vulnerable claimant with learning difficulties, successfully obtaining a declaration that the equity of a house bought by the defendants for their own occupation by resort to the claimant’s money was held on constructive trust.

Commercial

David is a Commercial and Chancery practitioner who has garnered extensive experience of all manner of problems arising in the course of both the profitable pursuit, and occasional failure, of every form of commercial activity. David qualified as an Arbitrator in 2002; and in 2003 was elected a Bencher of Lincoln’s Inn.

Professional liability

David has regularly worked for claimants seeking damages from a wide variety of negligent professionals (predominantly receivers, investment advisers, accountants and solicitors) and their indemnity insurers. He has particular experience of advising solicitors and Receivers accused of negligence or misfeasance; but has also acted for clients and creditors accusing solicitors, Receivers, Liquidators or Trustees-in-Bankruptcy of negligence or misfeasance.

Publications

- 'A Club Now Open to Everyone' – Interest on Commercial Debts: (2002) 152 NLJ 1361
- 'Ropewalking in a Straightjacket – Confidentiality, 'Dirty Money' & Disclosure': (2002) 152 NLJ 1537
- 'The Risk of Mistake in Contract' – The trial & execution of Solle v Butcher: (2002) 152 NLJ 1654
- 'Justice & the 'Denver Boot' – Freezing Orders in the County Court: (2002) 152 NLJ 1780
- 'Allocation of Risk and the Non-Reliance Clause:' (2003) 153 NLJ 12
- 'Banking on a Proper Job' – The Lender's Perspective of Etridge (No.2): (2003) 153 NLJ 831
- 'The Judicial View of Bias (Part 1)': (2003) 153 NLJ 957
- 'The Judicial View of Bias (Part 2)': (2003) 153 NLJ 976
- 'Fairness and the Magician's Hat' – Judgment by Surprise: (2003) 153 NLJ 1436
- 'Taking the Sledgehammer to the Nut' – The Civil Restraint Order: (2003) 153 NLJ 1555
- 'Experts or Charlatans?' – The Advocate's Approach to Expert Evidence: (2003) 153 NLJ 1742
- 'The Cautious Banker' – The irrevocable nature of CHAPS: (2004) 154 NLJ 1191
- 'Mortgage Shortfalls' – Drawing the Line: (2004) 154 NLJ 1370
- 'Shutting the Stable Door' – Limitation & Abuse of Process (2009) 159 NLJ 1216
- 'Hot-tubbing' – Concurrent Expert Testimony (2009) 159 NLJ 1632