



## David Mohyuddin QC

Silk: 2016 | Call: 1999

### Queen's Counsel

#### CONTACT

---

Email

---

Email Clerk  
clerks@radcliffechambers.com

---

Telephone

---

#### ADDRESS

---

11 New Square  
Lincoln's Inn  
London WC2A 3QB

---

DX: 319 London  
Telephone: 020 7831 0081  
Fax: +44 (0)20 7405 2560

---

David Mohyuddin's practice in Silk covers general commercial litigation matters, corporate and personal insolvency, company law, fraud and asset recovery, banking and claims brought against professionals.

Described as 'technically excellent' he is 'fantastic to work with' and 'very aware of the practical and commercial context of his advice.' He is popular with clients as he is 'easy to get on with and takes a very collaborative approach, which is refreshing for a silk.' He recognises the practical and commercial problems faced by his clients and the need to achieve the speedy and cost-effective resolution of their legal disputes, whether consensually, at trial or by way of interim application. A 'silk who gets his hands dirty' and a 'star performer,' he is just as comfortable in multi-day trials in complex and high-value claims as he is making urgent applications (whether by way of freezing or other order, having significant experience of making applications without notice and the responsibilities that arise) and advising those already involved in or contemplating becoming involved in litigation.

#### COMMERCIAL

Commercial litigation has formed much of David's practice since he started at the Bar and it continues to do so in Silk. His experience covers all manner of cases but now has a particular focus on commercial litigation, including allegations of fraud; mortgages and asset recovery; company and shareholder disputes.

Recent examples of David's work include:

- advising and representing a party interested in purchasing a well-known football club in proceedings arising from the sale of the club to a third party, including maintaining injunctive relief which had been obtained urgently
- advising and representing a major food manufacturer in connection with a dispute with an employment agency

- advising and representing the directors of a former high-profile retailer in connection with a dispute concerning a claim made against them
- advising a large group of claimants seeking damages from the professionals who acted for them in their failed investments in off-plan apartments.

## **COMMERCIAL FRAUD**

David has practised commercial litigation since he started at the Bar and continues to do so in Silk. He has extensive experience of civil fraud cases on which his work has a particular focus. He is just as comfortable making or resisting urgent applications for injunctive relief (understanding the strategic importance of the outcome of such applications) as he is dealing with multi-day trials and appeals.

## **INSOLVENCY**

A 'renowned insolvency barrister' who is 'technically excellent' with over 20 years' specialist insolvency experience, David was amongst the first of his generation to be appointed Queen's Counsel.

In Silk, he has maintained his extensive and highly-regarded practice covering all aspects of insolvency and insolvency-related litigation. David acts for office-holders (including dealing with professional negligence type claims against them) and those subject to and affected by insolvency proceedings in whatever type of regime. He has vast experience of appearing on routine, controversial and urgent applications and of advising on complex and technical matters arising in the conduct of insolvencies. He is popular with his clients, who describe him as 'extremely user-friendly' and 'clever, authoritative and willing to buy into the case and be part of the team.'

Recent examples of David's work include:

- advising defendant directors faced with claims alleging breach of duties and dishonesty
- advising administrators with regard to the true construction of documents imposing obligations on the company and with regard to the impact on the distribution of funds to creditors
- advising an IVA provider about its standard terms
- advising and representing an administrator and those who appointed him in response to a challenge to the validity of his appointment
- advising Guernsey liquidators about the true meaning of a document and its impact on the outcome of the liquidation
- advising and representing defendants to a liquidator's claim alleging a £14m fraud including dealing with assertions of de facto and shadow directorships; freezing injunctions, security for costs and committal applications
- an administration order application brought by a peer-to-peer lender
- defending a £2m claim brought by a liquidator alleging breach of directors' duties when entering into employee benefit trusts
- advising on the true construction of purported fixed charges in the context of a proposed administration of a group of companies
- contested recovery actions in both corporate and personal insolvency. For example, David successfully defended a company director accused of wrongful trading where the liquidator sought to recover more than £2m (*Nicholson v Fielding*, 2017) and represented the trustee in bankruptcy in the only reported case on the recovery of excessive pension contributions in bankruptcy (*Stanley v Wilson* [2017] BPIR 227);
- advising one of the stakeholders in the insolvency of a trading company owned in the Isle of Man with regard to the interface between Isle of Man and English insolvency law;
- advising and representing the English administrators of a Cypriot company with regard to the exit route from administration;
- advising former fixed charge receivers as to the recovery of their fees.

Having been Junior Counsel to the Crown from 2007 until his appointment to Silk, David has vast experience of work for the Secretary of State and the Official Receiver with particular emphasis on public interest and directors disqualification. He advised and represented the Official Receiver throughout the liquidation of Sahaviriya Steel Industries (UK) Limited, which operated the Redcar Steelworks. That work included making the first application under the then very recently reframed Insolvency Act 1986, section 233 [2015] EWHC 2877 (Ch) and advising on all aspects of the liquidation.

In 2017, David became the General Editor of Schaw Miller and Bailey on Personal Insolvency. He is a regular speaker at R3 seminars.

## **PROFESSIONAL NEGLIGENCE**

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.

## **MEDIATION**

David is a trained mediator, specialising in insolvency and commercial disputes.

## **RECOGNITION**

- *"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."* Company and Insolvency, *Legal 500 Regional Bar 2021*)
- *"Good communicator; client friendly; practical; gets to the core issues quickly; go-to choice for large cases and has never let me down."* (Commercial Litigation, *Legal 500 Regional Bar 2021*)
- *"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."* (Chambers and Partners UK)
- *"He produces good skeleton arguments."* (Chambers and Partners UK)
- *"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."* (Chambers and Partners UK)
- *"Technically excellent in his advice while providing a commercial focus." "My go-to: very considered, calm and easy to work with."* (Chambers and Partners UK)
- *"A relatively young silk who's highly knowledgeable and a good choice if you need some aggression to be injected into a case."* (Chambers and

Partners UK)

- *"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." (Chambers and Partners UK)*
- *"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." (Chambers and Partners UK)*
- *"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." (Chambers and Partners UK)*
- *"He is clever, authoritative and willing to buy into the case and be part of the team." "Extremely precise in court." (Chambers and Partners UK)*
- *"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." (Chambers and Partners UK)*
- *"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." (Chambers and Partners UK)*
- *"Decisive and thorough, he displays an intricate knowledge of the law and applies it brilliantly." "An excellent strategist." (Chambers and Partners UK)*
- *"A renowned insolvency barrister with a strong reputation in the adjacent field of commercial chancery." (Chambers and Partners UK)*
- *"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." (Chambers and Partners UK)*
- *"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." (Chambers and Partners UK)*
- *"He has in-depth knowledge. He is also very straightforward and very down-to-earth." (Chambers and Partners UK)*
- *"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." (Chambers and Partners UK)*
- *"He is decisive and thorough, he displays intricate legal knowledge and he crafts the perfect legal strategy for the client." (Chambers and Partners UK)*
- *"He is at the top of our list for instructing." (Chambers and Partners UK)*
- *"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." (Chambers and Partners UK)*
- *"He is superb on his feet, very bright and highly recommended for commercial matters." (Chambers and Partners UK)*
- *"A real expert in insolvency matters." (Chambers and Partners UK)*
- *"A silk who gets his hands dirty." (The Legal 500)*
- *"A forceful advocate with a great client manner." (The Legal 500)*
- *"A star performer." (The Legal 500)*
- *"An extremely capable and forceful advocate." (The Legal 500)*
- *"Tactically excellent; he is liked and respected by clients." (The Legal 500)*

## **EDUCATION**

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

## **APPOINTMENTS**

- Recorder (2019)
- Junior Counsel to the Crown (Regional Panel) 2007 – 2016

## **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

## **POLICIES AND OTHER DETAILS**

Read David's [Privacy Notice](#), [Data Protection Policy](#) and [Disposal Policy](#)