

David Stockill

Year of Call: 1985

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Introduction

David has a practice broadly based, so far as the commercial world is concerned, in the Chancery Division. This includes company and business association disputes with (usually) fairly complex contractual or equitable considerations. Often involved are allegations of breach of fiduciary duty and trust, and the tracing and recovery of assets.

The use of interim injunctions in all of their guises features regularly, as well as other interim steps leading to a trial. As a trial advocate, David is a confident, and if it calls for it, combative operator who is known for his thorough preparation. He is however someone who always puts the client first, and if this means negotiation and settlement strategies, his experience as accredited mediator counts.

David has now been practising from Birmingham for 25 years, although his practice spans geographically from the North (he is part of the St Philips presence in Leeds) to the South and London for some trial and appeal court work. He was the first barrister in Birmingham with a computer on his desk (an attempt to prove he is up to date but giving too much indication of his age perhaps), and he was the first with a 100% Chancery and commercial practice. So much has changed and continues to change, David's flexibility in approach has always kept him towards the forefront of developments. David's guiding principle is whether value can be added at a particular stage of a case by the instruction of a barrister, rather than be hamstrung by the traditional light touch in the early stages, then heavy reliance as a trial appears.

In his spare time, David is a family man who also loves his skiing (Val d'Isere a favourite); and cycling (he still races and was a half blue at University); and occasionally, but not often, has time for less energetic pastimes.

What the Directories Say:

- Highly regarded senior junior with a broad practice which covers both traditional and commercial cases. He is noted for his expertise on disputes concerning breach of fiduciary duty. Expertise: "A very sensible counsel, who provides practical advice and is good with clients." CHAMBERS UK 2015.
- David has been rated in all directories since they started, as a leading light outside of London. Most recently (Chambers & Partners 2014) he was listed as having "the highest skills and capacity and is sound as a bell. He has the gravitas and knowledge that is required". In Chambers UK Guide 2013, he was commended for his "wealth of experience in commercial Chancery matters".
- In addition, "David Stockill is [a] barrister who 'rolls his sleeves up and immerses himself in the case,' his preparation 'is always of the first order.' He 'never fails to impress clients with his immediate grasp of the problem at hand.'" Chambers UK Guide 2012
- In the last few years David has been described variously as "having great intellectual ability and skill in Court" (Legal 500), having a chancery practice "with a real company flavour ... with great experience in minority shareholder disputes and section 459 matters and is praised as a very strong writer" and a "highly capable practitioner ... well respected for his expertise in property and trusts work". He is also "intelligent, confident and a good creative thinker".

Recent Cases:

- Defending a claim for a local authority, originally put at £1.2 million, for payments allegedly due under Supporting People, an

initiative from the ODPM

- Acting for executors defending claims against (and administration issues in) an estate of a former entrepreneur who left about £8 million
- Resisting the winding up of a land-owning company (with assets of £90 million)
- Pursuing partnership relief in what must be one of the bitterest solicitors partners' disputes
- Involved in a £1 million claim for an employment business under the very complex contractual and regulatory regime
- Pursuing a claim for alleged defective repairs done to a heritage steam locomotive
- Extricating (through litigation) clients from a lease under a break clause where the continuing rental and other claims would be in excess of £1 million
- Two freezing injunctions, one worth in excess of £4million for a worldwide order including passport and movement restrictions (against a former global industrialist); the other a telecoms fraud
- Meanwhile, brewing advisory and paperwork consists of several minority protection in companies' issues, solicitors' and barrister's negligence in litigation, and a couple of cases for well known estate agents and property professionals, seeking commission on central London properties worth in excess of £10 million

Reported Cases:

- Quirkco Investments Ltd v Aspray Transport Ltd [2011] EWHC 3060(ch); [2012] L&TR 19 Break clauses
- Wilkinson v Farmer [2010] EWCA 1148 (Civ); [2010] NPC 105 Interpretation, rights of way
- Wright v Wright [2010] EWHC 1808 (Ch) [2011] 1 FLR 387; Property ownership and breach of trustee obligations
- Sharma v Farlam Limited [2009] EWHC 1622 (Ch) Claim for breach of trust, recovery of shares and benefits therefrom
- Nadeem v Rafiq [2007] EWHC 2959 (Ch) Partnerships
- Gilbert (Woods Farm Christmas Trees) v British Waterways Board [2005] EWHC 3094 (TCC) Losses, including future losses, and loss of profits.
- Hughes v Riley [2005] EWCA (Civ) 1129; [2006] EnvLR 12; [2006] P&CR 29 Breach of restrictive covenant, nuisance
- Severn Trent Water v Barnes [2004] EWCA Civ 570; [2004] 2 E.G.L.R. 95; [2004] 26 E.G. 194; [2005] R.V.R. 181; (2004) 148 S.J.L.B. 693; [2004] N.P.C. 76 'Negotiating damages', damages in lieu of an injunction
- Clark v Cutland [2003] EWCA Civ 810; [2004] 1 W.L.R. 783; [2003] 4 All E.R. 733; [2004] B.C.C. 27; [2003] 2 B.C.L.C. 393; [2003] O.P.L.R. 343; [2003] Pens. L.R. 179; [2004] W.T.L.R. 629; [2003] W.T.L.R. 1413; (2003) 147 S.J.L.B. 781; Minority protection, misappropriation (breach of fiduciary duty) recovery of assets, tracing, pension funds and set off
- Inglewood Investments v Baker (2002) EWCA Civ 1733 – adverse possession
- Di Luca v Juraise Springs [1998] 2 EGLR 125 – option agreements
- Cooke v Cooke [1997] 2 BCLC 28 – minority shareholders and derivative actions
- R v Trent RHA ex parte Westerman (1996) 72 P. & C.R. 448 the Crichel Down Rules
- Coca Cola v. Gilbey [1995] 4 AllER 711 – search orders and contempt of court
- Chaggar v Chaggar [1995] 4 AllER 795 – costs
- Bannocks v Secretary of State for Transport [1995] 2 EGLR 157 – Compensation for Compulsory Purchase
- Covent Garden Group Limited v. Naiva (1995) 27 HLR 295 – leasehold enfranchisement
- Secretary of State for Trade and Industry v. Banister [1995] 2 BCLC 271 – director's disqualification
- Snell & Prideaux Limited v. Dutton Mirrors Limited (CA) [1995] 1 EGLR 259 – easements
- Re Fisher and Gimson (Builders) Limited's Application (1993) 65 P&CR 312 – restrictive covenants
- In Re Flint (a bankrupt) [1993] 2 WLR 537, [1993] 1 FLR 763 – bankruptcy
- Hammond v. Allen [1994] 1 AllER 307 – agricultural holdings
- Re White deceased, Barker v. Gribble [1991] Ch 1, [1990] 3 AllER1 – wills

Memberships:

- Chancery Bar Association
- Midland Chancery Bar Association (founder member and one time secretary)

Commercial Litigation

David Stockill is a member of the following specialist practice groups where detailed CV's can be viewed by clicking on the links below:

- [General Commercial](#)
- [Company](#)
- [Landlord & Tenant](#)
- [Partnership](#)
- [Property](#)
- [Wills, Trusts & Probate](#)