



DAVID HOPKINS

Year called 2013

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'Exceptionally capable and extremely versatile.' [Legal 500 Asia Pacific 2019]

David has a broad practice covering Chambers' specialisms in commercial dispute resolution, financial services, construction, public and regulatory law. David frequently represents parties in a range of courts and tribunals and undertakes drafting and advisory work. In addition, a substantial proportion of David's practice has an international element, particularly in the field of international arbitration.

Reflecting the breadth of his practice, over the past twelve months David has been instructed in, among other matters, proceedings in the Commercial Court, the TCC, the Chancery Division and the Administrative Court and the Grenfell Tower Inquiry.

David has a particular interest in claims involving bailment and was contributing editor of the Auction and Bailment volumes of Atkin's Court Forms (2018 issue). He has also written for the Practical Law Arbitration and Dispute Resolution Blogs. Prior to coming to the Bar, David worked in the City for five years as a foreign exchange and interest rates derivatives structurer.



PRACTICE AREAS

- Commercial Dispute Resolution
- Banking & Financial Services
- International Arbitration

BARRISTERS · ARBITRATORS · MEDIATORS

- Construction
 - Administrative & Public
 - Regulatory & Disciplinary
-

SECTORS

- Energy
 - Sport
-

PRACTICE AREAS

COMMERCIAL DISPUTE RESOLUTION

David is frequently instructed to represent and advise clients in all types of commercial matters, both during the initial phase of disputes and through to litigation and arbitration. David developed deep commercial understanding and insight in his career before the Bar, where his clients ranged from FTSE 100 companies to SMEs and from high street retailers to oil and gas conglomerates.

David's recent experience as part of a team of counsel includes:

- *Cheval Roc Residential Ltd & Anor v Zurich Insurance plc* (2019), ongoing in the Comm Ct: Acting, led by Neil Block QC, for an insurer resisting a £6.5m claim brought following the partial collapse of a cliff near to the insured property
- *Seadrill Ghana Operations Ltd v Tullow Ghana Ltd* [2018] EWHC 1640 (Comm): Junior counsel assisting Sean Wilken QC, Adam Robb QC and Stephen Kosmin in a claim considering whether a provisional measure issued by ITLOS in Case No 23 between Ghana and Côte d'Ivoire was a force majeure within the contract for a deepwater drilling unit
- *Brent LBC v Davies & Ors* [2018] EWHC 2214 (Ch): Junior counsel assisting Hefin Rees QC and Jennifer Thelen in a £3m fraud claim in the Chancery Division brought by the London Borough of Brent against former school governors. Also instructed as sole counsel in relation to applications in the enforcement proceedings
- Acting for the respondents in an SIAC arbitration regarding disputed payments arising from a contract between a Chinese state-owned entity and various Indonesian companies
- Advising the majority owners of a telecoms infrastructure company in a situation where a minority shareholder, who was the company's major customer, was exiting the industry
- Advising the lessors of a number of large passenger aircraft in a potential dispute concerning the airline's end of lease obligations

Recent experience as sole counsel includes:

- Advising a local sports club, set up as an unincorporated association, as to a proposed claim seeking enforcement of an option agreement over the club's land and playing fields. The claimants were members of the club and the claim raised issues of breach of trust and whether the option agreement had been procured by duress or fraud
- Drafting particulars of claim and advising a lessee of a commercial unit whose landlord had failed to reinstate the premises following their damage by fire
- Advising a clothing wholesaler as to the enforceability of a personal guarantee provided by the director of one of its suppliers who had subsequently gone into liquidation
- Drafting statements of claim and representation at court on behalf of a firm of chartered surveyors bringing claims arising from unpaid invoices
- Advising on the enforceability and enforcement of a European Order for Payment under Regulation (EC) No. 1896/2006

BANKING & FINANCIAL SERVICES

David brings practical experience of banking and financial services to his practice, having previously worked for five years as an FX and interest rates derivatives structurer. Latterly, he worked as a consultant to three major banks, advising them in relation to the FCA's review of sales of interest rate hedging products (IRHPs). He is familiar with a very wide range of derivatives and structured products including, among others, interest rate, cross-currency and FX swaps, vanilla and exotic options, range accruals, TARNs, structured collars, forwards plus, structured notes and structured deposits.

David has acted in a number of financial services matters, including:

- Acting for a number of private equity funds in an SIAC arbitration regarding their foreign direct investment (FDI) in India via compulsorily convertible preference shares
- Advising a local authority as to the enforceability of an undertaking given to it by a Property Authorised Investment Fund (PAIF) set up under the Open-Ended Investment Companies (OEIC) Regulations 2001
- Representing a global payment services provider in an application for disclosure of confidential information brought by a UK regulatory authority
- Assisting Hugh Mercer QC (Essex Court Chambers) in his role as an expert witness on EU Law in an ICC investment treaty arbitration arising out of the Central Bank of Cyprus's decision to put FBME Bank into resolution

David also has a broad advisory practice in relation to financial regulation. Recent work includes:

- Advising the Financial Conduct Authority (FCA) regarding the authorisation and regulation of peer-to-peer lenders, such as Zopa, Funding Circle and RateSetter. Particular issues included article 36H of the Regulated Activities Order and activities related to collective investment schemes (CIS), alternative investment funds (AIF) and deposit taking
- Advising the FCA regarding the regulatory and legal implications of securitisation industry practice
- Advising the Financial Ombudsman Service regarding a number of complaints whose subject matters included life insurance, consumer credit and interest rate swaps

INTERNATIONAL ARBITRATION

David has built up a substantial amount of international arbitration experience for his level of call. He is particularly familiar with arbitrations under the ICC and SIAC rules, including:

- Acting for a number of private equity funds in an SIAC arbitration regarding their foreign direct investment (FDI) in India via compulsorily convertible preference shares
- Assisting Hugh Mercer QC (Essex Court Chambers) in his role as an expert witness on EU Law in an ICC investment treaty arbitration arising out of the Central Bank of Cyprus's decision to put FBME Bank into resolution
- SIAC arbitration concerning the supply of mirrors manufactured and supplied by a European party to a solar power technology firm in China
- Acting for the respondents in a SIAC arbitration regarding disputed payments arising from a contract between a Chinese state-owned entity and various Indonesian companies
- ICC arbitration regarding a subcontractor's claim for retention monies arising from an expansion project at a hydroelectric power plant in Southeast Asia

CONSTRUCTION

David is frequently instructed to represent and advise clients in a variety of construction matters. He is familiar with and has acted in and advised on matters involving all the standard forms of contract, including JCT, NEC, FIDIC and FMB, as well as many ad hoc contracts. His recent experience as part of a team of counsel includes:

- Drafting a CPR Part 18 request for information on behalf of electrical and mechanical consultants defending a claim arising from the redevelopment of a large country house
- ICC arbitration regarding a subcontractor's claim for retention monies arising from an expansion project at a hydroelectric power plant in Southeast Asia
- Advising the main contractor as to a potential claim arising from its subcontractor's failure to complete the laying of subsea communications cables in the contractually agreed period
- SIAC arbitration between a Chinese state-owned entity and various Indonesian companies arising from an EPC contract for a power plant
- Advising as to potential remedies against the architect and contractor under the JCT Minor Works Building Contract following the construction of a hydrotherapy pool and associated buildings
- Drafting the employer's response to the main contractor's claims for extensions of time and additional costs of USD 55m arising from an EPC contract for a new facility at an oil refinery in Southeast Asia

Recent experience as sole counsel includes:

- Advising the management companies of a large block of flats in central London with regards to a potential claim to be brought by a building services design consultant who had been engaged to assist with the complete rewiring and refurbishment of the block
- Acting for an electrical contractor defending a claim for allegedly defective works following the installation of an emergency lighting system at a large industrial R&D site
- Defending a structural engineering firm against a claim for professional negligence

- Advising an employer who had made an initial payment to a contractor prior to the parties executing a JCT contract in circumstances where the contractor had subsequently entered administration
- Drafting pleadings and acting on behalf of house-builders in response to claims that their work had not met the required National House Building Council (NHBC) and Local Authority Building Control (LABC) standards
- Advising an employer as to the effect of the statutory payment rules affecting construction contracts under Part II of the Housing Grants, Construction and Regeneration Act 1996

ADMINISTRATIVE & PUBLIC

David has a wide-ranging administrative and public law practice. Much of his recent experience directly complements his work in the commercial, financial services and construction spheres:

- Instructed as junior counsel to Stuart Catchpole QC and Rachael O'Hagan in the Grenfell Tower Inquiry on behalf of Rydon Maintenance Ltd
- Advising the Financial Ombudsman Service regarding a number of complaints which raised public law issues such as the limits of the Ombudsman's jurisdiction and discretion
- As junior counsel to John Pugh-Smith, acting for the claimant landowners in a judicial review of a planning authority's decision to take enforcement action under the Town and Country Planning Act 1990

REGULATORY & DISCIPLINARY

David's regulatory and disciplinary practice spans across the healthcare, financial and legal professions. Recent work includes:

- Advising the Professional Standards Authority with respect to a number of potential appeals of decisions of healthcare regulators under s 29 of the National Health Service Reform and Health Care Professions Act 2002
- Acting on behalf of the Health and Care Professions Council in numerous applications in the Administrative Court seeking extensions of interim orders made against registrants pending the final outcome of the disciplinary process
- Advising the Financial Conduct Authority regarding the application of the Regulated Activities Order to peer-to-peer lenders such as Zopa, Funding Circle and RateSetter
- Advising the Financial Conduct Authority regarding the regulatory and legal implications of securitisation industry practice
- Advising the Financial Ombudsman Service regarding a number of complaints whose subject matters included life insurance, consumer credit and interest rate swaps
- Acting for the SRA in the Solicitors Disciplinary Tribunal in a matter concerning breaches of the SRA Accounts Rules. The SDT imposed fines on the firm's partners, COLP and COFA and made a section 43 order with respect to the firm's accounts clerk
- Obtaining an order on behalf of the SRA, against an intervened solicitor, for delivery up of documents and redirection of communications under paras 9 and 10 of Sch I to the Solicitors Act 1974

SECTORS

ENERGY

Much of David's recent experience in commercial dispute resolution and construction matters has concerned the Energy sector, covering both fossil fuels and renewables. He is recommended as a Leading Junior for Energy in Legal 500 Asia Pacific 2019's guide to outstanding juniors in Asia Pacific. Examples of recent work include:

- ICC arbitration regarding a subcontractor's claim for retention monies arising from an expansion project at a hydroelectric power plant in Southeast Asia
- Junior counsel assisting Sean Wilken QC, Adam Robb QC and Stephen Kosmin in *Seadrill Ghana Operations Ltd v Tullow Ghana Ltd* considering whether a provisional measure issued by ITLOS in Case No 23 between Ghana and Côte d'Ivoire was a force majeure within the contract for a deepwater drilling unit
- Acting for the respondents in a SIAC arbitration regarding disputed payments arising from a contract to build a coal-fired power plant between a Chinese state-owned entity and various Indonesian companies
- SIAC arbitration concerning the supply of mirrors manufactured and supplied by a European party to a solar power (concentrator photovoltaics) technology firm in China
- Drafting the employer's response to the main contractor's claims for extensions of time and additional costs of USD 55m arising from an EPC contract for a new facility at an oil refinery in Southeast Asia

SPORT

David is building a sports law practice leveraging on his specialisms in commercial, construction, regulatory and disciplinary law and is a member of Chambers' team of advocates on Sport Resolutions (UK)'s Pro Bono Panel. Recent experience includes:

- Advising a local sports club, set up as an unincorporated association, as to a proposed claim seeking enforcement of an option agreement over the club's land and playing fields. The claimants were members of the club and the claim raised issues of breach of trust and whether the option agreement had been procured by duress or fraud
- Advising in respect of defective services works at a large sports stadium
- Drafting pleadings on behalf of a rugby union club resisting a claim for personal injuries brought by a member of an opposing side

RECOMMENDATIONS

David Hopkins is ranked as a Leading Junior – Tier 1, in Legal 500 Asia Pacific 2019 in Energy

'Exceptionally capable and extremely versatile.' [Legal 500 Asia Pacific 2019]

QUALIFICATIONS

- 2013: BPTC, BPP Law School (part-time), Very Competent
- 2011: BPTC Exhibition Scholar, Inner Temple
- 2011: GDL, BPP Law School (part-time), Distinction
- 2009: MPhil, Economics, Oriel College, University of Oxford
- 2007: BA, PPE, University of York, Starred First Class (first in year)

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