

Year called 1972

Silk 1991

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David accepts appointments as an arbitrator, mediator or early neutral evaluator, both domestically and internationally, and is available to conduct independent inquiries or chair disciplinary proceedings within corporate and/or public, sporting, educational or similar bodies.

Until his retirement, David was a “highly respected” first instance High Court judge (the Supreme Court in *Mandalia v SSHD* [2015] UKSC 59). He presided over a **number of high profile cases** and dealt with a **wide spectrum of disputes** including commercial and employment matters, education, sporting and leisure-related cases, planning and public law cases (many involving human rights issues) and significant clinical and other professional negligence and personal injury cases. He case-managed and tried substantial multi-party litigation and engaged in significant fact-finding exercises in many cases.

Prior to his appointment as a judge in 2007 he had a distinguished career at the Bar with a broad common law practice, but specialising in professional negligence and general commercial matters. As a QC he represented a kick-boxer in a damages claim and at one stage in his career at the Bar he was standing Counsel to the British Horse Society. He has wide sporting interests with cricket, golf, rugby and athletics predominating. He has been a Fellow of the Chartered Institute of Arbitrators since 1992 and is a member of the LCIA and the ICC. He is also a member of the Court of the Worshipful Company of Arbitrators, a member of the Sport Resolutions Panel of Arbitrators and Mediators and a member of the Disciplinary Panel of the Premier League Judicial Panel.

Prior to becoming a full-time judge he was a CEDR-trained mediator and acted as a mediator in a **wide variety of cases and was widely praised for his style and effectiveness as a mediator**. He is a CMC registered mediator. Through CEDR he is a Complaints Commissioner for the Intercontinental Exchange.

As from 1 June 2019 he has been Chair of the Civil Mediation Council in the UK ([see here.](#))

His interest in and identification with dispute resolution began with the publication in 1980 of the 1st edition of ‘The Law and Practice of Compromise’, now known as ‘Foskett on Compromise’. This book is seen as the primary reference point for all issues concerning settlement and is used by practitioners and judges both in the UK and in other common law jurisdictions across the world. The 9th edition was published this year.

In addition to presiding over cases in court as a judge, David has chaired many committees over the years. For example, he was Chair of the Law Reform Committee of the Bar Council prior to his appointment as a judge, chaired the Costs Committee of the Civil Justice Council in relation to the review of Guideline Hourly Rates in 2013-2014 and chaired the Courts Committee of the Judicial College during the time he was Director of Senior Judiciary Training between 2012 and 2016.

He was Treasurer of Gray's Inn in 2018, chaired its regular meetings of Benchers, and chaired its Management Committee in 2009. As Treasurer, he visited Singapore, Hong Kong and South Carolina in 2018 and gave various lectures to practitioners and the judiciary including one entitled "Dispute Resolution in the 21<sup>st</sup> Century", reflecting in particular on the roles of arbitration and mediation in the current climate. He visited the Law Department of the Nelson Mandela University in Port Elizabeth, South Africa, in 2019 having also visited the Law Department of the University of South Carolina in 2018. He attended the Inter-Pacific Bar Association Conference in Singapore in April 2019 and gave presentations in relation to international arbitration and mediated international disputes in Kuala Lumpur. On 24 June 2019 he spoke to members of the New Mexico First Judicial Bar Association in Santa Fe, New Mexico, on a number of contemporary issues in the field of dispute resolution, particularly in mediation and arbitration, both domestically and internationally ([see here](#)). On 19 July he spoke to the Executive LLM students at King's College London on 'The Singapore Convention' ([click here to download text](#)) and to the LLM students at Queen Mary College, London, in October 2019.

In 2019 he completed 9 years as a member of the Council of King's College London of which he is a Fellow. He is the Patron of the KCL Bar and Mooting Society and retains a strong interest in the needs and aspirations of all students and those embarking on careers, including, in particular, law students and young members of the Bar through his continued association with King's College and Gray's Inn. His involvement both with universities and a number of schools over the last few years has enabled him to understand the pressures under which these institutions, including the governing bodies, teachers and students, operate.

He is currently chairing the independent panel ([www.foskettpanel.com](http://www.foskettpanel.com)) which will re-assess the direct and consequential losses suffered by victims of the fraud at HBOS Reading, in line with the recommendations in the Cranston Review led by Sir Ross Cranston.

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