

Year called 1972

Silk 1991

david.foskett@39essex.com



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. 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.

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.**

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 is planned for 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 21st 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, earlier this year 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. He will be speaking to the New Mexico First Judicial Bar Association in June on issues connected with dispute resolution.

This year he will complete 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.

LONDON

81 Chancery Lane,
London
WC2A 1DD
Tel: +44 (0)20 7832 1111
DX: London/Chancery Lane 298
Fax: +44 (0)20 7353 3978

MANCHESTER

82 King Street,
Manchester
M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

SINGAPORE

Maxwell Chambers,
28 Maxwell Road,
04-03 & 04-04, Maxwell Chamber
Suites
Singapore 069120
Tel: +65 6320 9272

KUALA LUMPUR

#02-9, Bangunan Sulaiman,
Jalan Sultan Hishamuddin,
50000 Kuala Lumpur,
Malaysia
Tel: +60 32 271 1085
