David Gilchrist

YEAR OF CALL 1987

Email: empcom@9sjs.com

AREAS OF EXPERTISE

Mediation, Business and Property Group



CV

Areas of Practice

Commercial and Chancery Litigation Landlord and Tenant Professional Negligence Trusts, Wills and Estates Insolvency Mediation

Practice Profile

- Property

Including mortgages, restrictive covenants, easements, the sale of land, land registration, co-ownership and nuisance

- Landlord and Tenant

Both business and residential including forfeiture, renewal of business tenancies, service charges and enfranchisement

- Commercial

Including companies (particularly, shareholders and directors disputes), directors and employees restrictive covenants (including interim remedies), guarantees, insolvency, partnership, construction disputes and sale of goods and services.

- Trusts, Wills and Estates

Including validity of wills, construction of wills, administration of estates, Inheritance Act proceedings and breach of trust claims

- Professional Negligence

Including claims against solicitors (particularly in connection with land transactions), surveyors and accountants

Mediation

David is a CEDR trained and accredited mediator, obtaining his accreditation in 2015. He has particular experience acting as mediator in disputes involving property and the administration of estates (including claims under the Inheritance (Provision for Family and Dependents) Act 1975). He can draw upon a wide knowledge of business and

property litigation to assist the parties in reaching a sound and practical resolution of their dispute.

His fee for a single day mediation that is to be held in the north-west or remotely (eg via Zoom) is £2000 plus VAT. This fee includes preparation and any preliminary meetings, as well as the mediation itself. His fee for longer mediations, or mediations that are held further afield, will be higher and can be discussed with his clerk. In the event that the parties wish to hold the mediation in Manchester, he can offer rooms in Chambers - which provide ample accommodation - at no extra cost.

Notable Cases

- Peckham v. Ellison (1999) 77 P&CR 27, CA (implied reservation of easements)
- Bristol & West v. Bartlett [2003] 1 WLR 284, CA (limitation periods for mortgage arrears)
- Cheltenham & Gloucester v. Appleyard (The Times 29 March 2004), CA (mortgagee's remedy of subrogation)
- C & W Berry Ltd v. Armstrong-Moakes [2007] BPIR 1199 (effect of bankruptcy petition on charging order)
- Dhand v. Oakglade Investments [2012] EWCA Civ 286 (validity of vendor's notice to complete)
- Manton Hire v. Ash Manor Cheese [2013] EWCA Civ 548 (damages for breach of commercial hire agreement)
- Windermere Marina Village v. Wild [2014] UKUT 163 (LC) (enforceability of surveyor's apportionment of service charge)
- Chadwick v. Collinson [2014] EWHC 3055 (Ch) (application of forfeiture rule on estate of manslaughter victim)

Quotes

Real Estate Litigation: Band 3 - Ranked Chambers and Partners 2024 Edition

- Chambers and Partners 2024

Chancery: Band 2David has a wide-ranging chancery practice and particular expertise in insolvency and professional negligence cases. His expertise relates to various matters including wills, trusts and estate administration. "David Gilchrist is good and experienced as well."

- Chambers and Partners 2024

Chancery (Northern Bar): Impresses with his responsiveness, turn-around time and the content and quality of his advice."

- Chambers and Partners 2023

Chancery (Northern Bar): "David s advocacy ability is outstanding due to his experience and knowledge of procedure and technical legal points."

- Chambers and Partners 2022

Chancery (Northern Bar) Leading BarristerStrengths: "He just gets to grip with the case and you can see he has thought it through." "His advocacy style is one which is very, very detailed, very calm and very persuasive."

- Chambers and Partners 2021

Chancery Northern (Bar) Leading Barrister Band 3 "He is a good safe pair of hands and an all-rounder." "He is a very well-respected practitioner."

- Chambers and Partners 2020

Chancery Northern (Bar): Leading Barrister (Band 3) "He's clear, his drafting is very precise and his advocacy is the same." "He has good judgement and is a good advocate as well."

- Chambers and Partners UK Bar 2019

"His strongest point is his ability to explain the impact of a legal position to clients and put them at their ease."



- Chambers and Partners 2018

"David has an extremely calm presence in court."

- Chambers and Partners 2018

'Experienced across a range of commercial matters.'

- Legal 500, 2017

Well-regarded and experienced junior with an expansive commercial offering. He is great on detail and very knowledgeable.

- Chambers and Partners 2017

Experienced commercial chancery litigation practitioner who acts on property law, including landlord and tenant matters. A very knowledgeable and tenacious advocate. He is able to advise on matters of considerable complexity.

- Chambers and Partners 2017

A very able barrister.

- Legal 500, 2016

"Highly experienced commercial junior well versed in the full spectrum of matters, including directors' disputes and shareholder issues. Possesses notable expertise in commercial property work. 'A tenacious advocate - hugely knowledgeable."

- Chambers and Partners 2016

"Adept at insolvency and professional negligence cases. He also has a strong showing in traditional chancery work and is particularly good at wills, trusts and estate administration. Without doubt one of the most consistently brilliant barristers I have ever used; he is impeccable, has an eye for detail and adopts an excellent approach with clients."

- Chambers and Partners 2016

"He has an immense knowledge of the law."

- Chambers & Partners 2015

"He's understated when on his feet, but persistent. Which is a good thing. Commercial judges don't like theatrics. They can see the issues and they don't want a barrister who wastes their time." "He is very straight-talking and practical. Clients are very trusting of him because he talks down the line and will point out weaknesses in a case and speak very frankly."

- Chambers & Partners 2015

"Knowledgeable and assured"

- Legal 500 2014

"David handles the very complex aspects of a case well. He has strong intellectual abilities."

- Chambers & Partners 2014

David Gilchrist provides a full service to clients on property, trusts, commercial and professional negligence disputes. Clients laud him for being a modern barrister who is always thinking ahead. They particularly value his thoroughness and the practical advice he offers David receives particular praise for his advocacy skills and is an effective presence in the courtroom. He represents clients in a variety of commercial work such as disputes relating to guarantees, insolvency

and partnerships.

- Chambers & Partners 2013

"has many a repeat brief from solicitors as he injects an inventive spirit into all his cases"

- Chambers and Partners 2011 - Chancery

"bright, effective and very strong on the fine detail of the law"

- Chambers and Partners 2011 - Commercial Dispute Resolution