David Alexander KC

KC 2006, Called to the Bar 1987
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David was Joint Head of Chambers at South Square between 2017 and 2022.

He has a predominantly litigation-based practice with a particular emphasis on company (including unfair prejudice and just and equitable winding up petitions), commercial, banking, insolvency and restructuring, civil fraud and contentious trust work. He has appeared regularly in courts in England, including the Court of Appeal, the Supreme Court and the Privy Council. David has also acted extensively in relation to international cases including in the Bahamas, Bermuda, the British Virgin Islands, the Cayman Islands, Jamaica, The Seychelles, Jersey and Gibraltar.

Over the course of the 38 years that David has been at the Bar (nearly 20 of which have been in silk) he has been instructed in relation to many of the major insolvencies that have taken place since the late 1980s, including BCCI, Maxwell, Parmalat, TXU, Madoff, Enron, Lehman, MF Global and Landsbanki. In addition David has been involved in many shareholder disputes.

A specialist and highly recommended trial lawyer David has appeared in many major, lengthy trials including in relation to the Maxwell saga, the KWELM litigation, New Gadget Shop and the Thyssen litigation in Bermuda. More recent significant trials include Smithson v Naggar (breach of duty/misrepresentation claim), LBI hf v Stanford (claim by bank for repayment), International Consolidated Minerals Limited, Moses v Fry (breach of duty claim against former administrators), Marrache & Co v Jyske Bank (dishonest assistance/knowing receipt claim in Gibraltar), Ma v Wong (unfair prejudice claim in BVI) and Ma v Incredible Power Ltd & Ors (breach of director's duty, dishonest assistance and conspiracy claim in BVI).

The Leading Guides to the UK Bar have variously described David as "an astute and brilliant trial lawyer", "a brilliant litigation strategist", "a hard-hitting trial lawyer", "the best cross-examiner in the business and "a formidable cross-examiner who prepares meticulously; he knows how to handle trials". He is "widely acclaimed for his persuasive advocacy and strategic nous". He "brings great experience, knowledge and judgment to every matter". He is "a deep and experienced barrister with a robust and no-nonsense approach".

The most recent Legal 500 for the Bar listed David as a Leading Silk for Offshore Work ("Very client friendly, very responsive, accessible and a team player. Well prepared for court advocacy and generally popular with judges"). He is also listed as a Leading Silk in Company ("responsive, down to earth, works well in a team, clients like him and easy to work with"), Commercial Litigation ("a wonderful barrister and what you want in a senior silk at the top of his game. He leads the team with authority and ease. He is a pleasure to deal with at all times"), Fraud; Civil ("Oral advocacy great – straight talking and clear. Gets on top of all the facts. Very effective cross-examiner"), Banking and Finance ("happy to roll his sleeves up and get stuck into the detail. He has a good sense of what arguments will play well with the judge") and Insolvency ("Gets on top of all the facts. Very effective cross-examiner").

Insolvency and Restructuring

Recent cases include:

Acting for the officeholders of the US arm of ***MF Globa***l in relation to a claim for more than US $200 million against MF Global UK (2012/2013)

Heritable v Landsbanki [2013] 1 BCLC 465, acting for the winding up board of the Icelandic bank, Landsbanki, in the Supreme Court on an appeal from Scotland in relation to the rejection of Landsbanki's proof of debt by the administrators of Heritable bank

Re GPA Limited, a breach of duty claim against a former director

Re Atrium Training Services Ltd [2013] All ER (D) 241 (Sep), claim by liquidators against former directors and shareholders for fraud, breach of duty and/or a transaction at an undervalue

Banking and Finance

Recent cases include:

- ***Marrache & Co (acting by its Joint Liquidators) and Ors v Jyske Bank (Gibraltar) Limited; Marrache & Co (acting by its Joint Liquidators) and Ors v Baker Tilly*** Claims against a bank and the auditors of the company for dishonest assistance in a breach of trust and/or knowing receipt and/or damages for negligence in relation to the operations of a law firm in Gibraltar
- ***Bibby Financial Services v Magson***, guarantee and warranty claims
- ***National Westminster Bank v Alfano***, guarantee claims

Commercial Litigation and Arbitration

Recent cases include:

- ***LBI Hf (formerly known as Landsbanki Islands hf) v Stanford*** [2014] All ER (D) 227 (Nov). Major litigation involving a claim by Landsbanki against Kevin Stanford (the founder of the Karen Millen clothing chain) for in excess of £20 million. The Defendant alleged oral agreements under which he said he did not have to repay loans and counterclaimed for misrepresentation/fraud. The case gave rise to English and Luxembourg insolvency and contractual law issues, and involved numerous interlocutory hearings and decisions on procedural matters as well as a lengthy trial
- ***Smithson v Naggar*** [2013] All ER (D) 151 (Jul) for first instance, and [2014] All ER (D) 118 (Jul) for Court of Appeal. Claims for breach of duty and for contravention of Section 190 of the Companies Act 2006 (substantial property transactions), and for misrepresentation and/or negligent misstatement arising out of the entering into of contracts for difference
- ***Exsus Finance v Turner*** [2014] All ER (D) 220 (Oct)
- International Consolidated Minerals Limited; Moses v Fry A claim for breach of duty in relation

to the sale at an undervalue of a company's main asset (a mine in Peru)
- ***Stanley and others v TMK Finance Ltd*** [2010] All ER (D) 295 (Dec)

Company

Recent cases include

- ***Ma v Incredible Power Ltd & Ors*** (2020), breach of duty and conspiracy claim
- ***Ma v Wong*** (2017/2018), unfair prejudice claim in BVI.
- ***Smithson v Naggar*** [2013] All ER (D) 151 (Jul) for first instance, and [2014] All ER (D) 118 (Jul) for Court of Appeal. Claims for breach of duty and for contravention of Section 190 of the Companies Act 2006 (substantial property transactions), and for misrepresentation and/or negligent misstatement.

Trusts and Property

David acted on behalf of Baron Thyssen for seven years in the Thyssen litigation in Bermuda. Since then he has been involved in other trust cases in Bermuda, Gibraltar and Jersey, including hearings in the Supreme Court of Bermuda and in the Bermuda Court of Appeal.

Pro Bono

Generalist reviewer for the Bar Pro Bono Unit

Awards and Recommendations

Chambers & Partners	*"A brilliant trial lawyer who is excellent at cross-examination. He does a fantastic job and really understands trust issues"* *"He is brilliant, concise and committed, as well as very user-friendly"* *"He is very impressive and exactly what you want from a modern silk. He is someone who is very persuasive, well prepared, good on his feet and an excellent advocate"*

Legal 500	*“Bright, responsive, tenacious, sensible and utterly charming – clients really like him”* *“He is responsive and bright”* *“A formidable cross-examiner who prepares meticulously; he knows how to handle trials”* *“A brilliant litigation strategist, and a hard hitting trial lawyer”* *“A complete team player and very popular with clients”* *“A deeply experienced barrister with a robust and no-nonsense approach”* *“He is a good barrister for an old-fashioned commercial scrap – calm and determined, and bags of experience”*

Career

2006Appointed King’s Counsel
1987Called to the Bar of England and Wales

David has been called ad hoc to the bars of Bermuda, the Bahamas, the Cayman Islands and Gibraltar. He has also been called to the bar of the British Virgin Islands.

Appointments

Dealt with a number of Bar Council and Law Society Joint Tribunals
Insolvency Practitioners’ Association Reviewer of Complaints

Memberships

Chancery Bar Association
Commercial Bar Association
MCC
Bar cricket side, The Refreshers
Garrick Club

Education and Qualifications

1983-86Magdalene College, Cambridge University, MA