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## David Sawtell – Barrister

Called 2005

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### **Areas of Practice**

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David has a genuinely mixed common law practice, specialising particularly in civil / personal injury law. He has particular expertise in cases involving allegations of fraud or dishonesty, where financial analysis is required or where complicated or unusual issues of law are involved.

#### *Civil / commercial*

David has extensive experience in a wide range of civil areas and has appeared regularly in the High Court as well as in multi track and fast track county court trials. He has experience of drafting and appearing in interim applications for injunctions, freezing orders, search orders, and disclosure.

His range of work includes personal injury (including road traffic accidents, incidents at work, defective products and discrimination), civil / commercial disputes (including factoring agreements, partnership disputes, sale and hire of goods, and conversion / trespass to goods), and bankruptcy / winding up.

David is happy to undertake work on a conditional fee agreement in appropriate cases.

#### *Property*

David has extensive experience of a wide range of disputes involving property, including landlord and tenant (both residential and commercial), licences, disrepair, mortgages, and nuisance.

#### *Family law*

All areas of contentious family law, including ancillary relief, private law child cases, care proceedings, non-molestation / occupation orders and TOLATA claims, in the High Court, the county court and the FPC. David undertakes both privately and publicly funded work.

#### *Employment*

Regularly appearing in the employment tribunal for both the claimant and the respondent, David has experience across a wide range of the ET's jurisdiction including unfair / wrongful dismissal, discrimination, NMWA and holiday pay claims.

#### *Public access*

David is happy to accept instructions in civil / employment cases from members of the public under the Bar Direct Public Access scheme. In appropriate cases, this allows a barrister to work without a solicitor. However, in some cases David will recommend that a solicitor should be appointed in order to carry out litigation. Public Access enquiries should be made through David's clerks.

## **Case Profiles**

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*Vaseeharan and AKV Garages (UK) Limited v Uthayaranjan* [2010] EWHC 1083 (Ch): application for summary judgment in the Chancery Division where allegations of fraud were alleged against party asserting oral partnership agreement

*NSM Music Ltd v McArdle* (2010, Employment Appeal Tribunal): appeal on the issues of *Polkey*, automatic unfair dismissal and causation in damages.

*Universal Leasing v Ahmed* (2010, London County Court): three day multi track trial involving tripartite lease agreement and issues of UCTA / exclusion clauses.

*Your Engineering Solutions v Compliant Access Equipment* (2010, Lewes County Court): urgent application to prevent trespass to goods / passing off.

*E v C* (2009, Family Division): applicability of TOLATA 1996 to foreign land in the course of ancillary relief proceedings in the UK

*R v Coxwell* (2009, Kingston Crown Court): junior in defence of UK's youngest ever West End producer accused of VAT fraud

*Hall v IBC Vehicles* (2008, Employment Tribunal): failure to make reasonable adjustments where claimant suffered from PTSD

## **Publications and seminars**

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'My big fat fraudulent claim', *New Law Journal*, 29 April 2011, vol 161 No 7463, pp573-4

Forthcoming article on costs and fraudulent claims in the *Butterworths Civil Costs Newsletter*

Writes extensively for the *Chambers civil newsletter*, including a recent article on the effect of the *Doorstep Regulations* on credit hire cases

David has prepared and presented seminars on fraudulent claims, the MIB and the new Family Procedure Rules. He is very happy to present these talks at solicitors' offices: please contact his clerks for details.

## **Education, qualifications and awards**

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2005 Called to the Bar

2004-5 Inns of Court School of Law, Bar Vocational Course (very competent)

2003-4 City University, Post-graduate diploma in law (commendation)

2002-3 Peterhouse, University of Cambridge, MPhil in Medieval History (distinguished performance)

1999-02 Peterhouse, University of Cambridge, MA (Hons) in History (Part I: First, Part II: 2:1)

2005: Sunley Scholarship, Lincoln's Inn

2004: Lord Denning Scholarship, Lincoln's Inn

2002: AHRB scholarship in full for MPhil

2001: Edward Lord North Scholarship (Peterhouse)

## **Professional Courses**

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Forensic accounting, Companies Act 2006, public access

## **Professional Memberships**

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Personal Injury Bar Association; South-Eastern Circuit

## **Interests**

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Rowing, running, history