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David Balcombe KC

Call: 1980 KC: 2002

After 42 years at the Bar (21 years as a silk), David Balcombe KC ceased full-time practice on 31st March 2023. Until his retirement, David combined clinical and professional negligence and professional discipline work with matrimonial finance work (with a particular speciality in prenuptial agreements for very high-net-worth individuals). Whilst the mix of his practice was an unusual one, the range of his work and his transferable skills enabled him to bring a breadth of vision and experience to his cases that was rarely available to the one topic specialist.

Aside from his advisory and advocacy work David undertook a variety of judicial and quasi judicial roles. He was appointed a Recorder of the Crown Court in 2000 and sat in that capacity until 2023. He obtained accreditation as an arbitrator and until retirement was a member of the Chartered Institute of Arbitrators as well as being on the panel administered by the Institute of Family Arbitrators. In addition to conducting arbitrations of family financial disputes he conducted private Financial Dispute Resolution appointments where his role was to provide an early neutral evaluation of the likely outcome and to facilitate settlement.

"David is a very rounded advocate and a safe pair of hands."

Chambers & Partners 2019

'Very experienced in pre-nuptial agreements.'

Legal 500 2019

"David has a depth of knowledge which is unparalleled and family clients benefit hugely from his expertise in various areas of the law. He is utterly charming, flawless in his preparation and an excellent advocate."

Chambers UK Bar 2018

Clinical Negligence

"He has superb attention to detail and is able to command the confidence of clients in difficult cases." "He is extremely thorough on quantum. His negotiating skills greatly added value." (Chambers & Partners)

Selected Cases

Liability:

- **AB v a NHS Trust [2018]:** acting for Trust, facing allegation of negligent failure to detect intra-uterine growth retardation and consequent failure to expedite delivery.
- **YK v a NHS Trust [2018]:** acting for Trust where claimant alleging cerebral palsy resulting from cord prolapse attributable to mismanagement of labour and delivery.
- **IM v a GP Practice [2018]:** acting for Practice facing allegation of failure to refer Down's Syndrome patient subsequently found to have atlantoaxial instability necessitating C1/C2 fixation
- **XX v a NHS Foundation Trust [2017]:** acted for Trust, facing allegation from stroke victim with 'locked-in syndrome', that CT scan had been negligently interpreted.
- **JR v a NHS Trust [2017]:** acted for Trust, facing allegation that Claimant suffered periventricular leukomalacia brain injury due to hypoglycaemia in neonatal period
- **VB v NHS Commissioning Board [2016]:** acted for elderly Claimant who lost sight following failure to diagnose giant cell arteritis; after proceedings issued secured admission of liability and substantial award.
- **Coakley v Rosie [2014]:** acted for Defendant general practitioner alleged not to have heeded symptoms of claimant who subsequently lost sight due to meningitis.
- **Watson v Ross [2012]:** acted for Claimant who alleged surgeon failed to warn re insufficiency of tissue for S-GAP breast reconstruction; case settled on day 2 of trial immediately after Defendant had been cross-examined.
- **Mian v King's College Hospital NHS Trust QBD [2006]:** Successfully defended Trust where alleged that there had been negligent investigation and treatment of patient with multi-drug resistant tuberculosis

Quantum:

- **BL v a NHS Foundation Trust [2018]:** acted for Trust; Claimant with severe four limb cerebral palsy and cognitive difficulties claiming provision worth c. £15 million; settled at RTM
- **AAX v Nottingham University Hospitals NHS Trust [2018]:** acted for Trust; Claimant, with significantly impaired cognitive function rendering him incapable of independent living but with life expectancy not reduced, claiming provision worth c. £21 million; settled at RTM.
- **SX v University Hospitals of North Midlands NHS Trust [2017]:** acted for Trust; adult Claimant with impaired cognitive abilities as a result of brain damage at birth, claiming £18.5 million; settled shortly before trial.
- **XX v Calderdale & Huddersfield NHS Foundation Trust [2017]:** acted for Trust; Claimant with severe whole body spastic/dyskinetic cerebral palsy claiming provision worth £11.3 million. Settled after RTM.
- **XLJ v Royal Surrey County Hospital NHS Foundation Trust [2016]:** acted for Trust; Claimant with moderately severe cerebral palsy resulting in spastic diplegia, sensori-neural hearing loss, cognitive impairment and significant development delay; settled at RTM; award worth £9.5 million.

- **ABC v Great Ormond Street Hospital for Children NHS Trust [2014]:** acted for Trust; as result of severe meningococcal septicaemic illness in infancy Claimant had been obliged to have amputations of both his legs and 4 digits on his right hand. Very substantial sums being claimed for state of the art prosthetic limbs, to be sourced from USA.
- **Massey v Tameside & Glossop NHS [2007]:** acted for Defendant Trust; trial dealing with variety of quantum issues (especially valuation of past care, and future care regimes) in claim brought by child suffering from dyskinetic cerebral palsy.

Speaking Engagements

- "How to find your way through the 'material contribution' maze" – talk given in conjunction with John Gimlette, in November 2017.

Professional Discipline & Regulation

Selected Cases

- **GMC v Mr Jeyapragash [2017]**: Before the Medical Practitioners Tribunal, successfully defended cosmetic surgeon who had been accused of improperly anaesthetising a patient and then lying to cover it up.
- **GMC v Kapur [2010]:** acted for consultant paediatric & neonatal surgeon who, in performing inguinal hernia surgery, had mistakenly removed a substantial portion of a baby's bladder.
- **GDC v Bachada [2010]:** acting for dentist accused of fraudulent conduct.
- **Bar Standards Board v P [2010]:** represented member of bar accused of professional misconduct on account of breach of duty of confidentiality
- **Gwyn v GMC [2008]:** acted for general, vascular and breast surgeon facing complaints from 6 patients; after hearing lasting 40 days successfully avoided finding that fitness to practise impaired.
- **Gwynn v GMC [2007]:** acted for general, vascular and breast surgeon, successfully sought judicial review of decision by Fitness to Practise Panel, and obtained stay of proceedings in relation to complaints from 5 patients that had been made out of ti

Matrimonial Finance

"*Recommended for pre-nuptial agreements.*" (Legal 500 2018)

"He never loses sight of what someone actually needs from a case and gives really good advice early on. He's the person you go to if you want sane, objective judgement." (Chambers UK Bar 2017)

"A matrimonial finance expert." (Legal 500 2017)

Selected Cases

- **[2018]:** Advised on terms for, and drafted pre-nuptial agreement for wealthy UK businessman.
- **[2018]:** Advised on terms for post-nuptial agreement for member of extremely wealthy international

family.
- **[2017]:** Advised on terms for, and drafted pre-nuptial agreement for member of wealthy American family.
- **AH v PH [2013] EWHC 3873 (Fam) (12 June 2013)**
- **Robson v Robson [2010] EWCA Civ 1171**

Speaking Engagements

- 'Know your Bouncer' What are the practical and legal implications of arbitration in family financial cases? " lecture at the White Paper Conference "Matrimonial Finance: Shaping New Law into Solution-Focused Advice for Your Clients". May 2018.
- "How Can You Free Your Client From A Pre-Nup – A Reneger's Charter", lecture at the White Paper Conference "Family Law: Shaping New Cases into Highly Persuasive Advice for Clients", February 2014
- "The Prospects of Claims by Non-Inheriting Parties" lecture at the White Paper Conference "Family Law: Shaping New Cases into Highly Persuasive Advice for Clients", February 2013
- "Prenups and the Inheritance Act" lecture at a joint FLBA and Chancery Bar Association Seminar, June 2012
- "Inherited and Pre-Acquired Wealth" lecture at the Family Law Conference: Shaping New Case-Law into Highly Developed Advice for Clients, February 2012
- "Some Questions Post Radmacher " lecture at a Family Law 2012 Conference, January 2012

Sports Law

Selected Cases

- **Sunderland AFC v Dr R (2020):** defended doctor in £13m claim alleging breach of contract and negligence for conducting and reporting on pre-signing medicals after signing a high profile player who developed knee problems.
- **XX v A Player and A Football Club [2018]:** acted for Defendants facing multi-million pound claim arising from injury sustained in negligent tackle that was alleged to have ended prospect of top-flight career.

Speaking Engagements

- "Liability for on field Sports Injuries" – one of 3 speakers at seminar for insurers – November 2018

Professional Negligence

Selected Cases

- **N v C L Solicitors [2016]:** acted for Claimant alleging that solicitors had failed properly to advise as to nature and extent of her entitlement in claim for financial provision following divorce.
- **N v a Firm of Solicitors [2015]:** acted for Defendant, alleged to have been negligent for not ensuring client sought additional disclosure before settling claim for additional financial provision post divorce.

- **S v a QC and a Junior Counsel [2010]:** instructed by Bar Mutual Indemnity Fund on behalf of two barristers alleged to have given substandard advice in high profile financial proceedings following divorce. Following service of defence claim discontinued.

Appointments

- Recorder of the Crown Court (2000 – 2023)
- MCIArb (2012-2022)

Education

- BA Law, University of Kent