

Member Spotlight: David Foster

Justice for all: Why ethics are at the core of David Foster's legal practice



David is the chairman of the Dispute Resolution Division in Moore Barlow, a leading UK firm with 280 lawyers and offices in the City of London and across the South of England.

David's areas of practice include insolvency, professional negligence and commercial litigation. In relation to insolvency, David is experienced in exploring different ways to address financial difficulties with clients, including through informal negotiation with creditors or by assessing the risks/benefits of a more formal insolvency process, such as individual voluntary arrangements, company voluntary arrangements and bankruptcy and/or company wind up.

David regularly handles cases in the higher courts; his clients include companies of all sizes, banks, insurers and educational institutions. David has handled over 350 mediations across the UK with a success rate of over 90%. He has wide mediation experience, even lecturing on mediation in Kenya.

He is actively involved in a number of charities and organisations including as trustee.

When David Foster first left law school, he was still in two minds about entering the legal profession. He had a few options open to him and, as a Christian, even thought about becoming a pastor.

Indeed, his faith has played a big part in his career as a legal advisor, underpinning the ethics he believes that are essential in law. For David, one of the most attractive aspects of any lawyer's work is the sense that justice is being done. That belief in justice underpins everything from complex litigation between companies to judicial reviews in the high court.

"What attracts me about the law is a sense that justice is done at the end of the day," David says. "Lawyers should be about carrying out justice. It's not just a money making exercise, it's about seeing that wrongs are righted. Ethics are important; I have gone to the Supreme Court with ethical issues".

Along with his Supreme Court work and litigation, David has a track record in mediation going back to the mid-1990s. During the past decade, this has become an increasingly important part of his work and one that he takes pride in – settling disputes and even creating a path back to reconciliation for formerly warring parties.

David has a track record in mediation going back to the mid-1990s.

The past 18 months have also been a busy time for David and his colleagues – despite the Covid-19 pandemic and lockdowns. Last year David's

firm, Barlow Robbins, merged with Moore Blatch to become Moore Barlow, a top 100 regional powerhouse across South East England. The new firm comprises 70 partners, more than 270 lawyers and legal professionals, and a total staff of some 500 across six UK offices. Powerhouse indeed.

At the newly merged entity, David heads up the dispute resolution team; he's keen to highlight Moore Barlow's progressive side, putting the emphasis on dealing with the people issues as well as the legal problems involved.

"Yes, we're pretty progressive and there are a number of ways we try to mark ourselves out as a firm, compared to other law firms," David says. "One is that we try to be very human about the way we do our work, looking after people and particularly owners of small and medium sized companies".

"What attracts me about the law is a sense that justice is done at the end of the day"

"You've got to have lawyers who are good with people as well as being good technicians. I like to think that we're leading the way in what we do. It involves harnessing the energy and the power we have as a larger collective, which has been really useful in terms of what we can provide to a client."

David's role at Moore Barlow encompasses commercial dispute resolution, insolvency and restructuring, lender services litigation, professional negligence and mediation.

The sectors covered include technology, manufacturing, schools and charities. An average day for David could involve working with directors of insolvent companies, recovering assets for families, professional negligence claims, acting as a mediator and leading on a trust case.

It's the conflict that has always attracted David's intellectual curiosity: "Conflict is something I've spent my career studying. I've always found that an interesting area. It's a very negative thing but in many ways, it can be also quite positive. Resolving issues either through litigation or mediation. Trying to get a problem solved. Sometimes you really can achieve something in court by precedent that makes you know it's all worthwhile, such as in public law cases. You can even get a reconciliation of relationships, or the preserving of relationships. I like that."

David particularly enjoys his judicial review work that often involves challenging the decisions of public bodies, such as NHS trusts: "That's tough litigation because of the sort of issues that are involved. One recent case that was in the news involved a two-and-a-half-year old Hasidic Jewish child who had their support withdrawn and people wanted to have the child transferred to Israel or the US."

"It's not just a money making exercise, it's about seeing that wrongs are righted. Ethics are important"

"We were looking at all sorts of international issues around that and took the case to the European Court of Human Rights and to the Supreme Court.

Very interesting work and it keeps you on the edge of your seat."

"That type of litigation is very complex and comes in all sorts of shapes and sizes. And judicial review is an area that I like because you really have to use your brain with it. No two cases are the same. And you're having to use your experience of life and your legal expertise, and working often with experts from every field to get a sensible decision. And when a public body has done something that is questionable, it's sometimes important to take them to task."

With the newly merged firm, Moore Barlow is also eager to stamp its name on the world stage and David works with clients way beyond the firm's traditional South East base.

"We do international work mainly because our clients carry out a lot of cross border work," he says. "That's really why we're in the international market, particularly the US and Germany. And that's exciting at the moment in terms of the work we do with other lawyers and with accountants. And it's a very fast moving pace."

David also believes that being part of an international network such as IR Global can help to generate work and to bring like-minded people together: "Being part of the IR Global Network has really helped with the international work. It's a good network to be part of and I enjoy getting to know people and just doing business with them. We've got a similar culture to a lot of the firms in the IR Global network."

Away from work David believes his faith is core to his approach to career and life: "It's always been an important driver for me. We're all created in a

certain way and for me faith is central to that. It helps me to look at how I approach my work."

Along with his wife and three children, David likes to walk his two dogs across the Surrey Hills — it helps him relax. He's a keen amateur historian and enjoys playing tennis at the local club. David is also a proud Dubliner, and an avid London Irish and Chelsea FC supporter.

His final words, however, lead back to his legal career and his own personal achievements: "Personally, I'm very proud of taking cases to the Supreme Court. A number of them have been fairly important, on big issues, particularly ethical issues. It also helps exercising good mediation skills in those cases. Yes, that's something that I can really say I'm glad I've done in my life."

"It's always been an important driver for me. We're all created in a certain way and for me faith is central to that. It helps me to look at how I approach my work."



David Foster

IR Global's exclusive Insolvency member in England.

www.moorebarlow.com | david.foster@moorebarlow.com | +44 1483 464243

At Moore Barlow, we focus on helping entrepreneurs and leaders of businesses and organisations, and private individuals and families through the opportunities, the challenges, and the sometimes life-altering circumstances that may come their way.

For us, it is all about starting a conversation and building a relationship between people who care about the outcome, rather than just between a 'firm' and a 'client'. By understanding what's at stake, we can apply a personalised approach and the highest standards of care, so you get the best outcome.