

David Gardner

Call: 2006

"David is a very intelligent and capable barrister, with an affable style. He is very approachable and down-to-earth, and always provides pragmatic advice."

Legal 500 2023



David Gardner is part of the Court of Protection and Public Law groups at No5.

Expertise

Public Law

David regularly represents Claimants and Defendants in judicial reviews and appears in the Court of Appeal and the Administrative Court doing so. He appears regularly in the Court of Protection. David has also appeared in a number of other jurisdictions including in the Immigration Tribunals (both First-Tier and Upper Tribunals), in education cases, criminal cases, and parole hearings.

Before starting at No5, David was the sole Administrative Court Office Lawyer for Wales and the South West of England between March 2009 and October 2017. In that role he gained considerable experience in judicial review and administrative law and was responsible for case management of Court and Upper Tribunal cases, including resolving disputes as to procedure between parties and advising Judges on public law cases. From 2005-2009 he was a legal adviser in the Magistrates' Court.

Community Care

David has represented Claimants and Defendant in judicial reviews in the Court of Appeal and the Administrative Court. In doing so David enjoys a broad judicial review practice with a focus on community care law. He also appears regularly in the Court of Protection.

David has considerable experience advising and representing Claimants who wish to challenge the failures of public bodies providing care and support to meet their community care duties. He also regularly advises and represents local authorities, CCGs and Local Health Boards.

David has a busy community care practice in both England and Wales. He regularly deals with cases relating to duties under the

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Care Act 2014 in England and associated challenges, including ordinary residence disputes. David has a particular specialism in community care law in Wales and the duties under the Social Services and Well-being (Wales) Act 2014 and has provided advice to the Equality and Human Rights Commission on the subject.

David frequently represents Claimant's in judicial review proceedings relating to adequate accommodation for asylum seekers, accommodation and support for looked after and former looked after children, and in age assessments.

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Court of Protection

David has considerable experience in the Court of Protection. He accepts instructions and has acted in both health and welfare (both under ss.16 and 21A of the Mental Capacity Act 2005) and property and affairs cases. He has also been instructed to act in the Family Division of the High Court exercising its powers under the inherent jurisdiction to protect vulnerable persons.

David is frequently instructed to act on behalf of protected parties, including cases involving the Official Solicitor and RPRs acting as litigation friends. David also acts for the Office of the Public Guardian, Local Authorities, Clinical Commissioning Groups, and Local Health Boards. He has also been instructed to act on behalf of professional deputies and families.

As part of his general practice David has experience of high-level advocacy, including cases in Court of Appeal, the Administrative Court, and the Upper Tribunal.

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Awards



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Awards

- Legal Aid Barrister of the Year Award Finalist at the Legal Aid Lawyer of the Year Awards 2023
- In 2017 David was named by the Institute for Welsh Affairs as one of their "30 in 30": 30 people working to make Wales better over the next 30 years'.

Memberships

- Public Law Wales (Treasurer)
- South West Administrative Lawyers Association (Secretary)
- Administrative Law Bar Association (ALBA)
- Court of Protection Practitioners Association (COPPA)
- Human Rights Lawyers Association
- Liberty
- Member of the Western Circuit
- Member of the Wales and Chester Circuit

Appointments

- Senior Member of the Valuation Tribunal for England (2017-2024)
- Approved panel counsel for the Equality and Human Rights Commission
- Approved panel counsel for the Welsh Government

Qualifications

Bar Vocational Course

University of the West of England – 1 September 2004 to 1 July 2005

LLB Law Degree

The University of Leeds – October 2001 to July 2004

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