David Payne

Year of Call: 2003

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Overview

David specialises in family law cases involving children in both the public and private sphere. He regularly appears against leading counsel and is instructed as leading junior counsel.

David is highly experienced in serious and complex public and private law cases. This includes instruction in cases involving:

- Child or parental death (including murder)
- Inflicted injury, including brain injuries and life-changing injuries
- Allegations of sexual, physical, or emotional abuse
- Cases with concurrent or related criminal proceedings
- Cases with an international element
- Cases with a cross-jurisdictional considerations within the United Kingdom and Crown Protectorates

David is known for his thorough and meticulous preparation of cases and his analytical skills. This is coupled with a calm presence in court.

Practice Areas

Public Law Children

David has been instructed in the full range of care cases, including those involving:

- Where one parent has killed another.
- Where a parent has attempted to kill a child.
- Terrorism, including families travelling, or intending to travel, to Syria.
- Child Sexual Exploitation.
- Factitious Illness.
- Familial Sexual Abuse.
- Non-accidental injuries of all levels of severity, including brain injuries and where life-changing injuries have been occasioned to children.
- Substance misuse and addiction.

He has extensive experience of the many complex legal problems which arise in such cases, including:

- Finding of Fact hearings involving large numbers of parties and interveners.
- Cases involving conflicting expert opinions.
- Vulnerable parties and witnesses (including children).

- Designated Local Authority arguments.
- Cases involving foreign nationals and immigration issues.
- Cases with interlinked criminal proceedings and resolving cross-disclosure issues.
- Wardship.

David has been instructed in matters before the Court of Appeal and is regularly instructed in the High Court.

Notable cases:

Birmingham City Council v W & Ors [2018] EWHC 610 (Fam)

Re C (Children) [2008] EWCA Civ 1331

Re V-Z (Children) [2016] EWCA Civ 475

AB (Fact Finding), Re [2016] EWFC B57

Private Law Children

David has been instructed in the full range of private law cases, including those involving:

- All applications under the Children Act 1989.
- Injunctive relief under the Family Law 1996.
- Cases involving the invocation of the inherent jurisdiction.
- Complex factual disputes, including the determination of allegations of physical, sexual and emotional abuse perpetrated towards other parents and children.
- Cases involving Re W determinations and where appropriate, the cross-examination of children and other vulnerable witnesses.
- Proceedings which have current, or previous, local authority involvement.
- Cases involving cross-jurisdictional considerations within the United Kingdom and Crown Protectorates.
- Cases with an international element.

Qualifications

LLB (Hons) Law & Politics (Cardiff)

Qualified Pupil Supervisor

Appointments

Recorder (Wales) 2022 –Family Public, Family Private and Crime

Memberships

Family Law Bar Association

Midland Circuit

Grays Inn

Recommendations

Legal 500 2023: “David is always thoroughly and meticulously prepared. He is excellent with vulnerable clients and will always return helpful and detailed attendance notes to his solicitors.”

Legal 500 2022: “David is such a calm influence on proceedings and is able to grasp a difficult case quickly, even if instructed late. David’s advocacy and cross-examination style are the same. I am constantly impressed too with David’s written work and his position statements and skeleton arguments are always impressive and persuasive.”

Legal 500 2021: “A very smooth operator in court who quickly gets to grips with large complex matters.”

Legal 500 2019: “An outstanding trial counsel with exceptional analytical and technical skills.”

Legal 500 2018: “A thoughtful and thorough advocate.”

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