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David Messling

Call: 2017

David joined 5 Essex Court as a tenant in September 2019 following successful completion of his pupillage. He accepts instructions in all of Chambers' core practice areas.

David holds a joint-honours degree in History and Economics from St John's College, University of Oxford. Before pupillage, David spent five years working in the Higher Education sector, including for the Office of the Independent Adjudicator for Higher Education (OIA), the Quality Assurance Agency (QAA), and as a Vice-President of Oxford University Student Union.

Police Law

David regularly appears in the Crown, County and Magistrates' Courts on civil applications by the police in relation to a wide range of operational policing matters. These include stalking protection orders, domestic violence protection orders, sexual offender behaviour orders, closure orders, gang injunctions, and slavery and trafficking orders. David is also frequently instructed in applications for civil forfeiture under the Proceeds of Crime Act 2002.

He represents police forces in family proceedings in the County Court and the High Court, including in relation to disclosure of information and on applications for Forced Marriage Protection Orders.

David has acted as independent counsel for LPP sifts in multiple ongoing criminal investigations, and frequently provides police forces with advice on operational queries.

David also has experience of defending claims for judicial review and claims arising under the Police (Property) Act 1897. He has also acted for police forces and for the IOPC in civil claims alleging negligence and malicious prosecution.

Public / Administrative

David's judicial review experience includes successfully defending a challenge to police powers of seizure and responding to challenges to decisions made under the PRA 2002 complaints regime. He has also acted in proceedings regarding the jurisdiction of English police forces in Northern Ireland.

David is currently one of a number of junior barristers instructed by the Grenfell Tower Inquiry, as part of the Inquiry's ongoing Phase 2 investigation.

Before commencing pupillage, David worked as an adjudicator for the Office of the Independent Adjudicator for Higher Education, including responding to judicial review claims against the ombudsman.

During pupillage, David drafted summary and detailed grounds in defence of judicial review proceedings against public authorities, under the supervision of Francesca Whitelaw, Alan Payne QC and Bilal Rawat.

Professional Misconduct

David regularly acts for Police Forces in misconduct proceedings, including special case proceedings (now accelerated misconduct proceedings). He has been instructed as Appropriate Authority Counsel in cases covering excessive use of force, racial discrimination, and operational dishonesty.

David also has extensive experience of fitness to practise cases involving trainee healthcare professionals, including nurses, pharmacists, doctors, and physiotherapists. His work as an adjudicator has included judging complaints regarding Equality Act 2010 discrimination, disclosure of criminal convictions, and alleged abuse of process.

Education

David has five years' experience of working in the Higher Education sector, including for students' unions, the Quality Assurance Agency, and the Office of the Independent Adjudicator for Higher Education. He has represented individual students in University hearings concerning misconduct and disability. David's experience of higher education policy areas includes institutions' obligations under the Consumer Rights Act 2015, student funding and access to higher education, institutions' response to allegations of criminal conduct.

As a former adjudicator for the OIA, he has extensive experience of issues in higher education, including complaints relating to the Equality Act, serious student misconduct, harassment complaint, visa and immigration cases, complaints relating to consumer law, and fitness to practise appeals (including NMC, GMC and HCPC cases). He has also dealt with a large number of cases involving academic misconduct and student academic appeals.

Whilst working for the OIA David regularly visited universities and colleges across England and Wales delivering training on fair handling of complaints and appeals.

Inquests

David has a growing practice in inquests and has acted for a range of police forces. He has appeared in inquests touching on police pursuits, deaths following decisions not to detain under s.136 of the Mental Health Act, and deaths from police shooting.

He recently appeared in the three week jury inquest into the police shooting of Spencer Ashworth.

Licensing

David frequently acts for Transport for London in the Magistrates' Court and Crown Court, resisting appeals against private hire vehicles licensing decisions. He also appears in the Crown Court on behalf of police forces in licensing appeals under the Firearms Act 1968.

Education

David has experience of acting in Employment Tribunal proceedings. During pupillage, under the supervision of Alan Payne QC, he worked on defending a discrimination claim against the government, and on claims involving challenges to police pay and conditions.