

David Langwallner

CALL: 1993

Direct Access Qualified

Practice Areas

- Criminal Law
- Immigration
- Miscarriages of Justice
- Judicial Review
- Constitutional and International Human Rights Litigation
- Banking and Regulatory Law
- Intellectual Property Law
- Copyright and Trademarks
- Defamation Law
- Inquiries and tribunals

Criminal Law

David has extensive experience as a jury advocate in Britain and Ireland in murder, rape, sexual assault including very sensitive child sex cases as well as armed robbery cases. Much of this work was conducted as junior alone. David has appeared in the draconian non-jury special criminal court. This work was at the highest level and often very intricate. He also, in his capacity as Director of The Irish Innocence Project secured the first posthumous pardon in the history of The Irish State in The Harry Gleeson case which is well documented and reported in the press and initiated the right to post conviction DNA testing through the Irish Courts.

Banking and Debt Restructuring

David has handled many matters in the last few years against banks. The most reported case is Miller v Danske Bank (2015) in The Irish Court of Appeal which was reported and received national and international attention. He conducted this case against two senior counsel and two junior counsel.

He will be representing in The Court of Appeal in 2018 in Osborne v. KBC on the issue of reckless or negligent lending.

David also provides extensive advisory work in this area.

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Tribunals and Inquiries

David represented in the major whistle-blower inquiry into the banking crisis in 2015, a set of proceedings which was an 'in camera' set of proceedings. In March of this year, as is documented in the press, he handled a major coroners court inquest into the Sinead Maguire case. He is regularly instructed in other major inquiries.

Asset Forfeiture and The Proceeds of Crime

David was instructed in the seminal asset forfeiture case in the state *Gilligan v. Ireland* (1997) and has written extensively about this issue. He also wrote a thesis on the subject at Harvard and is considered one of the leading experts in Ireland on this issue.

Employment Law

David has appeared in industrial tribunals and employment appeals tribunals in Ireland and Britain and has lectured on employment law. He assisted Mr Simon Meghigan Q.C. in his restraint of trade law text and has advised extensively on issues of misconduct and breach of confidence. David studied employment law in the LSE and Harvard.

Constitutional Law and Public Law

David has been an anti state constitutional lawyer in Ireland for over a decade. He lectured Constitutional Law at The Kings Inns for over 16 years and has published extensively in the field. He has the aforementioned constitutional challenge to The Proceeds of Crime Act 1996 and also *Cosma v Ireland* (2006) on The Right to Life and extradition proceedings in The High Court. He recently represented a political party The Anti Austerity Alliance to the prohibition on the collection of money for election purposes based on principles such as Freedom of Speech and Freedom of Association. David has appeared in many administrative law cases, some reported and related to asylum and mental health matters.

Civil Litigation

David co-designed the civil practice course at the Kings Inns and lectured on it for five years as well as being the marker and setter of the Civil Advocacy Exam. He has practised in all aspects of civil litigation including very extensive libel work.

Commercial Arbitration

David trained at the leading arbitration set in London 4 Essex Court Chambers and has handled several shipping arbitrations.

Intellectual Property

David has lectured on this subject for over ten years and has written to be published, a textbook on copyright law nationally and internationally. He has several written publications and has given talks

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all over the world on this issue. David has advised musicians, artists and has several major reported cases including *Doyle v EMI*. He appears in many 'in camera' Anton Pillar orders.

Injunctions and Interlocutory Relief

David has appeared against two QCs in a worldwide Mareva for seven days in the London High Court. He has extensive experience of all injunctive and interlocutory relief work.

Notable Cases

O'Connell v Daxer Pietsch - 7 day Mareva in Court of Appeal in London in camera. 1995.

Commercial shipping arbitration on case of *Captain Haaland*.

Gilligan v. Ireland (1997) - I.R. - Constitutional challenge to The Irish Proceeds of Crime Act 1996 - High Court of Ireland.

Zheng Wu v Ireland (2001) - I.R. - Immigration Law - case involving illegality and errors on the face of the record.

Cosma v Ireland (2005) – IR - Leading immigration case on The Right to Life and administrative unreasonableness with respect to deportation proceedings - High Court of Ireland.

Miller v Danske Bank (2015) - Leading banking case on contractual obligations, administrative law and the role of the banking ombudsman - Court of Appeal in Ireland.

Case of *Ben Kimani* before the Committee of Mercy on a death penalty matter in Kenya - Ongoing

Assisting before Greek Court of Appeal and Supreme Court and now pending before the European Court of Human Rights in the case of *Mark Marku 2015* - Ongoing

Secured the First Posthumous Pardon in The History of The Irish State in case of *Harry Gleeson 2015*.

Lead Counsel representing whistleblower into Irish banking inquiry examining circumstances of banking collapse in 2007.

Represented Ireland Anti Austerity Alliance in Constitutional challenge with respect to a government ban on the collection of money with an upcoming election - 2016.

Represented in leading case preventing mass evictions in the Tyrellstown estate in Dublin.

Coroners Court Inquest in case of *Sinead Maguire (2017)*.

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Awards

Academic:

- Henry Hunter Hamilton Memorial Prize for History Trinity College Dublin.
- Kingsmill Moore Memorial Prize for Law Trinity College Dublin.
- Fellowship to Harvard Law School.

Non-Academic:

- Irish Lawyer of the year in The Irish Law Awards 2015.

Publications

David has written, in referred and non-referred journals, on matters such as constitutional and administrative law, intellectual property, miscarriages of justice, the rule of law and Jurisprudence.

For over a decade David lectured on Constitutional Law, Administrative Law and Judicial Review and Jurisprudence at The Honourable Society of The Kings Inns and was the convenor of mirroring activity as well as the corrector of the civil advocacy exam. David co-designed the civil practice course in Ireland modelled on the Council of Legal Education model in UK.

David has a monthly column in the leading current affairs magazine The Village in Ireland and has also written for the Dublin Review of Books. He is a regular contributor in the print media and on tv and radio both in Ireland and internationally and has appeared on British television and radio. He has given many conference papers and is regularly asked to do public speaking engagements.

David is a former winner of The International Observer Mace and The Inter Inns of Court Reed Shield for Grays Inns and former Chairman of Grays Inns Debating Society.

Languages

- English
- German
- Gaelic
- Working French

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