



Frederick Simpson



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Frederick is an in-demand junior practising primarily in construction, insurance, professional liability, product liability and property damage. He is ranked as a leading junior in professional liability, as up and coming in product liability, and is a co-editor of Emden's Construction Law.

Frederick advises and represents clients in litigation, arbitration, adjudication and other forms of dispute resolution, on paper and on his feet, at first instance and on appeal. He has experience of working as a junior on very heavy cases, having been instructed in two of the largest pieces of group litigation in recent years (*The Ingenious Litigation* and *The NOx Emissions Group Litigation*); equally he has significant experience as sole counsel conducting applications, interlocutory hearings, single and multi-day trials, and appeals. He is an experienced cross-examiner of both lay and expert witnesses. He is regularly instructed in the early stages of a claim, often pre-action, to assist in setting the overall strategy and preparing correspondence and pleadings.

Professional Liability

Frederick has a busy professional liability practice in both the High Court and County Court. He is regularly instructed pre-action to advise on liability and strategy, then to draft correspondence and pleadings as necessary, and to represent his clients in court. Frederick acts for claimants and defendants across the full range of professions. He is recognised as a 'leading junior' by Legal 500.

Selected Cases

- *The Ingenious Litigation*. Represented one of the principal intermediary defendants, led by Ben Quiney QC and Carlo Taczalski, against allegations of having given negligent tax-planning advice. One of The Lawyer's top 10 cases of 2018. Frederick and Carlo appeared in the Court of Appeal ([2021] EWCA Civ 29) successfully overturning an order requiring a cross-undertaking in damages in return for security for costs against a litigation funder.
- *Tax advice*. Representing (as junior counsel) the same intermediary defendant in a separate claim brought by the same former client, for allegedly negligent tax planning advice in a separate matter. Value over £200,000.

- *Litigation funding.* Sole counsel for a firm of solicitors in a claim brought by litigation funders who had provided funding to a former client of the solicitors and now allege that the solicitors failed to properly assess and/or inform them of the risks of the underlying litigation. Drafting the defence and representation in court. KC opponent.
- *Agronomic advice.* Sole counsel for a firm of agronomic (farming) advisors accused of giving negligent advice. Drafted the defence; claimant discontinued immediately before trial. Value £120,000. QC opponent.
- *Contract administration.* Junior counsel for a contract administrator accused of failing to issue timely payless notices. Value £370,000.
- *Architect's negligence.* Sole counsel for an architect accused of negligently specifying deleterious building materials. Drafted the amended defence, represented at interlocutory hearings, advised.
- *Solicitor's negligence.* Sole counsel for a firm of solicitors accused of failing to honour an undertaking. Drafted the defence and advised on strategy; settled. Value £160,000.
- *Engineer's negligence.* Sole counsel for an engineer accused of giving negligent advice. Claimant discontinued prior to the hearing of a strike-out application.
- Sole counsel for a contract administrator accused of failing to properly oversee works. Drafted the defence.
- Advice and representation as sole counsel in various claims against constructions professionals (e.g. architects, surveyors, engineers, lighting designers), solicitors, professional trustees, investment advisors, lettings agents and others.

Insurance & Reinsurance

Frederick has extensive experience of advising on coverage and compliance with policy terms in a variety of disputes, and of representing both insurers and policyholders in litigation and other forms of dispute resolution. He has experience of insurance fraud in various contexts and understands the practical demands of bringing and defending such claims. As a new junior Frederick spent time on secondment to the insurance team of a major solicitor's firm.

More broadly the majority of Frederick's practice involves insurance in some form or another and he frequently acts for insurers as claimant in subrogated recoveries and as defendant in claims against both the insured and the insurer directly.

In addition to his work for clients Frederick gives talks on insurance-related topics to professional audiences.

Selected Cases

- *Quinlan v Herbert House Investments Limited and ors.* Sole counsel in the High Court (TCC) for the second and third defendant insurers defending a claim from a policyholder for alleged non-payment of policy benefits under a construction defects policy. Drafted the defence and successfully obtained summary judgment on the claim.
- *Djan v Metlife.* Sole counsel for the Defendant insurer in a claim for alleged non-payment of policy benefits under an accidental injury and disablement policy. Drafted the defence, advised on strategy and successfully defended the claim at trial.
- *Resisting an appeal.* Sole counsel for an insurer successfully resisting an appeal against summary

- judgment, on limitation grounds, of the insured's claim for an indemnity.
- *Advising on jurisdiction* and procedural matters in a Commercial Court claim by an insurer against a coverholder and the authorised representative of a sub-coverholder.
 - Advising insurers on the steps available against an uncooperative insured facing two separate claims under a professional indemnity policy.
 - Advising (on secondment) on the proper construction of a variety of insurers' and brokers' property damage and business interruption wordings and the extent of cover for Covid-19 related losses, both in the abstract and in relation to particular claims.
 - Advising (on secondment) on the extent to which the Government's business support measures could be taken into account when calculating business interruption losses.
 - Advising (on secondment) on questions of privilege between insurer and insured.

Construction & Engineering

Frederick has a busy construction practice, principally comprising advice and representation in litigation, arbitration and adjudication. He regularly advises on strategy, liability and quantum, drafts pleadings and other paperwork, and represents his clients in the TCC and County Court. His practice spans the full range of construction work and clients, including disputes between construction professionals and claims by both commercial and domestic employers against their contractors. Frederick has experience of both working with and cross-examining engineers, architects and other construction professionals. As a result of his complementary expertise in professional liability, insurance, product liability and property damage Frederick is well-placed to deal with disputes which cut across these areas.

Frederick co-edits two chapters of Emden's Construction Law: Chapter 5 (on employers' obligations) and Chapter 13 (on contractual claims and valuation).

Selected Cases

- *Wills v SuperSIPs Ltd* (HHJ Bloom, 20 December 2023). Sole counsel for the successful claimant in a four-day trial in respect of defective building works, having been instructed since the pre-issue stage. Established liability and rebuffed limitation defences and the incorporation of the contractor's standard terms.
- *Adjudication / arbitration*. Sole counsel for a sub-contractor in a long-running dispute with a main contractor in which the sub-contractor's claim for unpaid fees was met with very serious allegations of fraud. In a double adjudication the fraud allegations were wholly dismissed and both adjudications were decided in the sub-contractor's favour. Then enforcing those decisions in the High Court (TCC). Subsequently defending a true-value CIMAR 2011 arbitration brought by the main contractor to challenge the outcome of the adjudications. Value £860,000.
- *Building Liability Order*. Advising on the availability and merits of a building liability order in circumstances where the original developer had been dissolved.
- *Adjudication*. Sole counsel for an employer defending a smash and grab adjudication brought by a contractor. Drafted the Response, after which the contractor discontinued.
- *Cost overrun*. Junior counsel for an employer in a claim against its architect for negligent project management causing multi-million pound cost overruns.

- *Arbitration.* Sole counsel for the claimant property management company in a CIMAR 2011 arbitration concerning defective underpinning works. Successfully defended a security for costs application despite the claimant being a dormant company with no assets.
- Sole counsel for an adjudicator in a High Court claim concerning his jurisdiction and entitlement to his fees.
- Sole counsel for an employer in an adjudication brought by an insolvent former contractor challenging the termination of its employment. Successfully defended the whole of the claim.
- Sole counsel for a sub-contractor in a multi-party dispute concerning damage to buried services.
- Advising the collective leaseholders of a high-rise building on liability for unsafe cladding.
- Multiple other payment disputes (both substantive and technical) and 'smash and grab' adjudications between employers, contractors and sub-contractors.
- Multiple claims by domestic homeowners against builders and construction professionals.
- Summary enforcement of various adjudication awards in the County Court.

Property Damage

Frederick has a broad property damage practice spanning advice, pleadings and representation. He has wide experience of claims with a diverse subject matter including serious domestic and commercial fires, floods, tree root encroachment, fallen trees and their maintenance, arson damage, road traffic accidents, negligent building work and similar matters.

Selected Cases

- *Nash v Volkswagen Financial Services (UK) Limited* [2023] EWHC 2326 (KB): Acting for the claimant, at first instance and on appeal, in an action against the lessor of a car which had been destroyed by fire shortly after it was leased to the claimant. Difficult issues of causation given the extent of the fire damage.
- *Escape of water.* Acting for the claimant in a subrogated recovery against the manufacturer of a domestic sprinkler system following a flood during building works. Then advising insurers on how to deal with the uncooperative insured, including taking an assignment of the cause of action given the insured's intention to wind itself up.
- *Commercial fire.* Acting for the claimant in a subrogated recovery following a serious commercial fire at a rubber granule storage facility occupied by three related companies. Advising on strategy and merits.
- *Escape of water.* Acting for the claimant in a subrogated recovery following an escape of water. Proceeding directly against the defendant's insurers pursuant to the Third Parties (Rights Against Insurers) Act 2010.
- *Drilling.* Acting for a drilling company in a claim for damage caused when the drilling works hit a sewer. Advising on strategy, defending the claim from the sewage undertaker and pursuing a recovery against the employer who had directed the line of the drilling.
- Acting for a plumber claiming against the supplier of a tap, where the plumber was seeking to recover the compensation he had been forced to pay to his client when the tap failed following installation.
- Acting for the Part 20 defendant roofing company in a claim in respect of water damage following the failure of a temporary roof.
- Advising on the possibility of making a subrogated recovery against a co-insured sub-contractor



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- following flood damage during building works.
 - Advising on the application of the *Berni Inns* defence in multiple subrogated recoveries in respect of fire damage.

Product Liability

Frederick has a wide product liability practice covering a diverse range of sectors from cars to horse bits. He has experience of claims in respect of defective products and the operation of the relevant legislation. He is familiar with the issues presented by parties located overseas, both within and outside of the EU.

Selected Cases

- *The NOx Emissions Group Litigation*. Frederick is currently instructed for one of the lead defendant manufacturers, led by Alex Antelme KC, Toby Riley-Smith KC, David Myhill and Richard Sage. Extensive technical issues concerning the functioning of diesel engines and legal issues concerning the proper interpretation of EU regulations and the binding effect (or otherwise) of post-Brexit CJEU jurisprudence.
- Sole counsel for insurers in a direct claim alleging that their (now-dissolved) insured had supplied a defective smoke-emitting burglary-prevention device said to have caused a fire. Drafted the defence; settled on 'drop hands' terms.
- Sole counsel for the manufacturer of a glass shower screen in the trial of a claim for personal injuries.
- Advising and drafting pleadings in claims in respect of fires caused by electric scooters, washing machines, tumble dryers and other devices.

Commercial

In addition to the specific areas identified above Frederick is regularly instructed in commercial disputes of all sizes more generally including matters relating to misrepresentation, breach of contract, sale and supply of goods and services, personal guarantees, bailment, fiduciary duties and duties of good faith, and advancing and defending allegations of fraud. Frederick sits on the COMBAR India Committee.

Frederick additionally has wide experience of interlocutory matters arising in commercial claims (e.g. questions of jurisdiction), and has particular experience of seeking security for costs against litigation funders having appeared in two of the leading decisions: *Rowe v Ingenious* [2021] EWCA Civ 29 and *Various Claimants v Mercedes-Benz* [2024] EWHC 695 (KB).

Selected Cases

- Sole counsel for an IT consultancy and its directors accused of negligence and breach of fiduciary duty by an alleged former client. Drafted the defence and represented at mediation; settled on favourable terms.
 - Advising on a mooted *forum non conveniens* application by an English company carrying on business in Northern Ireland and facing a claim from a Gibraltar company.
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International Arbitration

Complementing his insurance, construction and general commercial practice Frederick is familiar with the particular demands of international arbitration and the enforcement of awards. In early 2022 Frederick undertook a secondment to a top-ranked commercial litigation firm in Lahore, Pakistan where he worked on the local enforcement of foreign judgments and international arbitral awards.

Selected Cases

- Advising (on secondment) on the enforcement in Lahore of an anti-suit injunction and associated costs order, given by the High Court in London. Value £80,000.
- Advising (on secondment) on the enforcement in Lahore of an arbitral award given in London, including issues of English and Pakistani law and questions of public policy. The dispute related to breach of a contract for the supply of chemicals. Value £600,000.
- Advising (on secondment) on a challenge to the appointment of a contractually-nominated arbitrator on grounds of apparent bias, including consideration of the applicable law(s). The dispute related to the termination of a public-sector service contract. Value PKR 600 million (£2.4 million).
- Advising (on secondment) on the enforcement in Lahore of an arbitral award given in Seoul under the rules of the Korean Commercial Arbitration Board. The dispute related to unpaid IP licence fees. Value USD 1.85 million.

Qualifications

- MA Philosophy (Cantab)
- GDL, BPTC (University of Law)
- Academic Scholar, Christ's College Cambridge
- 'Best Junior Officer' Sword, Irish Guards
- Lord Brougham Scholarship, Lincoln's Inn
- Debating Shield, Lincoln's Inn
- Lord Denning Scholarship, Lincoln's Inn

Memberships

- COMBAR
 - PNBA
 - TECBAR
 - SCL
 - LCLCBA
 - ACI Arb
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- LCIA YIAG

Recommendations

"Frederick is diligent, methodical and a really good drafter."

Chambers & Partners, 2025

"He is an outstanding junior. He is legally and strategically astute with an outstanding eye for detail. He is a real go-to for a junior on construction matters. His style of advocacy is confident and composed."

Legal 500, 2025

"Freddy is very hard-working and has a great demeanour. Freddy's drafting is exceptionally clear and easy to follow."

Legal 500, 2024