



Frederick Simpson



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Frederick practises across chambers' core areas, with a particular focus on construction, insurance, professional liability and property damage. He has recently been heavily engaged in issues around the coverage provided by business interruption insurance in relation to the Covid-19 pandemic whilst on secondment to a leading solicitors' firm. He is also instructed in *The Ingenious Litigation*, led by Ben Quiney QC and Carlo Taczalski, a multi-million pound claim concerning allegedly negligent tax planning advice.

Outside these matters Frederick is regularly instructed to draft pleadings and provide advice and representation both at first instance and on appeal and in all tracks. He has appeared as sole counsel in the County Court and High Court (TCC) and enjoys working both alone and as part of a team of barristers. He is comfortable with all forms of ADR including adjudication, mediation and joint settlement meetings.

Frederick read Philosophy at Cambridge. Prior to becoming a barrister he spent seven years in the British Army as an infantry officer and was awarded the Irish Guards' 'Best Junior Officer' sword. In appropriate cases Frederick provides advice or representation *pro bono* as part of the Bar's Advocate scheme.

Insurance & Reinsurance

Frederick has extensive experience of advising on coverage and compliance with policy terms in a variety of disputes. In particular he has a close familiarity with coverage issues arising from the Covid-19 pandemic having recently spent some months on secondment to a leading solicitors' firm dealing exclusively with such issues. He is familiar with the nuances of various brokers' and insurers' wordings and the wider factors which need to be taken into account, together with the primary and secondary legislation underpinning the national and international response to Covid-19. Having advised whilst on secondment has given him a unique exposure to the breadth of opinion which exists in certain areas.

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.



Selected Cases

- 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.
- Representing (on appeal) the insurer in their successful application for summary judgment, on limitation grounds, of the insured's claim for an indemnity.
- Advising and drafting pleadings in relation to disputed travel insurance claims.
- Advising (in pupillage) on coverage in relation to public liability cover, the proper presentation of the insured risk and compliance with policy terms.

Construction & Engineering

Frederick has a growing construction practice. He has appeared as sole counsel in the TCC and frequently advises and drafts pleadings in construction claims across a broad range of values and levels of complexity. He is familiar with standard form contracts, the adjudication process, the duties of statutory undertakers and the various statutory provisions including the Defective Premises Act 1972, the HGCR 1996 and the Scheme for Construction Contracts.

Selected Cases

- Representing an adjudicator in a claim concerning his jurisdiction and entitlement to his fees.
- Representing a developer in a claim for the return of fees paid under a pre-contractual agreement, where the intended contract was never concluded.
- Representing a contractor in a claim alleging liability for allegedly negligent work by their sub-contractor.
- Drafting pleadings in claims for non-payment of contractual sums, alleged failure to provide collateral warranties and alleging or defending negligence on the part of various construction professionals.
- Advising on prospects and alternative approaches in adjudication.
- Advising (in pupillage) on the status of premises developed under an informal 'Development Agreement'. The dispute concerned the effect of the agreement and in particular whether a partnership had been created.

Professional Liability

Frederick's professional liability practice spans all levels from low-value claims to multi-million pound allegations of negligent tax planning advice over a number of years (*The Ingenious Litigation*, in which Frederick is led by Ben Quiney QC and Carlo Taczalski). Frederick also has experience of defending misguided claims where there is in reality no professional liability.



Selected Cases

- Drafting pleadings advancing and denying allegations of negligence against a wide range of construction professionals including architects, surveyors, civil engineers and lighting designers.
- Advising and drafting pleadings in claims alleging professional liability on the part of lettings agents.

Commercial

In addition to the specific areas identified above, Frederick is regularly instructed on commercial disputes more generally including matters relating to misrepresentation, breach of contract, sale and supply of goods and services, bailment and credit hire.

Property Damage

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

Product Liability

Frederick has a wide product liability practice covering a diverse range of sectors from horse bits to car cleaning products. He has experience of claims in respect of defective products and the operation of the Sale of Goods Act 1979, the Consumer Rights Act 2015 and the Consumer Protection Act 1987. He is familiar with the issues presented by parties located overseas, both within and outside of the EU.

Personal Injury

Frederick has a broad personal injury practice spanning injuries resulting from road traffic accidents, contaminated food, accidents at work, slips and trips and similar matters. His personal injury practice is primarily defendant-focussed, including the apportionment of liability and claims for a contribution. He is frequently instructed to advise, draft pleadings and provide representation at both final and interlocutory hearings, including applications to strike out claims for want of prosecution. He enjoys the technical aspects of counter-schedules and the valuation of injuries, and is well versed in the rules around fundamental dishonesty.

Qualifications

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

Memberships

- TECBAR
- SCL
- COMBAR
- LCLCBA