



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 advises and represents clients in both the High Court and County Court, on paper and on his feet, at first instance and on appeal. He enjoys working both alone and as part of a team of barristers. 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. In addition to his litigation work he frequently represents clients in all forms of ADR including adjudication, mediation and joint settlement meetings, both alongside litigation and as an alternative.

Frederick read Philosophy at Cambridge. Prior to becoming a barrister he spent seven years in the British Army as an infantry officer. 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, and of representing both insurers and policyholders in litigation and other forms of dispute resolution.

He spent the early months of the Covid-19 pandemic on secondment to a leading solicitors' firm dealing with business interruption claims and consequently has a close familiarity with the issues such claims present.

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

- Sole counsel in the High Court (TCC) for two insurers defending a claim from a policyholder for alleged non-payment of policy benefits under a construction defects policy. Drafted the defence and

successfully struck out the claim. Value £140,000.

- Sole counsel for an insurer in a claim for alleged non-payment of policy benefits under an accidental injury and disablement policy.
- Advising insurers on the steps available against an uncooperative insured.
- 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) an insurer in a 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.

Construction & Engineering

Frederick has a busy construction practice, principally comprising advice and representation in litigation 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 co-edits two chapters of Emden's Construction Law: Chapter 5 (on employers' obligations) and Chapter 13 (on contractual claims and valuation).

Selected Cases

- 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). Value £860,000.
- 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. Value £140,000.
- 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 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.



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, and then to draft correspondence and pleadings as necessary.

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.
- 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.
- Sole counsel for a firm of agronomic (farming) advisors accused of giving negligent advice. Value £120,000. QC opponent.
- Junior counsel for a contract administrator accused of failing to issue timely payless notices. Value £370,000.
- Sole counsel for a firm of solicitors accused of failing to honour an undertaking. Value £160,000.
- Sole counsel for an engineer accused of giving negligent advice. C discontinued prior to the hearing of a strike-out application.
- Sole counsel for a contract administrator accused of failing to properly oversee works.
- 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.

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 boutique 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
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- 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.

Energy & Natural Resources

Frederick regularly works on cases concerning the energy and natural resources industries.

Selected Cases

- Advising on liability for a fire in a commercial solar array.
- Advising on the requirements for obtaining various forms of exploration and extraction licence in Balochistan.

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 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.

Data Protection

Frederick is regularly instructed by claimants and defendants to provide advice and representation in data protection claims involving alleged breaches of the UK GDPR, the Data Protection Act 2018 and the Data Protection Act 1998 together with common law causes of action.

Selected Cases

- Represented the defendant at trial in a claim about a defective shower screen
 - Representing the defendant undertaker in a claim for wrongful release of a client's address.
 - Advising and representing the defendant GP practice in a claim for wrongful release of a patient's medical records to the police.
 - Advising a group of claimants on a claim against a financial institution for failure to respond to a
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subject access request.

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. He principally represents defendants and has experience of advising on unusual claims such as injuries suffered on board ships and in road traffic accidents in Europe following Brexit. He is frequently instructed to advise, draft pleadings and provide representation at both final and interlocutory hearings, including applications for strike-out or summary judgment and appeals therefrom. He has experience of seeking and achieving findings of fundamental dishonesty against claimants.

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

- TECBAR
- SCL
- COMBAR
- LCLCBA