



Suzanne Chalmers



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"Proficient in handling property-related and business interruption claims."  
(Legal 500 2016)



Suzanne Chalmers specialises in insurance, professional negligence, property damage and personal injury as well as dealing with general commercial disputes.

Her strength lies in her ability to combine her expertise in insurance law with her detailed understanding of the underlying issues arising in professional negligence and property damage disputes. As a result, she is particularly well-placed to handle all aspects of insurance-related litigation. She has considerable experience of undertaking claims for and against professionals, particularly solicitors, construction professionals and insurance brokers. She regularly deals with high-value property damage claims arising out of fire, flood or subsidence and has particular expertise in cases involving allegations of fraud.

Suzanne has extensive experience in the field of personal injury, acting for both Claimants and Defendants. She is frequently instructed in cases of the utmost severity, involving brain damage or severe spinal injury, and in cases involving difficult causation issues.

She regularly appears as an advocate in the High Court (Queen's Bench Division, TCC and Commercial Court) as well as in the County Court. She has also appeared in the Court of Appeal. She recognises the importance of ADR and has considerable experience of conducting mediations and round table meetings.

Suzanne welcomes **public access** clients.

## Commercial

Suzanne has acted in a wide range of commercial and contractual disputes, appearing in the Commercial Court, Queen's Bench Division, TCC and County Courts. She has particular experience of claims arising out of the sale and supply of goods and services, including agreements for the supply and maintenance of telecommunications and IT equipment. Other matters have involved issues of the use of confidential information, fiduciary obligations and procuring breach of contract.

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## Selected Cases

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- *Patel v Bank of India* (2003) – Junior Counsel in a £6 million claim arising out of the provision of facilities for Forex trading.
- *Telecom FM Ltd v Rocom Group Ltd* (2003) – Claim in the Commercial Court in Leeds arising out of the supply and maintenance of telecommunications products.
- *Irrigation & Agronomics Inc v AGCO International Ltd* (2000 – 2001) – Junior Counsel in a Commercial Court claim for £6 million arising out of the distribution of agricultural equipment in Romania.

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## Insurance & Reinsurance

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Suzanne acts in relation to all types of policy dispute (non-marine), including all risks, property damage, professional indemnity, personal accident and motor. She is regularly instructed by a number of well-known insurers, including Aviva, AXA, NIG, NFU and Zurich Municipal, as well as Lloyds Syndicates: she handles both coverage disputes and subrogated claims. Policy issues that commonly arise include policy wording, non-disclosure and misrepresentation, the operation of conditions precedent or warranties, proximate cause and double insurance. She has developed particular expertise in cases, which involve allegations of fraud.

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## Selected Cases

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- Acting for insurers in defence of a claim by a well-known former racing driver for a fixed sum of £2 million under a personal accident policy.
- Acting for insurance brokers in £1 million claim in the Commercial Court against insurers and brokers arising out of a fire at commercial premises. The issues included the materiality of non-disclosures and inducement.
- Advising insurers in connection with their exposure to claims arising out of the PIP breast implant litigation.
- Advising insurers as to their liability to indemnify their insured for stock losses in excess of the £1 million cover provided following a warehouse fire. The case turned upon the correct interpretation of the scope of cover provided under the business interruption section of the policy.
- Defending a public liability insurance claim arising out of the North Wales Child Abuse Litigation. Issues included proof of the existence of policy over 40 years after the event, insurers' liability for deliberate acts and the recoverability of costs following late disclosure of material documents (*KR v Bryn Alyn (Community Holdings) Ltd* [2008] EWHC 2909).
- Defending a claim against insurers following a fire at a public house on the grounds that the fire had been deliberately set. The claim was resolved without payment to the insured.
- Defending a substantial claim against insurers arising out of a fire at domestic premises said to contain valuable antiques. Insurers alleged material non-disclosure / misrepresentation.
- Junior Counsel in a claim for material damage and business interruption arising out of the loss of a tethered helium balloon when it escaped from its moorings near Tower Bridge.
- *Shinedean Ltd v Alldown Demolition (London) Ltd & AXA Insurance UK Ltd* [2006] 1 WLR 2696 (CA) – A £700,000 claim by third party against insurers arising out of negligent demolition of property by contractor. An important case dealing with the meaning and operation of claims co-operation

conditions.

- England v Guardian Insurance [2000] Lloyds Rep IR 404 – Claim against insurers and construction professionals following subsidence of property involving issues of subrogation and the extent of insurers' rights over recoveries.

## Personal Injury

Suzanne is frequently instructed in cases involving severe and permanent disablement, such as brain damage or severe spinal injury. As a result, she is accustomed to dealing with topical issues that arise in catastrophic injury claims, including capacity, periodical payments and the availability of local authority funding for care, as well as settling complex Schedules and Counter Schedules. She has developed particular expertise in claims involving difficult issues of causation such as the occurrence of epilepsy, stroke, chronic pain syndrome and psychiatric injury. She regularly deals with contentious liability issues (such as those arising out of complex or unusual road traffic accidents, third party assault or workplace stress). She is able to use her broad experience of handling high value cases for both Claimants and Defendants to her clients' advantage in conducting settlement negotiations and mediations.

## Selected Cases

- Acted in connection with the personal injury and fatal accident claims arising out of the tower crane collapse at Canary Wharf and represented the operators of the tower crane at the inquest.
- Acting for the Claimant who developed severe chronic pain syndrome and psychiatric illness following a minor accident at work.
- Acting for a Claimant, who sustained severe brain injuries arising out of a fall from an aircraft at work.
- Acting for the Claimant, who suffered serious physical and psychological injuries following prolonged exposure to heavy lifting at work. Claim for £400,000. The case involved difficult issues of medical causation in view of long history of back problems and subsequent development of a pain disorder.
- Counsel for the Claimant in a substantial Fatal Accidents Act claim and claim for nervous shock arising out of the death of the Claimant's husband, a business development manager for an American internet start-up company.
- Defending a claim by a Claimant who developed severe reflex sympathetic dystrophy and walks on crutches following a minor soft tissue injury to his foot sustained on a construction site.
- Junior Counsel defending a claim for £4.8 million by a Claimant rendered paraplegic following an accident at work. Key issues included the need for buddy support to enable the wheelchair-bound Claimant to access activities.
- Junior Counsel for the Claimant who suffered serious brain injury whilst at university. A complex case involving multiple experts.
- Junior Counsel for the Claimant, who developed Fibromyalgia following an r.t.a. resulting in whiplash.
- Junior Counsel for the Defendant in a £5 million claim settled partway through the trial. The Claimant, a former estate agent, suffered a spinal fracture causing paraplegia. Issues included the Claimant's residual earning capacity and requirements for future support, aids and equipment and accommodation.
- Joyce v O'Brien [2012] EWHC 1234 (Cooke J) – With Richard Lynagh QC defending a claim for

damages for a severe brain injury sustained by the Claimant who fell off the back of a van. The claim was successfully defeated relying upon the doctrine of ex turpi causa on the grounds that the Claimant and the driver were engaged in a common criminal enterprise.

- *Parfitt v Al Kouraishi* (2010) – Junior Counsel for the Defendant. The Claimant suffered a serious head injury sustained when he jumped / fell from a moving taxi. Liability was hotly contested. With Richard Lynagh QC, successfully represented the Defendant in criminal proceedings in Bristol Crown Court.
- *Lindesay v Lamb & Tatner* [2007] EWHC 2948 (Wilkie J), [2008] EWCA Civ 1143 (liability) – Junior Counsel for the Defendant – Claimant suffered very severe burn injuries following a road traffic accident. Liability issues included the scope of the duty of care owed by drivers involved in a multiple vehicle pile-up.
- *Ure v Ure* (2007) – Junior Counsel for the Defendant. The Claimant suffered serious brain damage at the age of 12. Her claim for £7-8 million on a lump sum basis settled part-way through trial. The case involved consideration of many issues currently topical in catastrophic injury claims, including capacity, indexation of periodical payments and the Claimant's need for future care and case management.
- *Lloyd v Norton Crane (Holland J)* (2001) – Junior Counsel defending a claim by a former milkman. The issue was whether the Claimant's epilepsy was related to a head injury sustained in RTA or due to underlying causes.

## Professional Liability

Suzanne has considerable experience of claims for and against professionals, including solicitors and barristers, all types of construction professionals, insurance brokers, surveyors, financial advisers, teachers, education authorities and social services.

### Construction Professionals

She is experienced in dealing with claims against architects, design and build contractors, engineers and other construction professionals. She is frequently engaged in relation to cases arising out of fire, flood or collapse.

### Legal Professionals

She is regularly instructed to deal with claims against solicitors arising out of both contentious and non-contentious business. Issues have included limitation, apportionment, the measure of damages recoverable and the application of the SAAMCO cap.

### Insurance Brokers

With increasing frequency, Suzanne is instructed in relation to claims against brokers or concurrent claims against insurers and brokers.



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## Selected Cases

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- A claim in the TCC against architects and main contractors arising out of the flooding of residential apartment blocks in a development at Merryhill shopping centre, Birmingham. Issues included the meaning and scope of collateral warranties provided by the professionals and the adequacy of the design of rainwater drainage systems.
- A claim against project managers arising out of a major fire in the course of construction works at the Football Association's premises.
- A subrogated recovery action in the TCC by building guarantee insurers against architects and developers arising out of defects in a row of newly built terraced houses.
- Acting for the Claimants in a claim against solicitors for failure to register an option to purchase and a subsequent claim against solicitors for failing to pursue professional negligence claim. The key issue in the case is the measure of damages recoverable.
- Acting for a sub-contractor in multiple multi-party proceedings arising out of flooding at a luxury apartment block in Knightsbridge due to the failure of PCVs. At issue is whether the failures are due to manufacturing / design defects or poor specification / design.
- Acting for the brokers in relation to a £1 million claim in the Commercial Court against insurers and insurance brokers arising out of a fire at commercial premises. At issue was the materiality of non-disclosures, inducement and the scope of the duty of care of brokers.
- Defending a claim by a Trust against solicitors and a Trustee arising out of the sale of Trust property and the conduct of subsequent litigation against the Trust. Issues included the scope of the duty of care owed by solicitors, trustees and professional trustees.
- Claims on behalf of former miners in respect of claims brought by them against their former solicitors for negligent advice and under-settlement of the VWF claims against the National Coal Board.

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## Property Damage

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Suzanne has extensive experience of acting for both Claimants and Defendants in relation to claims for damage to property. Her expertise in insurance and professional negligence (including construction professionals) means that she is particularly well placed to deal with claims arising out of the common perils of fire, flood and subsidence. She particularly enjoys the challenge of dealing with the technical causation aspects of fire claims. She has extensive experience of claims arising out of subsidence and collapse, including claims involving tree roots and party wall issues. She also has experience of claims arising out of pollution and contamination.

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- developers arising out of defects in a row of newly-built terraced houses.
- Acting for a sub-contractor in multiple multi-party proceedings arising out of flooding at a luxury apartment block in Knightsbridge due to the failure of PCVs. At issue is whether the failures are due to manufacturing / design defects or poor specification / design.
  - Acting for insurance brokers in £1 million claim in the Commercial Court against insurers and brokers arising out of a fire at commercial premises. The issues included the materiality of non-disclosures and inducement.
  - Defending a claim against insurers following a fire at a public house on the grounds that the fire had been deliberately set. The claim was resolved without payment to the insured.
  - *Shinedean Ltd v Alldown Demolition (London) Ltd & AXA Insurance UK Ltd [2006] 1 WLR 2696 (CA)* – A £700,000 claim by third party against insurers arising out of negligent demolition of property by contractor. An important case dealing with the meaning and operation of claims co-operation conditions.
  - *England v Guardian Insurance [2000] Lloyds Rep IR 404* – A claim against insurers and construction professionals following the subsidence of a property due to the activity of contractors. The reported case deals with issues of subrogation and the extent of insurers' rights over recoveries.

## Civil/Insurance Fraud

Suzanne is a senior junior with extensive personal injury experience. She conducts claims of the highest value both in Court and at settlement meetings, and is regularly instructed against leading Counsel. Over the years, many of her cases have involved issues of fraud, dishonesty and exaggeration, requiring careful forensic examination of underlying documents such as medical records, social security records and social media posts, and robust cross-examination.

She has an associated specialism in insurance law and, in particular cases of insurance fraud, which has provided her with valuable additional experience in alleging and proving fraud. She has a particular interest in cases involving the doctrine, *ex turpi causa* (a Claimant may not rely upon his own fraud), and has appeared in several of the leading Court of Appeal cases in this area. She is frequently asked to advise as to whether the doctrine can apply in a particular case. Currently, she handles many substantial cases in which credibility is in issue, for example those involving allegations of subtle brain injury, functional neurological disorder, somatoform disorder, hysteria and chronic pain and frequently works with experienced teams of experts to ascertain whether symptoms are organic or psychological in origin, or simply made up.

Recent cases:

- *Gicquel v Fleischman* – Successfully defended a seven-figure claim by a Claimant sustained a serious injury to her leg when run over in London. She moved to Israel and investigations revealed that she had obtained employment and concealed that fact by changing her identity. Successfully argued for the claim to be dismissed at trial when the Claimant herself did not attend, but instead instructed her legal team to seek an adjournment on the grounds of alleged incapacity.
- *Tobias v Easyjet* – With Steven Snowden, successfully defended a multi-million pound claim by a quadriplegic Claimant who alleged that his condition had deteriorated following a fall when being lifted from an aircraft. Claimant failed to attend trial.
- Defending a claim by an interior designer who alleged that she has suffered a serious brain injury. Achieved an advantageous settlement, having established that her symptoms were essentially functional in origin.





- Acting on behalf of homeowners, whose insurance claim has been declined on the grounds of alleged fraudulent exaggeration of their claim.
- Defending a claim by a Claimant who developed alleged severe reflex sympathetic dystrophy and walked on crutches following a minor soft tissue injury to his foot sustained on a construction site.

Reported cases on ex turpi causa / causation:

- *Beaumont and O'Neill v Ferrer* [2014] EWHC 2398 (QB), [2015] PIQR P2, [2017] PIQR 1 – Defending claims by two Claimants both of whom suffered severe brain injuries when jumping from a moving taxi. Successfully relied upon defences of causation and ex turpi causa, proving that the Claimants deliberately jumped from the taxi to avoid paying the fare.
- *Hicks v Young* [2015] EWHC 1144 – With Richard Lynagh QC.
- *Joyce v O'Brien* [2014] 1 WLR 70 (CA), [2012] EWHC 1234 (Cooke J) – With Richard Lynagh QC defending a claim for damages for a severe brain injury sustained by the Claimant who fell off the back of a van. The claim was successfully defeated relying upon the doctrine of ex turpi causa on the grounds that the Claimant and the driver were engaged in a common criminal enterprise.

## Qualifications

- Recorder (2009)
- Awarded Lord Justice Holker Scholarship (1994)
- MA (Hons), Magdalen College, Oxford (1994)

## Memberships

- Commercial Bar Association
- London Common Law & Commercial Bar Association
- Personal Injury Bar Association
- Professional Negligence Bar Association
- Technology & Construction Bar Association

## Recommendations

"She is helpful and delivers high-quality written advice."

Chambers & Partners, 2022

"Knowledgeable competent and approachable."

Legal 500, 2022

"Suzanne takes an excellent, thoughtful and methodical approach to cases."

Legal 500, 2022

"She offers the sort of sound advice you hope for when going to a barrister, and really steps up when you need her."

Chambers & Partners, 2021



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"Extremely clever and the quality of her work (advice and drafting) is exceptionally good; at the same time, she can explain complex points of law in a way that can be understood. A credit to the Bar and her chambers."

Legal 500, 2021

"She is a polished performer. She is extremely clever and the quality of her advice and drafting is exceptionally good and at the same time she can explain complex points of law in a way that can be understood."

Legal 500, 2021

"She's no-nonsense in terms of giving you good, straightforward advice. She's not afraid to commit to a position."; "She's exceptionally user-friendly."; "Highly intelligent, extremely meticulous and has a great grasp of very technical detail."

Chambers & Partners, 2020

"Very forensic and thorough in her approach, she is easy to deal with and extremely responsive."

Chambers & Partners, 2018

"Proficient in handling property-related and business interruption claims."

Legal 500, 2016

"She is no-nonsense and easy to deal with. She tells you what she thinks and gives good practical advice."

Chambers & Partners, 2015

"Strong for property-related insurance issues."

Legal 500, 2015

"Experienced in insurance, professional negligence and personal injury."

Legal 500, 2014