



FRASER LINDSAY

CALL 2006

 0151 242 0707

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 www.7hs.co.uk

 Nationwide

AREAS OF EXPERTISE

Civil

Catastrophic Injuries

Mr. Lindsay has a wide experience of Claims where injury has been caused in the workplace, public places (to encompass Highways Act and Occupiers' Act litigation), road traffic collisions etc. and where the claim is of significant value and complexity. He has an impressive past and present caseload of claims involving catastrophic injuries instructed by both Claimant and Insurer clients.

APPOINTMENTS

Deputy District Judge (Northern Circuit)

Attorney General's Regional C panel.

EDUCATION

University of Liverpool

Manchester Metropolitan University BVC

PROFILE OVERVIEW

Mr. Lindsay has and is willing to provide training and seminars to Solicitors on a wide range of topics.

In the past Mr. Lindsay has provided seminars in the following areas;

- Fatal Accidents;
- Animals Act
- Highway Tripping Claims;
- Credit Hire;
- Case preparation including the drafting of witness statements; and
- Consumer Protection Litigation.

In the past Mr. Lindsay has assisted in the preparation and conduct of mock trials. For example, he has taken part in a mock trial for the benefit of NHS litigation departments within the North west to assist them to understand and see the potential issues which arise in a claim of assault by a patient.

Mr. Lindsay further assisted with the preparation and conduct of 2 mock trials, one in Manchester and one in London, for the benefit of local authority, charitable and social landlords in the area of Landlord and Tenant litigation. The exercise was very useful to inform the participants of the common issues which arise in such cases and how such claims can be defeated/the Defence strengthened.

In early 2022 Mr. Lindsay delivered training on "Fundamental Dishonesty" to approximately 80 delegates from various government legal departments.

DIRECTORIES

Legal 500 2024: Tier 2 (Leading junior personal injury)

"Fraser is personable and approachable both with clients and instructing solicitors. He has good attention to detail and is good at grasping issues. He provides a prompt service and return of papers, and is a good communicator."

Legal 500 2023 Tier 2

"Fraser is approachable, very efficient and firm in providing both the initial prospects opinion and advice, and then as the claim proceeds."

Ranked: Tier 3



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DIRECTORIES

(Legal 500 2022) (Leading Junior Personal Injury)

‘He is a very reasoned and balanced thinker, but if instructed to take a different course of action to that which he has advised he will do so with the vigour. He does nothing by half measures.’

Ranked: Tier 3

(Legal 500 2021) (Leading Junior Personal Injury)

“He has a pragmatic and holistic approach to cases” (Legal 500 2020) Ranked Tier 3 Personal Injury Leading Junior

“He has a reassuring manner with witnesses” (Legal 500 2018) Ranked Tier 1

Mr. Lindsay was called to the Bar by the Honourable Society of the Middle Temple in 2006 and practices in all areas of Civil Litigation, primarily those involving cases of personal injury.

Mr. Lindsay has extensive experience in a wide field of personal injury matters and accepts instructions for both Claimants and Defendants.

He is renowned for his extremely swift turnaround of paperwork, irrespective of complexity.

He is trusted to offer practical and robust advice in light of the cogency of the evidence and risks of litigation. Any advice he provides will take into account the wider commercial implications of a case.

NOTABLE CASES

Mr Lindsay regularly represents both Claimants and Defendants on matters of significant value and complexity as shown by following recent examples;

- A (2017): Represented the insurer of a taxi driver who had knocked down and killed a 19-year old Claimant. The family brought a claim under the Fatal Accidents Act for the loss of the dependent care and financial support provided by the Deceased to her family. The Claim was pleaded at £200,000 and settled at mediation for £40,000;
- L (2019): Mr. Lindsay represented an insurer Client in a claim where the Claimant had sustained a traumatic brain injury after being knocked down by a driver who was subsequently prosecuted for dangerous driving. Due to the severity of her brain injury the Claimant sought significant past and future lost earnings from her inability to return to work in the care sector. Further claims were brought for future care and assistance and provisional damages to encompass future migraine treatment. The claim was pleaded at £500,000, but settled at the JSM for £150,000;
- M (2019): Represented a Claimant who suffered significant pelvis and leg injuries following a road traffic accident. The Claim settled at JSM for £180,000; and
- C (2020): Represented a Claimant who had sustained a significant injury to his eye that had resulted in a loss of visual field vision and an inability to perform his work as a mechanic. He had lost his Class 2 licence and could not undertake overtime to test the vehicles on which he worked. Settled at JSM for £155,000.00.



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NOTABLE CASES

- (2019). Represented a Claimant who had suffered fractures to his spine and pelvis after being crushed by a reversing vehicle. The Claimant was unable to return to his previous employment and would be limited to light duties in a non-physically demanding role. The Claim settled at a JSM in the sum of £190,000.00.
- (2019 to Date) Representing a female Claimant in her 20s who has suffered a significant back fracture and facial scarring in a road traffic accident. The Claim is pleaded in excess of £250,000.00, as the Claimant is unable to return to her pre-accident employment and will have to retire 10-years earlier than planned. The matter is listed for trial in 2022.
- (2019 to Date). Representing a Claimant who was electrocuted on a building site. The case involves 4 Defendants and a liability dispute. The Claimant will not be able to return to any form of work and requires significant daily care. The Claim is pleaded in excess of £500,000.00.
- (2019 to Date) Representing a Claimant who has suffered a severe leg injury following a public liability accident. Liability is in dispute. The Claim is pleaded at £800,000 and is listed for a 5-day trial in 2022.
- (2020) Represented a Claimant who suffered a significant fracture to his dominant elbow in a workplace accident. By reason of the aforesaid, the Claimant is unable to return to his pre-accident employment as a site manager and is treated as disabled. After conference, the Claim settled for £100,000.00.
- (2020) Represented the applicants in a long-standing neighbour dispute at mediation. The applicants were seeking an injunction and damages under the Harassment Act following a break-down in their relationship with their neighbours, with allegations on both sides of trespass, nuisance and threats/abuse.
- (2020 to Date). Representing a Claimant who has suffered significant knee injuries that have necessitated a reconstruction and will require future revision. The Claimant, in his 30s, will not be able to return to work and is classified as disabled. The Claim is pleaded in excess of £300,000.00;
- (2020). Represented a Claimant in a chronic pain case, who was injured after what appeared to be a fairly innocuous road traffic accident. The Claim settled after conference for £50,000.00.
- (2020) Represented a Claimant who suffered a crush injury to her dominant right hand in a workplace accident, resulting in the loss of her thumb. The Claim settled after conference and negotiations for £120,000.00.
- (2020). Briefed to represent a Claimant who suffered an injury to his right dominant shoulder in a workplace accident. The matter settled in the week before the start of the 3-day trial.
- (2020 to Date). Representing a Claimant who as an infant was involved in a road traffic accident. The Claimant suffered a serious leg injury, which now requires him to use orthotics for life. By reason of his period of recovery/rehabilitation, the Claimant missed a significant period of schooling and did not reach his academic potential. The Claim is pleaded at £400,000.00.
- (2020) Represented a Claimant who suffered significant lower limb and eye injuries in a Claim against an uninsured driver. Claim settled after conference at £125,000.00.
- (2020) Represented a Claimant who suffered a significant crushing injury at work. The Claimant was required to retrain to allow her to work and adapt to her limitations. Claim settled for £300,000.
- (2021) Representing an insurer in a Claim where the Claimant contends that she is suffering with complex regional pain syndrome to the foot. The Claim is pleaded in excess of £250,000.00. The insurer is alleging that the Claimant is fundamentally dishonest.
- (2021 to Date). Representing the Ministry of Justice at a multi-day trial that is due to be listed in 2022. The Claim involves an alleged serious back injury that was caused by an accident at work.



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NOTABLE CASES

- (2021). Represented a Claimant who suffered an injury at a building site where liability was in dispute. The Claimant will be unable to return to his pre-accident occupation and will need to retrain in a less manual role. The Claim settled after conference for £190,000.00.
- (2021) Represented Ministry of Justice in a Claim brought by a former employee for alleged injuries sustained at work. The Claimant alleged that he is suffering with chronic pain and will be unable to return to work. The Claim was pleaded at £1,000,000.00 and settled at a JSM for £315,000.00.
- (2021) Represented a Claimant who suffered a significant knee injury in a road traffic accident and will require repeat knee replacements in the future. Liability remained in dispute. Settled after conference in the sum of £150,000.00;
- (2021). Represented an insurer faced with a Claim by a young Claimant who alleged that her Olympic career had been affected by a back injury caused in a road traffic accident. Following the service of a Defence and counter schedule pleaded by Mr. Lindsay, in which fundamental dishonesty was raised, the matter settled for a fraction of its pleaded value;
- (2022 to Date) Representing a Claimant who has lost several fingers of his dominant hand in a workplace accident. The Claimant is unable to return to work and seeks significant damages for past/future care and lost earnings;
- (2022) Represented Claimant at a JSM where a compromise of £185,000 was secured. The Claimant will have to retire earlier than anticipated due to a back injury suffered in a road traffic collision;
- (2022 to Date) Representing an insurer to defend a Claim brought by a Claimant for alleged catastrophic injuries (complex regional pain), which she says has limited her ability to work and tend to her domestic tasks. The Claim is pleaded in excess of £250,000.00. The case is being defended on an allegation of fundamental dishonesty following the acquisition of surveillance evidence;
- (2022) Represented a Claimant at conference who suffered significant orthopaedic injuries following a road traffic collision. The Claimant was rendered unconscious by the accident and his recollection of events was negligible. Despite the aforesaid, a settlement of £130,000 was achieved;
- (2022) Represented the Government Legal Department to defend an application for trial by jury in a claim for damages pleaded at £1,000,000;
- (2022). Represented a Claimant who was attacked by a horse as a child and suffered the loss of a kidney. The Claim settled after conference for £220,000;
- (2022). Represented a fast food chain at trial to defend a Claim brought following an alleged slipping accident. Mr. Lindsay persuaded the Court that the Claimant had been fundamentally dishonest in the presentation of her injuries and losses. The Claim was dismissed and the Claimant was ordered to pay the Defendant's costs of £15,000.00 (QOCS set aside)
- (2022) secured a finding of fundamental dishonesty at trial against a prisoner who alleged he was injured in an accident whilst in prison. Represented the ministry of justice
- (2023) represented an Insurer at a joint settlement meeting in a claim pleaded at over £300,000, which settled for £85,000
- (2023) represented the ministry of justice at trial on a claim pleaded at £100,000, which settled prior to trial at £30,000;
- (2023) settled a claim in the sum of £770,000 for a Claimant who suffered a catastrophic amputation to his dominant hand



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NOTABLE CASES

- (2023) Mr. Lindsay, being led by Christopher Melton K.C. acted on behalf of a Soldier who suffered cauda equine syndrome following a lifting accident at work and thereafter a failure on the part of the MOJ to promptly diagnose his symptoms. Mr. Lindsay had been acting for the Claimant for several years and appeared on his behalf at all interlocutory hearings, including an application to rely upon ergonomic expert evidence. Mr Lindsay drafted the final Schedule of Loss for use at the JSM, which involved the calculations of lost earnings for the Claimant through the ranks of the army to retirement and thereafter a proposed future career in the fire service and the consequential pension loss. The Claim settled after the JSM for £2,000,000.
- (2023) Mr. Lindsay successfully defended a Claim brought by a prisoner following an assault by a fellow inmate. The matter was listed for a 2-day final hearing at which Mr. Lindsay successfully argued that the Claim under the Human Rights Act was statute barred and for the Claim in negligence to be dismissed
- Mr. Lindsay is known for his detailed Schedules of Loss, for both Claimants and Defendants and his meticulous approach to the calculation of both past and future losses.
- Mr. Lindsay has extensive experience working with experts to ensure the meticulous preparation of cases from Part 35 Questions to trial.

ROAD TRAFFIC ACCIDENTS

Mr. Lindsay has a broad practice encompassing both Claimant and Insurer clients. On behalf of Claimants Mr. Lindsay is known for the careful scrutiny and testing he puts Claimants through.

He has for many years acted for Claimants in circumstances where their credibility has come under severe attack by reason of an allegation of fraud and/or LVI and/or causation.

In such scenarios he is trusted by those firms who instruct him to robustly test the reliability of Claimants in conference and is known for his pragmatic approach in advising both clients and Solicitors as to the likelihood of success.

He has extensive experience advising multiple Claimants in circumstances where express pleadings of fraud are made. Further, he is more than capable of analysing vast amounts of data to ensure that Claimants are appropriately prepared and tested prior to trial.

On behalf of his Insurer clients Mr. Lindsay has extensive experience defending claims where fraud, low velocity impact or dishonesty are alleged or suspected. He has successfully secured findings of fundamental dishonesty and the setting aside of QOCS protection to obtain an award of costs for his Insurer clients.

Mr. Lindsay can be trusted to adhere to strict timetables for the production of Defences (of varying complexity), Part 35 Questions to medical and engineering experts and other necessary documentation e.g. Part 18 Requests.

Prior to trial Mr. Lindsay is willing to assist with advising Solicitors and Insurers on strategy, and the success or likelihood of findings of fraud or fundamental dishonesty.



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CREDIT HIRE

For many years Mr. Lindsay has enjoyed a balanced practice acting for both Claimants and Defendants in cases involving substantial claims for credit hire.

He is more than familiar with the necessary requirements that credit hire agreements must adhere to ensure that such are found to be enforceable by the Court.

He has advised credit hire providers of deficiencies that exist in their agreements to ensure that such comply with the statutory requirements of the Consumer Credit Act 1974/2006.

In recognition of the complexities that can surround this area of law Mr. Lindsay has delivered seminars on recent cases/developments in credit hire litigation, as well as refresher training on those common arguments that one sees in such claims.

PUBLIC LIABILITY/OCCUPIERS LIABILITY

Mr. Lindsay is regularly instructed to represent Claimants in respect of claims emanating from accidents on the public highways. He is fully familiar with the statutory duties under the Highways Act 1980 and the leading cases in the area.

Aside from straightforward tripping cases, Mr. Lindsay is commonly asked to advise in the interpretation of the duties of Local Authorities, particularly the definition of those highways deemed to be 'maintainable at public expense' and where McGeown Defences are raised.

He has successfully pursued claims alleging breaches of the Occupiers Liability Act 1957/1984 against schools, hospitals, restaurants, supermarkets, shopping centres etc.

As part of his Defendant practice Mr. Lindsay has defended claims for occupiers, including shops, supermarkets, landlords etc., in circumstances where at trial the Court has been persuaded that reasonable steps had been taken to prevent injury. Mr. Lindsay is known, not only for his knowledge of the relevant law, but also his ability to provide pragmatic advice dependent upon the individual details of each case.

EMPLOYERS LIABILITY

Mr. Lindsay has developed a broad practice in the field of Employers Liability claims, dealing with matters of varying complexity for both Claimants and Defendants including claims for bullying, repetitive stress injuries, vibration white finger/HAVS etc.

Mr. Lindsay has represented both workers and employers in wide fields of industry.



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LANDLORD AND TENANT/HOUSING

In the field of housing Mr. Lindsay has significant experience acting for both Tenants and Landlords on possession proceedings and claims under the Defective Premises Act 1972 and the Landlord and Tenant Act 1985. For many years he has represented Local Authorities and social landlords in claims of disrepair, involving personal injuries and property damage.

He is known for his common sense approach to such claims and is trusted to offer sensible advice to clients.

"Very amenable and approachable barrister who thinks outside the box. Excellent understanding of social landlords obligations, and very good in dealing with claims arising from alleged defective premises."

Partner BLM Housing Department.

For Tenants, Mr. Lindsay is often instructed to draft pleadings in cases brought under Section 11 of the Landlord and Tenant Act 1985 and the Homes (Fitness for Human Habitation) Act. He is knowledgeable on the quantification of general damages in such cases.

Mr. Lindsay has experience of claims for unlawful eviction and the quantification of losses for the same.

OTHER AREAS OF PRACTICE

Mr. Lindsay has previously advised and represented clients at trial in the following areas;

- Claims involving consideration of the Consumer Protection Act 1987 and for breaches of the implied terms of quality under the Sale of Goods/Services and Consumer Rights legislation;
- Holiday injuries/Package Tour Claims;
- Nuisance;
- Animals Act;
- Pursuing and defending claims for injunctive relief and damages under the Protection of Harassment Act 1997;
- Professional negligence against Solicitors following under settlement;
- The pursuit and defence of medical agency fees on behalf of Solicitors; and
- Trespass to the Person.