

Fiona Ross

Call: 2004

Personal Injury

Ranked in Tier 1 for Personal Injury and clinical negligence – The Legal 500 (2019)

“Highly recommended for personal injury matters.” – The Legal 500 (2019)

“Very experienced in personal injury claims.” – The Legal 500 (2017)

“She is personable, approachable and excellent with clients.” – The Legal 500 (2016)

Fiona Ross’s background is in all areas of civil law, but she now specialises in high value personal injury, disease and commercial work and has extensive experience in all areas of motor insurance fraud.

For the past three years Fiona has been recognised as a leading junior in the Legal 500 in the area of personal injury and clinical negligence.

Fiona is recommended for multi-track personal injury claims and has experience for acting in cases involving life-changing injuries, both on her own and with leading Counsel. She is well known for her strong trial advocacy, particularly her forensic cross-examination style and down to earth approach when communicating the issues to clients and solicitors.

Fiona has a busy, nationwide practice and undertakes the full range of personal injury work, from those of high value involving multiple and severe injuries to low value whiplash injury claims. Her experience includes numerous employer’s liability claims, including the full range of statutory duties. Public liability claims undertaken include highways claims, occupiers’ liability claims and claims against persons in positions of responsibility. She also has considerable experience of drafting schedules and counter-schedules in high value cases. Her multi track work often results in representing parties at joint settlement meetings. She has considerable experience in dealing with liability experts, both in conference and by way of cross examination, and dealing with medical experts both in conference and challenging experts by way of Part 35 questions.

Fiona has experience on behalf of both Claimants and Defendants in cases involving chronic pain, CRPS (complex regional pain syndrome) and fibromyalgia.

She deals with cases of sexual and physical abuse, including historic claims, involving both vicarious liability and alleged systematic and personal breach of duty. Fiona has experience of dealing with unlawful deprivation of liberty cases and claims under the Human Rights Act.

Fiona often represents clients in claims involving psychiatric injury, both “primary” and “secondary” victim cases as well as cases of stress at work. She is experienced in the cross-examination of vulnerable witnesses at trial and with all aspects of the substantive legal issues which may arise, including limitation (including as a preliminary issue) and vicarious liability.

She understands the issues concerning expert psychiatric evidence, both as to causation and limitation and the



Education:

1999 University of Edinburgh, MA (Hons) History (2:1)

2000 University of Cambridge, PG Cert in International Business Practice (First)

2003 The College of Law, PGDip Law (‘very competent’)

2004 Manchester Metropolitan University, BVC (‘very competent’)

Career:

1999 British American Chamber of Commerce, marketing & special events assistant, New York

2000 Finance Professionals, London, recruitment consultant (investment banking)

2001 Firefly Communications, London (PR consultant)

2004 Pupil at Sovereign Chambers (civil/family)

2005 Tenant at Sovereign Chambers

2015 Sovereign Chambers becomes Park Square Barristers

cross-examination of those experts.

She is also experienced in vicarious liability, including in relation to workplace assaults, on and off “work time” and work premises, claims.

Fiona has represented both Claimants and Defendants in numerous occupational disease claims, such as cases of NIHL, HAVS, VWF and in cases involving the development of skin conditions such as dermatitis and occupational asthma. She has considerable experience of representing Claimants and Defendants at applications dealing with complex procedural matters and at preliminary hearings dealing with limitation arguments.

Fiona is experienced in inquests on behalf of a range of interested parties, including the family of the deceased, insurers and private clients, examples of recent cases include the death of a vulnerable adult in a care home and a death resulting from an accident at work.

Fiona has a keen interest in a range of travel and foreign claims has led to a developing practice representing both claimants and defendants in claims:

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- Under the Package Travel, Package Holidays and Package Tours Regulations 1992.

 - Aboard and concerning planes and other aircraft under the Warsaw Convention and Montreal Convention;

 - Relating to the cancellation of flights, denied boarding and flight delays under the Denied Boarding Regulation (EC [261/2004](#));

 - Aboard cruise ships and other vessels under the Athens Convention;

Lecturing

Fiona is always aware of the latest developments in this area of practice and frequently lectures in a variety of areas of law. She is often asked to give CPD-accredited training seminars.

Notable cases

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- MH v. MC – Acting on behalf of a Claimant motorcyclist who sustained multiple severe injuries, including several life-changing injuries, in a high-speed road traffic accident. The claimant also suffers from continuing psychiatric illness requiring intensive treatment.

 - LP v. Calderdale and Huddersfield NHS – Representing the Claimant where she alleges failings on behalf of the NHS causing her baby to be born still.

 - JM v. GH – Successfully represented Defendant hotel in relation to a claim arising out of a guest passing out against a radiator and sustaining life-changing, severe burn injuries.

 - TH v. RB – Acting for Defendant grandfather in historic, serious, sexual abuse claims made against him by his granddaughter.

 - CW v. DH – Claimant was a Protected Party due to sustaining a severe head injury as a result of running out in front of Defendant’s vehicle. Claimant valued General Damages at £1.9 million. Defendant valued General Damages at £1.25 million. Lead by Andrew Lewis QC, acting on behalf of the Defendant, who successfully agreed terms of a settlement on the basis that the Claimant’s claim be dismissed and that the Claimant make a contribution of £50,000 towards the Defendant’s costs. Despite the Claimant sustaining a severe head injury and the law generally being sympathetic to pedestrians in such cases, a detailed analysis of the complex accident reconstruction evidence lead the Defendant to argue successfully that the Claimant was unlikely to succeed on liability at trial.

 - RS v. KT – Successfully represented the Defendant in relation to a claim arising out of a high speed road traffic accident, as a result of which the Claimant alleges that her shoulder injury caused her to develop Chronic Regional Pain Syndrome.

 - DD v. Ethias NV – Road traffic accident in Belgium. Liability admitted. Method of the assessment of quantum is denied on a jurisdictional basis. Acting for the Claimant in respect of his claim for a subrogated recovery of sums paid by the insurer for damage caused to the Claimant’s motor vehicle. Advice was sought on the applicable law for the assessment of damages. The doctrine of forum conveniens and Rome II considered. Run as a test case to consider the impact that it will have on all future claims, seeking to recover the full amount of damages based on the Breakdown of Invoiced Costs.

 - TM v. Safeway Stores Limited – Successfully acted on behalf of four Defendant companies in a noise induced hearing loss case to set aside a Court Order and strike out the claim, with a further success at a wasted costs hearing due to the conduct of the Claimant solicitors. Complex procedural arguments dealing with extension of

time for service of the Claim Form and restoration of a dissolved company.

- *JC v. WM Morrisons* – Detailed, forensic analysis of case law and CPR 45 to determine what constitutes a disease within the meaning of CPR 45.
- Inquest touching upon the death of SP (Bolton Coroner's Court) – Successfully represented the family of the deceased in exposing the Defendant to criticism for failing to administer the correct medication due to poor record keeping.

Public Access

Fiona may accept [Public Access](#) work, where she can be instructed directly by a member of the public rather than a solicitor.

Contact Fiona's clerks

[Francine Kirk](#) on [0113 202 8605](#)

[Talia Webster](#) on [0113 213 5207](#)

[Patrick Urbina](#) on [0113 213 5250](#)

Civil Fraud

Ranked in Tier 1 for Personal Injury and clinical negligence – The Legal 500 (2019)

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“Very experienced in personal injury claims.” – The Legal 500 (2017)

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Fiona has extensive experience in all areas of civil fraud, including employer's liability and household insurance claims, but particularly in relation to road traffic accidents and travel fraud claims.

Fiona deals with cases on a weekly basis involving bogus passengers, fabricated, staged and induced accidents, low velocity impacts and exaggerated personal injury and damage.

Fiona is instructed on a repeat basis by most of the country's leading firms specialising in civil insurance fraud and many of the UK's insurance companies.

She also has experience in dealing with organised fraud rings and has a wide experience of dealing with credit hire claims, usually of a significant value. Fiona advises at the pre-proceedings stage and throughout the course of litigated cases.

Fiona deals with all interlocutory applications and has successfully defended many cases at trial both on the Fast Track and Multi Track.

She is well known for her strong trial advocacy, particularly her forensic cross-examination style and down to earth approach when communicating the issues to clients and solicitors.

Lecturing

Fiona is always aware of the latest developments in this area of practice and is frequently requested to give CPD accredited training seminars on recent developments in civil insurance fraud.

Notable Cases

Park Square Barristers
6 Park Square East
Leeds LS1 2LW

DX number:
26402
Leeds Park Square

T 0113 245 9763
fees@psqb.co.uk
parksquarebarristers.co.uk

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- RK v. JM (1) and Liverpool Victoria – Leading case where Fiona successfully represented the Defendant insurer in gaining a finding of fundamental dishonesty and exaggerated injuries despite there being a genuine injury.
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- MC v. LM – Successfully represented the Defendant in running a test case in relation to concerns over fraudulent expert reports forming part of a fraud ring.
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- AP v. EUI – Acted for the Defendant to argue that the credit hire agreement was not exempt from the Consumer Credit Act 1974 referring to The Consumer Credit (Exempt Agreements) Order 1989 and The Consumer Credit (EU Directive) Regulations 2010. Complex argument on the proper construction of the individual term regarding interest charges in the credit hire agreement.
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- Smith v Burney (Reported decision) – Successful appeal on admissibility of internet spot-hire rates.
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- AS v Aviva – Multi track fraud finding of fundamental dishonesty.
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Commercial & Chancery

“She is personable, approachable and excellent with clients.” – The Legal 500 (2016)

Fiona Ross has a primarily civil-law background and draws upon her previous work experience in the commercial sector.

She has appeared for claimant or defendant in commercial and contractual disputes, and has experience representing breweries, publicans and individuals in cases concerning breach of covenant, user clauses, purchase ties and refusals to renew tenancies.

Due to Fiona's experience in arguing technical costs points she is also repeatedly instructed to attend costs case management conferences where she is often successful at significantly reducing the opposition's budget while maintaining the totals in her own Precedent H.

Fiona has also undertaken work concerning possession actions in respect of private and social housing, acting for local authorities and housing trusts (including mortgage possessions and anti-social behaviour order applications and breaches).

Fiona has experience in property disputes ranging from trusts issues to rights of way, adverse possession, restrictive covenants and trusts.

Notable Case

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- Brewis (2018) – Successfully represented the Defendant in a multi million pound land dispute in the High Court spanning several decades involving contract, trust and estoppel issues (lead by [Matthew Smith](#))
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