

## James Paterson

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### Education

BA Hons (DUNELM) Geography with French and Spanish (electives) – Upper Second Class

MMU – GDL – Commendation

MMU – BVC – Very Competent

### Professional Associations

Personal Injury Bar Association

### Appointments

Crown Counsel to the Falkland Islands

### Areas of Specialism

Personal Injury

Inquests

Trading Standards

Civil and Insurance Fraud

Travel

Motor Claims

Employer's Liability and Public Liability

Contempt & Private Prosecutions

Sports Law

### Profile

James joined Chambers after the successful completion of a common law pupillage under the supervision of Christopher Hudson (Crime/Regulatory) and Anthony Singh (Civil).

His first few years of practice saw him gain experience in the Criminal as well as the Civil courts making him a well-rounded advocate. In 2011, James was appointed Acting Crown Counsel for the Attorney General of the Falkland Islands and South Georgia & The South Sandwich Islands territory. This entailed prosecuting all crime in the jurisdiction as well as acting in a general advisory role to the Falkland Islands' government in legislative matters.

James specialises in Personal Injury, in particular fraud work where he regularly appears for Defendants on cases involving LVI, staged accidents, fraud rings and ghost passengers as well as fraudulent EL and PL claims. He has a particular interest in QOCS exceptions arising out of these cases and has obtained enforceable costs orders in cases involving fundamental dishonesty and strike outs.

James is also regularly instructed on cases where Defendants are running unreasonable exit from a portal. He accepts instructions in the Personal Injury field for both Claimants and Defendants for drafting, interlocutory hearings, conferences and trials.

James is on the Sports Resolutions Panel for pro bono representation of athletes in cases involving anti-doping, athlete selection & eligibility, safeguarding and discipline. He has experience in all of the aforementioned areas and has most recently advised on a case in which a student athlete had a lifetime ban overturned on appeal.

On a more personal note, James has played professional water polo and he has also captained the Northern Circuit Rugby team and the 1st XV at his club.

Article: Covid-19 & FD Trials

### Notable Cases

## Zafar v Aviva

### Practice Area: Civil and Insurance Fraud

Representing the Defendant in a trial in which fundamental dishonesty ('FD') was pleaded, the Court determined that the claim was FD noting that there was 'no justification' for the Claimant claiming over £36,000 in special damages for tinnitus masking devices and hearing aids when she had fully recovered from any ENT issues after 1-2 weeks. The Learned Recorder described the claim as 'objectively dishonest'. The Claimant was ordered to pay the Defendant's costs of the action in an enforceable costs order.

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## Thompson v Oliver

### Practice Area: Civil and Insurance Fraud

Representing the Defendant in a claim for personal injury the Court dismissed the claim determining the same to be fundamentally dishonest. The Claimant asserted in his evidence that he was in pain and bleeding at the scene of the accident and was provided with medical treatment by the attending Police Officer. On the basis of the 'non-injury' Police accident report the Court found that the Claimant's assertion was untrue. Further, the Court found that the Claimant had reported to his employer that he was not injured in the accident and, during the course of cross-examination, when he realised that what he had said in evidence did not assist his case, he sought to 'backtrack'. The Court concluded that 'the Claimant knew there was no injury yet he sought to say to the medical expert that he was injured'. The Claimant was ordered to pay the Defendant's costs of the action on an indemnity basis pursuant to CPR44.16.

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## Nicholson v Home Group Limited

### Practice Area: Civil and Insurance Fraud

Representing the Defendant in a claim for personal injury the Court dismissed the claim determining the same to be fundamentally dishonest. A finding was made that the Claimant had substantially affected the presentation of his case by representing that he had difficulties in, and indeed required assistance with, self-care during a period in which he was found on social media to be undertaking "strenuous and arduous" fell walking. District Judge Derbyshire determined that the Claimant's case on injury was 'entirely inconsistent' and that 'the Claimant has lied'. The Claimant was ordered to pay the Defendant's costs of the action on an indemnity basis pursuant to CPR44.16.

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## Civil and Insurance Fraud

### Practice Area: Taylor v Burton Securities Ltd

In an Application pursuant to CPR44 PD12.4 for a finding of fundamental dishonesty after a late notice of discontinuance at a trial, James secured the finding and an enforceable costs order in excess of £10,000 against a Claimant who the Court found had lied by trying to pass his wife off as an 'independent' witness in documents supported by a statement of truth.

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## Tabassam & Liaqat v Advantage Insurance Company Limited

### Practice Area: Civil and Insurance Fraud

Representing the Defendant in a personal injury claim involving a road traffic accident, the Court found that not only was the accident itself not capable of causing any injury but, further, the Claimants 'were unreliable and untruthful witnesses'. Findings of fundamental dishonesty were made against both Claimants.

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## Direct Line Group v Samra

### Practice Area: Civil & Insurance Fraud

Representing the Claimant insurer, James secured an award of £9,000 exemplary damages the Court determining that the Defendant had fraudulently misrepresented that his vehicle, insured by the Claimant, had been stolen. The Defendant has been ordered to pay back the £19,000 paid under the policy in addition to the award of exemplary damages.

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## Howell v Jones Price Ltd

#### **Practice Area: Civil & Insurance Fraud**

Representing the Defendant in a case involving alleged injury in a road traffic accident. The Court found the claim to be fundamentally dishonest on the basis that the alleged injury was 'fabricated'.

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#### **Forde v Barton**

#### **Practice Area: Civil & Insurance Fraud**

Representing the Defendant in a case involving alleged injury arising from a road traffic accident. The Court determined the claim to be fundamentally dishonest commenting that the evidence of the Claimant went outside the boundaries of permissible exaggeration and was 'frankly just made up'.

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#### **P&P v I**

#### **Practice Area: Civil & Insurance Fraud**

Representing the Defendant in a case involving alleged injury arising from a road traffic accident in which the Claimants were driving instructor and pupil and had disclosed dashcam footage from their vehicle. The Court determined both claims to be fundamentally dishonest on the basis the contact was incapable of causing any injury.

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#### **Ahmed v Zurich Insurance Plc**

#### **Practice Area: Civil & Insurance Fraud**

Representing the Defendant in a case involving alleged injury arising from a road traffic accident. The Court determined the claim to be fundamentally dishonest on the basis that the Claimant was not injured and had deliberately misled the medical experts in relation to seeking medical attention and his previous medical history.

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#### **Azemi v Advantage**

#### **Practice Area: Civil and Insurance Fraud**

Representing the Defendant in a case involving alleged injury in a road traffic accident. The Court found the claim to be fundamentally dishonest by way of gross exaggeration.

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#### **ROGERS & ORS v PEARSON & ESURE**

#### **Practice Area: Civil and Insurance Fraud**

Representing the Second Defendant in the defence of 4 claims by the Claimants alleging injury arising from a road traffic accident. The claims were all found to be fundamentally dishonest with DJ Khan in the County Court sitting at Worcester describing the claims as 'as clear an example as I have known of claims which are fundamentally dishonest'.

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#### **SHAHZAD v TIDD & LV**

#### **Practice Area: Civil and Insurance Fraud**

Representing the Defendants in a claim by the Claimant alleging injury arising from a road traffic accident. The claim was found to be fundamentally dishonest to include application of section 57. DDJ Mahmood sitting in the County Court at Bradford found that the Claimant knew he was not injured and pursued a claim regardless.

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#### **Fennel v Zurich**

#### **Practice Area: Civil and Insurance Fraud**

Representing the Defendant in a claim by Claimant alleging injury arising from a road traffic accident. The claim was found to be fundamentally dishonest to include application of section 57. DJ Middleton sitting in the County Court at Truro found that the Claimant had given evidence about an alleged injury which he simply 'cannot accept'.

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## **Karim v Advantage**

### **Practice Area: Civil and Insurance Fraud**

Representing the Defendant in a claim by Claimant alleging injury arising from a road traffic accident. The claim was found to be fundamentally dishonest. DJ Etherington sitting in the County Court at Stoke-on-Trent found that the Claimant had fabricated a claim for injury noting that the Claimant's evidence 'was entirely false in relation to injury and only being crafted so as to make a claim'.

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## **Abbas & Others v Craven & Advantage Insurance Company Ltd**

### **Practice Area: Civil and Insurance Fraud**

Representing the Defendants in a claim by 3 Claimants involving allegations of 2 ghost passengers and LVI. The claims were all found to be fundamentally dishonest ('FD'). DDJ Waite sitting in the County Court at Bradford found that the Second and Third Claimants were not in the vehicle driven by the First Claimant and not only had the First Claimant fraudulently supported their claims but was not, in fact, injured herself.

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## **KANAGASABAY v BABINGTON**

### **Practice Area: Civil and Insurance Fraud**

Representing the Defendant in a claim by the Claimants alleging injury arising from a minor road traffic accident. The claim was found to be fundamentally dishonest ('FD'). DJ Haisley sitting in the County Court at Manchester found that the Claimant had misled his expert notably by reference to his various social media profiles showing him cycling when he claimed he was unable to do so. The DJ concluded that 'the inconsistencies are so many and so significant in totality I am driven to find the claim is FD'.

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## **MASTER JAKUB SIKORA & OTHERS V MS KIRSTIE HANSON**

### **Practice Area: Civil and Insurance Fraud**

Representing the Defendant in a claim by the Claimants alleging injury arising from a minor road traffic accident. The claims were found to be fundamentally dishonest ('FD'). DDJ Masheder sitting in the County Court at Barnsley found that the accident was not capable of causing injury and the Claimants did not suffer any injury at all citing among his reasons for making a finding of FD that the Third Claimant in respect of her claim and that of the First Claimant (acting as her son's litigation friend) was 'making it up as she went along'.

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## **Warren & Warren v Haley**

### **Practice Area: Civil and Insurance Fraud**

Representing the Defendant in a claim by the Claimants alleging injury arising from a minor road traffic accident. The First Claimant brought her own claim and a claim on behalf of the Second Claimant, her son, as his Litigation Friend. The claims were found to be fundamentally dishonest ('FD'). DJ Dodsworth sitting in the County Court at Sunderland found that the Claimants did not suffer any injury at all citing among his reasons for making a finding of FD that the First Claimant did not take the Second Claimant to Hospital as she had alleged in her evidence.

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## **Shahid v Tradewise**

### **Practice Area: Civil and Insurance Fraud**

In a remote trial, represented the Defendant Insurer in a claim by the driver of a Bus alleging injury arising from a minor road traffic accident. The claim was found to be fundamentally dishonest as although the accident was capable of causing injury the Claimant had given dishonest evidence in relation to alleged injury, in particular claiming to have been in severe and immediate pain contrary to what was shown by the footage from the Bus's cameras. DJ Goodchild sitting in the County Court at Manchester found 'the claim and the evidence given dishonest' and fundamentally so.

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## **Lacatus v Esure Insurance Limited**

### **Practice Area: Civil and Insurance Fraud**

In a remote trial, represented the Defendant Insurer in a claim involving a road traffic accident. The claim was found to be fundamentally dishonest. DJ Foster sitting in the County Court at Bradford found that the contact between the vehicles was not capable of causing injury and rejected the Claimant's assertion he was injured. In dismissing the case and making the finding of fundamental dishonesty the Learned Judge commented that there were 'multiple untruths' in the claim and he 'could not accept anything the Claimant says about his assertion of injury'.

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## **SHARPELS V GAP HOLDINGS LIMITED**

### **Practice Area: Civil and Insurance Fraud**

Represented the Defendant in a claim for injury and various special damages arising from a road traffic accident in which breach of duty and causation were in dispute. The Court apportioned liability at 50:50 but went on to dismiss the claim in its entirety and make a finding of fundamental dishonesty on the grounds that the Claimant had not suffered any injury at all despite his assertions of the same. In making the finding, DDJ Mawdsley, sitting at the County Court in St Helens, commented that whilst this was a genuine accident for which the Claimant was not entirely responsible, this is a dishonest claim for injury and it is fundamentally so.

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## **Zajanckauskas v Aviva Insurance Limited**

### **Practice Area: Civil and Insurance Fraud**

Represented the Defendant in a claim involving a minor road traffic accident in which breach of duty and causation were in dispute. The Court found in favour of the Defendant on breach of duty and also made a finding that the claim was fundamentally dishonest on the grounds that not only was the accident not capable of causing injury but the Claimant was not, in fact, injured at all. In making the finding, DDJ Mahmood, sitting at the County Court in Bradford, commented that it was not a case in which the Claimant was exaggerating but a case in which he was 'simply dishonest'.

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## **Metcalfe v LV**

### **Practice Area: Civil and Insurance Fraud**

Representing the Defendant in a personal injury claim arising out of a minor road traffic accident. In a remote trial heard by CVP before HHJ Coe the claim was found to be fundamentally dishonest as the accident was not capable of causing injury and the Claimant had tried to attribute pre-existing symptoms to the accident 'in hope of additional monies'.

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## **Westmerland v Esure**

### **Practice Area: Civil and Insurance Fraud**

Representing the Defendant in a case in which the Claimant's wife had told her insurance company (the Defendant) he was not injured. In making a finding of Fundamental Dishonesty HHJ Sephton QC commented that he was drawn to the conclusion, without any doubt, the Claimant did not suffer any significant injury and had come to Court to tell lies.

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## **Chowdhury v Quinn**

### **Practice Area: Civil and Insurance Fraud**

Representing the Defendant/Respondent before the DCJ of Newcastle. Successfully opposed application for permission to appeal the decision of the lower Court to strike out a claim for failure to comply with CPR22 and the Practice Direction thereto pertaining to certificates of translation. The Appellate Court agreed the Learned Deputy District Judge had been correct to make a show cause order for wasted costs against the Claimant's Solicitors and, alternatively, disapply the provisions of QOCS pursuant to CPR44.15(1)(a) and (c).

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## **Thomas v Advantage Insurance**

### **Practice Area: Civil and Insurance Fraud**

Representing the Defendant in a causation case involving late notification of personal injury. Finding of Fundamental Dishonesty by HHJ Gargan (Designated Civil Judge for Cleveland and South Durham). The Learned Judge found that the Claimant was deliberately suppressing evidence when failing to report significant and relevant pre-existing medical conditions to the medical expert.

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## **Saghir v Akhtar & Advantage Insurance**

### **Practice Area: Civil and Insurance Fraud**

Represented the Second Defendant in a causation case in which the Claimant was a passenger in a vehicle driven by her mother and brought a claim for personal injury against her mother and the insurance company some 25 months post accident. The Court, in making a finding of fundamental dishonesty, found that the Claimant's alleged injuries were 'complete fabrication' and a 'complete undermining of the Court system'.

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## **Troy v ERS**

### **Practice Area: Civil and Insurance Fraud**

Representing the Defendant in a causation case involving CCTV evidence of the accident, a finding of Fundamental Dishonesty was made in respect of the claim on the basis of the District Judge concluding that the Claimant gave inconsistent accounts he must have known were wrong or known were not genuinely true when he gave them.

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## **Inness v Bage**

### **Practice Area: Civil and Insurance Fraud**

Representing the Defendant, a finding of Fundamental Dishonesty was made against the Claimant in an LVI case in which it was found the Claimant had deliberately exaggerated the circumstances of a road traffic accident to pursue a dishonest personal injury claim. The Court found that the Claimant was not injured and that the severity of the contact between the two vehicles was such that he did not experience movement capable of causing injury. An enforceable costs order was made against the Claimant.

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## **York v Forbes**

### **Practice Area: Civil and Insurance Fraud**

Representing the Defendant in a causation case involving late notification of personal injury. Finding of Fundamental Dishonesty by HHJ Gargan (Designated Civil Judge for Cleveland and South Durham). The Learned Judge rejected the Claimant's evidence as being 'wholly incredible and inconsistent' and found he was 'making up' answers to account for the deficiencies in his evidence.

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## **Williams v Manders & KGM Motor Insurance**

### **Practice Area: Civil & Insurance Fraud**

Representing the Defendants, a finding of fundamental dishonesty against the Claimant in a claim for personal injury arising out of a road traffic accident, in which the Court made a finding the Claimant was not genuinely injured.

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## **Fithon v Highways Insurance**

### **Practice Area:**

A successful appeal to the High Court of a first instance decision at trial by HHJ Bird. The Learned Judge made findings that the Claimant had 'greatly exaggerated' his injuries but that that did not meet the hurdle for fundamental dishonesty ('FD'). The Honourable Mrs Justice Andrews in overturning the decision, making a finding of FD and stripping the Claimant of QOCS protection to costs here and below pursuant to CPR44.16 commented that the inference drawn from the finding of fact and the documents all go in one direction and that this is a dishonest exaggeration even if it was not a dishonest claim from the outset and on that finding section 57 of the Criminal Justice and Courts Act 2015 is engaged.

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## **Adenuga v Zurich**

### **Practice Area: Civil and Insurance Fraud**

Representing the Defendant Insurer in a ghost passenger case in which the Claimant was found to be fundamentally dishonest in supporting the related passenger claims and each of the alleged passengers giving oral evidence were found to have lied about being in the vehicle at the time of the accident. The Claimant's claim was dismissed pursuant to

section 57 of the Criminal Justice and Courts Act 2015 and an enforceable costs order was made pursuant to CPR44.16 (QOCS exception).

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### **Hyde v Castings Plc**

#### **Practice Area:**

Advised on and ran to trial a case involving a Claimant who had brought multiple claims against his employer after having been sacked for dishonestly amending work documents amounting to gross misconduct. The Claimant discontinued at the doors of Court.

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### **Dobson v ERS Syndicate Management Limited**

#### **Practice Area: Civil and Insurance Fraud**

Representing the Defendant Insurer in a claim arising out of a road traffic accident where liability and causation were in issue. The District Judge made a finding that the claim was fundamentally dishonest and that the Claimant 'was a liar from start to finish'. The Court made an enforceable costs order against the Claimant pursuant to CPR44.16 (exception to QOCS).

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### **Sawings v Nichols**

#### **Practice Area: Civil Fraud**

Representing the Defendant. Finding of Fundamental Dishonesty by the Court on Application post the Claimant's notice of discontinuance in a case involving transcripts of telephone calls in which the Claimant confirmed he was not injured or in pain at the time he alleged to be off work due to the severity of injuries allegedly sustained in the index accident. Enforceable costs orders pursuant to CPR44.16 were also obtained.

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### **Hassan v Insure the Box**

#### **Practice Area:**

Representing the Defendant, finding of Fundamental Dishonesty against the Claimant on Application to the Court in a case where a notice of discontinuance was served the day before a trial in a late intimation claim which included a recording of the Claimant threatening to claim for whiplash if the Defendant did not arrange for his vehicle to be repaired.

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### **Mayne v Aviva**

#### **Practice Area:**

Representing the Defendant, obtained a finding of Fundamental Dishonesty in respect of the claim on application at the conclusion of a trial where there was an entirety put to proof Defence as the Defendant's insured had died prior to notification of the case.

The case was heard before the DCJ of Newcastle.

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### **Calcina v Prestige Estates (North East) Limited**

#### **Practice Area: Personal Injury**

For the Defendant in a case where the Claimant discontinued and the Defendant proceeded to obtain a finding of Fundamental Dishonesty on Application to the Court resulting in an enforceable costs order against the Claimant in a claim involving a workplace accident.

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### **Korczynski v Garbrah**

#### **Practice Area: Personal Injury/RTA**

Decision in favour of the Defendant before the Regional Costs Judge on an important point arising from the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents. It was held that the Claimant was not entitled to

send the Stage 3 Court Proceedings Pack prior to the expiry of the total consideration period and the Defendant was at liberty to accept the Claimant's stage 2 offer at any stage during that period notwithstanding any lower counter-offer made.

A full copy of the Judgement is available upon request.

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### **Raza & Din v Liverpool Victoria**

#### **Practice Area: Personal Injury/RTA**

Successful Defence of an LVI claim including a finding of fundamental dishonesty in a QOCS case leading to an enforceable costs order under CPR 44.16.

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### **Re JT**

#### **Practice Area: HCPC Regulatory matter**

Successfully kept Registrant on the Social Worker Register.

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### **Fallon & Lemos v Bennett-Threlfall**

#### **Practice Area: Personal Injury**

Successful strike out of a claim to which QOCS applied for the Defendant on procedural grounds leading to engagement of the QOCS exception under CPR44.15.

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### **R v Smith & Nicholas**

#### **Practice Area: Regulatory**

Prosecution Junior in the largest Regulatory Prosecution by Stoke-on-Trent City Council involving fraud and the Cattle Identification Regulations.

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### **Hunter v San Marino Restaurant**

#### **Practice Area: Occupiers Liability**

Successful defence in an Occupiers' Liability case involving the application of the Court of Appeal principles from Dawkins v Carnival Plc.

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### **What the Directories say**

"James is very good at what he does. He is an 'all guns blazing' type of lawyer. An exceptional barrister with very good cross examination skills and advocacy is second to none."

Chambers & Partners, 2026

"James Paterson is very effective in the area."

Chambers & Partners, 2025

"James Paterson is forceful as an advocate."

Chambers & Partners, 2024

James is a superb cross-examiner.

Chambers & Partners, 2023

Very conscientious and a safe pair of hands.

Chambers and Partners, 2022

Boasts an impressive track record of achieving findings of fundamental dishonesty in a broad range of motor insurance fraud cases. He is routinely instructed by insurers for the defence of claims involving exaggerated injury, phantom passengers and staged accidents. Experienced, knowledgeable and very approachable.

Chambers and Partners, 2021

Affable with clients but forceful in court.

Chambers and Partners, 2020

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