



LIABILITY INSURANCE: WHAT'S PAST IS PROLOGUE...

6th- 8th September 2010
ROBINSON COLLEGE, CAMBRIDGE

THE CONFERENCE

This is the seventeenth Conference organised on behalf of the Liability Underwriters Group. In previous years the Conference has raised awareness of the many emerging risks and issues facing the Liability Market and suggested solutions. At this Conference we will be looking at recent emerging risks and liabilities and additionally we will be covering many other topics that impact on the Market, including the environmental liability regime, recent US developments, and how the Market is performing.

There will be opportunities for delegates to join in discussions: time is set aside after each presentation for questions and at the Symposium, issues can be raised for debate by the Conference.

WHO IS THE CONFERENCE FOR?

This Conference will be of interest to anyone involved in Liability Insurance: underwriters, claims managers, risk managers, lawyers and brokers.

THE BENEFITS

In addition to hearing expert and eminent speakers there will be an opportunity to:

- Discuss liability insurance issues with others - both speakers and other delegates
- Exchange views during the Symposium - an important aspect of the Conference is to encourage participation and obtain a good cross-section of views
- Develop business relationships - the Conference has a strong social aspect to complement the academic

THE VENUE

Robinson College is the most modern college in Cambridge with excellent conference and residential facilities.

THE LIABILITY UNDERWRITERS GROUP

LUG was formed nearly 30 years ago by leading underwriters in the London Market with a view to improving levels of knowledge in the market as a whole. This is pursued through an academic approach to dealing with real problems facing the market. LUG provides a forum where underwriting practitioners may meet, exchange views and information, but most importantly, undertake research for the benefit of the whole market. This Conference provides an opportunity for the members of LUG to further its aims and to involve others in the industry with an interest in Liability Insurance.

CONFERENCE PROGRAMME

Monday 6th September 2010

- 5.30 - 6.30 pm **REGISTRATION**
- 6.30 - 7.30 pm **DINNER**
- 7.30 - 7.45 pm **Conference Chairman's Introduction**
- 7.45 - 9.30 pm **The Liability Game**

Tuesday 7th September 2010

- 8.45 - 9.15 am **The Liability Market 2010**
Robert Beesley
- 9.15 - 10.15 am **Recent Developments in Catastrophic Injury Claims**
Michael Rawlinson QC
- 10.15 - 10.30 am **TEA AND COFFEE**
- 10.30 - 11.15 am **Sports Injuries**
Stephen Aitkin
 - How do sports injury claims differ from others?
 - Liability: A higher standard of care?, who is liable - player or club?, Liability of referees
 - Quantum: Application of general principles, Loss of earnings and care claims, General damages awards, Increased awards for malicious acts
 - Additional considerations for insurers: Coverage points, Exclusion clauses
- 11.15 - 12.15 pm **Product Liability and Recall: Sofa Not So Good**
Jim Sherwood
 - Group Actions
 - Liability Recall and Recoveries Update
 - Recalls and Recoveries
 - Insurance Coverage Issues
- 12.15 - 1.00 pm **The Casualty Market: A Broker's Perspective of the Market**
David Bramall
- 1.00 - 2.00 pm **BUFFET LUNCH**

- 2.00 - 2.30 pm** **Employers' Liability Insurance Bureau**
Alistair Kinley
- How the debate arrived here
 - Making sense of the jargon: ELTO, ELIB, FSCS
 - Is ELIB merely a New Labour legacy?
 - Likely future developments?
- 2.30 - 3.00 pm** **Report from the Financial Loss Working Party**
David James and Neville White
- 3.00 - 3.15 pm** **AFTERNOON TEA**
- 3.15 - 4.15 pm** **US Emerging Issues and Climate Change Liability**
Erik Kowalewsky
- 4.15 - 5.15 pm** **Symposium**
Our panel of experts will lead a discussion on questions raised by delegates
- 7.00 pm** **RECEPTION AND BANQUET**

Wednesday 8th September 2010

- 9.00 - 10.30 am** **Disease and Deafness Claims**
Gary Fitzpatrick and David Pugh
- Asbestosis and mesothelioma claims
 - Triggers
 - Deafness claims
 - Diseases on the radar
- 10.30 - 10.45 am** **TEA AND COFFEE**
- 10.45 - 11.45 am** **Harassment, Bullying and Psychiatric Injury Claims**
Martin Porter QC
- 11. 45 - 12.15 pm** **Environmental Impairment Liabilities and Mandatory Financial Provisions**
Valerie Fogleman
- 12.15 - 1.00 pm** **Taking the Risks out of Liability Business**
Jon Elvidge
- 1.00 - 2.00 pm** **BUFFET LUNCH**

2.00 - 2.45 pm

Burden of Proof. In Reverse?

John Moore

- Is the court now following Roadrunner v Dean and taking a reasonably robust approach to causation?
- Has the principle in Fairchild modified the rules as to causation?
- Did the return to res ipsa loquitur, albeit denied, in Lillywhite v UCL Hospital lead to a change of approach to causation?
- If not, why have such surprising and worrying decisions appeared in the last year or so?

2.45 - 3.15 pm

Social Networking Liability and Policy Cover

Robert Beesley

3.15 - 3.45 pm

Discussion on Issues Raised and the Way Forward

3.45 pm

CONFERENCE CLOSE

THE PANEL

CHAIRPERSON

Deborah Hall

Deborah Hall is a journalist and broadcaster. She presented *Breakfast Time*, *Newsroom South East*, *Business Breakfast*, the *National News*, and *BBC World*. She has appeared in many other programmes and dramas on television. She is the presenter of The Law Channel for Einstein Network and The Risk Channel for IMC Knowledge. She has chaired many Liability and Professional Indemnity Insurance Conferences, including 15 of the 16 LUG Conferences.

SPEAKERS

Stephen Aitkin

Steven Aitkin is a Senior Associate in the General Liability and Medical Department of Reynolds Porter Chamberlain. He qualified as a solicitor in 1996 since when the bulk of his work has been on behalf of insurers, mainly advising on personal injury accident claims under EL, PL and motor policies. Since joining RPC in 2008, he has concentrated on high-value and complex claims including catastrophic, brain injury and fatal accidents. He also advises on regulatory matters including health and safety prosecutions.

Robert Beesley

Robert Beesley is Senior Casualty Underwriter at XL Insurance having had many years experience in the London Market as a broker and underwriter. He has been a member of the Liability Underwriters Group since 1993 and is currently Chairman.

David Bramall

David Bramall ACII and BSc (Hons) is Head of Casualty within Marsh's Risk Management Practice. He started his insurance career on the Sedgwick graduate programme in 1997, and worked on the client servicing side until 2003 when he moved over to broking and specialised in liability placements.

Jon Elvidge

Jon Elvidge B.Eng., C.Eng., MIMechE, Senior Casualty Risk Engineer, XL Insurance, is a mechanical engineer with 15 years' post chartered experience. He joined XL Insurance in 1996. With a background in fluid mechanics, he previously worked as an engineering consultant, with a focus on project and contract management for major infrastructure schemes. In his current role, he provides company risk assessments for liability underwriters and works closely with XL Insurance's clients to help assess and mitigate their global liability risk exposures.

Gary Fitzpatrick

Gary Fitzpatrick is a Partner and Director of Disease Claims at Keoghs. His particular expertise lies in defending claims on behalf of large insurance clients and commercial organizations. However he has also represented a variety of smaller insureds. He specialises in asbestos-related conditions, work related upper limb disorders, noise induced hearing loss, HAVS and repetitive back injury, including chronic pain syndrome cases. He sits on the Disease Special Interest Group of the Forum of Insurance Lawyers (FOIL) and regularly conducts disease-related training sessions.

Valerie Fogleman

Valerie Fogleman is a consultant with Stevens & Bolton LLP. She is one of the best known and highly regarded environmental lawyers in the country, with particular expertise in environmental liability and insurance law. She was a Member of the Texas State Bar and practised environmental and insurance law in Texas before returning to the UK with Barlow Lyde & Gilbert in 1992.

David James

David James has worked in the London Market for many years as both underwriter and broker. Specialising in liability insurance, he currently provides technical underwriting advice and support to the liability team within the international and large corporate risk sector at Allianz Global Corporate and Specialty. Has been an active member of LUG for many years, has been involved in various market working and research groups and has spoken at previous LUG conferences.

Alistair Kinley

Alistair Kinley is responsible for Berrymans Lace Mawer LLP's engagement with government departments and regulators on key issues affecting the firm and its clients. The focus of this work is on legal policy within the tort system. He joined BLM at the start of 2006 following ten years experience at the Association of British Insurers, where he led policy on a range of civil justice issues, notably damages reform, costs and conditional fees. He is a current member of the Civil Justice Council, a statutory body which advises the Lord Chancellor and his officials on the civil justice system. He is a past member of the Ogden Working Party.

John Moore

John Moore is Claims Director of Wren Managers Limited. He is joint editor of the Insurance Institutes of London's Research Study Group on Professional Indemnity Insurance, and is leader of their RSG on Handling Professional and Liability Claims. He was the author of the Professional Insurance Chapter of The Construction Law Handbook. He has spoken at a number of conferences and seminars on claims handling.

Martin Porter QC

Martin Porter QC practises from 2 Temple Gardens. He is a leading personal injury specialist with particular experience of clinical negligence, industrial disease, brain damage, psychiatric injury and all sports related litigation (particularly involving cycling). He broadcasts and writes frequently including for BBC's Law in Action, The Times Law Section, New Law Journal, All England Opinion. He also has considerable experience of professional negligence, especially of solicitors and surveyors, nuisance cases, insurance work and public law and human rights.

David Pugh

David Pugh is a Partner in Keoghs. Specialising in occupational disease matters, David has advised a wide range of clients including major composite insurers, the Ministry of Defence, local authorities, large multinational corporations and the NHS. He advised the only parties outside the Government and the Claimants Group to successfully accede to the handling agreement in the coal mining respiratory disease litigation, the biggest public liability compensation scheme in the world.

Michael Rawlinson QC

Michael Rawlinson QC practices from Kings Chambers, Manchester. He both claims and defends within his areas of practice - Personal Injury, Industrial Disease, Clinical Negligence. Within the field of industrial disease claims, he has extensive experience in appearing in cases which have had

wider significance beyond the individuals concerned - *Fairchild v Glenhaven* and *Rothwell & Johnston*, the Pleural Plaques test litigation.

Jim Sherwood

Jim Sherwood is a Partner in Berryman's Lace Mawer. He leads the Product Liability Team in London acting for insurers, retailers and manufacturers. He has dealt with issues across the manufacturing and retail sectors, from product recalls in vehicle airbags, potential liabilities arising from so called 'popcorn lung' litigation in the USA, to drug testing kits for international athletes. He is instructed in the group litigation brought by consumers relating to contact dermatitis caused by leather sofas imported from China, the largest group action pursued in this country. He has handled claims in every EU country, Australia, the USA and increasingly, the Far East.

Neville White

Neville White is the Senior Casualty Underwriter at Tokio Marine Europe. In a career spanning 25 years he has previously worked at Allianz and St Paul Travelers, before moving to Tokio Marine to work in the Corporate Department and then the London underwriting office. He is a former chairman of LUG and a past conference speaker. He presently sits on the IUA's environmental working party and chairs the IUA's financial loss working party.

CONFERENCE INFORMATION

DATES

Monday 6th (6.30 pm) to Wednesday 8th (3.45 pm) September 2010

VENUE

Robinson College, Cambridge

FEES

The fee for the two-day Conference is £945.00 +VAT. The fee includes conference documentation, refreshments, breakfast, lunch, dinner, banquet and accommodation.

ACCOMMODATION

Accommodation is in Student Single Study “en-suite” bedrooms located in the College building.

TRAVELLING TO CAMBRIDGE

For those travelling from London we have a coach that will depart from Lloyd’s at 3.45pm on 6th September, and return after the Conference. Fee £20 +VAT.

CAR PARKING

Car Parking is available free of charge at the Wilberforce Road Athletics Ground – five minutes walk from the College.

SOLICITORS REGULATORY AUTHORITY CPD SCHEME

This Conference qualifies towards Continuing Professional Development.

CII CPD SCHEME

This Conference may be regarded as a structured activity for the purpose of CPD.

BAR STANDARDS BOARD CPD SCHEME

This Conference qualifies towards Continuing Professional Development.

BOOKINGS

To reserve places for the Conference, please email: tony.gregory@imc-seminars.com
or telephone: +44 (0)20 7481 9070

PLEASE NOTE

Joining instructions will be emailed to all delegates prior to the Conference. If you do not receive these, please telephone to ensure we have registered your booking. All other documentation will be distributed at the Conference. It may be necessary for reasons beyond the control of the organisers to alter the content and timing of the programme and/or the speakers.