

To: Brokers (via LIIBA)  
Broker Claims Contacts  
Company Claims Contacts  
Company LPC Contacts  
Lloyd's Managing Agents  
Date: 12 December 2013  
Reference: 2013/146  
Enquiries to: Julie Donoghue, Claims Services  
Tel: +44 (0)20 3604 5476 Email: [xcsseminars@xchanging.com](mailto:xcsseminars@xchanging.com)

market communication

**RE: A SPECIAL LEARN AT LUNCHTIME SEMINAR – 27 JANUARY 2014  
FROM 14:00 – 17:00 HOURS IN THE LLOYD'S LIBRARY**

Claims Services is pleased to announce the continuation of the 'Learn at Lunchtime' seminar programme throughout 2014. This event is free to attend, has been accredited by the CII and can be included as part of your CII CPD requirement should you consider it relevant to your professional development needs.

The details of the next seminar are outlined below:

**27 January 2014 – “You Say Potato...” – Litigating Coverage Disputes in the USA vs England and Wales**

**Speakers:** Colin Wynter QC, from Devereux Chambers in London  
Bill Perry from Carter Perry Bailey LLP in London  
Bruce Barze and Todd Lowther from Balch & Bingham LLP in Birmingham, Alabama

**An Xchanging Claims Services presentation featuring a mock cross-examination of a claims person with discussion, designed to highlight the substantive and procedural similarities in both jurisdictions and demonstrating the different approaches lawyers use when cross-examining for the benefit of a commercial court expert judge in England and Wales and a local lay jury in the USA.**

This is a not-to-be-missed event for all those who handle claims-related coverage disputes in the US and/or England and Wales.

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**Seminar Overview:**

In this seminar, a UK QC, a UK solicitor, and two US attorneys, all of whom are well-known to the market, will describe and demonstrate what claims handlers can expect when litigating a coverage matter in the USA vs England and Wales.

The presentation will begin with a discussion of the structure of English and US proceedings, including the main differences between the two systems. This discussion will be followed by the speakers engaging in a mock cross-examination of a claims handler in a coverage dispute within the context of both jurisdictions.

Through their presentation, the speakers will guide the listener through the morass of court decisions, providing tips on avoiding potential pitfalls, looking in particular at:

- General legal principles applicable to coverage litigation in the USA and England and Wales
- The present bad faith environment in the USA
- Specific case examples
- Tips and instruction for potential deponents and trial witnesses

Our attendees will come away with an understanding of:

- The main differences when litigating coverage disputes in the USA and England and Wales
- Witness dos and don'ts
- Best practices in litigating claims in the English and US court systems

**Our Speakers:**

**Colin Wynter QC** of Devereux Chambers won the award for Insurance Silk of the Year by the 2012 Chambers Bar Awards. The Awards are based upon independent research conducted for the 2013 edition of Chambers UK. He was called to the Bar in 1984 and took his Silk in 2006. Colin's principal areas of practice are insurance and reinsurance litigation and arbitration, conflicts of law, general commercial and some areas of employment law. Held in high regard for his insurance practice, he has acted on some of the most high-profile cases in the market in recent years, including two of the most significant insurance cases of the recent past: Employers' Liability Policy "Trigger" Litigation (*Durham & Others v BAI & Others*) and *Brown-Quinn v Equity Syndicate*. He appeared in the Supreme Court in the culmination of the long-running employers' liability trigger (EL trigger) litigation, in which he was leading counsel for three of the insured parties, leading a team of three senior juniors, and in which he was successful in resisting the two appeals made against his clients and winning the appeal of his other client. Before that, leading Thomas Cordrey of Devereux Chambers, Colin succeeded,

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in *Brown-Quinn v Equity Syndicate*, in establishing for the first time in this jurisdiction, the right of an insured under a contract of legal expenses insurance to choose his or her own lawyer, in place of the lawyer chosen or nominated by the insurer, pursuant to EC Directive and corresponding UK Regulations.

**Bill Perry** is the Senior Partner of Carter Perry Bailey LLP, a boutique (re)insurance and commercial litigation firm in the City of London. He is (and has been since 2001) a Leading Individual in (Re)Insurance in Chambers UK and is Recommended in the Legal 500; Carter Perry Bailey is also rated a leading firm by both directories. He is President of Insuralex, the Global Insurance Lawyers group with members in 34 jurisdictions. He was in 2011-12 (the first non-American to be) President of the International Association of Defense Counsel, a worldwide invitation only group of highly qualified insurance, defence and business lawyers based in Chicago. He is Director-Elect of IADC's International Corporate Counsel College. Bill holds an MA from Oxford University, qualified as a solicitor (with Honours, top 1% of year) in 1977 at Norton Rose, became Senior Litigation Partner and later Senior Partner at Pickering Kenyon (the oldest firm in England) and was a Partner and then Head of Litigation & Dispute Resolution at Charles Russell before co-founding Carter Perry Bailey in 2009. Bill has law reported cases to his credit from 1984 to date, perhaps the most important being winning unanimously in 2009 an appeal to the House of Lords for his client AGF Insurance in the ground-breaking reinsurance case of *AGF and Wasa v Lexington Insurance*. His practice centres on (re)insurance coverage issues, advice on wordings, and commercial litigation and arbitration. He has practised in the field of (re)insurance since the early 1980s and acts for clients in a wide variety of jurisdictions. Bill is also a Fellow of the Royal Society of Arts, a Freeman of the City of London, a Member of the Chartered Institute of Arbitrators, of the Worshipful Company of Solicitors, of the Company of Arts Scholars, of the Association of Contentious Trust and Probate Specialists and of the Association of Defense Trial Attorneys.

**Bruce Barze** and **Todd Lowther** are partners in the law firm of Balch & Bingham LLP in Birmingham, Alabama, USA. Balch & Bingham LLP is a full-service law firm with 240 attorneys across offices in Alabama, Florida, Georgia, Mississippi, and Washington, DC. Balch & Bingham is a member of the Insuralex network of insurance law firms. Bruce is technology-oriented trial attorney with more than twenty years of experience handling a variety of insurance coverage matters and risk management issues, ranging from coverage opinions and analyses to all types of coverage litigation. He has substantial experience defending high-stakes personal injury and wrongful death cases and handling business, insurance, and environmental disputes. He is a Past President of the Alabama Defense Lawyers Association, is listed in *The Best Lawyers in America* (Bet-the-Company Litigation, Commercial Litigation, Insurance Law, Environmental Litigation, and

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Product Liability Litigation-Defendants), in "Alabama Super Lawyers" by Law & Politics, and in the International Who's Who of Product Liability Defence Lawyers. Bruce has litigated matters in courts in Alabama, Arizona, Colorado, Florida, Georgia, Louisiana, Mississippi, New Jersey, Ohio, Pennsylvania, Tennessee, West Virginia and Wisconsin.

Todd has successfully tried multi-million dollar lawsuits in cases involving, among other claims, breach of contract, negligence, insurance, bad faith, public and private nuisance, and construction defects. He has been named to the Alabama Super Lawyers list of "Rising Stars" for Personal Injury Defense: Products.

The seminar will take place from 14:00 – 17:00 hours in the Lloyd's building, London.

If you wish to attend the above seminar, please register with Julie Donoghue at [xcsseminars@xchanging.com](mailto:xcsseminars@xchanging.com) no later than 26 January 2014.

ANTHONY CROYDON  
HEAD OF SERVICE  
XCHANGING INSURANCE SECTOR