

# STEPTOE & JOHNSON



## London Insurance and Reinsurance

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## STEP TOE &amp; JOHNSON

CONTENTS	PAGE
Overview	1
Recommendations	1
Claims and Disputes	2
Policy Drafting and Negotiation	4
Regulation of Insurance	5
Financial Insurance and Alternative Risk Transfer	6
Insurance and Reinsurance: Key Contacts	7

# STEPTOE & JOHNSON

## OVERVIEW

In over 60 years of practice, Steptoe & Johnson has established a first-class reputation for vigorous representation and quality of service. We have more than 500 lawyers worldwide in offices in the US, London, Brussels and Beijing. Our practice in the US is among the largest, oldest, and most diverse in the country. We have offices in Chicago, New York, Washington DC and other cities, and represent American and international insurers and reinsurers in arbitration and litigation throughout the US.

Insurance and reinsurance is one of our core areas, with over 70 lawyers specialising in this field.

In London we have over 30 lawyers. The London insurance practice comprises English-qualified lawyers who have focused on insurance and reinsurance law throughout their careers. They act for many major insurers and reinsurers, brokers and other institutions, and are known for first-rate advice and representation. We are recommended for insurance and reinsurance by UK Chambers and UK Legal 500 directories.

## RECOMMENDATIONS

### Chambers UK

- Insurance: General Claims

*“This group continues to develop a major presence in the UK insurance market, keenly supported by its US offering”.*

*“Sources highlight the group’s excellent business-oriented approach”.*

Chambers UK

### UK Legal 500

- Insurance and Reinsurance Litigation
- Insurance: Corporate and Regulatory

*“provides very specific, quality opinions dovetailing UK and US legal advice”.*

*“regarded as ‘top-notch’ by clients and peers alike”.*

*“The firm has a ‘phenomenal insurance practice’ in the US and is fast building a reputation in London”.*

The UK Legal 500

# STEPTOE & JOHNSON

## CLAIMS AND DISPUTES

We advise on a wide range of insurance claims and coverage issues, and assist clients in resolving disputes by negotiation, arbitration, litigation and mediation as appropriate.

Our lawyers regularly provide advice on some or all of the following:

- rights to avoid for misrepresentation and/or non-disclosure;
- coverage issues;
- follow settlements/follow fortunes clauses;
- aggregation of claims;
- inspections of records and audits;
- disclosure of documents and questions of privilege;
- complex commutations;
- issues relating to underwriting agencies and pools;
- broker issues; and
- governing law and jurisdiction.

Our lawyers are experts in these matters, and provide skilled and commercial advice to put clients in the best possible position to achieve a successful outcome to disputes.

We have particular experience of handling complex and high value matters, including those involving the analysis and management of large volumes of documentation.

Recent examples of experience include:

- **Financial Institutions** - We have acted in high-value FI claims, including coverage disputes under D&O and bankers blanket bonds and claims under credit policies.
- **Products liability** - Our London and US offices are representing insurers and reinsurers in liability claims, arising out of various products, including several major pharmaceutical coverage claims which raise complicated factual questions and issues of construction under Bermuda Form and other wordings.

# STEPTOE & JOHNSON

## CLAIMS AND DISPUTES (CONTINUED)

- **Credit Insurance** - We have been involved in a wide range of trade credit and political risk programmes and claims. We are currently acting in credit claims in relation to a major EU infrastructure project.
- **Asbestos and other hazardous products** - We have represented numerous insurers in litigation over all aspects of asbestos bodily injury and property damage claims. We have acted in claims involving Agent Orange and other hazardous substances, and have successfully negotiated settlements of tobacco claims.
- **Environmental and pollution** - Steptoe is representing insurers in more than forty environmental coverage lawsuits.
- **Personal accident, life and health** - Our London and US offices have acted for cedants and reinsurers in a number of arbitrations arising from personal accident, life and health reinsurance contracts, including personal accident spirals.
- **Reinsurance** - In both London and the US we have lawyers specialising in reinsurance and the resolution of reinsurance disputes, with expertise in facultative, proportional and non-proportional treaties, binding authorities, open covers and lineslips. We act for companies and Lloyd's syndicates, both live and in run-off.
- **Broker's duties/negligence** - We have acted for and against brokers in negligence and contractual proceedings. Our lawyers have assisted brokers in the assessment of potential breach of duty claims and related file audits.
- **Bad faith claims** - We represent insurers and reinsurers in allegations of bad faith and unfair claims handling.
- **Subrogated defence work** - Steptoe is often appointed by insurers to defend claims against their insureds. Our International Dispute Resolution brochure and [www.step toe.com](http://www.step toe.com) contain details of our general litigation capabilities.

# STEPTOE & JOHNSON

## POLICY DRAFTING AND NEGOTIATION

Our lawyers frequently help underwriters to negotiate and draft policy wordings. Sometimes this entails reviewing and adapting existing wordings; on other occasions we are called upon to produce new wordings to suit particular needs. We are often involved where the policy raises issues of particular novelty or complexity.

Examples of policies which we have drafted or negotiated include:

- bankers' blanket bonds;
- Basel II compliance wordings;
- credit policies;
- D&O;
- EPL;
- fidelity;
- fine art;
- general liability;
- litigation buyout;
- organisational liability;
- political risk;
- product liability;
- professional indemnity; and
- reinsurance contracts.

We have particular experience in drafting policies to cover risks of financial institutions generally, and policies which integrate with other transactions such as securitisations or construction projects. Our lawyers were involved in revising the standard wordings of several of the financial guarantors for use in the UK.

# STEPTOE & JOHNSON

## REGULATION OF INSURANCE

We advise insurers, reinsurers and other institutions on a wide range of regulatory and commercial issues.

Examples of regulatory issues on which we have advised include:

- The establishment of insurers, and provision of insurance services, in the UK and across borders.
- The establishment of intermediaries, including the provision of insurance mediation services, in the UK and elsewhere in Europe.
- Remuneration of intermediaries.
- Contract certainty.
- Insurance taxation.
- Competition / antitrust. We have advised on the impact of antitrust and merger control provisions in several areas, including joint ventures, state aid in large-scale distribution of insurance products, protection & indemnity mutual insurance, and self-regulatory standards. We are also involved in the EU inquiry into insurance.
- “Insurance business”: what constitutes a contract of insurance, and the regulatory, tax and legal consequences of a contract being (or not being) insurance.
- Compensation schemes, including their applicability to international operations and proposed changes to UK and EU law.
- The effect of EU and national insolvency regimes.
- The impact of Solvency II.
- Portfolio transfers.
- The use of insurance as a risk mitigant for Basel II.

Lawyers in our London and Brussels offices closely work together in relation to EU cross-border matters.

# STEPTOE & JOHNSON

## FINANCIAL INSURANCE AND ALTERNATIVE RISK TRANSFER

Lawyers in our London office have extensive experience of ART transactions and contracts to transfer risk between insurers and financial institutions.

Examples include:

- Acting for banks and corporations in many transactions involving the transfer of credit/payment risk on loans and derivatives to insurers, sometimes using transformer structures.
- Drafting and negotiating a 15-year financial risk insurance policy (FRIP) providing US\$3.77 billion of protection against the risk of volatility in the regional aircraft market.
- Acting in relation to a US\$1.17 billion FRIP.
- Negotiating and drafting finite reinsurance policies to assist new insurance companies.
- Drafting and advising on finite insurance structures for oil rig decommissioning.
- Arranging the novations and terminations of a large book of ART business.
- Redrafting policies to reduce conditionality (risk of non-payment).
- Acting in several claims and disputes arising out of ART transactions.

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## INSURANCE AND REINSURANCE: KEY CONTACTS

# STEPTOE & JOHNSON

## LONDON



## ANGUS RODGER

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### Areas of Practice

Insurance  
Reinsurance  
International Dispute Resolution

### Education

London College of Law, 1992

Keele University  
B.A. (Hons), 1991

### Professional Affiliations

Solicitor and Advocate, Law  
Society of England & Wales

### Memberships

British Insurance Law Association  
Inter-Pacific Bar Association

### Additional Languages

French

Angus, a partner in our London office represents and counsels insurers, reinsurers, brokers and financial institutions in insurance disputes and non-contentious matters.

He is identified as a leading individual by the UK Chambers and UK Legal 500, which state that clients are “consistently extremely impressed” and that he is “regarded as ‘top notch’ by clients and peers alike”, has a “pleasant thoroughness, and rapid grasp of important features” and “respected for both contentious and non-contentious insurance”. He is also ranked as a leading lawyer in UK Chambers directory for Insurance Claims and is listed in Euromoney’s Expert Guide to the World’s Best Insurance and Reinsurance Lawyers.

Many of his clients have sought to resolve disputes by negotiation, and he has successfully dealt with numerous high value matters in this manner. He also exercises advocacy rights in front of the English higher courts and appears in insurance-related national and international arbitrations. Key litigation in which he has acted includes *Winterthur v Merrill Lynch* [2007] 2 All ER Comm 846, *Dow v Novoklav* [1998] 1 Lloyd’s Rep 306, *Sword-Daniels v Pitel* [1994] 4 All ER 385, and *Napier v Kershaw* [1993] AC 713.

He has drafted and negotiated all types of policy wordings, has acted in several significant ART transactions (such as BAE Systems’ US\$3.77 billion FRIP), and has advised on a range of regulatory issues.

### Representative Publications and Presentations

Angus is the author and contributing author respectively of two leading texts on insurance and reinsurance law, *EC Insurance Law* (Longman) and *Reinsurance Claims Handling* (Witherby) and is currently writing a new book on insurance regulation. He is a contributor to the Informa insurance and reinsurance law courses, has lectured on private international law at King’s College London and is a frequent contributor to industry journals and conferences.

# STEPTOE & JOHNSON

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### DAMIAN CLEARY

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#### Areas of Practice

Insurance  
 Reinsurance  
 International Dispute Resolution

#### Education

The College of Law of England &  
 Wales, 1993, Law Society Finals

University of Oxford, 1992,  
 B.A.Hons.

#### Professional Affiliations

Solicitor, Law Society of England  
 & Wales

British Insurance Law Association

Trustee, Balliol College Education  
 Trust

Accredited Mediator

Damian is a partner in the London office. He advises on both insurance and reinsurance matters, with an emphasis on reinsurance; he conducts litigation in the High Court and in international arbitration.

He advises insurers and reinsurers on mainly non-marine disputes, in particular on risks concerning Accident & Health, D&O, engineering, credit, ATE/legal expenses and surplus lines, which usually involve cross-border issues in many worldwide jurisdictions.

Damian has particular experience with the duties and obligations of underwriting agents under binding authority agreements.

He advises on bespoke policy clauses and wordings and related risk management.

He advises on UK matters arising out of global or national regulatory investigations, including the U.S. Office of Foreign Asset Control (OFAC), the DTI and the FSA, including responses to subpoenas for documents and other evidence.

# STEPTOE & JOHNSON

## LONDON



### GAVIN COULL

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#### Areas of Practice

Insurance  
Reinsurance  
International Dispute Resolution  
Fraud

#### Education

Guildford College of Law, Dip  
Law, PGCLE, 1994

St Peter's College, Oxford  
University, B.A., 1992

#### Professional Affiliations

Solicitor, Law Society of England  
& Wales

Gavin, a partner in our London office, acts for the London insurance and reinsurance market (both Lloyd's and companies) and international carriers, as well as corporate insureds. Before joining Steptoe, Gavin was a partner in a prominent London insurance and reinsurance practice.

Gavin specialises in dispute resolution and coverage advice for reinsurers and reinsureds, in respect of both treaty and facultative business, as well as complex international direct business and binding authority issues. He is also regularly instructed in matters involving fraud and has experience of obtaining and enforcing freezing injunctions and search and seizure orders, and of acting as Court appointed Supervising Solicitor. He has extensive experience of litigation, arbitration and alternative dispute resolution, and has had conduct of significant matters in England and overseas (Bermuda and the US amongst others) and frequently acts as co-coordinating counsel for multi-jurisdictional disputes.

Gavin also has a non-contentious practice, advising on insurance and reinsurance programme structuring and wordings, both traditional and alternative.

He also regularly contributes to industry publications and conferences.

# STEPTOE & JOHNSON

## LONDON



## JONATHAN RAYNES

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### Areas of Practice

Construction  
International Dispute Resolution  
Property

### Education

King's College London, M.Sc. in  
Construction Law and Arbitration  
with distinction, 1998

Nottingham Law School, Law Society  
Finals (with honours), 1991

Nottingham Law School, CPE, 1990

Christ Church, Oxford University,  
M.A. (Oxon) in Philosophy, Politics  
and Economics, 1989

### Professional Affiliations

Solicitor, Law Society of England  
& Wales, 1993

Jonathan is a partner in the London office, where he heads the firm's Construction practice, advising on both contentious and non-contentious matters. He is recognised by Chambers UK in its 2008 edition as one of the leading lawyers in the UK for construction work.

Jonathan has drafted and negotiated a wide range of agreements, including not only construction contracts, professional appointments and warranties but also bonds, guarantees and other project documentation. On a commercial level, he has prepared a wide variety of commercial agreements, ranging from standard terms of business to bespoke contracts, and advised the government of a new European state on motorway procurement using private finance.

Jonathan also qualified as a solicitor-advocate (with rights of audience in civil court proceedings) and has extensive experience of resolving disputes. He has dealt with numerous court actions, arbitrations, adjudications and mediations on behalf of employers, contractors, subcontractors and insurers.

Jonathan's experience includes advising insurers on a claim arising from hurricane damage to a hotel in the Cayman Islands, investigating on behalf of insurers a claim for cyclone damage to an oil refinery in Asia, advising main contractors on their exposure and insurance cover following extensive fire damage to a historic monument and acting for consulting engineers and their professional indemnity insurers in defence of allegations of negligence on the part of the insured.

# STEPTOE & JOHNSON

## LONDON



## KASSIM MEGHJEE

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### Areas of Practice

Tax

### Education

Guildford College of Law, 1997

Girton College, Cambridge University,  
B.A. Hons (Law), 1996

### Professional Affiliations

Solicitor, Law Society of England  
& Wales, 1999

Kassim is a partner in the London office of Steptoe & Johnson and is a member of the Tax group.

Kassim advises on all aspects of UK Insurance Premium Tax, EU VAT and its application to insurance businesses as well as the taxation of insurance companies in the UK. Kassim has considerable experience in advising on multi-jurisdictional insurance products and has also worked closely with fiscal representatives to ensure compliance with their obligations in the UK. He has also acted for UK based insurers acquiring insurance businesses in the run-off phase.

Kassim also advises UK and international clients in relation to the taxation of business and investment activities. He has experience with structuring the tax-efficient acquisition, ownership and disposal of shares, securities and real estate; the interpretation of double taxation treaties; and the application of transfer pricing rules. He advises a number of UK-, European- and Asian-based businesses as well as US-based multinationals.

# STEPTOE & JOHNSON

## LONDON



## MICHAEL WHARFE

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### Areas of Practice

Insurance  
Reinsurance  
International Dispute Resolution

### Education

University of Auckland, B.A., 1994  
& LL.B, 1996

### Professional Affiliations

Barrister and Solicitor of the High  
Court of New Zealand, 1997

Solicitor, Law Society of England  
& Wales, 2005

Michael is a solicitor in the London office of Steptoe & Johnson, where he is a member of the firm's Insurance and Reinsurance Group.

Prior to joining Steptoe & Johnson, Michael practiced as a solicitor in the Commercial Litigation team of a London City law firm.

Michael acts in insurance and reinsurance disputes and arbitrations. He has particular experience in professional indemnity and public liability insurance, acting for both underwriters and insureds on policy coverage, subrogated claims, and for insureds resisting claims against them. He also has experience in general commercial litigation, product liability claims, serious fraud and regulatory matters.

# STEPTOE & JOHNSON

## LONDON



## HELENA COATES

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### Areas of Practice

Insurance  
 Reinsurance  
 International Dispute Resolution

### Education

London College of Law  
 (Distinction), 2002

Queen Mary, University of London  
 B.A. (Hons), French & Italian,  
 1998

### Professional Affiliations

Solicitor, Law Society of England  
 & Wales, 2005

### Additional Languages

French

Helena is a solicitor in the London office of Steptoe & Johnson, where she is a member of the firm's Insurance and Reinsurance Group.

Prior to joining Steptoe & Johnson, Helena practiced as a solicitor in the insurance and reinsurance litigation team of an international law firm in London.

Helena has acted in a variety of insurance and reinsurance disputes both in arbitrations and in the Commercial Court in London. Her clients have included Lloyd's Syndicates and London Market and international insurance and reinsurance companies as well as insureds and brokers. Many of the cases Helena has worked on have had an international element, with a particular emphasis on the Bermuda market. She has particular experience in brokers' negligence disputes and complex, high-value reinsurance litigation with respect to both treaty and facultative cover. Helena also has experience of negotiating and drafting policy wordings, and has worked with reinsurance companies on ART transactions.

# STEPTOE & JOHNSON

## LONDON



### TIM SEARLE

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#### Areas of Practice

Insurance  
 Reinsurance  
 International Dispute Resolution

#### Education

University of Western  
 Australia, LL.B, 2004

University of Exeter/UC Berkeley,  
 BA (Hons), 2000

#### Professional Affiliations

Barrister and Solicitor of the High  
 Court of Australia, 2006

Barrister and Solicitor of the  
 Supreme Court of Western  
 Australia, 2005

#### Additional Languages

French (basic)

Tim is a solicitor in the London office of Steptoe & Johnson. He is an Australian qualified barrister and solicitor, and is a member of the firm's Insurance and Reinsurance Group.

Prior to joining Steptoe & Johnson, Tim practiced as a solicitor in the Commercial Advice and Litigation team of a leading Australian law firm.

Tim acts mainly in insurance and reinsurance disputes and arbitrations, and has particular experience acting on behalf of underwriters in coverage disputes and in matters relating to professional negligence. He also has experience in general commercial litigation and intellectual property disputes, and has appeared as an advocate in the Australian Supreme and Federal Courts.

# STEPTOE & JOHNSON

## LONDON



### GIULIA DA RE

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#### Areas of Practice

Insurance  
 Reinsurance  
 International Dispute Resolution

#### Education

University of Western  
 Australia, LL.B & B.A., 2007

#### Professional Affiliations

Barrister and Solicitor, Australia,  
 2009

Giulia is a solicitor in the London office of Steptoe & Johnson. She is an Australian qualified barrister and solicitor, and is a member of the firm's Insurance and Reinsurance Group.

She completed her traineeship in the litigation team at a leading Western Australian firm before joining Steptoe & Johnson's London insurance and reinsurance team in September 2009.

Giulia acts mostly in insurance and reinsurance arbitrations. She has acted on behalf of underwriters in coverage disputes. She also has provided advice on UK and European Law insurance regulation regimes.

In addition to insurance and reinsurance, Giulia has acted in various non-insurance related commercial disputes in the following areas: minority shareholders' rights, breach of directors' duties, liquidation of companies, intellectual property disputes, disputes arising from M&A transactions and general contractual disputes.

She has also appeared as an advocate in the Western Australian Supreme Court and the Australian Federal Court.

# STEPTOE & JOHNSON

## BRUSSELS



## PHILIP WOOLFSON

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### Areas of Practice

EU Law  
Insurance  
Financial Services

### Education

College of Europe, Bruges,  
Belgium, Masters in the Law of  
the European Communities, 1982

University of Glasgow, Scotland  
Arts and Law Degree, 1979

### Professional Affiliations

Solicitor, Law Society of Scotland  
Avocat, Paris Bar  
Avocat, Brussels Bar

Philip, a partner in the Brussels office of Steptoe & Johnson LLP, practises in the areas of European Union (EU) law and French law, with a particular focus on insurance and other financial services (mutual funds, banking, investment services), competition rules and e-commerce in financial services. He is well-known for his experience and knowledge in cross-border insurance regulation.

Following his legal training with a firm of Scottish solicitors, he was the first graduate to be accepted for a traineeship with the Legal Service of the Council of the European Communities.

Philip has been a partner at a Paris office of a firm of solicitors and avocats, where he addressed a broad range of cross-border matters, involving EU law, and corporate and commercial law. He is a regular speaker at conferences on financial services and a frequent contributor to European and international legal journals. He is also a member of the editorial committee of Sweet & Maxwell's Encyclopedia of Insurance Law.

He is enrolled as a solicitor with the Law Society of Scotland and fully admitted as an avocat at the Paris and Brussels Bars.

# STEPTOE & JOHNSON

## BRUSSELS



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### Areas of Practice

EU Law  
Financial Services

### Education

University of New York,  
Master of Comparative  
Jurisprudence, 1987

College of Europe Bruges, Belgium  
Masters in the Law of the  
European Communities, 1984

University of Nantes, France,  
Law Degree, 1982

### Professional Affiliations

Avocat, Paris Bar  
Avocat, Brussels Bar

Guy is a partner in the Brussels office of Steptoe & Johnson LLP. With more than 17 years of experience, he has advised extensively on EU regulatory, legal, tax, antitrust and compliance issues for insurers, reinsurers, captives, intermediaries and other financial sector entities in all classes of insurance and reinsurance (life, health, property and casualty, etc.). He assists leading international financial groups in pursuing a pan-European expansion strategy and trade associations in securing effective implementation of Single Market rules.

Prior to joining Steptoe & Johnson, he established and led the EU insurance regulatory practice of LeBoeuf, Lamb, Greene & MacRae in Brussels.

He maintains close contacts with the European institutions and national supervisory authorities and is a frequent contributor to insurance industry and legal publications and a regular speaker at international conferences.

He is fully admitted as an *avocat* at the Paris Bar and is also listed on the European list of the Brussels Bar.

# STEPTOE & JOHNSON

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