



PLUS

PROFESSIONAL LIABILITY UNDERWRITING SOCIETY

**IADC/PLUS Europe
International Professional Liability Roundtable
November 28, 2016
London, Paris, and Zurich (Rüschlikon)**



This day-long program, presented by IADC and PLUS Europe, will take place simultaneously in London, Paris, and Zurich (Rüschlikon), with videoconferencing connecting the different locations' audiences and speakers. Hear from experts who will explore various topics of interest to both the insurance market and insureds in the financial, professional, and commercial marketplace, as well as those who serve their legal needs. This unique Roundtable experience allows attendees access to thought leaders from all locations while also giving the opportunity to meet local colleagues.

IADC/PLUS Europe

International Professional Liability Roundtable

November 28, 2016

LOCATIONS

London: Hogan Lovells, Atlantic House, 50 Holborn Viaduct, London, England

Paris: Hogan Lovells, 17 Avenue Matignon, 75008 Paris, France

Zurich: Swiss Re Centre for Global Dialogue, Gheistrasse 37, CH-8803 Rüschlikon, Switzerland

SCHEDULE

Program times will be listed according to location.

9.00 - 9.15 (London)

10.00 - 10.15 (Paris/Zurich (Rüschlikon))

Welcome and Introduction

Tanguy Le Gouëllec De Schwarz, Program Chair, Foran Glennon (UK) LLP, London, England

9.15 - 10.05 (London)

10.15 - 11.05 (Paris/Zurich (Rüschlikon))

Potential of Large Aggregated Professional Liability Claims

This program will be presented in Zurich and video conferenced to London and Paris.

Large losses in the area of professional liability most commonly arise from individual discreet claims. However, claim complexes have arisen in the past and have the potential to appear in the future. The panel will look at a now resolved professional liability claim complexes and explore what may give rise to future claim complexes.

- One of the largest professional liability losses over roughly the past decade arose from the tax shelter claim complex in the U.S. The panel will discuss the scope of this loss in terms of the magnitude and breadth of the loss as a number of law and accounting firms were impacted.
- Cyber hacks, like what took place with the Panama papers, have the potential to give rise to new professional liability claim complexes.

Panellists: **Albert C. Hilber**, Senior Claim Counsel, Swiss Re, New York, New York USA; **David Wilkinson**, Kennedys, London, England

10.05 - 10.15 (London)

11.05 - 11.15 (Paris/Zurich (Rüschlikon))

Break

10.15 - 11.05 (London)

11.15 - 12.05 (Paris/Zurich (Rüschlikon))

Cyber Liability

This program will be presented in Paris and video conferenced to London and Zurich.

Cyber liability has become a threat and real exposure for many organisations. This panel will focus on:

- the diversity and technicalities of cyber risks such as data breach, network security, extortion, crisis management, and multimedia liability;
- the legal framework in the EU; and
- the cyber liability insurance market and the lessons learned from recent matters.

Moderator: **Simon Ndiaye**, *HMN & Partners, Paris, France*

Panellists: **Kyle Bryant**, *Regional Manager, Cyber Risks, Continental Europe at Chubb, Paris, France*; **Timothée Grange**, *Partner, GMC, Paris, France*; **Laure Zicry**, *Head of Financial Institutions Brokerage and Cyber Risks, Practice Leader, Gras Savoye Willis, and Professor, Centrale Supélec Executive Education, Paris, France*

11.05 - 11.15 (London)

12.05 - 12.15 (Paris/Zurich (Rüschlikon))

Break

11.15 - 12.05 (London)

12.15 - 13.05 (Paris/Zurich (Rüschlikon))

Class/Group Actions and Settlement Mechanisms

This program will be presented in London and video conferenced to Paris and Zurich.

MasterCard is facing the first US style opt-out class action in the UK, for approximately £14bn, under the recently enacted Consumer Rights Act 2015. As well as such claims, financial professionals and financial institutions in the UK are increasingly subject to group actions, including for prospectus liabilities and the mis-selling of investments. A further increasing trend is “class actions by the back door” as a result of regulatory interventions and collective redress schemes. This panel will discuss the challenges to the insurance sector that such claims bring and will bring to bear our experience of equivalent claims in Europe and in particular in the Netherlands, which is the current “hot-spot” for collective claims.

Moderator: **Simon Goldring**, *RPC, London, England*

Panellists: **Mona Barnes**, *Vice President, Overseas General Insurance - Claims, Chubb, London, England*; **Maurits Kalff**, *Van Doorne, London, England*; **David Nayler**, *Head of Financial and Professional Services Legal and Claims Practice, Aon, London, England*

12.05 - 13.15 (London)

13.05 - 14.15 (Paris/Zurich (Rüschlikon))

Lunch

13.15 - 14.05 (London)

14.15 - 15.05 (Paris/Zurich (Rüschlikon))

D&O Coverage and Shareholder Litigation

This program will be presented in Zurich and video conferenced to London and Paris.

Significant D&O claims have arisen in Europe and particularly Germany over the last half dozen or so years. The panel will look at some of these recent larger D&O claims.

- Two large D&O matters that readily come to mind and which received considerable media attention are Deutsche Bank and Siemens. The panel will look at these matters to demonstrate how they proceeded and were ultimately resolved both as respects the claims made against the companies and the companies pursuit of D&O cover from their insurers.
- The panel will also discuss the pending VW litigation which perhaps signals a change in the willingness of Europeans and more particularly Germans to pursue redress through litigation.

Panellists: **Dr. Steffen Ernemann**, *Counsel, BLD Bach Langheid Dallmayr, Munich, Germany*; **Peter Pichol**, *Senior Underwriter Facultative Casualty, Swiss Re, Munich, Germany*; **Erik Stenberg**, *Baudacci Nigg Stenberg, Zurich, Switzerland*

14.05 - 14.15 (London)

15.05 - 15.15 (Paris/Zurich (Rüschlikon))

Break

14.15 - 15.05 (London)

15.15 - 16.05 (Paris/Zurich (Rüschlikon))

Third Party Litigation Funding: An Opportunity or a Threat?

This program will be presented in Paris and video conferenced to London and Zurich.

At a time when litigation costs are sky-rocketing, litigants are looking for new and innovative litigation funding means. Third party litigation funders are making a mark on the European legal scene. This panel will discuss the practical aspects of third party litigation funding. With a specific focus on the insurance sector, it will explore its potentially transformative impact and take a look at the opportunities which arise for corporates from a business which is too often seen as being on the plaintiffs' side.

Moderator: **Thomas Rouhette**, Hogan Lovells, Paris, France

Panellists: **Duncan Fairgrieve**, Director, Product Liability Forum, British Institute of International and Comparative Law (BIICL), London and Professeur Associé, Université de Paris Dauphine PSL; **Ianika Tzankova**, Professor Tilburg University and Senior Advisor, Burford Capital, The Hague, The Netherlands

15.05 - 15.15 (London)

16.05 - 16.15 (Paris/Zurich (Rüschlikon))

Break

15.15 - 16.05 (London)

16.15 - 17.05 (Paris/Zurich (Rüschlikon))

Brexit: What Could This Mean for Insurers, Brokers, Insurance Associations, and Lawyers?

This program will be presented in London and video conferenced to Paris and Zurich.

Now that the immediate shockwaves caused by the 23 June vote have subsided, attention is focused on whether Brexit will just mean extra hassle for the insurance industry or whether it poses a threat to London's position as a global insurance powerhouse. Key questions include:

- how in the post-Brexit world will the UK insurance industry be able to maintain access to other European markets and continue to attract the best available talent?;
- what impact will there be for foreign investment?; and
- how is the London market going to adapt?

Or, does Brexit mean that London will lose ground to other leading insurance hubs?

Moderator: **Nick Atkins**, Hogan Lovells International LLP, London, England

Panellists: **Philip Hamer**, General Counsel, CNA Hardy, London, England; **Tanguy Le Gouëllec De Schwarz**, Foran Glennon (UK) LLP, London, England; **Malcolm Newman**, CEO SCOR Paris-London Hub and Chair of the International Underwriting Association, London, England

16.05 - 16.15 (London)

17.05 - 17.15 (Paris/Zurich (Rüschlikon))

Closing Remarks

16.15 - 17.30 (London)

17.15 - 18.30 (Paris/Zurich (Rüschlikon))

Cocktail Reception

CPD CREDITS

You may claim SRA CPD/Continuing Competence credits for attending this programme. If so, the relevant details for your CPD record/for providing to your in-house training team are as follows:

Course title: IADC/PLUS Europe International Professional Liability Roundtable

CPD: [] hours

REGISTRATION

Registration is complimentary and open online on the “International Professional Liability Roundtable” page under the “Education & Events” tab at www.iadclaw.org. Please note that there will be separate registrations for each of the three locations.

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