

**GLOBAL
ACCESS**

GLOBAL INSURANCE.
GLOBAL REACH.
WE ARE MORE THAN A NETWORK.

**GETTING TO KNOW:
GLOBAL ACCESS LAYWERS**

WORKING TOGETHER

We are more than a network.

Working together with shared strategic objectives and values and the collective purpose of providing clients with Global Access to the best insurance law advice and client service wherever in the world they might need it.

In the following pages get to know the different law firms that make up Global Access, who we are, where we operate and the kind of work we do. We hope you find this useful to understand the international reach of Global Access.

46 OFFICES
WORLDWIDE.
OVER 2000
LAWYERS.



RPC



MILLER THOMPSON



COLIN BIGGERS & PAISLEY

HINSHAW & CULBERTSON



KENNEDY VAN DER LAAN



HMN PARTNERS



GETTING TO KNOW... HMN PARTNERS

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OVERVIEW:

Location(s): Paris, France

Number of insurance lawyers:
41 insurance lawyers, 8 Partners,
3 Of Counsel, 30 Associates

Areas of expertise: All core lines of insurance and reinsurance – aviation, space, industrial risk, product liability, life sciences, environmental risk, financial lines, cyber risk, corporate risk, construction, property, travel and transport, warranty and indemnity), as well as international litigation and arbitration.

About HMN: In France and abroad, HMN & Partners accompanies and advises, with rigour and dexterity, insurance firms, industrial corporations and service companies in fields as diverse as aviation and space, complex litigation and group actions, arbitration, insurance and reinsurance, industrial risk

and product liability, life sciences, financial lines, cyber risk, corporate risk, criminal business law, construction and property, tourism and travel, and maritime and land transport.

HMN & Partners brings together an efficient, united and committed teams of lawyers dedicated to contractual negotiation, national and international litigation and pooling their exceptional knowledge of legal and judicial structures in French and foreign jurisdictions.

HMN & Partners has also developed a significant and recognized practice in national and international arbitration both in institutional matters and in ad hoc arbitration and mediation. Some of its partners are arbitrators and mediators for the International Chamber of Commerce.

A RECENT SUCCESS STORY:

HMN's aviation team successfully represented Airbus before the Paris Criminal Court in the proceedings initiated after the 2009 crash of Air France flight AF447. In April this year, the Paris Criminal Court released Airbus of criminal charges. The matter will now be examined by the Paris Court of Appeal following the appeal lodged by the prosecution despite a request for acquittal in first instance.

A recent article from the HMN team: The duty of vigilance and its impact on insurance RCMS: the end without the means, read here in [French](#) or [English](#).



LEGAL DEVELOPMENTS IN FRANCE YOU SHOULD BE AWARE OF:

Cyber

French law n°2023-22 dated 24 January 2023 and applicable since 24 April 2023 (LOPMI) imposing new requirements in France for professional victims of cyber attacks to obtain insurance compensation (filing of a formal complaint within 72 hours following the discovery of a cyber attack).

This new legal provision is aimed to provide systematic information to the law enforcement and judicial authorities in order to enable them to quickly launch investigations and improve their knowledge about the methods of these cyber attacks.

Likely impact: Insurers, MGAs and coverholders might consider whether existing policies providing coverage for cyber attacks need to be amended to reflect this new requirement by reviewing the existing policy terms and conditions, contract documentation, disclosure forms and proposal forms. They also need to make sure they maintain compliance with the applicable pre-contractual and ongoing information and disclosure duties applicable under the Insurance Distribution Directive (IDD).

Insurers will not be able to provide coverage in the absence of formal complaint filed within the 72-hour time limit.

Litigation

Law proposal dated 8 March 2023 unifying the legal regime of class actions. Right of action, material scope and nature of compensable damage of the class action are extended. The possibility to initiate a direct recovery action against the insurer of the liable company has also expanded to all types of class actions.

Likely impact: Once the Law has been enacted, the new class action regime should increase the number of class actions filed against companies and have an impact of casualty/PI policies.

GETTING TO KNOW... KENNEDY VAN DER LAAN



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OVERVIEW:

Location(s): Amsterdam, Netherlands

Number of insurance lawyers: Our dedicated Insurance team consists of 22 lawyers in total, of which 7 partners, which already makes our practice amongst one of the biggest practices in the Netherlands. In addition, many lawyers from other practice groups within our firm (IT, IP, construction law, corporate law, commercial litigation, privacy) are regularly involved in insurance matters.

Areas of expertise:

- A unique combination of insurance regulatory and substantive insurance law capacity, embedded in a full-service firm
- A strong record in advising the insurance sector on all aspects of EU and Dutch financial regulation
- Unparalleled experience in handling complex claims, in relation to a wide range of product lines (Casualty, Financial Lines, Property and Engineering)
- An impressive track record in reviewing policy wordings, on all lines of business.

About KVDL:

Since its establishment in 1992, Kennedy Van der Laan has tried to distinguish itself from other law firms. Kennedy Van der Laan is informal, likes short lines of communication and pragmatic work. These are important for fruitful cooperation and increase job satisfaction. Elongated legal advice from lawyers often does not move the case forward. With that in mind, we are honest and clear about the possibilities and opportunities and help think of alternatives, even in the interim, to bring a case to a successful conclusion.

Our Insurance & Liability team has an excellent composition with a good mix of both young lawyers and partners with many years of experience. We have broad expertise in liability and insurance law and regulation, embedded in a full-service firm. For example, we regularly neighbour the practice groups construction law, IT, privacy, health law and employment law.

Because we serve almost all large and medium-sized insurers in the Netherlands, we have a strong reputation for advising the insurance industry on legal questions relevant to them, including those relating to financial regulation and compliance. Furthermore, we regularly provide insurance-related advice to insurance brokers, companies and government bodies.

We have extensive experience in handling common and complex claims (including personal injury, property damage, directors' and officers' liability and professional liability) and have an extensive track record in reviewing policy conditions, across all industries.

A RECENT SUCCESS STORY:

Summary: Lots of companies, mostly in healthcare, are receiving claims of their employee's because they have allegedly been infected with COVID-19 at work. They claim to suffer from persistent symptoms due to their COVID-19 infection, i.e. Long COVID. Most recent numbers indicate that roughly 5.000 healthcare workers have reported to the workers union that they suffer from Long COVID. Needless to say, this not only affects their employers, but also the liability insurers of these companies. Therefore, we have set up a COVID Team, that handles all types of COVID related claims and queries.

Importance: As far as we know, this is the only COVID Team in The Netherlands, while the amount of COVID related claims continues to rise.

Our role: Especially in the early days of the pandemic, the governmental regulations could vary from week to week, or even from day to day, while these regulations are very important in assessing whether an employer is liable for the (financial) consequences of a particular infection. Therefore, over the past year, our COVID Team has meticulously mapped

all the applicable governmental regulations during the various periods – days even – of the pandemic. Further, Chris and Lisa were the defence counsels in the first COVID related court proceeding that was initiated by a healthcare worker. Moreover, our COVID Team closely monitors social developments in this field, such as studies on the long-term consequences of a COVID-19 infection.

A RECENT LEGAL DEVELOPMENT IN THE NETHERLANDS YOU SHOULD BE AWARE OF:

We need to drastically reduce CO2 emissions to combat dangerous climate change. At the same time, legislators are failing to create clear standards for business to meet the Netherlands' climate ambitions. Directors find themselves in an uncertain phase, now that on the

one hand it is evident that CO2 emissions must be reduced, but on the other hand the concrete standard for an individual company in this is still not clear.

Impact: Directors face a greater liability risk as a result: if a rule

already derives from unwritten law but is not enshrined in legislation, there is a risk of a company unknowingly breaking the rules. A director may be liable if he or she can be personally blamed for this breach of rules.

A recent article from the KVDL team: In 2030, the court looks at what actions you took in 2023 to combat climate change [read here](#).

GETTING TO KNOW... RPC



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OVERVIEW:

Location(s): RPC has offices in London, Bristol, Hong Kong and Singapore.

Number of insurance lawyers: 51 Partners, 185 other qualified insurance lawyers.

Areas of expertise: RPC are a full service law firm operating across all major lines of business including:

- Casualty
- Claims handling
- Construction

ABOUT RPC:

At RPC we are committed to the insurance market and collaborating with you to achieve your commercial ambitions.

Committed: We are proud to have served the insurance market for more than 75 years. We are committed to delivering outstanding service; committed to listening and learning to understand your evolving needs; and committed to working with you to achieve your commercial ambitions.

Collaborative: We have brilliant people at RPC who truly believe in the benefits of working together. It is what enables us to work so effectively across our teams and across offices, and how we make sure we are bringing the best of RPC to deliver your commercial needs. Our collaborative nature is also reflected in the way we interact with our clients.

Through collaboration with our Global Access partners, we are able to provide insight and support

- Cyber & Technology
- FI D&O
- Energy & Marine
- General liability (including EL/PL/H&S)
- Medical & Life Sciences
- Professional indemnity
- Property
- Political risk & Trade credit
- Policy wordings
- Specialty risks (Fine art, jewellers block, contingency, bloodstock)

across the US, Canada, France, the Netherlands and Australia.

Commercial: Knowing the law is one thing. Adding commercial value is another. We believe that better understanding the business of insurance, knowing your people and listening for your objectives, is what helps us to deliver commercial solutions to your business needs. That's why we have invested so heavily in our clients and markets programme, why so many of our lawyers have done client secondments and why we started the hugely successful Insurance Covered podcast, targeted not at the law but at the inner workings of the insurance market. It was maybe that market understanding that helped us to successfully incubate an insurtech capital modelling business, which we sold in 2022.

We also recognise that often numbers matter more than words on a page and we strive to make it as easy as possible for you to manage the numbers in your business.

A RECENT SUCCESS STORY:

Female Insurance Group – 10 year anniversary

This year RPC's Female Insurance Group (FIG) celebrated its 10-year anniversary, and we took a look back at some of the key activity and successes from over the last decade.

Since its launch in 2013, FIG has over amassed over 1000 members, held numerous, talks covering a wide variety of topics, from imposter syndrome, returning to work,

coaching and leadership courses, 'boardroom ready masterclasses' and much more!

The success of FIG in the UK has been replicated in Asia with FIGA (Female Insurance Group Asia) bringing people together in Hong Kong and Singapore.

This year to take on the changes happening both within the workplace and society more widely, FIG will be evolving to become gender neutral,

allowing for combined input from a range of people around RPC, the insurance market and beyond. This will allow opportunities for new events and initiatives and encourage the conversation in a much broader way.

RPC's Female Insurance Group is a network established to put women from across the insurance industry in touch with one another for support and professional development.

A recent legal development in the UK you should be aware of:

The Building Safety Act 2022 (the **BSA**), which took effect from 28 June 2022, introduced changes to the Defective Premises Act 1972 (the **DPA**). These included:

1. the right to claim for any work as opposed to being limited to just the original construction/conversion.
2. extending the limitation periods from six years to 30 years with retrospective effect (ie for claims which accrued before the BSA – back to 28 June 1992) and 15 years thereafter.

Impact of the development:

The new measures should lead to safer buildings and therefore fewer defective construction claims. However, there is likely to be an increase in claims, capturing those already in existence, given the extensions to the limitation periods. This means that those in the industry will see years for many more years to come and will have to retain documents for longer periods.

A recent podcast from the RPC team:

Insurance Covered – Season 4 Episode 25: The Future of Flooding – [Listen here](#)

In this episode we cover:

- What is happening at the with sea levels and the causes in the change.
- What impact this is likely to have on society.
- What the future hold for rising sea levels and flooding.
- Ivan's article "Will London soon be underwater".
- How insurers can use data to prepare for such changes.

GETTING TO KNOW... HINSHAW & CULBERTSON LLP



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OVERVIEW:

Location(s): Offices in 19 States with lawyers admitted to practice law in all 50 States.

Number of insurance lawyers: 50 partners and 43 other qualified attorneys in the Insurance Services Practice Group. Numerous additional lawyers in other practice groups in our 450 lawyer firm defend policyholders in a wide-range of matters and represent insurers in life, health, and ERISA matters.

About Hinshaw:

Hinshaw & Culbertson LLP is one of the United States' leading firms representing domestic and foreign insurance companies in state and federal courts across the U.S. and internationally at the trial and appellate court levels. We evaluate and resolve matters from the claims stage through mediation and arbitration and often serve as national or regional counsel. We provide coverage analysis and opinions, evaluate client portfolio issues, assist in product development and drafting contract language, and provide training and other advice. Our lawyers also represent insurers with regulatory compliance.

Hinshaw is best known in the areas of general liability insurance—products, toxic tort, and environmental, first-party property (including hurricane, fire, and traditional property matters), construction defect, professional liability (including

D&O and E&O), cyber/privacy, bad faith, and reinsurance (treaty and facultative). We also have extensive experience in the full spectrum of commercial and personal lines policies, reinsurance contracts, and other risk management structures.

Hinshaw has long-term client relationships with leading domestic and foreign insurers view us as key counselors and an integral part of their business teams. This enables us to protect their portfolio and business interests and provide first-rate representation in individual matters and areas. Those relationships, along with our leaders' bench strength and reputation, have enabled us to effectively resolve numerous inter-insurer disputes that are unique in the industry. Our counsel and representation are sought on emerging issues and high-stakes matters. We also represent insurers in regulatory matters and before regulatory agencies.

Our team has exceptional trial, appellate, strategic, and technical skills – providing in-depth knowledge of substantive law, emerging issues, and the insurance business. We have pioneered creative and impactful approaches to claims, cessions, cases, and issues confronting the insurance industry. The capabilities and preparedness of our lawyers to proceed to arbitration or trial to resolve matters, where appropriate, produces outstanding results for our clients at all insurance claims and reinsurance cession phases.

Areas of expertise:

Hinshaw's advice and representation extends to a full range of matters, including:

- Insurance coverage litigation and counseling
- Bad faith, extra-contractual liability, business practices, and market conduct claims and class actions
- Reinsurance and retrocessional dispute resolution and counseling
- Corporate transactional, regulatory, run-off, and insolvency insurance services
- Claims, litigation, and fees management services

We are well-versed in the full panoply of commercial and personal lines insurance policies.

A RECENT SUCCESS STORY:

Hinshaw represented **Affiliated FM Insurance Company** in a lead paint coverage litigation in the state of California, USA. The case involved coverage for a \$1.15 billion judgment (reduced to \$440 million) in favor of certain California governmental entities to abate the alleged public nuisance of lead paint in buildings. Our firm played a leading role in discovery and motion practice and in connection with the appeal.

San Francisco Superior Court Judge Richard B. Ulmer, Jr. granted summary adjudication to Affiliated FM and other insurers and denied ConAgra's competing

motion. The judge concluded that California's Section 533 – which precludes insurance for losses caused by the wilful act of the insured – prevents coverage for ConAgra's one-third share of the \$305 million settlement of the lead paint nuisance suit brought by ten California cities and counties.

Subsequently, the California Court of Appeals, First District, affirmed the trial court ruling granting summary judgment to Affiliated FM and the other insurers based on California Insurance Code Section 533. The California Supreme Court denied ConAgra's petition for review in spring of 2023.

A RECENT LEGAL DEVELOPMENT IN THE UNITED STATES YOU SHOULD BE AWARE OF:

Social inflation has generated considerable buzz among insurers recently. In a recent Wall Street Journal article, social inflation was described as "an upward creep in perceptions by an injured party of what they are owed, [and] their willingness to pursue that via the legal system."

PFAS, or forever chemicals claims, have produced thousands of lawsuits involving personal injury, contaminated land and water. Some predict PFAS will result in liability that may rival asbestos liabilities.

Impact: Abuses in the tort system have produced nuclear and

thermo-nuclear verdicts, which have increased since the pandemic. Social inflation, coupled with economic inflation, harm consumers and others in the form of higher premiums, higher prices, and increasing unavailability of products and services.

A recent article from Hinshaw & Culbertson

"The Social Inflation Survival Guide: The Dangerous Triple Barrel Threat of Social Inflation, Economic Inflation, and Greenflation. You can [read it here](#).

GETTING TO KNOW... COLIN BIGGERS & PAISLEY



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OVERVIEW:

Location(s): Brisbane, Melbourne & Sydney - Australia

Number of insurance lawyers: 24 partners, 77 other qualified lawyers

Areas of expertise: CBP's diverse insurance practice covers:

- Directors' and officers' liability
- Professional indemnity
- Management liability
- Employment practices liability
- Construction risk
- Class action defence
- Cyber risk
- Public and product liability
- Property damage
- Institutional risk and liability
- Dust diseases and workers compensation
- Allied health and medical malpractice
- Transport and marine insurance

About CBP:

Complex claims made simple.

As trusted advisors to Australian and global insurers including the London market, Colin Biggers & Paisley's Chambers & Partners Band 1 ranked national insurance team prides itself on delivering excellence in service and outcomes to insurers, brokers and insureds.

We collaborate with our clients and their key stakeholders to take the sting out of claims. No matter how complex, large or small, we do the heavy lifting and constantly communicate. Drawing on extensive industry experience, we create strategies which minimise risk and limit exposure.

We take time to listen, engage and understand the unique issues of each claim to give peace of mind.

A RECENT SUCCESS STORY:

The cost of rectifying non-compliant cladding across Australia has been estimated to exceed AUD 6 billion, with over 3,000 buildings impacted to date. Colin Biggers & Paisley has been at the forefront of the cladding crisis since its emergence, working with insurers and insureds to explore solutions.

A standout success in this space was our role in defending the builder of the Lacrosse Apartment Tower in Melbourne in claims arising from a façade fire. This high-profile case focused on the liability

of parties involved in the design and construction of the building, with 97% of the liability passed to parties downstream from our client. This decision was upheld on appeal. This decision set the tone for how the courts have handled other similar matters since.

This is one of many cladding related claims that we have acted on in recent years, and we continue to defend over 30 other litigated claims currently on foot and manage a portfolio of several hundred un-litigated claims.

A RECENT LEGAL DEVELOPMENT IN AUSTRALIA YOU SHOULD BE AWARE OF:

In Australia, the combination of rising inflation, increased cost of materials, solvency within the construction sector and the challenges with workforce are leading to project cost blowouts and are driving claims inflation that is impacting across various lines of business, including construction, property and business interruption.

Impact: As we look towards a summer in the southern hemisphere which is predicted to be hot and dry following the La Nina of 2022, the prospect of a wave of bushfires

across many parts of Australia is a stark reality.

For insurers, this has the potential to bring a wave of first and third party property damage and business interruption claims as individuals, companies and communities attempt to rebuild. There is a major financial impact of such claims, but also a social and reputational impact as insurers need to mobilise to keep up with increased claimed volumes and deal with claims swiftly, fairly and in line with requirements under the

General Insurance Code of Practice relating to financial hardship and vulnerable customers.

There will be other consequences to consider - the rise of premiums as insurers try to manage the financial impact of claims spikes or an increased popularity of parametric insurance for some risks. This also prompts the question of insurability of property in certain areas of Australia and whether the Government will need to step in to provide a statutory scheme to cover part or all of rebuild costs.

A recent article from the Colin Biggers & Paisley team:

Vicarious liability not extended in shared staff accommodation incident, you can [read it here](#).

GETTING TO KNOW... MILLER THOMSON LLP



KEY CONTACTS

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About Miller Thomson:

As one of Canada's largest firms, Miller Thomson brings talent and reach to its assignment. With a dedicated insurance department of 35 experienced lawyers, we have the bench strength to handle large and small matters and everything in-between.

Our team is consistently ranked among Canada's best insurance lawyers.

We are counsel on some of Canada's largest liability cases and have the ability to defend cases through court and ADR proceedings. We routinely represent towers and multi-insurer defendants or their insureds on litigation matters.

Our intimate knowledge of the London and Lloyd's marketplaces allow us to understand what

OVERVIEW:

Location(s): 10 offices across Canada with license to practice in all provinces and territories.

Number of insurance lawyers: 15 Partners, 20 other qualified lawyers.

Areas of expertise: Miller Thomson's insurance practice specialises in defence and coverage of the following:

- Professional Indemnity
- D&O
- General Liability
- Transactional Rep and Warranty
- Product Liability
- Municipal Liability
- Construction and Project Liability
- Excess Coverage and Reinsurance
- Monitoring of US Litigation

insurers require in their representation.

We offer value propositions in our rates and provide market support to our clients for their existing and future business.

We can conveniently represent our clients across all of Canada as well as monitoring matters around the world.

A RECENT SUCCESS STORY:

Miller Thomson was successful counsel on a large municipal liability matter where the trial and appeal verdicts resulted in the claimant being ordered to pay substantial costs.

Outside of Court, we conduct most matters with the goal of assessing liability and damages and encouraging cost-effective resolution of claims and efficient

use of experts. Recently, we conducted a significant construction ADR process where the \$150M+ claim was returned for a small fraction of the claim.

We also were instrumental in defence of a large coverage matter where our client resolved a significant dispute for a nuisance sum.

A RECENT LEGAL DEVELOPMENT IN CANADA YOU SHOULD BE AWARE OF:

Climate change and its effect on claims is a significant issue in Canadian Courts. Weather-related general liability claims are followed by professional claims for failing to account for climate change in design, etc.

In a country as large as ours that is fully dependent upon fossil fuel energy, and with skyrocketing demands for both fossil and alternative fuels, this sector will continue to grow in importance and attract liability claims.

A second change involves greater exposure for directors and officers brought on by heightened

transparency and reporting requirements. Standards for directors are becoming higher despite the admonition from directors being actively involved in business. We are seeing more claims of this nature.

There has been relief from some slip and fall claims arising out of changes to limitations acts reducing limitation periods.

The major developments in litigation include:

1. Claims for weather related problems for municipal delivery systems – flooding, failure of water

treatment plants, snow and ice related weather claims and claims for fire loss.

2. We are also seeing increases in personal injury litigation as plaintiff lawyers, spurred on by legal cost protection insurance and litigation financing bring about additional claims or cause claims to endure.

3. Another major problem and potential benefit is the delay in the civil court system that makes some cases persist too long, but drives others to early and advantageous settlement as opposed to the vagaries of litigation.

A recent article from the Miller Thomson team:

Litigation privilege: A recent review by the Superior Court of Quebec – [read it here](#)
We provide a variety of articles through our [Insurance Blog here](#)

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