

For better or for worse: cases that changed our professional lives
by
Jeff Heasman LL.B (Hons), LL.M

 @jhtrainingandconsulting
 @JHTCTweet


Jeff Heasman
Training & Consulting

Learning outcomes

By the end of the session participants will be able to:

- assess the social and economic context of cases that have shaped the insurance industry over the years.
- critically analyse previously decided case law.
- understand how, for better or worse, the industry has adapted to judicial decisions.



Law, ethics and social reality

- Runaway train scenario.
- What would you do?
- Why would you do it?



The foundation of our professional lives

- *Carter v Boehm*
- Utmost good faith.
- Think about how the Insurance Act 2015 has addressed the increasingly complex issue of disclosure.



Cannibalism and customs of the sea

- *R v Dudley and Stephens*
- Where do you draw the line on necessity?
- Think about ransom payments to pirates under sue and labour clauses.



Ginger beer and a snail

- *Donoghue v Stevenson*
- The most significant decision in British legal history?



When a learner driver isn't a learner driver

➤ *Nettleship v Weston*

➤ The need to avoid the shifting of standards – where do you draw the line?



In the interests of justice

➤ From *Fairchild to Barker ...*

➤ ... and then to Parliament



An era of distributive justice

➤ Vicarious liability and recent decisions (in the course of employment to within the field of activities).

➤ Is the law now too heavily weighted against an employer?



Time to help ourselves

- *The DC Merwestone*
- Ushering in an era of collateral lies?
- Self-help remedies?



In summary

When we critically analyse the law, it's important to:

- consider the socio-economic conditions at the time a judgment was delivered.
- recognise the significant advantage of how our common law system can adapt to the socio-economic conditions of the time.
- assess best practice to ensure we stay one-step ahead



Thank you and please stay in touch



3rd Floor, Capital Tower
Greyfriars Road
Cardiff
CF10 3AZ



www.jeffheasman.com



+44 (0) 7956 681 884



info@jeffheasman.com



@JHTCTweet



@jhtrainingandconsulting


