



FRAUD

Wednesday 23rd March 2016 • Lunch and registration at 13.00, prompt start at 14.00
Drinks reception and canapes 17.30 • Raddisson Edwardian, Halle Suite, Manchester M2 5GP

Strategy and Solutions in Defending Fraudulent Claims

Speakers: **Brian McCluggage, Zoe Thompson, Boyd Morwood and Jasmine Skander, Phillip De Berry and Michael O'Neill.** Chaired by: **Nicholas Hinchliffe Q.C**

CPD Accreditation: 3 hours¹ - All profit from this event will be donated to The 9 Lives Charity.

Speakers Synopsis

Brian McCluggage

First Party Fraud and Indemnity Issues.

Dishonest behaviour by insured persons in the context of first party insurance contracts and indemnity issues rest on quite different principles than "tort fraud" with which most fraud lawyers are concerned. This seminar will provide a review of both basic principles and recent developments in case law and statute. Subjects will include good faith, exaggeration in presentation of claims, warranties, The Insurance Act 2015 and The Consumer Insurance (Disclosure and Representations) Act 2012.

Zoe Thompson

Fraud Pleadings and Evidence: The Year in Review.

This seminar will focus on the pleadings issues arising out of *Ahmed v Lalik* and *The Co-operative Insurance Society Limited*, as well as the limits on a Judge's role in fraud cases. Evidence issues will focus on the recent successes in adverse inference cases and claims involving fake policyholders. The seminar will also look at cases where tainted claims have been struck out as an abuse and the ambit of the new section 57 of the Criminal Justice and Courts Act 2015.

Boyd Morwood and Jasmine Skander

Fundamental Dishonesty: Nobody Expects the Spanish Inquisition.

This seminar will explore fundamental dishonesty in the light of the recent guidance given by HHJ Gosnell in the case of *Rouse v Aviva*, including when the Court can draw adverse inferences of fundamental dishonesty when the Claimant discontinues late in the day and the procedures to be applied. The seminar will also explore the important cases on fundamental dishonesty to have developed since *Gosling*.

Phillip de Berry and Michael O'Neill

Recovering Costs in QOCS Outside of Fundamental Dishonesty.

This seminar will focus on the disapplication of QOCS by means of strike out pursuant to CPR 44.15. Issues covered will include setting aside the notice of discontinuance, strike out provisions, and other options available when costs can not be recovered from the Claimant.

¹ Approval pending confirmation by regulatory bodies.



NINESTJOHNSTREET

INSURANCE FRAUD

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Speakers biographies



Nicholas Hinchliffe Q.C

is a leading silk in the area of insurance fraud.

"He cuts to the chase and is excellent in the courtroom."

Chambers and Partners 2016

"He is an outstanding and robust silk."

Chambers & Partners 2015



Brian McCluggage

Mr. McCluggage has maintained traditional insurance policy work within his broader PI & fraud practice, involving non-disclosure, policy construction and other legal/technical points in Property, PHI, ATE, motor and other policy types. He has extensive fraud experience.

"He is good to have on board if you know that there is a storm coming."

Chambers and Partners 2016



Boyd Morwood

Boyd has won reputé amongst those who instruct him in motor insurance fraud litigation and is often requested by insurers and professional clients to deal with group litigation and linked claims (fraud rings), cases involving the deployment of surveillance and tracking information. Boyd has been involved in a number of cases involving applications for committal for contempt.



Philip de Berry

Philip regularly acts for Defendant public bodies and insurers on matters of Fraud and related costs litigation. Philip has a long history of conducting costs cases and appeals based upon technical cost points. This background means he is ideally placed to handle issues relating to third party costs orders and QOCS.



Zoe Thompson

Zoe has been described in The Legal 500 as being "tenacious on her feet and understanding of her clients" and in Chambers and Partners as "conscientious and direct". She has over 16 years experience in fraud litigation and has conducted many high profile fraud ring trials, civil contempt proceedings, and claims for non-liability declarations. Zoe heads the Insurance Fraud Team at 9 St Johns Street.



Michael O'Neill

Mike is regularly instructed by a number of large Defendant firms in fraud matters. He is a trial advocate at heart, adopting a tenacious yet tactical approach to cross-examination. He is comfortable dealing with document heavy cases, bringing a thorough and forensic approach to case analysis and is adept at identifying the key points that can turn a case in the Defendant's favour.



Jasmine Skander

Jasmine is exclusively a personal injury barrister with a specialism in fraud work, she is instructed at a range of points during litigation and has experience conducting multitrack and fundamental dishonesty trials, securing findings of both fraud and fundamental dishonesty, she also has a particular interest in costs litigation and enjoys the overlap between the two areas, she prides herself on always having a careful eye on the costs position.

REGISTRATION - There is a £65.00 fee for attending this seminar. All profit from the seminar is donated to 9 St John Street's charity, '9 Lives' which is a community based charity working in association with Forever Manchester.

Organiser: Joe Gibson Tel: 0161 955 5161 Email: Joe.Gibson@9sjs.com

Please either complete this form and send it back with payment (please make cheques payable to 9 St John Street Chambers) to Joe Gibson at 9 St John Street or email these details to Joe: joe.gibson@9sjs.com



Contact Name:

Firm:

Email:

Telephone:

Delegates Names:

Number of Delegates Attending: