

# LUCAS FEAR-SEGAL

Call 2014

## Get in touch

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## Practice Overview

Lucas practises in all of chambers' core areas, with a particular emphasis on insurance, property damage, and professional negligence disputes.

Recent cases include:

- **Great Lakes Reinsurance UK (SE) v Western Trading Ltd** [2016] EWCA 1003 [2016] Lloyd's Rep IR 643 – Leading Court of Appeal authority on the measure of insurance indemnity where the destruction of a building has led to an increase in the value of land and there is a real prospect that the insured will not spend the insurance money on reinstatement.
- **Maccaferri Ltd v Zurich Insurance plc** [2016] EWCA Civ 1302 [2017] Lloyds Rep IR 200 – Leading Court of Appeal authority on notification clauses in public liability insurance.
- **Bluebon Ltd v (1) Ageas (2) Aviva (3) Towergate Underwriting** [2017] EWHC 3301 (Comm) – Preliminary issue as to the proper construction of an electrical installation inspection stipulation in a commercial insurance policy, and whether it amounted to a true warranty or a suspensive condition.
- **Shepherd v Byrne & Partners LLP** [2017] EWHC 758 (Ch) – Professional negligence action concerning a criminal solicitor's duty to give tax advice.
- **Re: Perepilichnyy (deceased) and Secretary of State for the Home Department v HM Senior Coroner for Surrey** [2016] EWHC 3001 (Admin) [2017] 4 WLR 191 – Representing Life Insurers at the ongoing inquest into the sudden death of Alexander Perepilichnyy, the Russian businessman. Also appeared in the satellite High Court proceedings concerning the Home Secretary's unprecedented claim for a declaration of public interest immunity against an order that MI5 disclose documents to the Senior Coroner investigating Mr Perepilichnyy's death.

## Practice areas

Art, Cultural Property & Luxury Assets  
Commercial Dispute Resolution  
Insurance & Reinsurance  
Life & Health Insurance  
Personal Injury  
Professional Negligence  
Property Damage

## Education

BA (First Class), Robinson College, Cambridge

GDL (Distinction), City University

LLM (Distinction), Queen Mary

BPTC (Outstanding), City University



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- **Re: Naviede (deceased)** – Represented Life Insurers at the 8 day Jury Inquest into the light aircraft crash in which Muhammad Naviede, the well known businessman, was killed.

Lucas has trial and witness-handling experience well beyond his Call. He has cross examined dozens of witnesses, expert and lay, in front of judges, coroners, arbitrators, and juries. He is adept at dealing with technical evidence, and is in his element when arguing cases that require the courteous but determined resolution of difficult conflicts of evidence.

A summary of Lucas' practice across chambers' discrete areas of expertise can be found below.

## Art, Cultural Property & Luxury Assets

Lucas acts in a range of matters concerning art, cultural property, and luxury assets including:

- Recovery and restitution of property following thefts, seizures, insolvencies, etc.
- Advising institutions and owners in relation to loans of artwork
- Insurance coverage disputes
- Claims for damages following the destruction, loss or diminution in value of rare objects

In early 2016 Lucas was seconded to the Restitution Department of Sotheby's, which identifies and deals with potential claims to artworks looted by the Nazis during the Third Reich.

## Current and Recent Work

Disputed insurance coverage following the theft of a number of gold ingots

Liability for the loss of a collection of gold jewellery and watches

A dispute about title to a rare 1960s Jaguar car

Allegedly negligent distribution by a solicitor of a valuable collection of jewellery under a Will

An ownership dispute concerning an extremely rare coloured diamond

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A dispute as to the value of a collection of rare books

The accidental destruction of a valuable clock

Damage to a pair of bespoke chandeliers

The death of a large group of koi carp fish, many of which were pregnant

## Commercial Dispute Resolution

Lucas is briefed as sole or junior counsel in a range of commercial and contractual disputes. He also regularly advises and appears in insolvency matters.

Representative recent cases include:

Proving at trial that a "finder's fee" received by the claimant's agent amounted to a bribe, and was held on trust for the claimant as principal.

## Current and Recent Work

Successfully defending at trial, as sole counsel, a well-known firm of solicitors against a claim by a referral agency for substantial unpaid fees, relying on s13 SOGSA 1982.

Striking out a claim made by the famous £27m 'boiler room' fraudster Tomas Wilmot against one of his former business associates.

Numerous instructions to represent the leading insurance-backed tenancy deposit protection scheme at trials concerning claims under contractual indemnity clauses, and to set aside adjudication awards.

Briefed (as third junior) in the preparation of a €25 million international commercial arbitration for final hearing.

*The English Electric Company Ltd v Alstom UK Ltd* [2015] EWHC 294 (QB); trial concerning the construction of an indemnity clause, and the extent to which ultimate responsibility for an historic asbestos claim could be passed up a chain of company sale and purchase agreements, assisting Stuart Benzie.

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## Insurance & Reinsurance

Lucas has a diverse insurance practice, covering a broad range of non-marine risks.

He is regularly instructed by insurers in cases where policyholder dishonesty is alleged or suspected.

Lucas also has a niche practice concerning life and health risks (see below).

## Current and Recent Work:

### Recent cases taken to judgment:

**Maccaferri Ltd v Zurich Insurance plc** [2017] Lloyds Rep IR 200 (Court of Appeal: notification in public liability insurance)

**Great Lakes Reinsurance UK (SE) v Western Trading Ltd** [2016] Lloyd's Rep I.R. 643 (Court of Appeal: measure of indemnity following burning of a listed building)

**Bluebon Ltd v (1) Ageas (2) Aviva (3) Towergate Underwriting** [2017] EWHC 3301 (Comm) (High Court: preliminary issue as to whether an electrical installation inspection stipulation amounted to a true warranty or a suspensive condition.)

**X Medical Malpractice Insurers v Y Public Liability Insurers** (Confidential coverage arbitration concerning whether a group of claims made by victims of sexual assaults by a doctor should be considered under the surgery's medical malpractice insurance, or by its public liability insurer)

### Ongoing and recent work includes numerous claims concerning:

Recovery of insurers' outlays under the Third Parties (Rights Against Insurers) Act 2010

Coverage disputes under the Consumer Insurance (Disclosure and Representations) Act 2012

Insureds' failures to comply with claims cooperation and notification provisions

Allegations of misrepresentation and non-disclosure

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The interpretation of policy exclusion clauses in relation to motor, EL, PL, property, and product liability risks

## Life & Health Insurance

Lucas's insurance practice has a particular focus on life and health risks.

In addition to his advisory work, which is principally focussed on policy response issues, he often attends inquests on behalf of Life Insurers following the death of a policyholder.

## Current and Recent Work

**Re: Muhammad Naviede.** 8 day jury inquest into the light aircraft crash in which the businessman Muhammad Naviede was killed

**Re: Alexander Perepilichnyy.** Inquest into the sudden death of Russian oligarch and whistleblower Alexander Perepilichnyy. Ongoing – currently adjourned following a three week hearing in front of the Recorder of London at the Old Bailey. Lucas also appeared in Re: Perepilichnyy (deceased) and Secretary of State for the Home Department v HM Senior Coroner for Surrey [2017] 3 All ER 764, the satellite High Court proceedings

**Re: J QC.** Inquest into the death of a well-known barrister on the railway.

## Personal Injury

Lucas has a broad personal injury practice, usually appearing for insurer-backed defendants in cases where allegations of fraud are raised against claimants whose injuries are suspected to be exaggerated, fabricated, or deliberately self-inflicted.

He has extensive experience of securing the disapplication of QOCS following the dismissal or discontinuance of claims.

## Professional Negligence

Lucas has a broad professional negligence practice, and has acted in dozens of cases in which serious allegations of wrongdoing or negligence are made against a variety of professionals.

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He usually acts for PI insurers. Most of his cases concern solicitors, accountants, brokers, valuers, or construction professionals.

## Current and Recent Work

### Recent Trials:

**Bluebon Ltd v (1) Ageas (2) Aviva (3) Towergate Underwriting [2017]** EWHC 3301 (Comm) – Representing brokers, alleged to have failed properly to advise as to the requirements of a policy term, at a preliminary issue trial concerning the construction of an electrical installation inspection stipulation, and whether it amounted to a true warranty or a suspensive condition.

**Shepherd v Byrne & Partners LLP [2017]** EWHC 758 (Ch) – Claim concerning a criminal solicitor's duty to give tax advice.

**Wood v Taunton & Somerset NHS Foundation Trust** – (Sept 2017, HHJ Mithani, Walsall County Court) – Represented D in a negligence claim against a consultant gerontologist. The claim was discontinued halfway through Lucas' cross examination of C's expert.

### Other recent and ongoing work includes:

Solicitors alleged to have wrongly distributed a valuable collection of jewellery pursuant to a Will

Insurance brokers alleged to have failed to notify insurers of their client's changing risk profile

Solicitors alleged to have inadvertently included an additional portion of land in the sale of part of a landed estate

Accountants alleged to have negligently compiled financial reports such that an inflated corporation tax liability was incurred

Construction professionals alleged to have failed properly to survey prior to the installation of an insulation system

## Property Damage

Lucas accepts instructions to advise, draft, and appear in all matters concerning property damage.

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He has extensive experience of claims concerning property damage caused by:

- Fires: Arson, incendiary electrical faults, bonfire spread and failures to extinguish, kitchen conflagrations, defective partitioning and suppression measures, etc.
- Flood: Burst pipes and bad plumbing, faulty boilers, defective architectural design and prevention systems, water run-off from neighbouring properties, etc.
- Trees: Ingress of roots requiring superstructure repairs, underpinning, and root-barriers.
- Other: Oil leaks, commercial pollution, escapes of animals, inappropriate crop-spraying chemical selection, etc.

Lucas has a particular interest in the legal niceties of property damage claims concerning heritage buildings. Several of his cases have concerned the damage or destruction of listed buildings, including:

- ***Great Lakes Reinsurance UK (SE) v Western Trading Ltd*** [2016] Lloyd's Rep I.R. 643 (Court of Appeal)
- ***Bluebon Ltd v (1) Ageas (2) Aviva (3) Towergate Underwriting*** [2017] EWHC 3301 (Comm) (High Court preliminary issue trial)
- ***X v London Borough of Y*** (£350k claim arising from water damage to a landmark Victorian building in central London)

His related insurance and professional negligence practice means that he is ideally placed to advise in cases where questions of policy coverage, or the possibility of a subrogated recovery against a construction or other professional, are anticipated.

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