

LUCAS FEAR-SEGAL

Call 2014

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Practice Overview

Lucas' practice is focussed on insurance, property damage, and professional negligence claims.

The directories have described him as a *"formidable intellect"* who provides *"commanding advocacy"* with *"absolutely ferocious cross examination skills"* and *"a keen eye for detail"*.

He is named as a *Rising Star* of the Insurance and Reinsurance Bar by the Legal 500 (2021 and 2022), and ranked as an *Up and Coming* junior by Chambers UK (2021 and 2022) in both the Insurance and Property Damage categories.

His recent cases taken to judgment include:

- ***Sinha v Taylor* [2022] EWHC 1096 (Comm)** (commercial: fraudulent misrepresentation and unlawful means conspiracy)
- ***European Metal v Bulk Haulage (Europe) Ltd* [2022] EWHC 602 (Comm)** (property damage: collapse of a tipping ram)
- ***A&B v Edmundson* [2021] EWHC 1836 (TCC)**. (Product liability: representing an M&E contractor in a number of cases arising from the *Potato Wharf* fires.)
- ***Amin v QIC Ltd* [2021] 11 WLUK 295** (Insurance: trigger for liability under a 'damage occurring' policy)
- ***Nagorski v Nikolics* [2021] 1 WLUK 590** (Insurance: whether MID record fixes liability under s151 RTA 1988)
- ***Global v Global* [2021] ADGMCFI 0005**, and continuing. (Insurance: representing an aircraft hull insurer in a US\$60m dispute in the ADGM Courts)
- ***Maccaferri Ltd v Zurich Insurance plc* [2018] 1 All ER (Comm) 112** (Insurance: leading Court of Appeal authority on notification in public liability policies).



**"Extremely
diligent, strategic
and commercial"
(Legal 500)**

Practice areas

Art, Cultural Property & Luxury Assets
Commercial Dispute Resolution
Insurance & Reinsurance
Life & Health Insurance
Product Liability
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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- ***Shepherd v Byrne & Partners LLP*** [2018] Lloyd's Rep FC 8 (Professional Negligence: scope of a solicitor's duty to give tax advice).
- ***Bluebon v Ageas*** [2018] Lloyd's Rep IR 503 (Insurance: consideration of definition of true warranty vs. suspensive condition).
- ***Re: Perepilichnyy and Home Secretary v HM Senior Coroner*** [2017] 4 WLR 191 (Insurance: represented Life Insurers at the high profile inquest into the sudden death of Russian businessman Alexander Perepilichnyy, and the High Court proceedings concerning disclosure of documents by MI5).
- ***Great Lakes v Western Trading*** [2016] Lloyd's Rep IR 643 (Insurance: leading Court of Appeal authority on the measure of indemnity where the destruction of a building has led to an increase in the value of land and there is a risk that the insured will not spend the insurance money on reinstatement).

Many of his cases include an international element, and he is regularly instructed in the DIFC and the ADGM Courts.

A summary of Lucas' practice across chambers' 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

Campbell v Campbell (Chancery Division Account following the dissolution of a multi-million US\$ international jewellery business - see above).

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

An attribution and authenticity dispute concerning a painting said to be by the Austrian Romantic painter F.R. Unterberger

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

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.

Current and Recent Work

X v Y (instructed as part of a team of counsel headed by Laurence Rabinowitz QC for the preparation of an arbitration concerning a US\$200m grain crop joint venture).

Campbell v Campbell (Chancery Division Account following the dissolution of a multi-million US\$ international jewellery business - see above).

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.

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.

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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.

Insurance & Reinsurance

Lucas has a diverse insurance practice, covering a broad range of non-marine risks, both in Court and in Arbitration, in England and abroad. He has particular experience of life and health risks (see below).

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

Lucas also has a niche specie insurance practice (concerning fine art, jeweller's block, exhibition risks, cash in transit, etc.) which overlaps with his Art and Cultural Property practice.

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.)

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Recent arbitrations include:

- ***X insurer v Y insurer*** (acted as sole counsel for the successful party in an arbitration before James Drake QC about which insurer was liable to meet a group of claims made against solicitors over an extended period of time).
- ***X insurers v Y solicitors*** (In front of Jeffrey Gruder QC, led by Bob Moxon Browne QC. Successfully proved that a pair of solicitors had dishonestly conducted a series of property transactions).
- ***X Medical Malpractice Insurers v Y Public Liability Insurers*** (Confidential coverage arbitration before Christopher Symons QC 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. Led by Bob Moxon Browne QC for the successful party).

DIFC and ADGM

Lucas is a DIFC advocate, and enjoys working in the Middle East. He is regularly instructed by insurers, reinsurers and retrocessionaires in the DIFC and ADGM Courts. Recent work includes:

- Representing a Retrocessionaire in a dispute with a Reinsurer in the DIFC Courts (led by Charles Dougherty QC)
- ***Global v Global [2021] ADGMCFI 0005***, and continuing. Representing an aircraft hull insurer in a US\$60m dispute, soon to be tried in the ADGM Courts (led by Charles Dougherty QC).

Ongoing and recent work includes:

- 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
- 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

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response issues, he often attends inquests on behalf of Life Insurers following the death of a policyholder.

Current and Recent Work

- **Re: X.** Representing a premiership footballer in a coverage dispute with his Temporary Total Disablement insurers.
- **Ms X v Y Insurer.** Refusal of £250,000 benefit under a critical illness policy for failure to disclose a family history of disease.
- **Re: Muhammad Naviede.** 8 day jury inquest into the light aircraft crash in which the businessman Muhammad Naviede was killed
- **Re: Alexander Perepilichnyy and Home Secretary v HM Senior Coroner [2017] 3 All ER 764.** Five week Inquest into the sudden death of Russian oligarch and whistleblower Alexander Perepilichnyy in front of the Recorder of London at the Old Bailey. Lucas' cross examination received significant press coverage (e.g. <https://www.dailymail.co.uk/news/article-5612807/Police-LOST-evidence-half-billion-dollar-transactions-probing-death-Russian-businessman.html>).
- **Re: J QC.** Inquest into the death of a well-known barrister on the railway.

Product Liability

Lucas' Product Liability practice forms a part of his wider Property Damage and Insurance work. He has a particular interest in cases which concern the scope and application of s41 CPA 1987.

Recent cases include:

- Advising the manufacturer of an allegedly spermicidal equine lubricant as to the potential scope of its liability.
- Representing an M&E contractor in litigation arising from the *Potato Wharf* fires; see e.g. *A&B Engineering v Edmundson Electrical* [2021] 4 WLUK 406.
- A fire at a tanning salon, caused by an incendiary sunbed.
- Dozens of instructions to represent the manufacturers of white goods which have caught fire or caused floods

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:

Wood v X Solicitors – (2019, Sounthampton CC). Successfully represented D on a preliminary issue, securing the overall dismissal of a claim concerning the allegedly negligent distribution of valuable collection of jewellery under a Will.

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.

W v Taunton & Somerset NHS Foundation Trust – (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:

A group of claims against solicitors alleged to have mishandled historic claims under the vibration white finger compensation scheme

Dozens of instructions from defendants resisting allegations that cavity wall insulation has been improperly or negligently installed

A group of claims against solicitors said to have failed to advise their clients about stamp duty relief

An attribution and authenticity dispute concerning a painting said to be by the Austrian Romantic painter F.R. Unterberger

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

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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.

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.
- Cavity Wall Insulation: dozens of instructions from defendants resisting allegations that cavity wall insulation has been improperly or negligently installed.
- 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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Recommendations

Chambers UK 2022

"Lucas is excellent"

"He is thorough, concise and robust in his drafting"

"His cross-examination skills are excellent"

"He is thorough, concise and robust on paper"

"He's also an excellent advocate who is well prepared and well informed on the facts"

"His cross-examination skills are excellent and he is able to deal with twists and turns in a case as it unfolds at trial in a most impressive manner"

Legal 500 2022

"An excellent advocate combining a forensic mind with formidable advocacy skills"

"He cuts straight to the relevant issues and has demonstrated an encyclopaedic knowledge of the area"

Chambers UK 2021

"He truly embraces his files, he's procedurally astute and is not afraid to get his hands dirty"

"He has an excellent grasp of the facts of the case, his advice is always commercial and practical and he is clearly cognisant of the client's commercial concerns"

"He provides very strategic, cost-effective advice and can draft pleadings on the technical aspects of a claim"

"He is an astute and industrious lawyer with a keen eye for detail"

Legal 500 2021

"Absolutely ferocious cross examination skills"

"Formidable intellect" and "commanding advocacy"

"Extremely diligent, strategic and commercial, he can handle last-minute complex instructions efficiently and with success"

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