

Alison Green

Call 1974



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Alison Green specialises in commercial law, in particular insurance and reinsurance law. She has extensive experience of insurance and reinsurance litigation and arbitration.

She has been recommended in the legal Directories for many years. She is recommended as a leading Junior in Chambers UK, where she is described as “a well known figure in the insurance market”, “well abreast of all new developments in UK insurance law” “an eminent authority in the insurance community”, “steeped in insurance law”, respected for her “patient, persuasive approach”, “good at analysis and gives clear advice”, “user-friendly and attentive” and where she wins praise for her “thoroughness, great knowledge and reliable advice”. She is also recommended in Legal 500 where she is described as having “thorough knowledge of her fields of expertise” and as a “first-rate communicator.”

She is renowned for her good track record in handling international insurance and reinsurance matters. She has advised on a vast variety of insurance covers and risks. She has drafted policy wordings and has provided expert evidence for foreign courts on English insurance law.

Alison sits as an arbitrator and mediator. She is also a High Court appointed examiner for the purpose of taking evidence by depositions. She regularly chairs and speaks at professional conferences on insurance and reinsurance law. She also speaks fluent French and German.

Expertise

ADR

Alison has been an accredited mediator since 2004, having been trained by Nottingham Law School with particular emphasis on the requirements sought by ARIAS UK (the Insurance and Reinsurance Arbitration Society). She has been able to use her commercial law background and expertise in insurance and reinsurance law to assist parties in weighing up the risks of litigation and in considering viable options for settling their disputes.

She has experience of acting as a mediator and appearing before mediators in difficult insurance disputes. She has a friendly and constructive approach to mediation and seeks to support parties in their efforts to reach agreement. Her most recent mediation involved a multimillion-pound dispute between the insured and insurers regarding insurance coverage in relation to the insured's development of antibody technology as therapies for cancer.

Commercial Dispute Resolution

Alison has experience of major contractual disputes, including those involving points on international law, EU law and jurisdictional matters. She also has been instructed in cases involving restrictive practices and restraint of trade. She has developed a speciality in product liability cases, particularly those involving contaminated foods and recall of products.

Insurance & Reinsurance

Alison has extensive experience of insurance and reinsurance litigation before the courts and before arbitrators.

She has appeared for and advised major insurance and reinsurance companies, Lloyd's underwriters, the Corporation of Lloyd's, Equitas, insurance brokers and insureds on a variety of covers, including: aviation; marine; contractors all risks; contingency and cancellation insurance; fidelity; professional indemnity; public liability; property; product liability; directors and officers insurance; employer's liability; bloodstock insurance; jeweller's block coverage; permanent health and critical health insurance; and legal expenses insurance.

She has regularly been instructed to draft or re-draft policy wordings. She was instructed by Lloyd's to provide independent expert evidence on the formation of insurance contracts at Lloyd's for the purposes of an appeal being heard in the Court of Appeal in Sao Paulo, Brazil, arising out of Lloyd's contingency insurance. She was a member of the Law Commission's Advisory Panel in relation to the Law Commission's reform of insurance contract law, which culminated in the Insurance Act 2015.

Life & Health

Alison has particular expertise in permanent health insurance and critical health insurance. She appeared successfully for insurers in *Somer v General Accident Life Assurance Ltd*, which was one of the early cases to reach the High Court on interpretation of permanent health insurance. She has been instructed by insurers,

including Aviva and Swiss Re, on various permanent health insurance disputes, such as Flute v Phoenix Life Ltd where the claimant was a former director of Independent Insurance. She has also acted for claimants in disputes on such policies. She has advised Munich Re on the interpretation and redrafting of definitions and terms in its critical illness policy wording.

Private International Law

Alison is experienced in dealing with jurisdictional issues, particularly those involving insurance and reinsurance contracts. She has appeared in many applications regarding disputes as to which courts have jurisdiction and whether a matter should be dealt with by arbitration in England or abroad. Many of these cases concerned contested jurisdiction issues following applications for permission to serve proceedings out of the jurisdiction. One of these was the reported case of Denby v The Hellenic Mediterranean Lines Co Ltd where she appeared for the shipping company that took out insurance against cancellation of tickets and reduced income by reason of threatened hostilities of the Gulf War and disputed the High Court's jurisdiction. She also appeared for the successful respondent in the Court of Appeal in Novus Aviation v Onur where the appellant (Onur) contested the jurisdiction of the English High Court over a dispute relating to millions of dollars due as a result of agreements being entered into for aviation wet leases.

Product Liability

Alison has longstanding expertise in product liability usually acting on behalf of insurers in subrogated actions or on policy coverage. In 2001 she was instructed on behalf of insurers in lengthy litigation over a fire at a factory caused by a defective food sprayer, which led to a multimillion claim against the product designers, which was eventually settled. She also appeared as Junior Counsel for insurers in the reported case of James Budgett Sugars v Norwich Union which concerned contaminated sugar and the construction of a products liability policy. She has acted for insurers in litigation involving product recalls, including that of a major pet food manufacturer which led to the substantial recall of a popular pet food product and also in litigation concerning contaminated whisky which led to the recall of a well-known whisky brand within the UK and abroad.

Professional Negligence

Alison has been instructed in a number of claims involving accountants, solicitors, stockbrokers, surveyors, engineers and financial advisers. Her particular expertise lies in claims involving insurance brokers and insurance intermediaries. For some years she was a member of Lloyd's pro bono disciplinary proceedings panel and sat as a member of the disciplinary panel of the Bar Council.

Alison has appeared and advised in numerous cases involving breach of duties by insurance brokers, including failure to place appropriate cover, sensitive cases where brokers were negligent in placing risks for financial institutions, failure to disclose material information to insurers and failure to advise clients of important terms. She has regularly advised insurers and insureds on the coverage and interpretation of a variety of professional liability policies and has redrafted such policies.

She has also advised professional bodies and insurers on whether members' professional liability policies

comply with statutory and regulatory requirements. Alison has regularly advised The General Osteopathic Council on whether different policies provide sufficient coverage for its members' professional liability.

She has appeared and advised in cases involving professional negligence of accountants, e.g. regarding overseas trusts, negligent valuation of shares, failure to advise on VAT and Inheritance Tax implications of transactions. She has advised on solicitors' negligence in various areas, including property transactions, tax advice, planning and personal injuries.

Property Damage

Alison has experience in property damage claims, particularly fire and flood. Initial experience was gained as Junior Counsel in litigation arising out of the construction of the Kariba Dam. She has regularly acted for insurers on subrogated actions following insurance claims. In recent years she has been instructed on insurance claims arising out of major fires at a large warehouse distribution centre and at waste recycling sites.

Significant Cases

Significant Recent Cases:

Grafton UK Ltd v Royal Sun Alliance: Advising Grafton UK Limited, a company that locates lost or unknown beneficiaries, in respect of the refusal of Royal Sun Alliance to provide an indemnity under its Professional Indemnity Policy in relation to claims against Grafton arising out of the administration of a multi-million pound estate.

UK Power Networks and London Power Networks: Advising Power Networks on the wording of their electrical contractors' insurance.

Arrow Environmental Services Ltd v Catlin Lloyds Syndicate Advising Arrow on an insurance claim arising out of a major fire at a leading industrial waste management recycling site which destroyed and/or damaged buildings, plant and equipment. Advising insured on pursuing proceedings against Lloyd's syndicated and against insurance brokers.

Advising RBRG Trading (UK) Ltd in relation to marine cargo insurance claims involving the loss of huge loads of coal due to be shipped from Indonesia to Europe and additional consequential losses well in excess of million pounds as a result of being unable to deliver coal to customers.

Advising German insurers (Huebener Versicherungs AG) regarding property damage and business interruption claim arising out of a restaurant being severely damaged by fire.

Advising Great Lakes Reinsurance ("GLR") in relation to the construction of its Lenders' Valuation Policy Wording. Tiuta PLC's administrator claimed on policies where mortgagors had defaulted and properties had been repossessed with a market value below the qualifying valuation at inception of policies.

Advising Chevron PLC as to whether Chevron could recover from its insurers under its worldwide third party liability policy in respect of numerous class action claims arising out of deaths and personal injuries following events at its offshore oil platform in Nigeria and in villages close to oil facilities in the Niger Delta.

Dodd Group (Eastern) Ltd: Advising Dodd on recoverability under various insurance policies of substantial liquidated damages that Kier had passed to Dodd in relation to the Private Finance Initiative project for the Garrett Anderson Centre on the site of Ipswich Hospital.

National House Building Council v Devon & Cornwall Housing Association: Advising NHBC on claims made by DCHA under NHBC's Buildmark insurance in respect of "major damage" to various properties owned by DCHA.

Pioneer Natural Resources USA Inc v Zurich American Insurance Co: Advising Zurich and 20 other insurers on making an application for an examination with depositions regarding a multi-million claim by Pioneer relating to an oil platform collapse after Hurricane Katrina.

Goldshield PLC v RSA: Acting for claimant in proceedings against directors and officers liability insurers and against brokers where there was a dispute about the limit of coverage at renewal which raised points of construction on policy and issues of negligence against brokers. Settled by mediation before trial.

Flute v Phoenix Life Ltd : Acting for defendants, subsidiary of Swiss Re, in substantial permanent health insurance claim brought by former director of Independent Insurance Co. Settled by mediation shortly before trial.

Kot Insurance Company Ltd v Oman National Insurance Company Ltd: Appearing for reinsurer seeking sums due under retrocession contract relating to huge oil field in Gulf of Mexico, jurisdiction issue, interest recoverable pursuant to Mexican law with rate determined by English law.

Parker v Harman International Industries Ltd: Appearing for defendant company in dispute concerning construction of earn out provisions in agreement for purchase of a company.

Earlier Significant Cases:

Lloyd's Names Litigation: (early 1990s High Court) Appearing on behalf of London Market Claims Service and intervening in various Lloyd's names' cases before the High Court, including that of Sir Quentin Charles-Agnew; Sommerville and others v Willis Faber & Dumas Agencies Ltd and Hallam Eames and others v Merrett.

Lloyd's and Equitas: (mid 1990s) Advising the Corporation of Lloyd's regarding the merits of a host of matters which were going to be the subject of reinsurance into Equitas.

Lysander Ltd v Ableman Shaw and Another [1991 High Court]: Appearing on behalf of accountants who were allegedly negligent in relation to advice on offshore trust.

Impac Plc v Dorler and others [1988] Court of Appeal and High Court: Appearing for company bringing proceedings against former employees regarding their contact with former clients and their disclosure of business secrets.

GAICO v Administration of State Insurances and others [1984] High Court: Instructed as Junior on behalf of retrocessionaires in retrocession of marine reinsurance – litigation following on from Home Insurance Co v

ADAS.

Home Insurance Co v Administration of State Insurances and others [1983] High Court: Instructed as Junior on behalf of reinsurers in major reinsurance litigation regarding a North American pool and quota share reinsurance.

PMMI v Unigard and others [1978-1979] High Court: instructed as Junior on reinsurance case involving nearly all worldwide aviation companies, insurers, reinsurers and major UK and US brokers.

Significant reported cases:

Novus Aviation v Onur (2009 EWCA Civ 122): Acting for claimant in proceedings against a Turkish airline in a dispute where Novus contended that it was owed millions of dollars following renewal of a contract regarding payments due following airline entering into aviation wet lease agreements with another foreign airline. Defendant sought to set aside permission to serve out of the jurisdiction on the ground that England was not the appropriate jurisdiction. Court of Appeal dismissed defendant's appeal.

James Budgett Sugars Ltd v Norwich Union [2003] Lloyd's Rep.I.R.69: Acting for defendant insurers on question of construction of products liability section in a commercial insurance policy.

Bestquest Ltd v Regency Care Group and The Ecclesiastical Insurance Office PLC [2003] Lloyd's Rep.I.R.392: Appearing for claimants on issue regarding defendants' solicitors' failure to note their interest on policy for material damage and business interruption where a large care home had been flooded.

Stowers v GA Bonus PLC, and Helm Brokers Ltd [2003] Lloyd's Rep.I.R.402: Acting for defendant insurers who had avoided a commercial insurance contract for material misrepresentation and non-disclosure regarding claimant's claims history.

Sarwar v Allam [2002] 1 WLR125: Providing submissions on behalf of legal expenses insurers for consideration by the Court of Appeal.

Lonrho Exports Ltd v Export Credits Guarantee Department [1996] 2 Lloyd's Rep 649: Acting for claimant company against ECGD who had acted as agent to recover uninsured losses as well as insured losses from Zambian Government. Case concerned insurance, subrogation, holding insurance recoveries on trust, and State immunity.

Somer v General Accident Life Assurance Ltd [1996 High Court]: Acting for insurers on permanent health insurance policy interpretation.

Denby v The Hellenic Mediterranean Lines Co Ltd [1994] 1 Lloyd's Rep 320: Acting for shipping company which took out insurance against cancellation of tickets and reduced income by reason of threatened hostilities of first Gulf War. Case concerned Lloyd's marine form and jurisdiction.

Barber v Lloyd's Underwriters [1987] QB 103: Appearing for Lloyd's underwriters requested to give depositions by video tape. Case concerned obtaining evidence by videotape from insurers for US courts and procedure.

Appointments

- High Court appointed Examiner (part-time) for evidence by deposition (2018)
- Judge (part-time) of The Upper Tribunal (Administrative Appeals Chamber) hearing appeals from a variety of first-tier tribunals (2009)
- Member of the Law Commissions' Advisory Panel on review of Insurance Contract Law (2006)
- Chair of the BILA Charitable Trust (2005)
- Vice Chairman of the Bar Law Reform Committee (2005)
- Member of the Disciplinary Panel of the Bar Council (2000-2005)
- Vice President of the British Insurance Law Association (BILA) (1999)
- Chair of the British Insurance Law Association (BILA) (1994-1996)
- Vice Chair of the British Insurance Law Association (BILA) (1992-1994)

Awards

- Robert Garraway Rice Pupillage Award, Middle Temple
- Belgium Government Scholarship

Education

- LLM, University College, London
- LLB, University College, London

Languages

- French (fluent)
- German (fluent)

Memberships

- BILA
- COMBAR
- LCLCBA
- Western Circuit

Publications

- Consumer Insurance Law: Disclosure, Representations and Basis of the Contract Clauses, co-contributor, published by Bloomsbury (2013)
- Insurance Contract Law, by Professor Merkin, (now Colinvaux & Merkin on Insurance Contract Law) joint editorial adviser with John Butler
- Insurance Law: An Introduction, co-contributor, published by Informa (2007)
- Terms of Insurance Agreements Module, published by Informa (2004)
- Construction and Engineering Law Journal, Editorial Board (1996-2004)
- UK News Correspondent for International Insurance Law Review (1995-1998)
- Written articles for International Insurance Law Review, The International Journal of Insurance Law, British Insurance Law Association Journal, Insurance Day and European Law Review.

Recommendations

“She is very experienced in insurance and reinsurance disputes.”

Legal 500 2020

“She has a huge knowledge of insurance.”

Chambers UK 2019

“Alison Green is fantastic, very knowledgeable in her field, very thorough on the detail and incredibly good at what she does.”

Chambers UK 2018

“She is a true expert in the field of English insurance law. I would doubt there is anyone who knows it as well.”; “Respected senior junior with a firm command of insurance and reinsurance law. She gives expert advice to both insurers and insureds on the wording and interpretation of policies and also regularly deals with claims arising as a consequence of fire damage”; “She is incredibly user-friendly.”

Chambers UK 2017

“Extremely detail-oriented.”

Legal 500 2017

“Her knowledge of insurance law is second to none and her manner with clients is impeccable.”

Chambers UK 2016

“Responsive and incisive.”

Legal 500 2016

“Her highly focused insurance and reinsurance practice covers the full range of matters in the sector. She is frequently instructed in ADR cases and is an expert at dealing with matters that involve both property damage and insurance issues. She is good at analysis and gives clear advice.”

Chambers UK 2015

“She has a thorough knowledge of her fields of expertise and is a first-rate communicator”

Legal 500 2015

“Good at analysis and gives clear advice”

Chambers UK 2014

“Highly recommended for insurance contract law”

Legal 500 2014

“A well known figure in the insurance market”; “well abreast of all new developments in UK insurance law”

Chambers UK 2013

The “user-friendly and attentive” Alison Green wins praise for her “thoroughness, great knowledge and reliable advice”. She is renowned for her good track record in handling international insurance and reinsurance matters.

Chambers UK 2012

Alison Green is “steeped in insurance law” and respected for her “patient, persuasive approach”. Her recent work highlights include acting for the Swiss aviation leasing company Novus in a multi-million pound Court of Appeal case against a Turkish airline.

Chambers UK 2011

Alison Green is an eminent authority in the insurance community, whose recent case highlights have included handling complex issues of French insurance law relating to a significant product contamination case.

Chambers UK 2010