

WALTONS & MORSE

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PRESENT

EARLY CLAIMS HANDLING – THE EUROPEAN **LEGAL PERSPECTIVE**

Frequently steps taken or not taken at the outset will have a considerable impact on the subsequent handling and success of any claim that might follow. Survey reports, investigations and e-mail exchanges can often form the subject of considerable discussion and scrutiny in court proceedings. This seminar will examine the different approaches adopted by four European jurisdictions when considering the impact of such early claims handling. It is anticipated that this seminar will be of benefit and interest to those involved in the handling of claims from an early stage. This will include surveyors, investigators and those responsible for instructing them. It will also include recovery agents and claims handlers responsible for the management and handling of claims and recoveries.

Date: Friday 8th February 2013
Time: 10am - 1pm
Venue : London Capital Club, 15 Abchurch Lane

For further information or to reserve a place on the course, please contact Charlotte Cheeseman .

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Speakers: Christopher Chatfield, Partner, Waltons & Morse
Ingo Gercke, Partner, Remé Rechtsanwälte
Beatrice Witvoet, Partner, LBEW
Elena Dell'Utri Vizzini, Partner, Studio Legale TDP

1. **Early claims correspondence/documents**

We shall look at some of the documents which are typically generated during the early stages of a claim. This will include survey reports investigation reports, e-mail correspondence and the like. We shall consider which documents have to be disclosed to the court (and to the opponents) and how awkward documents might be addressed.

2. **Surveys and experts**

Surveyors and experts are frequently instructed at an early stage in the investigation process. They will frequently produce a number of documents, reports and correspondence. Furthermore, they will often collate files of documents. We shall consider when those documents must be disclosed, how one might obtain copies of reports from opponents, experts/surveyors and how to address unfavorable comments in any reports produced. We shall also consider court appointed experts and surveyors.

3. **How do I protect time?**

A number of Conventions and standard trading terms which commonly apply in the freight forwarding industry contain time limits for the notification of claims and the issuing of proceedings. It is, therefore, frequently the case that time needs to be protected in order to avoid a claim becoming time barred and the right of recovery lost. We shall consider how this might be achieved in the different jurisdictions and review the formalities required in order to protect a claim. We shall consider whether steps can be taken to postpone or suspend a time bar.

4. **How do I start proceedings?**

In certain circumstances it will be necessary to commence proceedings to either protect time or seize jurisdiction. However, different jurisdictions allow proceedings to be commenced in different ways. There are different formalities required. In some circumstances, a considerable amount of information and formality is required before proceedings can be commenced. It is important to appreciate these formalities at the outset in order that an appropriate amount of time is allowed for the issue of proceedings. We shall consider what formalities are required in the different jurisdictions and how proceedings can be commenced.

There will be a break for tea/coffee and biscuits at approximately 11.30am. There will also be drinks and a light buffet lunch at the end of the seminar.