

INSURANCE

The professionals’ professional

Mayer Brown’s Will Glassey, an insurance specialist and graduate recruitment partner, tells **Hannah Langworth** about his award-winning professional negligence practice – and explains how new joiners fit in

Could you outline your career path to date?

I’m originally from New Zealand, and went to university in Auckland, graduating in 1992 and qualifying as a New Zealand lawyer in 1994. I came to the UK at the beginning of 1996, and joined another City firm with a strong litigation practice. In June 2000, I joined Insurance & Reinsurance at Rowe & Maw, as Mayer Brown in the UK then was, and requalified as an English solicitor. In 2002, the merger between Rowe & Maw and Mayer Brown & Platt took place, creating today’s Mayer Brown, and at that point I became a partner here.

What’s your practice in Insurance & Reinsurance all about?

In the Insurance and Reinsurance group we work on broadly two kinds of dispute. The first kind is coverage disputes, where we represent an insurer who decides that a claim is not covered by a policy, but the policyholder contests that decision. The second kind involves defending parties against claims, where that claim is accepted by the party’s insurance company and the insurer meets the cost of our involvement.

Disputes in reinsurance (which is insurance for insurers) are pretty much the same as insurance disputes, except that they’re always between two parties in the insurance market.

I specialise in advising professionals facing negligence claims, from lawyers and surveyors, to actuaries and trustees. Often, everyone agrees that a mistake has been made by the professional concerned, but the claimants haven’t sufficiently considered whether any loss was caused by that mistake, and whether the mistake merits legal redress.

We were really pleased to have the quality of our professional liability work recognised recently by our clients, in the 2012 Chambers and Partners guide to the UK legal profession. We were the only law firm to be ranked in Chambers’ top band for all four of the professional liability sectors – legal, financial, insurance, and technology and construction for two years running.

Could you describe the processes you go through when assisting a client involved in a professional negligence dispute?

Much of our work is referred to us by insurers, but our relationships with professional firms are very important because they have a significant

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influence on which lawyers will defend them when claims are made against them. With, for example, magic circle law firms, Big Four professional services firms, and large firms of actuaries and chartered surveyors, the insurer will consult the firm, and within reason, send the defence work to whichever lawyers the firm involved chooses.

Once we’ve been instructed, we’ll sit down with the insured firm and talk about how the problem they face might be resolved without going through a High Court trial. With all the professionals we defend, we need to understand their business to come up with a solution to their problem. That doesn’t just mean understanding their profession, but their niche within it as well. We’re not just defending a barrister, a surveyor or an accountant, but, for example, a tax barrister, a dilapidations surveyor, or a VAT accountant. To understand what they do, we often call on expertise from other practice areas within Mayer Brown. So if we’re defending a tax barrister, we’d involve Mayer Brown’s tax department. If we’re defending a dilapidations surveyor, we’d call on Mayer Brown’s real estate lawyers.

The way in which we try to set ourselves apart from our peers is predicting the outcome of our clients’ professional liability disputes. It’s all very well to fight a problem for a client, but both professional firms and their insurers want certainty about where a dispute is going as soon as possible. The best way for our lawyers to learn to predict outcomes is to live through disputes themselves, from the first explanation of the client’s problem all the way through to a trial in court – including losing a trial, an experience we all have to go through. In reality, more than nine out of ten

of our cases are resolved without going to trial, and sometimes before any kind of formal dispute resolution occurs. Often we work with our client professional firms “behind the scenes” to assist them to resolve a problem with their own client. Our objective is to find a solution that gets them and their insurers out of a problem at the lowest cost and allows them to return to their business as soon as possible.

What are you working on at the moment?

I’m working on a number of claims against professionals in relation to property transactions which happened between 2005 and 2008 – the pre-credit crunch years. Typically, a developer has defaulted on bank loan repayments and the bank is suing its professional advisers, for example, claiming solicitors failed to register a charge against the property, surveyors failed to value the property properly, or accountants or barristers failed to advise on the tax consequences of the loan.

How has your practice fared since the financial crisis?

In our sector we would expect to enjoy relatively good business prospects in a down market, and that has been the case. But we like to think that it’s not just because of economic shifts that we’ve done well over the past few years – the down market has not resulted in all insurance groups at City law firms being busy. There are

other factors that I think have allowed us to have the success we’ve had.

One is our global platform – for example, at the time of the US sub-prime market difficulties in autumn 2007, we brought colleagues from our US Finance and Litigation practices to London to talk to our insurance clients, so that we could position ourselves as thought leaders in that area in the expectation that claims, and potential cases for us, would emerge in 2008. Then when Lehman Brothers collapsed, the Madoff scandal came to light, and the Icelandic banks went into meltdown, we picked up a number of high calibre mandates from insurance companies and other clients immedi-

ately, work which is still ongoing now.

Another advantage is the breadth of our practice – we have international expertise in tax, pensions, real estate, banking and finance, and many other areas in which our professional clients facing claims operate. We believe that these factors have positioned us as a go-to firm for complex insurance problems.

What kind of tasks do the trainees working with you do?

In the insurance and reinsurance group, and at the firm as a whole, we try to give our trainees work which allows them to feel a sense of autonomy and involvement, because



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we know that we won’t end up with the best newly qualified lawyers if all they’re doing here is photocopying and making trial bundles. There are several cases in our group at the moment where it’s just a partner and a trainee working on them, and these are great for trainees because they get to feel a particularly strong sense of ownership. We want them to feel they’re part of delivering the service to the client rather than just working for more senior lawyers. There’s an expectation, for instance, that they get involved in communicating with clients, either by email, on the phone, or at meetings. It’s part of their role and essential for their development.

To give a specific example of the kind of work trainees might do here, one in our group recently went on his own to court with the barrister we’d instructed for an important pre-trial hearing on a professional negligence claim against a firm of specialist business surveyors that we’re working on. He prepared a report for the client not only about what the judge eventually decided, but also the impression the judge seemed to have formed of the various parties’ cases.

Why do you think students interested in a career in law in the City should consider joining Mayer Brown in particular?

I am confident that a trainee would see the same or a better quality of work here than they would at any City law firm, and our smaller trainee intake means that there are greater opportunities here for trainees to shine. There’s no prospect of getting lost in a crowd at Mayer Brown, and trainees here get more responsibility on the matters they work on than they might elsewhere. Mayer Brown is a global firm, and the work here is very international – our presence in Asia, the US and continental Europe means that trainees can’t avoid work of this type. And our London office doesn’t feel like the London office of a US law firm as some might assume. London sits at the crossroads in the firm between our Asian offices and the US offices, and work flows between all parts of our network of offices.

What kind of graduates do you look for when recruiting?

We pride ourselves on the diversity of the people that we recruit. We will look at any CV, and we like to think that we see different things from other law firms: that gives us as a firm a genuine advantage. If I were to try to identify specific qualities we look for, I’d say we want people who are keen to please clients, who are ambitious and smart, and who enjoy working in a team.

What advice do you have for students interested in following you into a career in City law, perhaps at Mayer Brown?

Do your utmost to speak to people who know about City law firms. You must do your homework on publicly available information, that is, websites, directories, and so on, but I think it’s as important to find out about City law firms from people who work in the industry, or people who buy legal services: particularly what the differences between them are – because City law firms really are very different from each other. Those interested in Mayer Brown will find a huge amount of information on our graduate website or by speaking to one of our Graduate Recruitment team at the careers fairs we attend. ■

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To find out more about Mayer Brown, and graduate opportunities at the firm, visit mayerbrown.com/careers/gradrec

Will might help find a solution to a dispute involving a real estate expert