

Latin America

As a (re)insurer writing risks in Latin America or considering whether to enter the Latin American market, you are likely to be confronted by issues such as:

- Can the (re)insurance contract be subject to English law and jurisdiction?
- How is the wording (possibly a London Market wording, translated into Spanish) likely to be interpreted locally?
- What problems may “fronting” by local insurers give rise to?
- How will terms and conditions in the original policy that the reinsurance contract may incorporate be interpreted in the context of the reinsurance?
- What idiosyncrasies of the local market are there of which you should be aware?
- How may the commercial viability of writing risks be affected by political instability in the region?
- Which are the best law firms and loss adjusters locally?
- What changes to the legal and regulatory regimes are there on the horizon of which you should be aware?

It is important that advice on such issues is given by a firm that has significant experience of advising (re)insurers in relation to writing risks in the region and handling claims arising from such risks, with reliable and trusted local contacts. Mayer Brown International LLP has just such experience.

“a growing force in the global insurance and reinsurance sectors and a major player in big-ticket disputes” *Chambers UK 2009*

We provide clients with the benefit of an international team of lawyers with detailed and practical knowledge of the Latin American market. Several members of our team are fluent in Spanish, and have travelled extensively within the region to meet with cedant companies and local lawyers and experts. We are

familiar with the legal systems and insurance markets in a number of key Latin American jurisdictions, including Argentina, Colombia, Mexico and Venezuela, and have built up a wide network of trusted local legal contacts.

Our London office boasts one of the leading political risk insurance practices in the City, frequently advising on claims in Latin America, particularly in recent years as political instability in the region has, in certain countries, increased.

“Mayer Brown International LLP’s team ‘looks for solutions to potential problems rather than purely being reactive to issues’”

Legal 500 2009

Mayer Brown’s commitment to this region is evidenced by our office in São Paulo and our alliance with the Mexican law firm Jauregui, Navarrete y Nader. To further strengthen our Latin American practice we have entered into an alliance with the Brazilian firm Tauil & Chequer. We also have an alliance with Ramón y Cajal in Spain.

Recent Highlights

- Acting for a bank in relation to PI/D&O claims following allegations of mis-selling of bonds issued by a Peruvian bank, which subsequently collapsed following a major fraud by the owners.
- Acting for the political risk insurers of a Swiss company following the expropriation of its smelting plant in Bolivia.
- Acting for facultative reinsurers in relation to claims arising under a public liability policy following the running aground of a vessel off the Galapagos Islands. The issues that arose included underlying liability for fines and to third parties. We liaised extensively with the local adjusters in Ecuador.

- Advising reinsurers in relation to a forgery claim under a Bankers Blanket Bond policy following a finding of liability against the insured, a Colombian bank, in proceedings issued against it in Colombia by a third party. Key issues included the suitability of the loss for presentation as a forgery claim and limitation.
- Acting for PI insurers of a major firm of brokers in relation to the placement of a risk retroceded into the European market by the IRB, the state-owned Brazilian reinsurer.
- Acting for political risk insurers and reinsurers in relation to the expropriation of assets by the government in Venezuela.
- Acting for Panamanian insurers in High Court proceedings issued by a Panamanian insured.
- Acting for reinsurers of an Argentinean bank in relation to a fidelity claim arising from the allegedly fraudulent issuing of a guarantee in favour of a third party by a bank employee.
- Acting for international reinsurers of a Peruvian bank in relation to a professional liability claim in respect of alleged liability to investors in Madoff.
- Advising reinsurers in relation to a proposed “fronting” arrangement in Argentina for the writing of medical insurance.
- Advising a multi-national insurer operating in Mexico in relation to the liability of its outward reinsurers for losses arising under a property damage policy in Mexico.

If we can assist you in any way, please contact any of our team in London.

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ALLIANCE LAW FIRMS Mexico, Jáuregui, Navarrete y Nader; Spain, Ramón & Cajal; Italy and Eastern Europe, Tonucci & Partners
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