

Personal Injury: The Insurer's perspective

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A review on the differences between the French and UK - the insurers' perspectives:

The convergence through the EU and the continued convergence, despite Brexit

A continued convergence? A long lasting relationship

- Years and years: working together for decades
- Some perspective: before and after Odenbreit – a change for French lawyers and a renewed relationship with the UK
- Brexit and a new convergence?

Differences between the French and UK: the insurer's perspective

- **Different liability regimes – how they impact on handling cases**
 - The Badinter law for RTA in France
 - Cycling from London to Paris
- **Different rules on compensation: heads of claim and how they are assessed**
 - Case management
 - Psychological damage

Differences between the French and UK: the insurer's perspective

- **Different procedural rules and scheme: adversarial and inquisitorial systems – how this impact on evidence**
 - A criminal investigation in France: a reason to think twice?
 - Evidence in France and in the UK
- **How costs impact on handling cases –understanding legal costs in France**

An historical perspective – how the EU was impacted by the UK

- Rome II and harmonization of the rules regarding the issue of applicable law;
- The Odenbreit decision: a key change on how things worked
- Brexit and the issue of exequatur

A continued convergence and a possible shift from UK principles?

- After Brexit?
- A convergence of the UK toward the French system - the Automatic and Electric Vehicle Act 2018
- A convergence towards the UK system: the push for ADR
- Recent cases

Post-Brexit case law on jurisdiction



Skiing accident in Courcheval, France on 27 January 2018 – *Klifer v Slater*

Post-Brexit case law on jurisdiction

French national injured by UK-resident

English solicitors instructed

Defendant's solicitor confirmed on 25 August 2020 instructed to accept service of proceedings

Proceedings served in England and Wales on 14 January 2021

Defendant's solicitor made application disputing jurisdiction

Service in, so burden on Defendant

Had to satisfy Court that France was the more appropriate forum

Moore v Macif

- Road traffic accident in France
- Proceedings issued separately for Mr and Mrs Moore in England
- Proceedings served on the Defendant in France - Service out case
- Original decision of Court to grant permission to serve out of the jurisdiction decided on the papers
- The Claimants passed through gateway, having suffered significant damage in this jurisdiction
- French law and procedure was very different from that of English law and procedure
- French courts would be best placed to apply that law and procedure



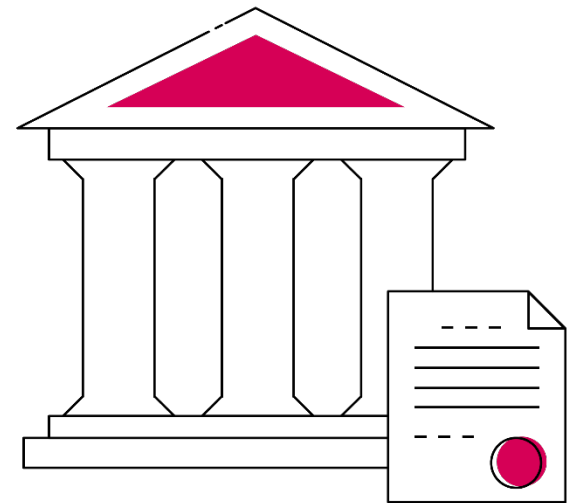
Shazad Alvi v Allianz IARD

Held:

Looking at the factors, the Judge was not persuaded that England was the most appropriate forum

- Location of damage was in France, fact that some PSLA in England was not sufficient
- The location of the tort and the governing law were not outweighed by the Claimant's arguments

The Claimant's case was stayed in this jurisdiction



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