



LIABILITY INSURANCE WORKING PARTY  
GRUPO DE TRABAJO SOBRE EL SEGURO DE RESPONSABILIDAD CIVIL

Málaga 50 Of. 32, Las Condes Santiago-Chile Fono: 5-2- 2079303 Fax: 56-2 2285327 E-Mail  
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**TOPICS AND SPEAKERS OF CIVIL LIABILITY WP MEETING  
AT ROME AIDA WORLD CONGRESS.  
Monday September 29<sup>th</sup>, 14:00 HRs.**

**Payment of indemnification to the third party (victim).**

- a) To whom must the Insurer pay the indemnification covered by the policy?;
- b) Scope of rule “pay to be paid”;
- c) Rights of third party in the cases of insured’s death, disappearance, bankruptcy, or lack of interest in to claim the loss;
- d) Have the third party rights to file an action to collect the indemnification from the insurance company?;
- e) Can this rights be exercised by the third party against the insurer without to claim against and involve the insured in the case?
- f) Exceptions and/or defenses that insurer can oppose to the third party claim.

**Speakers:**

Forewords: Oswaldo Contreras-Strauch, Chile, Professor of Commercial Law and Insurance, Chairman of the Civil Liability Group and Vice-President of AIDA World

Speaker 1: Gabriel Vivas Diez, Colombia.

Topic: *“La indemnización a la víctima y la defensa del asegurador: Visión del Derecho Comparado Ibero-latinoamericano”*

**Gabriel Vivas Diez** es Abogado y Especialista en Derecho Financiero de la Universidad del Rosario (Bogotá), Especialización y Maestría en Derecho de Seguros y en Reaseguro



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Universidad Javeriana (Bogotá) y así como Master Internacional en Seguros y Gerencia de Riesgos en la Fundación Mapfre Estudios en España y la Universidad de Salamanca (España). Ha sido Subdirector Jurídico Federación de Aseguradores Colombianos - FASECOLDA Gerente de Líneas Financieras y de Negocios Estatales de Aon Risk; Gerente de Líneas Financieras de Aig México Seguros (Mexico D.F.).

Profesor de pregrado, posgrado y Diplomados de distintas instituciones en Argentina, Chile y Colombia así como conferencista invitado varias compañías de seguros, congresos y seminarios en Latinoamérica en temas relacionados con líneas financieras, legislación comparada de seguros y protección al consumidor en la actividad aseguradora.

Actualmente Consultor del sector asegurador y reasegurador tanto en el ámbito jurídico como en el técnico.

**Speaker 2: Julian Miller, UK.**

**Topic:** *“The Ultimate Net Loss Provision as Governed by English Law”*

**Julian Miller** has been a partner of DAC Beachcroft LLP, London, United Kingdom, since 2002 and specialises in insurance and reinsurance and professional risk. His work covers both technical coverage issues and non-contentious matters.

In relation to insurance, Julian advises on a wide variety of coverage issues and casualty claims. He is handling Bermuda Form coverage arbitrations, and successfully defended the main defendant in Brown v InnovatorOne plc [2012] EWHC 1321. He has experience of claims arising from tax relief schemes, pensions disputes, aggregation issues, the World Trade Centre, professional liability and financial institutions. He was identified as a Super Lawyer (Insurance) in 2013 and 2014, and Chambers Global Leader in his Field 2014 (Insurance: Contentious Claims).

In the reinsurance arena, Julian works with both the life and non-life market. He advises on draft wordings, inspections, commutations, portfolio transfers (Part VII of FSMA 2000) and schemes of arrangement (Companies Act 2006). Julian is a member of the Reinsurance Committee of the Insurance Institute of London.

**Speaker 3: Angelo Borselli, Italy.**

**Topic:** *“D&O Insurance and Third Party Direct Action Against the Insurer”*.

**Angelo Borselli**, is a PhD in Business and Corporate Law, May 2014, Bocconi University, Milan, Italy, where he actually is a researcher in insurance law and corporate law.

Before he got an Insurance and Financial Services Law LL.M., May 2009 at the University of Connecticut School of Law, where he is a fellow of the Insurance Law Center.



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He works at PwC Legal, Corporate and Financial Services Law Department, Milan – July 2014-present.

**Speaker 4: David Mackenna, Australia**

**Topic:** *“The rights of third parties to join insurers to the action to recover directly against the insurance policy and the practical and evidentiary problems that it causes- the Australian position”.*

**David Mackenna** has been practising as a solicitor in insurance law for 26 years' and is widely regarded as one of Australia's most experienced insurance practitioners. He is one of the founding partners of Jarman McKenna,

He was admitted as a barrister and solicitor of the Supreme Court of Western Australia in 1980, and admitted to the High Court of Australia in 1983.

He has handled cases in the District and Supreme Courts of Western Australia as well as the Federal Court of Australia and High Court of Australia. He is also admitted as a barrister in Queensland and has held admission qualifications in the Northern Territory.

David is the immediate past president of the Board of the Australian Insurance Law Association, having been a member of the Association for 27 years, and a member of the executive of the Board for 17 years. He is also currently a member of a number of working parties of the International Insurance Law Association and is active in those working parties including as co-ordinator of Asia Pacific region for the Civil working party. He has presented papers at international meetings.

David has 27 years' experience advising insurers in respect of policy coverage under ISR, construction and works policies, commercial property package policies. He has also been involved in major recovery actions, including multi-party actions arising out of bushfires in Western Australia.

**Prof. Osvaldo Contreras-Strauch  
Chairman**