

## Special and Lighter Moments During My Membership Of BILA

*By Derrick Cole*

I first joined BILA in the nineteen seventies, due mainly to the fact that I recognised that insurance contract law was an integral part of my work as an insurance broker where I had to advise clients of their duty of “utmost good faith” as well as protecting them against claims from their employees as well as third parties. BILA opened up many new horizons for me and gave an opportunity to meet fellow practitioners as well as lawyers and High Court Judges, so that when I retired from broking and took up Expert Witness work, it made me better equipped to meet the challenge of giving evidence in court.

BILA has recently completed another successful Colloquium in May 2002 and the AIDA World Congress in New York in October 2002. One of my earliest recollections is of the sixth AIDA Congress held in London at the Royal Festival Hall in 1982. The late Dr Gordon Shaw, one of the founders of BILA, together with the late Pat Saxton (BILA Chairman at the time), were the prime movers in the organisation of this prestige event. Previous Congresses had been held dating back to the first one in Rome in 1962. The subsequent ones were held (every four years) in Hamburg, Paris, Lausanne and Madrid. It was Gordon Shaw who was later to introduce me to Expert Witness work and gave me the opportunity to listen to him give evidence in the High Court where I wished that I had possessed his wonderful deep voice of a theatrical nature that so impressed the judges. I well remember him reminding a Judge that Lord Denning (a former Master of the Rolls) had once said of a broker that “One act of inadvertence does not necessarily amount to negligence”.

In the early days of BILA there were trips abroad to meet Chapters of AIDA and I attended one in the Hague (1974) and another in Cologne (1976). It was always interesting to discover that other countries had similar problems to ourselves although their insurance law was often quite different. I well remember visiting an Examination Centre for damaged cars in Cologne operated by German insurer “Allianz” where you took your car for assessment of the cost of repair and received a cheque on the spot. If you could not achieve the repair for the sum given, you were entitled to return when the insurer might grant a supplementary payment. This system seemed at the time to work well as the claim was disposed of in quite a rapid manner at a lower cost than normal to the insurer.

Social events on these trips were always very enjoyable. In Cologne, one evening, some fifteen delegates (all male) went on a cruise down the Rhine which included dinner on board. On the other side of the dining room, we noticed a similar number of German Ladies dining together whom we later found out were members of a bowling club celebrating their success in winning a competition. Having completed the meal, it was agreed amongst us that at an appropriate signal, we would all rise and ask the ladies individually to dance to the band which had just begun to play. Very few of us could speak German but all went well and the ladies subsequently joined us at our table. It was amazing what sign language can achieve plus photographs of children produced from our wallets and their handbags to break the ice and promote an atmosphere of cordiality. After the cruise, we all retired to a beer house and it was near to midnight that the evening ended by packing the ladies into taxis and sending them home to their husbands. We still, to this day, are unaware of what the ladies told their husbands when they got home!

Attending our own Colloquia in London is always an important educational experience and the receptions held after the daily sessions a pleasure. One was held in the Tower Room at Ten Trinity Square (the HQ of brokers Willis) but perhaps the most wonderful experience for me personally was when, as Vice Chairman, I was asked to receive the Lord Mayor at the Guildhall when the then Chairman, Michael Pugh, was suddenly called away on the day of the Reception, to be held in the crypt. The then Lord Mayor was Sir Alexander Graham, Chairman of a firm of Lloyd's brokers. He arrived in his Rolls Royce accompanied by two Aldermen and they were all so regally dressed that for a moment I was not aware of which one was the Lord Mayor. However, I need not have concerned myself as Sir Alexander quickly identified himself and put me at ease. Michael Graham (he is known as Michael to his friends) was the easiest of persons to talk to and as he passed amongst the many foreign delegates he talked to them with a wide knowledge of the country from which they came as he had travelled widely as the Lord Mayor and also in his profession. I did not know then that he was later to become our President. The Reception in such auspicious surroundings was much talked about by all who attended and that was only surpassed on 22nd July 1996 at another Colloquium, when Sir Alexander Graham arranged a banquet in the Guildhall for the delegates which was an occasion many present will remember for all time; I know my wife Shirley and I will.

Participating in Colloquia can be a daunting business, especially, as happened on one occasion, when I was giving a paper on household insurance and was handed a note informing me that the next Speaker had failed to turn up and could I keep the

session going for another hour. On the basis, as told to a BILA Luncheon on one occasion by Heather Thomas, the then Legal Adviser to Willis, that brokers had the reputation of “talking all day and writing nothing down”, it did not assume the problem it might have been to others and I was able to turn two sessions into one!

I was fortunate to attend four foreign AIDA Congresses: in Budapest (1986), Copenhagen (1990), Sydney (1994) and Marrakech (1998). These are grand affairs, held every four years.

At the first of those, I well recall Shirley and I having dinner in a restaurant in Buda (the old part of the City) at the invitation of Michael Gill from Australia, whom we had met on a previous visit to London. We were entertained at table by three Hungarian musicians and Michael gave them a tip which he later discovered was more than the bill for all three of us. Later, Michael left his wallet in a taxi and it was subsequently returned to him at his hotel with all his credit cards intact but minus the money that had been in the wallet. However, the person (or taxi driver) returning the wallet had left the Irish Punts in it which Michael had left over from a trip he had made to Eire the week before! This was a time when Russian tanks were still present just on the edge of the city. The shops were very bare with shirts sold out of cardboard boxes on the counter and the only items in the shop windows were pictures of the staff and the number of years that they had been employed. Going to the opera was a splendid experience, especially as the price of the tickets were less than ten pounds having been heavily subsidised by the Government. Our host's hospitality was exceptional and we all felt very guilty at the quality of the food and drink when we knew the general population were living in very much reduced circumstances under the Russians. Fortunately, a few weeks afterwards, the Russians left and Hungary became a free country again.

Australia was perhaps the most special of all the AIDA Congresses. Shirley and I had not been there before, so it was a very special experience. The Aussies are very friendly and you only have to pause in the street to find a local resident asking you if you are lost and can they help you find the place you are looking for? They have a wonderful sense of humour and this was illustrated when one of our party of some seventeen BILA members from the UK went into a post office and asked for four “first class” stamps. The man behind the counter remarked “Lady, we don't have any class down here”. The final Dinner was held in the Sydney Town Hall, an old Victorian Building with a very high ceiling. No smoking was allowed and as Shirley smoked in those days, she went to the main entrance where she met a number of Moroccan delegates puffing away. This was a good introduction to the next

Congress which was to be held in their country. We attended a performance of a Gilbert and Sullivan production at the famous Sydney Opera House and whilst I was absent for a few minutes during the interval, Shirley was approached by a handsome young Australian who asked if he could buy her a cup of coffee. She was flattered to say the least, until she found that what he really wanted was one of her cigarettes!

The Speaker at the first Luncheon at the Sydney Congress was billed as the son of Earl Warren who, it may be recalled, was the American judge who undertook the investigation into the assassination of President Kennedy. His topic was the "Difficulties of Undertaking Litigation in the USA". He gave a very erudite talk although he was received with some sullen silence when in the middle of his address, he criticised the Organising Committee for not meeting him at the Airport. When his talk ended, there was polite applause and then the Speaker took his wig off. He was in fact a retired Solicitor who regularly took on the mantle of a fictitious character at various functions and as he had a large supply of wigs, he was seldom recognised. Later at a sub-meeting on the work of Ombudsmen many of whom were present from various countries including our then Ombudsman Dr. (now Professor) Julian Farrand, an Australian stood up and in a loud voice said "Mr Chairman, I come from Adelaide and down there insurers ask stupid questions on proposal forms and when there is a claim, they find ways of refusing to pay". The Chairman rebuked the individual for interrupting the meeting, following which the Aussie took his wig off and, of course, he was the same person who had given the lunchtime talk the day before!

Following the Sydney Congress, we went on a tour of Ayres Rock, Alice Springs and Cairnes. A visit to the Barrier Reef was a must and on arrival at a platform over the reef we boarded a glass bottom boat to see the marvels of the reef and the tropical fish. The Skipper announced over the loudspeaker "Welcome aboard everyone, upstairs at the wheel we have Rodney, first time out after the inquest!" This did not inspire the passengers with much confidence. The Skipper then asked us to observe a yellow fish to our right: "To the left of that fish is a Sea Cucumber. It is a great aphrodisiac down here. Rodney has tried it every night last week and it only worked once!" Such, again, is the Aussie sense of humour. Before our post-Congress Tour, we had the opportunity of a tour of the vineyards in the Hunter Valley, just outside Sydney. I recall the first two vineyards, but can't say I remember the last two but it did give us a taste for Australian wine!

The British Consul in Sydney laid on a Reception for the British delegates and we were able to invite a few other delegates who had attended our own BILA events. As Chairman at the time, I was proud to propose a toast to our hosts in a lovely room overlooking the harbour.

Marrakech was very different from other Colloquia. Driving in a taxi is, to say the least, an exciting event. On the one occasion that we used a taxi, I do not believe the driver knew how to get out of third gear. Sadly, after the Congress had ended, three Italian delegates were killed, being hit by a vehicle travelling down a one-way street the wrong way colliding with their hired car head on. We learned that motor insurance rates in Morocco are very high indeed, for obvious reasons. The final event was a banquet held under canvas in the desert where we were entertained by attractive belly dancers followed by a display of horsemen outside in typical Arab costumes. I also recall Pat Saxton having to take over an afternoon session of the Congress from Professor Rob Merkin who was suffering from dehydration due to the heat. Typically, Pat performed brilliantly and it was not long after that we sadly lost him as a result of throat cancer. Pat is sadly missed by all at BILA and of course at the CII where before his retirement he was Director General.

The Danish Congress in 1990 meant a return to Denmark which is a country that I have enjoyed visiting on a number of previous occasions, having many friends there. The Danes are always most hospitable and whilst one must go easy on the schnaps if you are not used to them, there is always plenty of their famous lager to water it down. They have a wonderful pick-me-up which is often served in Danish homes with breakfast, called "Gammel Dansk" which works well in clearing the head. Visiting Denmark was a chance to meet up again with my friends, the Neilsons. Their Christian names were always the subject of amusement in my family as the husband was called "Bent" and his wife "Goolie". The Congress was a great success with visits to the Tivoli Gardens where they have some unique places of entertainment including one of the oldest mime theatres in the world. The firework display on a Saturday night is always spectacular.

Now that the years have taken their toll and I have achieved an ambition to persuade BILA to form a Sub-Committee to review Reform of Insurance Contract Law, our report being submitted to the Law Commission in September 2002, it is time for me to step down from the Committee. I am proud to have been a member of BILA for some thirty years and would like to thank everyone for supporting me in any office that I have undertaken. A special "thank you" to Alison Green for taking over from me following my two years as Chairman and lately as Chairman of the BILA

Charitable Trust. Also, to Roger Doulton who succeeded me as Scientific Secretary and edited the journal whilst I was Chairman. It goes without saying that I wish the Association every success in the future. I have witnessed the steady growth of BILA over the years and am certain it will continue to grow from strength to strength. The friendship and fellowship that I have enjoyed have always been a continued source of enjoyment and pleasure for which I thank all the members.

*Derrick Cole*