

Editorial

Welcome to 1998 and the 96th edition of the Journal. Few would argue that the English Civil Litigation system is immune from criticism. Lord Woolf's reforms will bring radical changes in a number of areas. In our first article, Lord Woolf explains his objectives as they may affect insurers. The question is whether the legal profession (in which I include the Judiciary) will undermine these aims.

Only those who were asleep at the time could have missed Lord Caplan's decision in the seemingly endless Scottish Piper Alpha litigation. Those who have only seen reports in the non-legal press could be excused for suspecting that Scots law had abolished the doctrine of subrogation. Using an ingenious example of Archimedes' Principle, Tim Akeroyd lucidly explains what Lord Caplan decided, carefully avoiding the Scots crime of murmuring judges. The case will undoubtedly go further.

Where would you look to find poorly written English? Certainly not in this edition of the BILA Journal. You can find plenty in "technical" reports, whether written by accountants, actuaries, adjusters, doctors, engineers, or lawyers, but one of the most commonly criticised documents is the insurance policy. David Kelly and I share an enthusiasm for concise plain English. The approach of the Australian legislature and judiciary to insurance (see Judge Desmond Derrington's article in Number 91 of the Journal) illustrates why Australian insurers are moving towards clear English. David Kelly systematically dissects over-complex English and explains how to do better. The same principles should be applied to all legal writing.

At the Annual Conference, Richard Siberry brought delegates up to date on issues affecting liability insurers. His lucid synopsis is essential reading.

As ever, I welcome suggestions, letters for publication and criticisms. If you would like to write an article, are prepared to review books or if you would like to nominate a promising writer for an article, please get in touch. I hope you enjoy reading this edition of the Journal.

Anthony Fitzsimmons