

Bernadette Bailey
Partner
LLB (Hons), D.E.J.F (Limoges).



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Bernadette works in insurance and reinsurance law covering both contentious and non-contentious matters. She handles a wide range of direct insurance coverage and defence matters, including property/casualty, industrial injury, public liability, professional indemnity and fine art claims. She represents insurers, often from overseas, as well as intermediaries and consultants. In reinsurance, she has represented both reinsured and reinsurers in facultative and treaty disputes.

Her non-contentious practice includes advising on regulatory issues, particularly to brokers, and drafting policies and contracts for insurers, intermediaries and consultants.

Bernadette speaks French.

Career Overview

Bernadette graduated in law and French. Following qualification in 1988, she worked alongside Bill Perry and Stephen Carter within the insurance team at Charles Russell. Whilst with Charles Russell, Bernadette spent a period seconded to NPA Insurance Limited, a specialist pharmacy insurer. While at NPA Insurance, Bernadette undertook a number of activities on behalf of the insurance business, including in-house claims administration, delegated claims handling authorities, portfolio acquisition by Part VII transfer of business, policy drafting, reinsurance arrangements, regulation, compliance and other commercial matters such as intellectual property rights.

In 2009, Bernadette co-founded Carter Perry Bailey with Stephen Carter and Bill Perry.

Litigation and Arbitration

Bernadette represents both domestic and international clients in insurance and reinsurance litigation and arbitration. In direct insurance, this has ranged from representing overseas insurers in defence and coverage issues involving the UK interests of their insureds' businesses, to handling coverage matters for pharmacy insurers. She is also involved in issues arising from the wide-ranging insurance requirements of public authorities.

Bernadette represents brokers in disputes arising from their businesses (for example, under Coverholder Agreements or Permission-Sharing Agreements) at both the domestic and international level.

Bernadette has also represented insureds and reinsurers in facultative treaty disputes and was one of our successful team in the leading reinsurance case, *AGF & WASA v Lexington*, in the House of Lords.

Commercial and Regulatory

Bernadette advises brokers in particular on both contentious and non-contentious regulatory issues, ranging from the treatment of funds in IBAs through to pensions issues and regulatory authorisations. She has advised on the drafting of insurance and reinsurance policies and contracts, as well as other (re)insurance documentation, such as commutation agreements, claims protocols and agreements with service providers.

Bernadette also advises public authorities and not-for-profit organisations on their insurance requirements and on insurances that they provide for members.

Memberships

British Insurance Law Association (“BILA”) – Member

Institute of Art and Law – Member

Association of Insurance & Reinsurance Service Providers (“AirSP”) – former Board Member

Directory Recognition

Chambers Guide

- “Is seen by sources as being *“clued up on a wide array of complex insurance issues”*”

Legal 500

- “is recommended” for insurance and reinsurance litigation.
- “Has experience in broker regulatory disputes and coverholder cases, among other work”
- “is a “leading light in her field” with “with impressive knowledge and excellent customer service””
- “Involved in *AGF & WASA v Lexington* ... although she is best known for expertise in the direct insurance sphere, where she has advised clients on property damage and personal injury claims. She is considered to be “friendly, approachable and understanding””