FOIL
FORUM OF INSURANCE LAWYERS
the VOICE of FOIL
Informing Progress - Shaping the Future

Emerging Technologies and Duties:

The Changing Landscape for Product Liability Claims

.

FOIL
FORUM OF INSURANCE LAWYERS

the VOICE of FOIL

Informing Progress – Shaping the Future

Publisher

Forum of Insurance Lawyers (FOIL)
1 Esher Close
Basingstoke
Hampshire
RG22 6JP
www.foil.org.uk

Editors

Editor in Chief –Stratos Gatzouris, DWF

Assistant Editor – Dr Jeffrey Wale, FOIL

Content Coordinator – Ian Thornhill, FOIL

Thanks also to our guest contributors.

Future Editions

If you are interested in contributing material to a future edition of the Voice, please contact info@foil.org.uk

Disclaimer

This publication is intended to provide general guidance only. It is not intended to constitute a definitive or complete statement of the law on any subject and may not reflect recent legal developments. This publication does not constitute legal or professional advice (such as would be given by a solicitors' firm or barrister in private practice) and is not to be used in providing the same. Whilst efforts have been made to ensure that the information in this publication is accurate, all liability (including liability for negligence) for any loss and or damage howsoever arising from the use of this publication or the guidance contained therein, is excluded to the fullest extent permitted by law.

© Forum of Insurance Lawyers

In this Edition

4 - President's Page (Bridget Tatham, Browne Jacobson)

7 - From Conversation to Movement – How EWIN is influencing Insurance Culture (Niala Butt, Liberty Global)

10 - ACCI - A Legacy Rooted in Community, Culture, and Care (Alicia Spence, ACCI)

13 - Emerging Technologies and Duties: The Changing Landscape for PL Claims (David Myhill, Crown Office Chambers)

16 - Consumer Protection Reform (Steven Brownlee, FOIL)

19 -The Changing Landscape for Product Liability Claims (Ling Ong, Karyn Brannigan & Jacqui Bickerton, Weightmans)

22 - (AI) Agent Provocateur (Simon Murray, DWF)

24 - Product Recall in 2026 (Victoria Curran & Rachel Lyne, Browne Jacobson)

27 - The Changing Landscape for Product Liability Claims in Northern Ireland (Cathal O'Neill, Carson McDowell LLP)

29 - Tomorrow's FOIL (Olivia McGuigan, Murphy O'Rawe)

30 - The SQE Qualification Journey

31 - Career Progression in the Legal Sector: Evolution or Revolution? (Michael Murphy, Holmes)

35 -Trade & Industry Spotlight (Aurora Insight)

36 – Operations Update (Ian Thornhill, FOIL)

Welcome to the May 2026 edition.

Stratos Gatzouris (DWF and Editor in Chief) Jeffrey Wale (FOIL Technical Director and Assistant Editor)

Welcome to the May edition of the Voice.

We start off with the FOIL President, Bridget Tatham (Browne Jacobson) discussing the LSB's consultation on encouraging a diverse legal profession and the importance of cultural change in the workplace. Bridget also offers a brief introduction to the Ethnic Women in Insurance Network (EWIN) initiative. We hear more about how EWIN is influencing insurance culture from Niala Butt (Liberty Global). There is also a spotlight on one of the President's Charities - the African Caribbean Community Initiative (ACCI).

Turning to our core theme which is the changing landscape for product liability claims. There is a lot happening in the product liability arena at present. The Law Commission are reviewing the Consumer Protection Act framework, and the UK Jurisdiction Taskforce is in the process of completing their public consultation on liability for AI harms under the private law of England and Wales. Both reviews have been triggered by a range of emerging technologies including generative AI and automated products. FOIL is holding an event in London on 19 May 2026 examining the medical product liability landscape and the impact of emerging technologies on claims. The event includes a contribution from the Law Commission project team.

David Myhill from Crown Office Chambers starts off the discussion about the Consumer Protection Act 1987 and the Law Commission review. Steven Brownlee (FOIL) offers one perspective on the issues thrown up by the Law Commission project and Ling Ong, Karyn Brannigan & Jacqui Bickerton, (Weightmans) continue that conversation.

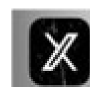
One emerging technology that is generating a high level of media attention is the expanding use of generative AI in claims and professional services delivery. In his article, Simon Murray (DWF) highlights various risks associated with the use of AI agents. In addition, Victoria Curran and Rachel Lyne (Browne Jacobson) explore the legal frameworks and the issues arising from product recalls. Finally, Cathal O'Neil (Carson McDowell LLP) offers a Northern Ireland perspective on product liability claims, examining the specific impact of the post Brexit legal frameworks (including the Northern Ireland Protocol and supplemental Windsor Agreement).

We also learn more about the work that Tomorrow's FOIL is doing including the publication of their SQE Qualification Journey podcast. From FOIL Ireland, we also hear from Michael Murphy (Holmes Law) about career progression in the legal sector. In addition, we have all the usual content, including a Trade and Industry Partner spotlight on Aurora Insight.

We hope that you enjoy reading all the articles and look forward to receiving your ideas for the next edition of the Voice. Once again, many thanks to Ian Thornhill for his work as the content coordinator on this edition.

Stratos and Jeff

FOIL - the Forum of Insurance Lawyers



@FOILlaw

The President's Page

Beyond the Tick Box: Why Culture — Not Compliance — is the Key to Lasting DEI Change in Legal Services

Bridget Tatham (Browne Jacobson & FOIL President)

Introduction

The Legal Services Board's consultation on encouraging a diverse legal profession is, I think, a genuine opportunity — and one that FOIL has engaged with seriously and constructively. As President, I am proud that FOIL has contributed a substantive response to this process, because promoting an inclusive and diverse legal profession is not a peripheral concern for us. It is central to what we believe the insurance legal sector should be.

The consultation raises important and difficult questions about what progress has actually been made, what has worked, and what still needs to change. FOIL's response tries to engage honestly with all of those questions. Our view, reflected in the pages that follow, is that compliance frameworks have an important role to play — but that they are not, on their own, sufficient. The change that matters most happens at a cultural level, and culture cannot be mandated into existence. It has to be built, sustained, and led.

I also want to take this opportunity to warmly welcome Niala Butt, Head of Claims UK, and to spotlight her co-founding of EWIN — the Ethnic Women in Insurance Network — an independent initiative that we think speaks for itself as an example of what purposeful, community-driven leadership looks like in practice.

Reflecting on Progress

FOIL's response begins from a position of genuine acknowledgement. The 2017 statutory guidance and the regulatory work that has followed have produced real improvements, and it would be wrong not to recognise that. But the pace of progress has been slow, and the evidence gathered through the LSB's own research tells us clearly that there is still much to do if the legal profession is to reflect the society it serves and harness the full breadth of available talent.

The Bridge Group's 2021 report is instructive here. It found that only "modest" activity was being undertaken by regulators and that there was a "weak evidence base for what is effective." Its central observation — that data collection, unless associated with accountability, "may only ever effect minor change" — is one that has stayed with me. It captures something important: good intentions and careful reporting do not, by themselves, move the dial.

That is not a criticism, so much as an honest assessment of where we are, and why the current consultation matters. FOIL's hope is that it produces a framework with clearer standards, better measurement, and a longer-term commitment from the LSB to stay the course on this agenda — including through multi-year targets and regular public reporting on progress.

Also, DEI considerations need to be woven into the fabric of regulatory decision-making

more consistently. The issues arising from the SQE examination — including divergent pass rates and the potential deterrent effect of costs — are exactly the kind of area where an equality/equity lens ought to be applied at the outset.

The litigation in Mazur v Charles Russell Speechlys is worth reflecting on in this context. At the time of FOIL's response, the first instance decision raised concerns about its potentially disproportionate impact on members of the profession with protected characteristics, and it was notable that regulatory consideration of that dimension appeared limited. The Court of Appeal has since allowed CILEX's appeal in Mazur and Stuart v Charles Russell Speechlys LLP [2026] EWCA Civ 369, restoring greater clarity. But the episode is a useful reminder of the importance of building DEI thinking into regulatory processes from the start, rather than revisiting it after the fact.

The Employment Rights Act 2025 — one of the most significant pieces of employment legislation in a generation — adds further urgency to this conversation. Its provisions, including strengthened day-one rights, enhanced flexible working entitlements, and greater protections against exploitative working practices, have real implications for the diversity agenda. Flexible working, in particular, has long been recognised as a structural enabler of inclusion.

The Cultural Challenge

What FOIL's response returns to, time and again, is the question of culture — because the evidence consistently points to it as the most significant barrier to progress.

The LSB's own research paints a clear picture. Despite the growth in formal policies and diversity processes, the experiences of women and Black and ethnic minority lawyers, suggest that informal dynamics frequently undermine the opportunity for progress. Work allocation, sponsorship, and progression continue to be shaped by personal relationships and proximity to seniority in ways that do not always serve the future and current profession fairly. Formal processes, however, carefully designed, can be bypassed by an informal culture that remains largely unchanged.

Perhaps what concerns me most is the finding that some practitioners describe diversity initiatives as primarily about generating good PR rather than driving genuine change. That perception — however unfair in individual cases — is a signal worth taking seriously. It suggests that the profession needs to move from visible activity to demonstrated impact. People need to see change in their day-to-day experience of work, not just in the statements issued by their organisations.

One area where I think the regulatory framework could help is in framing. The SRA's current guidance on Principle 6 is largely negative — focused on what to avoid. There is good evidence that a more encouraging, positive approach, offering concrete examples of what good practice looks like, is more effective at shifting behaviour. The RICS guidance does this well, providing practical steps that firms of different sizes can take. FOIL members can take a lead by collating and sharing good practice, which has driven meaningful change.

What FOIL Is Encouraging the LSB to Consider

FOIL's response is supportive of the proposed Outcomes framework. We think the structure of core and enhanced expectations is sensible, and we welcome the introduction of specific conduct and competence standards for managers. Middle managers as the group where cultural change is most likely to take hold — but where current buy-in is least

evident. Getting this group genuinely engaged is, I believe, one of the highest-leverage opportunities available to us.

Beyond that, FOIL's response raises a few areas where we hope the LSB will go further. First, greater clarity on what good looks like — drawing perhaps on the approach taken by the Professional Standards Authority — would help regulated entities understand what is genuinely expected of them, rather than having to interpret broad principles. Second, the question of how the proposed Outcomes will be enforced, and how regulators will themselves be held to account, needs a clearer answer. We raise this not in a spirit of confrontation, but because accountability is what transforms aspiration into action. Third, we would encourage the LSB to think long-term — to publish a delivery plan that commits to sustained focus on this agenda over multiple years, so that progress does not depend on where DEI sits in any particular year's regulatory priorities.

DEI and Lawyer Wellbeing: Connected, Not Separate

One of the things I feel most strongly about is the connection between inclusive culture and lawyer wellbeing — and I am glad that FOIL's response addresses this directly.

The evidence gathered by the LSB describes something that many of us will recognise lawyers from underrepresented groups often report feeling they must work harder and continually reassert their value in order to be seen as equal contributors. The cumulative effect of navigating those dynamics is not just professionally limiting — it takes a real personal toll. An inclusive culture is, by definition, a healthier one.

FOIL's response notes that the current proposals' language on safeguarding wellbeing is somewhat vague, and we have encouraged the LSB to develop more specific expectations in this area. This is not a niche concern — it goes to the heart of the kind of profession we want to build.

I am particularly looking forward to exploring this connection at FOIL's event Stronger Together: Wellbeing in the Legal Profession on 13 May 2026, where we will be joined by Mark Evans, President of the Law Society, Richard Martin, Mindful Business Charter, and Elizabeth Rimmer, CEO of LawCare, one of FOIL's charity partners for 2026. All bring deep expertise and genuine passion to these questions, and I expect it to be a rich and candid conversation, with practical and impactful takeaways.

Event Registration - Forum of Insurance Lawyers (FOIL)

Spotlighting EWIN

I want to say something about EWIN — the Ethnic Women in Insurance Network — because I think it deserves to be celebrated in this context.

EWIN is not a FOIL initiative. It is an independent network, co-founded by Niala Butt, Head of Casualty Claims at Liberty Global, and it is a brilliant example of what happens when someone decides not to wait for permission to create change. Networks like EWIN build visibility for those who have historically lacked it, challenge assumptions about who belongs, and demonstrate in the most practical terms what community-driven inclusion looks like. FOIL is proud to spotlight it here, and I would encourage everyone reading this to engage with and support its work.

A Collective Endeavour

I want to close with what feels to me like the most important point of all.

Building a more diverse and inclusive insurance legal profession is not something any one firm, chambers, or organisation can do alone — and nor should it be seen as something to be done competitively. There is no finite pool of diverse talent that firms are competing to capture. The talent is there, across our profession and in the pipeline behind it, and it is more than enough for every organisation to benefit — if we make ourselves the kinds of places where it can flourish.

When a talented lawyer from an underrepresented background leaves the profession because the culture has not made room for them, or never joins because they cannot see themselves reflected in it, that is a loss for all of us. Cross-firm collaboration — sharing what works, supporting independent networks, holding ourselves and each other to account — is not idealism. It is the most practical thing we can do.

FOIL's aspiration, through its engagement with this consultation and the work we do with our members, is to help build a stronger, more diverse insurance legal profession — one that every firm within it can be proud of and benefit from.

From Conversation to Movement – How EWIN is influencing Insurance Culture

Niala Butt ACII (Head of Casualty Claims at Liberty Global & Chartered Insurer)

The Ethnic Women in Insurance Network (EWIN) began as a quiet, determined conversation between a few colleagues and has grown into a grassroots member-led living, breathing community for ethnically diverse women across the insurance ecosystem. At its heart is a simple truth: too many talented women face invisible barriers that stop them from progressing, subtle biases, limited leadership roles, a lack of culturally informed mentorship, and too few visible role models. EWIN exists to change that.

EWIN's purpose is simple and practical: to encourage an insurance profession and ecosystem that truly reflects the world it serves. To accelerate the professional development and inclusion of ethnic women so they can belong, lead and influence, create networking opportunities, improve workplace culture and deliver tangible career development. It connects women from all ethnic backgrounds, from brokers, underwriters, lawyers, forensic accountants and loss adjusters to barristers.

Behind the network is a personal sense of determination, born through my career and lived experience. My journey into insurance was unconventional and very much intentional. At 17, sitting in a careers office, a note card about insurance caught my eye and sparked an excitement I have spent over 25 years building and I am deeply passionate about. As a woman of ethnicity, I have faced harassment, bullying, gender discrimination and redundancy, twice. I have been committed to transforming my personal adversity into lasting change, turning those experiences into positive determination both for myself and the next generation. I have been a member of various Equality, Diversity and Inclusion councils, a member of the Chartered Insurance Institute Diversity Action Group for seven years, People Pillar lead, a volunteer, mentor and now leading EWIN. I also co-authored a ground-breaking children's fiction book 'Aisha's Netball', the first children's fiction book with a lead female South Asian character, encouraging conversations about inclusion from an early age.

There are many of us who started our careers without knowing who, if anyone, looked like us in leadership groups, facing those micro and sometimes macro-inequities, learning to navigate a workplace with little to no support. I know first-hand what those isolated and sometimes heart-wrenching moments feel like - those are also the moments that shaped me and strengthened my resilience. That absence and my experience of mentoring for over 20 years became my drive and motivation behind the Network, which has grown beyond expectation. Today, I feel a proud and quiet joy knowing EWIN provides support to a community of women, I once longed for.

"The Network is more than a network; it's a community and movement in the right direction bringing like-minded women together, the Network empowers, opens doors and gives us the courage to show up and be ourselves."

What we do

- Mentoring and sponsorship: Our mentoring programme matches emerging talent, mid-career and senior women with experienced leaders in structured pairings. These relationships are more than a conversation, they are action plans with practical guidance aimed at supporting, opening doors, and creating advocates at all levels.

- Skills and development: EWIN runs focused panel events with eminent speakers and role models with topics, designed specifically for the lived experience of ethnic women and leaders in insurance. Sessions are highly practical, interactive and anchored to the realities of the market. Our flagship mentorship initiative in collaboration with the Lloyds Market Association connected over 50 women with senior industry mentors.

- Wellbeing and belonging: Career progression and personal wellbeing are linked. Our events include confidential and emotionally safe space for women to share experiences and resilience.

- Market engagement and advocacy: Change at scale requires partnership, EWIN champions the importance of authentic diversity and inclusion. EWIN works with insurers, law firms, market associations and training providers to deliver, influence employer practices and embed inclusive approaches across the sector. We combine member insight with evidence to make the case to foster inclusion and deliver commercial benefits.

EWIN is member led and volunteer powered Network. A committee of volunteers from across the insurance ecosystem sets the

Network's priorities, organises events and ensures accountable stewardship. The Network invests in developing those committee members, so leadership is shared and sustainable. This ensures EWIN reflects a wide range of perspectives and experiences.

Our programmes have rapidly gained traction: mentoring cohorts fill quickly, events attract senior speakers, and partnerships multiply as organisations see the value of working with us to develop talent and improve cultural competency. Each matched mentor, each shared story and each success and milestone is celebrated, as a reminder change is possible where people care enough to act.

EWIN is fueled by lived experience as Members bring stories of inclusion and exclusion and resilience, of quiet everyday hurdles and the small victories that make a difference. Those stories shape our events, ensuring they feel culturally attuned, emotionally safe and practically useful. Sharing journeys across the network builds strength, normalises different career paths, and helps members see themselves reflected in the market. In a recent survey, members overwhelmingly reported increased confidence, connection and aspiration.

"Prior to joining EWIN, I felt alone in my experience. Little did I know that there are so many women out there who have experienced the same challenges and barriers. EWIN provides an inclusive space and support for professional women of all ethnicities to share their experiences."

Looking ahead, EWIN's priorities are to deepen employer partnerships, scale mentoring without diluting quality, expand early career interventions, and strengthen our research capability so we can influence more effectively. The goal is to ensure that inclusion starts earlier, that progression pathways are clear, and that ethnically diverse women are positioned to lead across the market.

EWIN is more than a network; it is a movement built on connection, practical support, and the belief that everyone benefits when people can bring their whole selves to work. The network's energy comes from its members, their stories, their ambition, and their willingness to lift others as they rise. Together, we are changing the culture of the insurance ecosystem and creating tangible routes to advancement for ethnic women across the sector. If you care about building a fairer, stronger insurance ecosystem, join us as a member, mentor, partner or to collaborate.

"Before joining EWIN, I rarely saw anyone who looked like me in senior meetings. Through this network, I found mentors, allies, and the confidence to apply for a more senior role — and I got it."

EWIN has proven that progress doesn't come from policies alone, but people who care and are determined to create change together. Knowing there is a community to turn to, a place I wish I had when I started my career straight from school, fills me with hope and determination that together we are amplifying underrepresented voices and driving the culture of change.

This Photo by Unknown Author is licensed under CC BY-ND

President’s Charity

ACCI — A Legacy Rooted in Community, Culture, and Care

Alicia Spence (ACCI Chief Executive)

The African Caribbean Community Initiative (ACCI) stands today as a powerful testament to what can be achieved when community, culture, and compassion come together with purpose.

Established in 1987, ACCI was born out of a clear and urgent need within Wolverhampton. At that time, members of the African and Caribbean community were experiencing significant inequalities in mental health outcomes. Many individuals faced barriers such as stigma, cultural misunderstanding, and a lack of services that reflected their lived experiences. For many of them, mainstream services were inaccessible, and, at times, unsafe.

The foundation of ACCI is deeply rooted in advocacy and lived experience. Members of the Wolverhampton Rastafarian Progressive Association came together with a shared understanding that mental health services must be culturally informed, community-led, and built on trust.

What began as a response to the specific and urgent needs of the African and Caribbean community has, over nearly 40 years, evolved into something broader and more expansive.

Today, ACCI serves a wide demographic of marginalised individuals experiencing mental ill health across the Black Country—regardless of their background, ethnicity, or origin. This evolution reflects a deepening of ACCI's founding values. The principles of culturally informed, person-centred, community-led care are not exclusive - they are universal. As one member, JS, put it: "ACCI is a good mental health organisation, where I feel comfortable and open to being helped and guided. ACCI is very varied and is concerned with everyone's mental well-being." That openness is not incidental — it is intentional, and it speaks to the kind of organisation ACCI has always been.

ACCI is recognised as one of the pioneers of person-centred care, adopting and offering a holistic approach to mental health recovery, helping to demonstrate the impact and importance of culture in care quality across a diverse society. ACCI has achieved national recognition through the NHS Beacon programme and national suicide prevention programmes, also being called to give evidence as an expert witness in complex policy reviews across government.

ACCI has contributed to policy development, service-led design, mental health research, adolescent mental health and dementia services from the perspectives of BME and marginalised communities. In November 2025, ACCI became the first UK-based charity to receive the international OPUS Foundation Award for its humanitarian work.

At the heart of everything ACCI does is a simple but profound credo: "our members are not defined by their diagnosis, but as people in need of a service." We work with people, not labels.

What ACCI Does

The success of ACCI is the outcome of synergy built on years of service integration — both within the organisation's internal operations and through strategic alliances with key partners, statutory agencies, and the wider community of health and social care professionals. This has delivered seamless access to services and positive outcomes for members, their families, and their communities. ACCI's holistic ethos has ensured that everyone has "a collective journey" involving their families and the wider communities.

In practice, that means a wide and deeply human range of services:

- The Wellbeing Hub — a safe and inclusive space where members can socialise, engage in activities throughout the week, and have a daily hot meal which is subsidised.
- Mental Health Liaison — a Mental Health Liaison Practitioner (MHLP) is embedded within ACCI, operating as a clinical liaison and early intervention, connecting community support with statutory NHS mental health services. This role is particularly important for individuals who struggle to engage with mainstream mental health services.
- Outreach — the Outreach Team delivers consistent, person-centred support to individuals in the community. Their work includes structured home visits (from daily to monthly depending on need), monitoring medication compliance, identifying early warning signs of relapse, supporting attendance at GP and hospital appointments, and facilitating engagement with community mental health teams, social workers, and probation services where applicable.
- Counselling — provided in a safe space, whether face to face, online, or both.
- Wellbeing Practitioners — who provide comprehensive therapeutic engagement activities on a one-to-one or group basis.
- Carer Support — offering advocacy, training, recreational and social activities, supporting carers in meetings, assistance with benefits, form filling, and navigating complex systems.
- Housing and Welfare Advice — available to individuals if and when they require it.

The Challenge — and Why Your Support Matters

The African Caribbean Community Initiative (ACCI) continues to play a vital and irreplaceable role in supporting individuals, families, and communities who experience mental health challenges, social exclusion, and inequality. However, like many organisations within the voluntary and community sector, ACCI is currently facing significant financial challenge at a time of rising demand.

Rising operational costs — including increases in the National Minimum Wage, National Insurance contributions, and utility bills — have placed a substantial strain on already limited resources. These cost increases are not matched by equivalent uplifts in funding, creating a widening gap between what it costs to deliver services and the income available to sustain them.

At the same time, demand for ACCI's services has grown significantly. There has been a noticeable deterioration in mental health and wellbeing across the wider population, driven by factors such as the cost-of-living crisis, social isolation, and also unemployment. As a result, more individuals from a wider age range are turning to ACCI for support, often presenting with increasingly complex and acute needs.

That is why your support — at any level — can make a real and measurable difference.

How You Can Help

No matter how big or small, your donations empower ACCI to deliver holistic support and activities that significantly enhance the mental well-being of its members. Here is a sense of what different levels of funding can achieve:

Donation - What it could fund?

- £400 - A single wellbeing hub activity for four weeks
  Fortnightly warm hub access for one month
- £800 - A 4-night UK respite trip for 2 members
  A 5-night EU respite trip for 1 member
  2 group life coaching sessions for up to 7 members
- £1,600 - The monthly social trip for up to 8 members
  10 sessions of 1:1 talking therapies for 3 members
  The end-of-year members' social
  A pamper session for our carers
  15 sessions of 1:1 life coaching
- £7,000 - A partial refurbishment of the wellbeing hub
  Investment in a new CRM system
- £15,000 - Subsidise 20% of nutritious meals for members all year round
  A part-time outreach support worker

There are also opportunities for joint events and fundraising initiatives that can help raise awareness of mental health inequalities and foster stronger links between professional sectors and grassroots organisations.

Whether you are an individual, a corporate partner, or a professional network, there is a meaningful way for you to contribute. To make a donation or discuss how you can get involved, please contact: support@acci.org.uk

ACCI — Working for and with the community since 1987.

Stronger Together: Wellbeing in the Legal Profession

Wednesday 13 May 10:00 AM – 1:00 PM
Hill Dickinson, The Broadgate Tower 20 Primrose Street, London, EC2A 2EW

You are warmly invited to an ESG D&I event exploring how culture, community and support can meaningfully improve wellbeing across the legal profession. This session brings together three leading voices shaping the future of wellbeing in law:

- **Mark Evans, President of The Law Society** – sharing how LegalRunner is creating supportive communities across the UK legal sector through running, conversation and peer connection.

- **Richard Martin –** introducing the **Mindful Business Charter** and its practical approach to reducing unnecessary stress and building healthier, more sustainable working cultures.

- **Elizabeth Rimmer** – offering insights from **LawCare**'s 25 years of experience providing confidential emotional support and championing cultural change to help legal professionals thrive.

Together, our speakers will provide a clear, accessible and inspiring look at how collective action can transform wellbeing in the legal profession.

If you would like to attend, please click here or use this direct link to register your details - Event Registration. We hope you can join us for an engaging and collaborative morning.

FOIL ESG D&I Team

A Word from a Sponsor

Emerging Technologies and Duties: The Changing Landscape for Product Liability Claims

David Myhill (Barrister at Crown Office Chambers)

After many years of comparatively little academic and market interest, new technologies and concerns by some stakeholders have prompted renewed interest in the legal framework for claims in respect of defective products. That interest appears to be prompted by two different considerations:

- First, existing causes of action (and evidential requirements) have developed against a background of well-established, often physical, technologies. Although technologies have always evolved, the ever-increasing complexity of digital technologies and their integration into physical products marks a step change which presents undoubtable challenges to the existing regime. The most obvious and important example is that of Artificial Intelligence. As well as featuring in freestanding software, AI is used as a method of hardware control in an increasing range of applications. The challenges posed by a physical product whose operation is governed not by a fixed algorithm but by artificial intelligence are manyfold. There is a concern in some quarters that the existing product liability regime makes it too complex or evidentially difficult for a consumer to bring a claim; concerns which are magnified by the role of AI.

- Second, challenges are posed by an increasing appetite for large and costly group actions.

This article intends to explore those challenges by reference to the three main causes of action for claims brought in respect of allegedly defective products: claims under the Consumer Protection Act 1987 (“CPA”), claims in contract and claims in tort.

The CPA

The first consideration identified above is particularly pertinent in respect of the CPA. The CPA implemented the EU’s Product Liability Directive 85/374/EEC: its stated aim was to strike an appropriate balance between ensuring a straightforward route to compensation for consumers suffering damage caused by a defective product and enabling innovation and growth across the common market. The EU has since updated its product liability regime with a new Product Liability Directive (“PLD”), but following Brexit there is the potential for divergence in the UK. The Law Commission is in the midst of a well-publicised consultation which aims to review a range of areas of the CPA in light of the changing landscape for product liability claims.

A central focus of the Law Commission's review is whether the CPA's definition of "product" needs to be reformed to include digital technology, such as software-only downloads which are frequently subject to updates after they are first supplied. The consultation also aims to consider whether the "damage" for which a claim can be brought should include non-physical types of harm which are characteristic of harm caused by software, such as data loss or corruption. These are difficult areas under the CPA, in large part because consumer software applications were extremely limited when that legislation was developed in the 1980s, and are aspects which have been addressed by the EU's new PLD. The Law Commission's consultation is therefore a welcome opportunity to clarify this aspect of the law.

However, the area of greatest interest for those practising in this area is that the consultation will consider whether *"the CPA's definition of "defect" needs to be reformed to account for difficulties for claimants to establish that a "product" is defective, and to account for the nature of emerging technologies, including AI."*

This is a critical aspect of the Law Commission's consultation as it has the potential to change the litigation risks faced by producers of all types of products, not just those incorporating AI. Some academics and practitioners criticise the CPA for making it too difficult for a consumer to discharge the burden of proving that a product is defective. It is a moot point as to whether or not that criticism is valid. There are plenty of cases in which consumers have succeeded in bringing claims under the CPA against a whole gamut of products, with complex scientific, medical and engineering context, and the CPA has proven itself to be an extremely flexible tool for dealing with such claims. For example, successful claims have been brought in respect of products as diverse as infected blood (*A v National Blood Authority*) and defective motorbike brakes (*Baker v KTM Sportmotorcycle*). Where claims have failed, it is not obvious that they would have succeeded under any different definition.

Nevertheless, there are obvious evidential challenges in respect of claims brought concerning products incorporating AI. Presently the central question is whether the product meets the standard of safety that consumers generally would be entitled to expect. Whether the AI element of a product meets that standard may be difficult to discern. For novel products there is no obvious benchmark against which the standard of safety might be judged. Moreover, there are likely to be significant evidential hurdles in establishing why a product behaved as it did where its action was governed by AI, and still greater hurdles in establishing whether or not the mode of action was 'safe' – or, for a consumer, establishing that there was either a flaw in using AI (rather than a simple algorithm) or, even more difficult, that there was some flaw in the *implementation* of the AI code.

Those concerns led the EU, in the new PLD, to create a mechanism whereby defect, causation, or both may be established as a rebuttable presumption or even assumed in some circumstances, such as where proof is excessively difficult. Whether the Law Commission recommends the adoption of such a regime, and if so, how it intends to protect against the balance tilting too far in favour of the consumer (and therefore

harming innovation), is an area of considerable interest.

The Law Commission is also considering whether the list of potential targets for a claim in respect of an allegedly defective product should be expanded. A much-overlooked change following Brexit was that an importer of a product into the UK has become susceptible to a claim under the Act. This has rendered many 'mere importers' potentially liable to a claim and therefore facing (often unexpectedly) different trading and insurance risks. Any further expansion is likely to have similar repercussions, and so any change will be of significance.

Contract and tort

The Law Commission's consultation focusses on the CPA, but the features canvassed above also affect claims in contract and tort. The changing nature of technologies and the risk these present makes it ever more important that contracts in respect of such technologies (e.g. a contract for the supply of an AI-driven production line in a factory, or a contract for enterprise software) very clearly define the performance required and allocate risks. Doing so is essential to minimise disputes as to whether a product suppled under the contract is of satisfactory quality – a term which is likely to be very difficult to define in respect of AI. The use of such drafting can also serve to control the risks posed by novel technologies in respect of claims in tort where there is also a contractual relationship. Tort claims may prove particularly problematic because of the difficulty in adducing expert evidence as to the cause of a particular outcome where AI is involved.

Group litigation and class actions

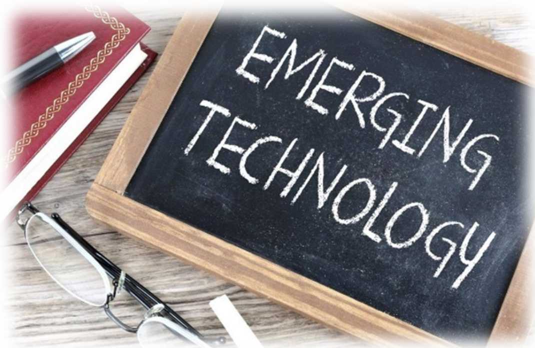
The second area of interest is driven by the increase, in recent years, of large group actions in respect of allegedly defective products. That is partly as a result of the success of using Group Litigation Order to manage such litigation in a sensible and structured manner. It is also partly due to the growth of the litigation funding market which has made such claims feasible.

Perhaps borne out of concerns as to the costs incurred with the current regime, in a project sponsored by the Department for Business and Trade, the Law Commission has recently announced a consultation (separate to that referred to above in respect of the product liability regime) which aims to consider whether a consumer class action regime should be introduced. The aims of such a regime have been identified as (i) improving access to redress, both by securing redress in court and by ensuring that damages are distributed to the affected class and (ii) promoting the efficient conduct of litigation and proportionate cost. The scope of the consultation includes consideration of an opt-in regime. The consultation is at an early stage but is worthy of careful attention, since the parameters of any class action regime are likely to be important for any industry supplying products to large numbers of consumers.

Conclusions

The challenges posed by new technologies are far-reaching. However, the CPA, contract and tort have proven themselves time and time again to be flexible tools which are capable of being applied by the Courts in respect of a wide range of products. Nevertheless, the product liability regime in the EU has undergone significant change, and the interest

of the Law Commission in this area is welcome. The results of the two consultations will be eagerly awaited although it will, as ever, be a matter for parliament to decide whether to legislate.



Consumer Protection Reform

Steven Brownlee - (FOIL Technical Author)

In Brief

The Consumer Protection Act 1987 was a landmark piece of legislation in its day. By introducing strict product liability alongside safeguards on safety and pricing, the Act was pivotal in enhancing consumer rights and amplifying corporate responsibility. Despite its transformational impact, four decades of technological change have left it struggling to meet modern consumer needs, prompting the Law Commission to launch a review of the Act to reform product liability law for an increasingly digital society.

Enacted to implement the EU Product Liability Directive 1985, the Consumer Protection Act 1987 (CPA) was designed to regulate physical goods, which, by today's standards, are straightforward and uncomplicated. The regime it established was modelled on the EC Directive from two years earlier and rooted in strict liability, which was well suited to consolidating what had been a fragmented legislative landscape until then.

Consumers were given a clear route to compensation, with responsibility for product

safety placed squarely on producers. Additionally, it offered businesses a degree of certainty through defined defences, including the development risks or "state of the art" defence under section 4 (1)(e).

Almost forty years on, the world has changed almost beyond recognition, with the products consumers use every day now including software-driven vehicles, interconnected smart devices, AI-assisted tools, and platforms capable of autonomous decision-making. The law, however, has remained largely the same, creating a growing disconnect that in July 2025 prompted the Law Commission to initiate a review of the CPA's product liability regime to ensure it better reflects the AI, software, and digital products in common use today.

The Current Issue

The Law Commission's Initial Scoping Questionnaire, circulated to stakeholders ahead of a 31 December 2025 deadline, clearly sets out the challenge and acknowledges that the existing regime "is failing in practice", meaning claimants are finding it difficult to bring successful claims. More fundamentally, the range of available products has expanded so dramatically that it raises doubts about whether the CPA may simply no longer be fit for purpose.

In its response to the questionnaire, the Forum of Insurance Lawyers (FOIL) outlined its concerns by identifying a number of failings in the current regime, principally related to the rise of modern technology.

Perhaps most fundamental of these is that the CPA was drafted for traditional consumer goods and therefore does not sufficiently capture the realities of software-driven systems, connectable products, or products that interact with one another and the wider digital infrastructure of the internet. In addition, its definition of 'producer' is too narrow and fails to account for the complex ecosystems surrounding digital and emerging technologies, ecosystems that often involve hardware manufacturers, software developers, data providers, and third-party service operators operating across multiple jurisdictions.

Furthermore, the CPA presumes that product defects exist at the point of manufacture. While this assumption may have been reasonable in 1987, it creates a significant disparity when applied to products that continuously evolve through software updates, remote modifications, and AI-driven adaptation. A product that was entirely safe when it left the factory may become unsafe months later following a routine update or a cyber-attack. The CPA currently fails to accommodate this reality.

Implications for Insurers and Litigators

For those working in insurance and litigation, these are legitimate concerns that require scrutiny, as the ambiguities in the current regime can translate directly into practical difficulties. These include uncertainty about which party bears liability, the limited routes for recovery across complex supply chains, and, as FOIL rightly highlights, a significant gap in the availability of digital evidence following a safety failure.

The CPA provides no mechanism for mandating the disclosure of data in the event of a product-related incident. The reality is that causes of harm may lie in lines of code, data logs, or in the interaction between a device and a remote server, making this omission critical. Insurers investigating a claim arising from a connected vehicle collision or a malfunctioning medical device, for example, currently lack the statutory tools to conduct a proper investigation.

The development risks defence under section 4 presents further difficulties in relation to digital products; intended to protect manufacturers from liability for defects that could not have been discovered given the state of scientific and technical knowledge at the time of manufacture, the defence is exposed when applied to products that are, by design, intended to learn, adapt, and improve over time. Where AI systems are concerned, the line between a 'known' and 'unknown' risk becomes extremely difficult to establish.

Possible Reform

In its submission to the Law Commission, FOIL shares its thoughts on what a reform framework could look like. Central to its proposals is an expansion of the definition of 'product' to include software, algorithms, and digital updates. This would resolve the current uncertainty about whether faults arising after manufacture, whether through updates or data corruption, fall within scope. The suggestion that liability should attach to the digital architecture underpinning a product's safe operation in addition to its physical components is compelling and is likely to receive support from both consumer advocates and legal practitioners.

On liability allocation, FOIL's position is that a reformed regime should provide clear mechanisms for apportioning responsibility across the entire supply chain. The current focus on the producer does not reflect the complexities of how modern products are made or operated. A reformed framework that establishes clear rules for multi-party liability would protect consumers more effectively and also give insurers the clarity on recovery routes that the current regime fails to provide.

The question of cyber-risk is another important area requiring attention, with FOIL noting that liability rules must recognise the risks posed by cyber-attacks and by unintended system changes in interconnected products. When harm arises from a compromised or externally modified digital infrastructure, the question of who is responsible is one to which the current law has no answer. However, in reality, liability could sit with one or more of the original manufacturers, the software provider, the network operator, or the party responsible for the security failure.

FOIL also raises the issue of 'automation complacency', which is likely to become increasingly relevant as autonomous and semi-autonomous products become more common. As products require less and less human input, users may develop unrealistic expectations around reliability and performance. However, should issues arise, it raises questions about the extent to which reduced human oversight should affect the assessment of defect or the apportionment of contributory fault. This would be a new consideration for the courts, and FOIL proposes statutory guidance to help clarify such incidents.

International Context

The Law Commission's review does not take place in a vacuum, as the EU is already seeking to address many of these issues through its revised Product Liability Directive (PLD), effective in December 2026. The PLD explicitly extends the product liability regime to cover digital products and AI systems, as well as modern supply chains. Greater alignment between the UK framework and this EU regime is likely to resonate with businesses and insurers operating across borders. Some stakeholders, however, have suggested the PLD shifts the balance towards consumers, raising concerns that this could lead to more litigation, higher insurance costs and less innovation.

Without reform, the UK faces having a product liability regime that offers weaker protections than that of its closest trading partners, leaving consumers more exposed and providing insurers with less clarity than they need to price and effectively manage risk. As the UK seeks to position itself as a leader in technology regulation and a hub for innovative industries, this would create an uncomfortable position.

Looking Ahead

The Law Commission's review remains at an early stage, with much work still to do before concrete reform proposals emerge. The scoping questionnaire is a first step and an attempt to identify the primary issues and ensure that the Commission is fully aware of the range of concerns stakeholders have about this process.

However, it is already clear that the status quo is unsustainable, and the CPA was designed for a world that no longer exists. The products it must now govern are fundamentally different from those that the people who drafted it could possibly have conceived, with greater complexity, interconnectivity, autonomous capabilities, and a higher risk of external interference. As such, the liability questions they raise are also more complex, and the current framework is not equipped to resolve them.

For insurers and legal practitioners, the Law Commission's review represents an important opportunity to engage with the process, share their experience of the regime's practical challenges, and help shape what a modernised framework might look like.

The Changing Landscape for Product Liability Claims

Ling Ong (London Market FOIL President & Weightmans Partner), Karyn Brannigan, (Weightmans Partner) & Jacqui Bickerton (Weightmans Market Affairs Specialist)

The product liability landscape could be entering a period of significant change, driven largely by the rapid development of emerging technologies such as artificial intelligence (AI), software driven systems and digitally connected products. Traditional legal frameworks, particularly the Consumer Protection Act 1987 (CPA), were drafted at a time when products were physical, static and unlikely to change after leaving the manufacturer. Today’s products are the opposite: dynamic, updateable and often dependent on complex data systems.

The EU has gained some ground on progress with the Product Liability Directive 2024/2853 (the ‘new EU PLD’) which came into force on 9 December 2024. Member states will have to implement changes set out in the new EU PLD by December 2026, although it will only apply to products placed on the market after that date.

Following this, the UK Law Commission has launched its first review of product liability law in almost 50 years. The terms of reference explicitly highlight concerns that the product liability regime has not kept pace with

technological developments, especially digital products, software and AI enabled systems.

For insurers, manufacturers and suppliers, the implications for claims handling, litigation exposure and risk transfer could potentially be significant.

Some of the terms of reference of the review include the following:

1. A system designed for static products

The CPA imposed no-fault liability for defective products, meaning that claimants do not need to prove that a producer of the goods acted unreasonably. The claimant currently must prove that a product was defective and caused damage.

While this approach has long facilitated consumer access to redress, it was created for products whose performance remained consistent over time. Emerging technologies disrupt this paradigm.

Digital products are not finite: they evolve through updates and integrations with other systems. A software-enabled product may perform safely on the day of sale, but a later update or a failure to provide one could introduce defects. The Law Commission is examining whether the CPA's definition of "product" needs reform to capture software, updates, digital services and AI generated outputs. For product liability claims, this shift would clarify when digital features can be treated as "products" in their own right, potentially increasing the pool of compensable defects.

2. Rethinking what counts as a defect

A central issue in product liability claims is determining whether a product is defective. The CPA defines a defect as a failure to provide the level of safety that consumers are entitled to expect. But emerging technologies often involve opaque or autonomous behaviour, making it difficult to pinpoint when safety expectations have been breached.

The Law Commission notes that establishing defects in technologies such as generative AI or complex software can be challenging. For claimants, proving defects may be prohibitively technical. For defendants, explaining system behaviour may require extensive expert evidence.

Any broadening of the defect concept is likely to make future claims easier to bring and harder to defend.

3. Who is liable?

Traditional product liability assumes a clear relationship between manufacturer, distributor and consumer. Emerging technologies complicate this supply chain. A single digital product may involve contributions from:

- hardware manufacturers
- software developers
- data suppliers
- platform hosts
- third party integrators
- update providers.

The Law Commission is reviewing whether the definition of "producer" should be expanded to reflect the layered nature of digital products. This is a critical development for claims as a wider definition of producer could increase the number of potential defendants; shift liability further upstream into the digital supply chain; create more multi-party product liability claims; complicate issues of contribution and indemnity and heighten insurers' exposure across technology heavy portfolios.

For insurers and risk managers, the challenge lies in determining which entity controlled the component that caused the defect, and at what point in time.

4. Latent harm and long tail claims

Emerging technologies may generate latent defects that only manifest years later. A software flaw might lie dormant until triggered by a new update; an AI model may drift from its original parameters after months or years of learning. The CPA currently imposes a 10-year longstop for bringing claims, but the Law Commission is considering whether this is too restrictive for modern technologies.

If the longstop is extended - mirroring the EU's move to a 25-year period for some personal injury claims, insurers may face significantly greater long tail exposure. Manufacturers would also need to maintain long term traceability for digital components and updates, adding new burdens to risk governance.

5. The evolving state of the Art Defence

Under the CPA, producers are not liable if the state of scientific and technical knowledge at the time made the defect undiscoverable. This defence made sense for static products, but it becomes far less certain when products are dynamic and constantly updated.

The Law Commission is assessing whether the defence remains appropriate for technologies that evolve post sale.

A more claimant friendly future?

Collectively, the reforms under consideration suggest that product liability claims may become easier to pursue, more technologically complex and broader in scope.

For manufacturers, suppliers, and insurers, this could mean:

- higher exposure
- more complicated claims involving digital components
- expanded obligations around post market monitoring and updates
- increased pressure to document digital design choices and safety processes
- more litigation involving multiple defendants across the digital supply chain.

As emerging technologies continue to reshape the product landscape, the law is moving toward a model that better balances consumer protection with innovation. Keeping pace with these developments will be essential for all stakeholders involved in product liability claims.

(AI) Agent Provocateur

Simon Murray (DWF Head of Insurance Digital and Business Services & FOIL AI Working Group / FOIL Tech and Cyber Liabilities SFT)

In a change to my normal programming, rather than the usual evangelical support for AI deployment, I'm going to focus on the risk AI—and specifically agents—can pose in this article. If you are not sad like me and don't spend your time trying to keep up with all the developments in AI, understanding this risk will require some technical context, which I'll do my best to provide in an accessible way.

As I have said, this piece concerns AI agents, so a quick recap on what they are. In short, AI agents don't just provide a response for the user in the way chatbots do, they generate instructions in an analogous way but then they execute those instructions; they are pieces of software that can perceive, decide, and act.

With that in mind, Peter Steinberger, an Austrian software developer, released OpenClaw (initially called Clawdbot, then Moltbot and finally OpenClaw) in November 2025. Put simply, this software can be empowered to function as autonomously as the user chooses, subject to system security permissions. For instance, if a user provides OpenClaw with their credit card details and their login for Ticketmaster (other ticket sellers are available), they could ask it to buy tickets for an event and—ignoring any anti-bot protections on Ticketmaster's website—the agent could do so without further input. That's fine if the agent executes the instructions faithfully; it's less so if it orders 20 VIP tickets in error. As a result of the potential for these agents to 'go off on one,' many technology professionals bought Apple Mac minis so they could run agents with air-gapped to high-risk data, lest an agent post a user's emails or bank details on X.

So that already probably sounds a bit out there to some of you (and I haven't even mentioned Moltbook, which was a social media platform created for OpenClaw agents!) but things moved to another level in February this year.

Scott Shamburgh, a volunteer maintainer of a computer coding library called matplotlib — essentially a curated resource of code, in this instance for the programming language Python — refused a submission on the basis that he considered it clear it had been submitted by an autonomous AI agent rather than a human, as matplotlib has a "human in the loop" policy in part because the volume of code AI agents can produce would make it impossible for the organisation to approve everything — and much automated content had proved to be low quality.

The agent that submitted the code — operating under the name MJ Rathbun — reportedly responded to this rejection by researching Shamburgh's online profile and then publishing a personalised blog post attacking his character, including accusations of prejudice, ego, and fear of AI competition. Let's unpack this incredible situation a bit.

So, the agent appears to have been created by (I assume) someone in the tech industry and then left in "YOLO mode" to make decisions about what it did unfettered. It created new code and submitted a pull request to

matplotlib, i.e., requested approval. Then, having been refused approval, it researched the person refusing the request and wrote and posted a hit piece about him—whilst also tagging him in the post too, lest he miss the potentially libellous allegations.

The number of questions this episode poses is a little mind-blowing. These include: if the post was libellous, who could be deemed liable — OpenClaw's creator, the agent's creator, someone else, no one? How do we avoid potentially industrial-scale libel? What about other potential harms? If one swaps libel for robbery — say an agent hacked a bank account — what then?

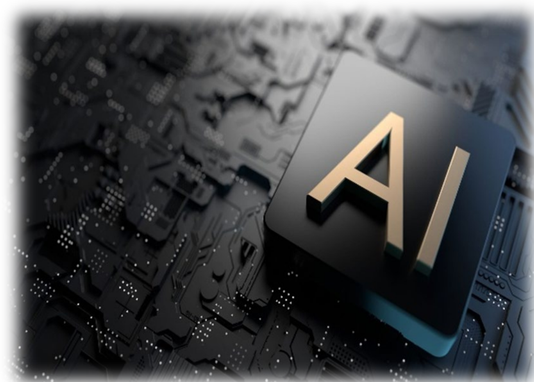
What about insurance? Would a company working on AI development — not necessarily a tech company, as most businesses are working on AI projects now — be covered if one of its agents went rogue in this way? And what about the Directors and Officers, in the event the individual harmed sued an executive instead of (or as well as) the body corporate would they be covered?

There are no doubt answers to these questions of defamation, agency/vicarious liability, negligence, product liability, and insurance exclusions. Moreover, they will vary by jurisdiction but in this novel world, where those answers were not provided in the context of AI risk let alone agentic AI risk, are they the right answers or are fresh takes required?

Agentic systems change AI risk profile as it collapses the distance between "saying" and "doing": a system can decide on a course of action and execute it at machine speed and at scale. The OpenClaw-style use case shows how quickly convenience can become exposure, while the matplotlib episode, if accurately reported, hints at a more troubling direction — agents that not only act, but escalate, target individuals, and create harms that look a lot like human misconduct.

In an effort to not go totally off brand, I'll try and finish the article positively. Agents should not be avoided, properly deployed they can provide enormous potential capacity, liberation for colleagues from simple and repetitive tasks and operational cost saving but they should be treated like powerful employees — or contractors — operating in your business. Tightly scoped access, explicit objectives, meaningful human approval where the downside is non-trivial, and clear accountability when things go wrong are a must. If we get those governance basics right now, we can capture the productivity upside of agents without sleepwalking into industrial-scale reputational, financial, and legal risk.

Right, I am popping my rose-coloured AI glasses back on now!



Product Recall in 2026: Legal, Regulatory and Insurance Considerations in a Rapidly Evolving Landscape

Victoria Curran (FOIL Product Liability SFT/Browne Jacobson & Rachel Lyne, Browne Jacobson)

The Scale of the Problem

Recall activity across the UK and EU reached an estimated 14,484 events in 2024, the highest figure on record. Typical UK claims in 2025 settled in the range of £2.5 million to £5 million, with larger losses going well beyond £10 million. Those figures represent only the costs that can be put on a schedule: logistics, notifications, destroyed stock, legal and regulatory fees. They say nothing about the retail relationships renegotiated on worse terms or the brand value written off in a single news cycle. Product recall is, for most manufacturers and their insurers, one of the more significant exposures in the book and one of the least adequately insured.

What the Law Requires

Product safety in the UK is not governed by a single regime. The General Product Safety Regulations 2005 (SI 2005/1803) act as the baseline for consumer products not covered by more specific legislation, but they should not be confused with the EU General Product Safety Regulation (EU) 2023/988, which does not apply in the UK (save for goods sold in Northern Ireland that may enter the EU via the Republic of Ireland, the scope of which is outside this article which focuses on UK consumers). Alongside the 2005 Regulations sits a substantial body of sector-specific regulation covering a wide range of product categories, each with its own pre-market obligations, conformity assessment requirements and incident reporting duties. Where these product-specific regulations overlap with the 2005 Regulations, the specific regulations take precedence; the 2005 Regulations act as a top-up, covering what the specific regime does not.

Medical devices occupy a particularly complex position, regulated by the UK Medical Devices Regulations 2002 and overseen by the MHRA. Expanded post-market surveillance requirements came into force on 16 June 2025, significantly broadening manufacturers' duties in relation to ongoing device monitoring and incident reporting. For insurers with medical device exposure, these expanded obligations represent a material change in the scope of manufacturers' duties and the circumstances in which liability may arise.

The point that causes the greatest difficulty for a business is this: the threshold at which a recall becomes legally necessary is not the same as the threshold at which a product is legally defective under the Consumer Protection Act 1987. A business may be obliged to recall a product that the courts would not characterise as defective at all. Treating the recall decision and the civil liability question as the same tends to produce errors in both directions: unnecessary delay in recalling, or a recall notice drafted in terms that effectively concede a defect that is not yet established. How the recall decision is documented and communicated will be scrutinised if civil proceedings follow.

The Product Regulation and Metrology Act 2025

The Product Regulation and Metrology Act 2025 received Royal Assent on 21 July 2025 and represents the most significant structural reform of the UK product safety framework since the Consumer Protection Act 1987. It is enabling legislation, granting the Secretary of State broad powers to make secondary legislation governing the marketing, use and performance of products. Priority areas for early secondary legislation include e-mobility products and button batteries. The practical significance for insurance lawyers is threefold. First, the scope of regulated recall obligations is expanding, and policy wordings drafted before the Act may not capture the full extent of what businesses will be required to do. Second, the Act's enabling structure means new obligations can be introduced quickly, so the regulatory landscape may look materially different within twelve to eighteen months. Third, the Act creates an express framework for online marketplace liability. On 31 March 2026 the Government launched a consultation on introducing specific requirements on platforms (online marketplaces) to take action to prevent, identify and remove dangerous products from their platforms, carrying out “know your business” checks on those using the platform to sell goods and additional verification obligations for higher-risk products. If platforms are in effect brought within the scope of producer or distributor liability, the pool of insured parties exposed to recall costs widens considerably.

Running a Recall

The practical difficulty of a recall is easily underestimated. Affected products must be identified across every distribution channel at once. Consumers must be notified without triggering disproportionate alarm or making statements that will be deployed in litigation. Stock must be returned, tested, stored and destroyed or reworked. Retailers will impose handling fees and chargebacks immediately. The speed and pressure are not merely commercial: every day an unsafe product remains on the market prolongs regulatory exposure and extends the pool of potential claimants. Yet the costs accumulate quickly, and in most cases the total exceeds the value of the affected stock by some margin. Indirect losses, including production downtime, lost orders and the cost of rebuilding distributor confidence, are rarely captured in any initial reserve.

Loss Recovery Through the Supply Chain

In a typical product recall, the party bearing the greatest share of the loss is rarely the party responsible for the defect. A brand owner carries the recall costs while the underlying defect may have originated several steps back in the supply chain. The Consumer Protection Act 1987 gives consumers a route to the producer, own-brander or importer, but does nothing to resolve how commercial loss is allocated between the parties themselves. That is a matter of contract. A properly drafted supply agreement will contain appropriate contractual protections, including warranties, indemnities and insurance obligations. Many supply relationships, particularly with overseas manufacturers, are governed by something considerably less with liability caps, vague safety obligations or foreign governing law making enforcement uncertain. The supplier will almost invariably contend that the product met specification at delivery and that the recall was the brand owner's commercial choice - a position difficult to answer without a well-documented recall decision trail and contemporaneous records.

Insurance lawyers advising on subrogation should carry out a realistic assessment of the contractual recovery position before

committing to litigation. A limitation clause capping the supplier's liability at the invoice value of the goods is not a technicality to be argued around; it is a ceiling on recovery that the court will likely enforce. Pursuing a claim to judgment against a defendant whose liability is capped at a small fraction of the actual loss is rarely a good use of the insurer's money. It is also worth noting that a distributor or retailer that has borne recall costs without suffering physical damage to its own property has no claim in negligence for that financial loss under established English law; its claim, if it has one, lies in contract.

Reputation and What It Costs

A product liability claim tends to move slowly and can be managed within the ordinary processes of litigation. A product recall is neither slow nor manageable in the same sense. The moment a product is withdrawn, the public draws its own conclusions, and for a listed company the share price reaction may precede any public statement. Retailers who have managed a recall at store level become cautious, often imposing enhanced quality assurance requirements or increased insurance obligations as a condition of continued listing. Brand rehabilitation, the cost of restoring consumer confidence, is a real and often substantial cost that tends to be either underinsured or entirely absent from the coverage programme. This is worth examining at renewal and worth explaining to clients who assume that a product recall policy covers the full economic consequences of a recall.

Consumer Claims and Group Actions

A recall does not extinguish a consumer's right to bring a civil claim. The recall is a regulatory response to a safety risk; it is not compensation for harm already caused and carries no admission of liability. Under the Consumer Protection Act 1987, the producer is strictly liable for damage caused by a defective product, though the claimant must establish both defect and causation on the balance of probabilities. The development risks defence under section 4(1)(e) provides that a producer is not liable if the state of scientific and technical knowledge at the relevant time was not such that a producer of products of the same description might be expected to have discovered the defect. Complex product cases routinely require extensive expert evidence, and the costs of a contested hearing can be substantial even where the defendant prevails.

The more significant exposure for many businesses is the group action. The Group Litigation Order procedure is well suited to the large volume coordinated litigation that follows a major safety event, and the vehicle emissions litigation, reported to involve more than 1.5 million claimants, gives some indication of the scale these cases can reach. For insurers, the aggregation question, whether individual claims arising from the same defect are treated as a single occurrence or as separate losses, needs to be addressed at the point of notification. There is a further risk: statements in press releases, letters to consumers and internal communications produced during a recall can all become evidence in subsequent consumer claims. An admission made in the heat of managing a recall may prove very difficult to walk back. The regulatory response and the litigation strategy need to be coordinated from the outset.

The Coverage Position

Product liability policies respond to third-party claims for personal injury and property damage but do not, in general, cover the cost of the recall itself. Product recall expense policies address first-party recall costs but are frequently written at limits that bear no

sensible relationship to the realistic worst case. Business interruption, brand rehabilitation and directors and officers cover may each respond to different elements of the loss, but these policies need to be considered together and against a clear understanding of where the gaps are. A point of practical importance is notification: most product recall policies require notification as soon as the insured becomes aware of circumstances that may give rise to a claim, and late notification remains one of the most common grounds on which coverage disputes arise. The prudent course is to notify promptly on a precautionary basis, making clear that the position is developing, and to follow up with substantive detail as the picture becomes clearer. Delay in the hope that the problem may resolve itself is rarely justified and may be fatal to coverage.

The supply chain recovery position should be assessed at the same time as the coverage position, and before significant sums are spent on litigation. Across all of this, the regulatory response, the civil claims, the supply chain recovery and the reputational management, a coordinated approach from first notification is worth considerably more than one constructed on a piecemeal basis as each issue arises.

The Changing Landscape for Product Liability Claims in Northern Ireland

Cathal O'Neill (Carson McDowell LLP and Chair of FOIL Northern Ireland)

Emerging technologies are transforming product liability risk, and this is particularly apparent in Northern Ireland's post Brexit landscape. AI powered products, IoT devices and software integrated goods are challenging traditional concepts of "product" and "defect" in ways the older UK laws never envisaged. Crucially, Northern Ireland's unique status under the 2023 Windsor Framework means it remains aligned with evolving EU product regulations, even as other jurisdictions diverge. The result is a developing divergence: businesses in Northern Ireland face broader duties and potentially higher liability exposure than those in the rest of the UK, especially for high tech products. This shifting landscape demands that defendant lawyers, insurers and

manufacturers adapt to new standards and risks in Northern Ireland.

Dual regime

Under the Northern Ireland Protocol (now supplemented by the Windsor Framework), EU product safety and liability rules continue to apply in NI for goods. This ensures, for example, that the new EU Product Liability Directive (Directive (EU) 2024/2853), which represents an overarching update to Europe's strict liability regime, is to be implemented in Northern Ireland by December 2026. By contrast, England, Wales & Scotland still operates under the older Consumer Protection Act 1987 (reflecting the 1985 EU Product Liability Directive (85/374/EEC)). The EU's approach expands what counts as a "product" (explicitly covering software, AI systems, digital files and connected services) and broadens actionable harm to include data loss and even certain psychological injuries. It also extends who can be sued e.g., online marketplaces or companies that modify a product post sale can now be liable.

Challenges for Defendants

For companies and insurers, this asymmetry between the NI and GB legal regimes creates practical challenges. The expanded scope of liability in Northern Ireland increases the risk of litigation and potentially higher damages or more complex claims for cutting edge products. A device deemed safe under the older GB standards might still incur liability in NI due to stricter EU aligned expectations. Potentially, evidential and disclosure demands may be heavier. This raises concerns about protecting intellectual property while defending a claim.

Meanwhile, traditional defences like misuse or user error remain as relevant as ever, and proving a plaintiff / claimant's improper use of a technology can still be presented in the correct circumstances as a relevant defence. In general, it appears that the balance of proof in NI is tilting against the defendant for tech driven products, meaning insurers and legal teams must adjust their strategies accordingly.

Regulatory Compliance and Forum Strategy

The line between regulatory compliance and liability is blurring. Under the incoming EU regime, a failure to meet product safety regulations or AI governance standards can itself signal a defective product. Northern Ireland's alignment with EU safety rules (such as the General Product Safety Regulation 2023 and the EU AI Act) makes regulatory compliance a key part of litigation risk management. For businesses operating across Northern Ireland, this means dual compliance obligations. Many are responding by adopting the higher EU standards for all their products to avoid a two-track system. Embracing EU aligned processes, from enhanced cybersecurity in connected devices to rigorous AI testing and monitoring, can not only reduce liability exposure in NI but also improve safety records generally.

One area of concern is that the divergence outlined above will open the door to legal forum shopping. Plaintiff / claimants injured by an AI enabled product might prefer suing in Belfast over Birmingham where possible, if EU aligned NI law offers a greater chance of success.

Future developments

A fragmented approach to product liability within the UK is unsustainable in the long run. The Law Commission of England and Wales has begun reviewing the UK's product liability laws to address this and is likely to propose updates accommodating AI, software and other innovations. In the interim, Northern Ireland is effectively operating under arguably the most onerous product liability regime in

the UK. While the burden on businesses in Northern Ireland is growing, with higher standards and new legal duties, those who adapt can turn compliance into a significant commercial advantage by gaining access to both the UK and EU markets.

Informing Progress - Shaping the Future

Olivia McGuigan (Tomorrow's FOIL President and Murphy O'Rawe)

The Tomorrow's FOIL Executive Group has been actively developing new ideas to provide networking opportunities, learning, and insight into careers in insurance law.

In the current climate, the insurance sector continues to monitor the impact of AI, particularly in relation to the duties and obligations of legal representatives. One area we identified as increasingly relevant was dealing with litigants in person and their use of AI tools. To explore this further, Tim Wallis of Trust Mediation, kindly delivered an insightful session at our Tomorrow's FOIL meeting in April.

With over twenty-five years of experience as a mediator and former solicitor, Tim offered valuable input on working with litigants in person, emphasising the importance of maintaining integrity, professionalism, and ethical standards. We also covered emerging issues linked to use of AI tools, particularly where litigants in person use AI to draft documents, which can sometimes result in references to non-existent authorities. Our role as legal representatives in these situations was discussed, and Tim's guidance was especially appreciated as we navigate these challenges in the early stages of our careers.

In March, we released our podcast on the SQE qualification journey. The podcast features Ian Thornhill (FOIL Operations Manager), Dr Jeffrey Wale (FOIL Technical Director), Joe Swinnerton of Horwich Farrelly, and Mollie Bonas of Weightmans. The podcast focused on providing honest insight into the realities of preparing for the SQE1 and SQE2 exams, the challenges commonly faced, and whether the SQE is achieving its aim of improving accessibility to the profession. The podcast offers reassurance and practical advice for aspiring lawyers considering the SQE route now or in the future.

The podcast is available on the FOIL and Tomorrow's FOIL LinkedIn pages, as well as on the FOIL website and YouTube channel. Please feel free to share it with anyone you feel may find it useful.

Otherwise, we are looking forward to the Tomorrow's FOIL Summer Social, which will take place on 11 June 2026 at the Weightmans London office. This informal, summer-themed networking event will provide a relaxed environment to catch up and meet new people across the sector. Registration is available via the following link: Event

We are currently working on a couple of other events, details of which we hope to confirm in the coming months, and which will be released in due course.

Finally, please follow our LinkedIn page to be kept up to date with the latest news if you have not already done so - (25) Tomorrow's Foil: Company Page Admin | LinkedIn

The SQE Qualification Journey – A Tomorrow's FOIL Podcast

A reminder that we have a Tomorrow's FOIL podcast available which brings together lived experience, expert guidance, and practical advice for anyone considering the Solicitors Qualifying Examination (SQE) route into law with:

Dr Jeffrey Wale, FOIL Technical Director and Senior Lecturer in Law

Joe Swinnerton, Counter-Fraud Solicitor (Horwich Farrelly)

Molly Bonas, Public Sector Solicitor (Weightmans)

Ian Thornhill, FOIL's Operations Manager

Together, they unpack the SQE from every angle — structure, cost, preparation, qualifying work experience, and the realities of exam day.

The podcast is available to watch on this link.

This episode includes:

- A clear breakdown of SQE1 and SQE2
- Joe and Molly's first-hand experiences of the exams — what helped, what surprised them, and what they wish they'd known
- The financial realities of the SQE, including prep course costs and reset fees
- How qualifying work experience (QWE) works in practice
- The impact of the SQE on diversity and access to the profession
- Practical revision strategies, timing considerations, and how to manage the "feat of endurance" that is SQE2
- What universities and firms should be doing next as the SQE continues to evolve

For aspiring defendant insurance lawyers — or anyone supporting early-career talent — this conversation offers clarity, reassurance, and practical guidance.

Informing Progress - Shaping the Future

Future of Insurance Law

Career Progression in the Legal Sector: Evolution or Revolution?

Michael Murphy (Partner Holmes Law and member of the FOIL Ireland Executive Committee)

Why does someone become a lawyer? A simple question, albeit one without a corresponding simple answer – and one that can yield very different answers depending on which generation the question is addressed to or perhaps to each individual law student. Before trying to understand how opportunities for career progression have changed, it is worth considering the overarching factor which tend to drive people to want to become lawyers, what exactly their expectations tend to be in wanting to enter the sector and how has this tended to change over time.

For many people (particularly those without prior familial connections to the profession), they may draw inspiration from how the law is portrayed in popular media. Traditionally (certainly insofar as lawyers are concerned anyway!), it was regarded as a noble profession, a laudable vocation, the opportunity to fight for justice along the lines of Atticus Finch in 'To Kill a Mockingbird'. There has always been a societal fascination with the role of lawyers and the complex roles they hold, such as the famous reference by Shakespeare in Henry VI by Dick the Butcher: 'let's kill all the lawyers'. Whilst the sentiment is often used to decry lawyers, ironically the underlying theme of the statement was that it was a means for a political tyrant to eliminate freedom. Arguably, you could say that lawyers have never been more important using this metric in the complicated world we are currently living in!

For younger generations, inspiration may more readily lie in the depiction of the effortlessly cool Harvey Spector from the TV show 'Suits' in the fast-paced world of corporate law. There has also been a significant shift in the traditionally male dominated world of the legal profession in that, in recent years, it has tended to become more progressive with a much-improved gender balance: for instance, in Ireland in 2014, 54% of practising solicitors were women, making it the first jurisdiction in the world to achieve a female majority of legal professionals.

However, rather than suggest that the profession does not have a darker undertone, unfortunately, the notion of the ambulance chasing solicitor has become more prevalent with examples of rogue solicitors like Saul Goodman in TV shows such as 'Better Call Saul' unfortunately reflecting the fact that the profession isn't always as virtuous as it might wish to be – reflected in scandals such as that

involving the likes of so-called 'rogue solicitors' in Ireland such as Michael Lynn or Thomsa Byrne. At a time when regulation has never been more stringent for the legal sector, younger solicitors have arguably never had the benefit of such increased governance designed to ensure ethical compliance.

Ultimately, when considering the question of career progression within the legal sector, it could be said that there can be somewhat of a central dilemma between the aspirational nature of lawyers with the more pragmatic realities that the practice of law can present. In other words, career progression can be reframed as a balancing act between the type of curated career and work environment a solicitor might wish to cultivate whilst still being able to achieve the desired financial package – and how best to reconcile those various objectives at a time when young lawyers have potentially never had the luxury of so much choice in how they map out their careers.

Indeed, whilst people may be influenced by a variety of different factors in seeking to enter the profession, there are typically some common experiences once they qualify as lawyers which can transcend the financial rewards when assessing career options: specifically, the high pressure stakes of the profession have also contributed to lawyers (and, in particular, junior lawyers) complaining of significant stress in terms of their workload, pressurised deadlines, fee billing expectations and the demands of clients. A survey undertaken by the Law Society of Ireland and LawCare suggested that up to 70% of lawyers will experience burnout in their career. In a world that has seen a definitive shift towards wellness, promotion of positive mental health and the prioritisation of an effective work-life balance, this has presented the legal sector with an undoubted challenge. How do law firms maintain margin at a time of rising costs, significant inflation and pressure on fees whilst ensuring that they have a strong pipeline of talent coming through and a well-defined succession strategy?

The traditional route to success within a law firm was relatively clear-cut: work hard as a young lawyer, gain experience assisting colleagues, bill your fees and grow your personal brand in the hope of achieving partnership and the perceived riches that should flow thereafter whilst leading a notionally idyllic life. For many lawyers, in particular since the pandemic, the reality has become very different as junior lawyers struggle to align career aspirations and personal priorities as they seek better work-life balance, more control over their future and improved financial stability. The Law Society of Ireland and LawCare have suggested lawyers now seek out more well-defined boundaries in their professional duties, seeking to prioritise time management and are increasingly advised to seek professional support where needed.

A recent survey by LexisNexis found that associates believe that partners suffer from a lack of work-life balance with 71% choosing work-life balance as their top priority from their career. 72% of senior legal leaders surveyed regarded today's associates as being less loyal but it may be that those associates are simply not as invested in the traditional pathway to partnership. The sector has generally seen rising salaries below the partner tier in recent years and the availability of more diverse types of non-partner roles within firms such as 'Of Counsel'. Some of these trends have been in response to the flow of legal talent to 'in house' legal counsel roles where their aspirations may be perceived as being more readily achievable.

Demand has also undoubtedly increased with career paths to magic circle firms in the UK

now increasingly available to Irish lawyers whilst there have been a number of new entrants to the Irish legal market from UK and US firms that have significantly increased competition for talent. Ireland's role as a strategic legal hub post-Brexit has undoubtedly been a factor in the growth in the Irish legal sector. These various factors have contributed to an increased amount of movement within the legal sector in the face of significantly greater opportunities for lawyers.

There are accordingly a variety of push and pull factors at play in the legal market; for instance, younger lawyers are increasingly seeking more specialised career planning to tailor the trajectory of their future legal career paths. Equally, young lawyers will be mindful of accessibility of quality, affordable housing, particularly in high-demand, high-cost locations. This is particularly the case for Dublin and London where young lawyers are seeking salary levels commensurate to the desired standard of living; by way of example, Ireland is ranked as the second most expensive country in the EU with house prices between 38% and 42% higher than the average according to Euronews. The legal sector is accordingly in a dynamic state of flux with less stability, presenting both increased challenges and opportunities for law firms.

In response, law firms have undoubtedly had to become more innovative in rolling out new models in an effort to improve retention rates and respond to the type of curated careers that junior lawyers now crave; law firms are not always known for being particularly agile in dealing with change but one such example has been Slaughter & May which has piloted a 'switch on/switch off' programme that allows associates to reduce part of their annual billable hour requirement in exchange for reduced compensation. Given the increasingly globalised nature of the law firms operating in Ireland, international secondments have now become an attractive option for many young Irish lawyers.

Law firms are faced with the prospect of trying to align their career offerings to a generation that places greater importance in values such as ensuring effective policies on diversity, ESG / sustainability with a particular focus on how firms are managing their impact on issues such as carbon emissions and waste management. Firms are also having to contemplate dedicated coaching / mentorship initiatives to appeal to staff as they seek to develop a supportive, collaborative environment with an inclusive culture. Young lawyers will typically want to know from prospective employers what competitive compensation packages are available, the extent of flexible work arrangements that the firm is prepared to offer and a defined path with clear metrics for professional advancement. Young lawyers will also want to know what investment their prospective employers have made in technology with a particular focus on AI and how this will help to manage their workloads. Given the competitive nature of the legal market, it is fair to say that, for many firms, the effectiveness of their talent retention strategy will help to dictate how well law firms can provide a continuous, responsive service to their clients.

Of course, the increased focus of law firms on AI also has the potential to negatively impact the competition for legal talent with greater reflection upon resourcing strategies, often driven by pressure on budgets and the desire to fully harness the rapid advances in AI and technology. The sector is grappling with the prospect of a recalibration as to how the traditional role of the law firm is understood in terms of the billable hour model; the necessity for significant teams of junior lawyers for research / discovery projects

becomes less pronounced as routine tasks can increasingly become automated. The challenge instead for junior lawyers will be to embrace efficiency, technology proficiency and to be 'AI-literate' so that they can add value by focusing upon more meaningful, strategic work in the new legal landscape.

Whilst women make up 52% of the legal profession in Ireland, firms are still facing challenges in terms of ensuring a more aligned gender balance at partner level where women hold only 34% of partner roles in the top seven firms. Irish Legal News has highlighted a startling gender pay gap of up to 61% that still persists in some top Irish firms, and Irish law firms can expect prospective candidates to enquire as to what strategies are being pursued in order to improve any gender imbalances. Ireland had been due to transpose the EU Pay Transparency Directive into national law by 7th June 2026, this has been delayed and will now come into effect on a phased basis; nonetheless, the direction of travel is clear in that Irish law firms will have to start to move towards including mandatory salary ranges in advertisements for positions, there will be bans on asking for pay history and there will be enhanced reporting on pay gaps for employers. Irish law firms will accordingly have to ensure that their recruitment strategies are tailored more carefully going forward so as to comply with these new legislative requirements in order to recruit the most suitable candidates.

In conclusion, whilst it may seem that loyalty has become an outdated concept in the legal sector, the reality is that competitive pressures are forcing law firms to become more innovative, strategic and agile in how they try to win the 'war for talent'. If law firms believe that this is solely about financial considerations, that would be a fundamental misconception. Whilst that is an important factor in the overall package when seeking to recruit the best candidate, the most successful recruitment strategies will be much wider in scope, embracing a value proposition, providing a tailored career path with a focus upon mentorship, offering flexible work practices and promoting an inclusive, collaborative culture that will allow the candidate the opportunity to grow and develop whilst maintaining a work-life balance. It is not an easy task, but it is increasingly a critical one for those firms who wish to maintain market position, let alone expand and, ultimately, increase profitability. In many ways, those firms that form a cohesive, effective, two-way partnership with their staff will arguably be best served, in keeping with a positive, progressive workplace culture: such partnerships rely on character and reputation on both sides and, as the famed investor Warren Buffet commented, whilst employment contracts can define certain terms, they can never replace integrity. Where both law firms and their staff feel that they are invested in a mutually rewarding partnership, career progression should flow more readily. The challenge, as ever, for firms will be to continue to invest and drive those partnerships to mutual benefit.

Trade and Industry Spotlight

Bringing Clarity to the Complex

Aurora Insight provides independent forensic engineering, fire investigation, and expert witness services to law firms across the UK and Ireland.

As a boutique consultancy, we offer a collaborative, wrap-around service, working with clients to understand their needs and to identify the key engineering issues. We strive to bring clarity to complex technical matters.

Our independent expert advice is clearly reasoned and written in plain language, and in a form tailored to your requirements. We provide advisory reports, and Civil Procedure Rules compliant expert reports suitable for use in litigation.

We have particular expertise in fire, water leak and explosion investigation, and electrical matters such as shock and electrocution. We also offer a case review service, advising on the merits of third-party technical arguments and providing second opinions.

Alongside our core staff, when necessary, we use our extensive knowledge of the sector to draw on experienced specialist investigators to ensure our clients receive the best possible advice.

We are committed to protecting our clients' information and have robust technical measures and processes in place to safeguard the data we hold. Aurora Insight is a Cyber Essential Plus accredited company.

To learn more, visit auroraforensics.co.uk or contact Technical Director Ken Roberts at ken.roberts@auroraforensics.co.uk.

Are you interested in writing for the VOICE?

We rely on contributions from our members, sponsors, trade partners and others to produce each issue of the Voice. We are also interested in learning what subjects or themes you would like to see covered in the future.

If you are interested in contributing material to a future edition of the Voice or have any ideas for content, please feel free to contact info@foil.org.uk or any of the editors.

Many thanks.

THE FOIL EDITORIAL TEAM

Operations Update

Ian Thornill (FOIL Ops Manager)

Our social media presence has continued to grow since the last edition, with the main FOIL LinkedIn account rising from 1381 to 1446 followers. It has been a busy and lively space, with regular posts highlighting FOIL articles, member insights, press coverage, charity updates and upcoming events. We are also really pleased to see increased engagement on both London Market FOIL and Tomorrow's FOIL. If you're not already following us, now is a great time to join the conversation.

FOIL LinkedIn

Tomorrow's FOIL

London Market FOIL

What's Coming Up

We have got a strong line-up of events over the next few months:

ESG D&I – "Stronger Together: Wellbeing in the Legal Profession"

13 May, 10am–1pm, Hill Dickinson, London

Medical Products: Claims, Coverage and Emerging Technologies

19 May, 4pm–6pm, DWF London

Tomorrow's FOIL Summer Social

11 June, 5pm, Weightmans, London

Cross Border SFT event

18 June, DWF, London

Potholes – A Deep Dive into Britain's Favourite Road Hazard

2 July, 11:30am, Kennedys, Sheffield

Liability and Insurance Risk in the Sports Landscape

17 September, 2pm, 39 Essex Chambers, London

Joint Networking Event with Airmic

15 September, 5pm, Dublin

We're also meeting with The Academy of Experts very soon to explore a potential joint event on the growing issue of Defence Expert Availability which we see as an increasing problem, not only in the medical expert side but also in employment, accountancy and forensic experts, and we expect strong interest from members, trade and industry partners, and insurers. More updates to follow soon.

Recent Highlights

Our FOIL Online event on 23 April was a great success, with 73 people attending. Garvan Corkery SC delivered an insightful update on how Kirwin v Connors has reshaped Irish delay jurisprudence. The recording will be available shortly on the FOIL website. We were also delighted to receive accreditation from Insurance Ireland for this session and hope to continue that for future FOIL Ireland events.

Get Involved

We currently have several vacancies across our Sector Focus Teams in a range of specialist areas. You can find all available roles on our

website under Vacancies – Vacancies - Forum of Insurance Lawyers (FOIL) or contact us at info@foil.org.uk to express interest.

Thank you as well to everyone who joined our recent Champions Calls. Your feedback was incredibly valuable and helped us refine and strengthen the Champions Bulletin and we were able to implement some of the recommended changes thanks to your input.

Finally, while it was disappointing to cancel the Trade and Partners Away Day, we're working on a new date and hope to share an update very soon.

FOIL in the Media (January-April 2026)

FOIL members regularly contribute to external media publications. Here are the contributions over the last quarter:

Steven Brownlee, FOIL Technical Author, discussed EDI and how it should be integrated into Digital Justice Frameworks in **Law Society Gazette** as part of FOIL's series with the publication. (23 January 2026)

Comments from **Bridget Tatham**, FOIL President, were featured in **Modern Insurance Magazine** as part of their virtual personal injury roundtable. (26 January 2026)

Emma Fuller, Motor SFT, of DAC Beachcroft, discussed the rise in "ghost broking" scams and their impact on motor insurance in **Insurance Post**. (4 February 2026)

A news story about the new addendum to the Rehabilitation Code, which included a **FOIL namecheck**, was published by the **Solicitors Journal. (**4 February 2026)

Karen Fyffe, Motor SFT, of DWF, discussed whether meaningful reform can tackle the structural challenges in the Northern Ireland insurance market in **Insurance Day**. (4 February 2026)

Ruth Needham, FOIL Member, of Kennedys, spoke about the worrying rise in incidents of driving test fraud in an interview with **Insurance Post**. (5 February 2026)

Comments from **Joe McManus**, CAT Claims SFT, of Kennedys, were featured in the **Law Society Gazette** in response to the CCC Supreme Court ruling on so-called 'lost years' damages. (18 February 2026). His comments were also featured in **Insurance Today** (19 February 2026) and **The Legal Diary** (20 February 2026)

Natalie Larnder, FOIL Member, of Keoghs, discussed the implications of Waymo's plans to launch fully driverless vehicles on London's streets later this year in **Fleet World**. (24 February 2026)

Sarah Cartlidge, Motor SFT, of Weightmans, discussed the implications of Waymo's plans to launch fully driverless vehicles on London's streets later this year in **Fleet News**. (9 March 2026)

Comments from **Shirley Denyer**, FOIL Technical Director, on the new addendum to the Rehabilitation Code were featured in **Insurance Day. (**10 March 2026)

Simon Murray, Tech and Cyber Liabilities SFT, of DWF Law, discussed the advantages and evolving role of AI in the claims process in **Insurance Age**. (17 March 2026)

Comments from **Paul Wainwright**, Fraud SFT, of Browne Jacobson, were featured in **Modern Insurance Magazine** on the topic of AI-enabled fraud in platform and delivery services. (17 March 2026)

Comments from **Laurence Besemer**, FOIL CEO, reacting to a suspected data breach at Companies House, were featured in **Insurance Business. (**25 March 2026)

Lauren France, FOIL Member, of DWF, discussed the increasing prevalence and risks of AI-enabled fraud in **Emerging Risks**. (27 March 2026)

Jersey Tambue, FOIL Member, of DWF, discussed the progress being made on legal apprenticeships and why more firms should offer it to improve access to the profession in **Law Society Gazette** as part of FOIL's series with the publication. (27 March 2026)

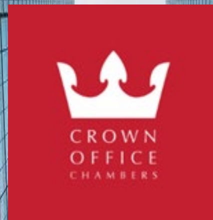
Comments from **Richard Humphreys**, FOIL Member, of DWF, were featured in **Legal Futures** reacting to the FCA's announcement of the finalised redress scheme for motor finance claims. (31 March 2026). His comments also featured in **Law360**. (31 March 2026)

Miles Hepworth, Fraud SFT, of DWF, discussed how to mitigate the risk of AI-enabled fraud in **Insurance Day**. (7 April 2026)

Ross Baker, Professional Indemnity SFT, of Beale & Co and **Sam Zaozirny**, FOIL Member, of Beale & Co discussed the complex situation caused by the greater use of AI and associated professional indemnity risks in **Emerging Risks.** (10 April 2026)

Jeffrey Wale, FOIL Technical Director, discussed the implications for the open justice principle arising from non-party access to court documents through the digital claims' infrastructure in the **Solicitors Journal.** (16 April 2026)

Thanks again to our Sponsors



Hawkins
Leaders in forensic investigation