

Interview: Going the distance

Authoress: Louise Meeson - Insurance Age 1st July 2010



After officially retiring from the industry more than 10 years ago, Miles Emblin returned to insurance as an expert witness. The broking legend tells Louise Meeson why his career has still got a few miles in it yet

From placing risks for swashbuckling movie star Errol Flynn, to running his own brokerage and evolving into an insurance expert witness, which has resulted in him giving evidence in a number of high-profile court cases, founder member of the British Insurance Brokers' Association (Biba), Miles Emblin, has enjoyed a long and varied career.

Despite retiring from his brokerage in 1999, he only finally stepped away from the profession last year. However, his second career as an expert witness, mediator, arbitrator and determiner, which kicked off a decade ago - the year after his first official 'retirement' took place - continues to go from strength to strength. In fact, Mr Emblin recently took instructions on his 100th case.

He shows no signs of slowing down after more than half a century in the industry and, in fact, his witness work is keeping him busier than ever and his enthusiasm for his work is infectious. Referring to his expert witness role, Mr Emblin explains: "I find it fascinating because, as well as the interesting cases I get involved in, invariably I know - or would have known at some time - people within the organisations that I am now commenting on. For example, with one well-known firm of brokers, I have acted both on their side and the opposing side and have known two of their chairmen. Although, there was obviously no conflict of interest or anything like that, it's a small market so you can't help but know people.

"That's one of the problems with recruiting insurance expert witnesses because by and large they are all trading with each other. They are doing a full-time job anyway, so wouldn't have the time and, secondly, if they produced an expert witness report, chances are they would know the party involved. The guy they are writing about could underwrite their reinsurances for example. This is why it's very difficult to find an expert who hasn't got a conflict. In my case, I'm OK because I've 'retired'."

New career path

Mr Emblin's second career started in about 2000, the year after he stepped down from his brokerage, after Biba drafted him in to help deal with a solicitor's enquiry. "I started a whole new career, which is not what I had intended at all as I had only just retired. But I got a taste for it and I love it," he adds.

Explaining why and when the services of an insurance expert witness might be called for, Mr Emblin explains: "If litigation proceeds then the case goes to the courts and the judge will make a court order as appropriate. If it's a specialised field, such as insurance, the judge will need some assistance and will allow for an expert witness for both sides or alternatively a single joint expert."

The witnesses then file their reports and the judge will then call for a meeting of the experts so they can come together to précis the two documents - highlighting the points of agreement and disagreement. That report forms part of the court case and if it proceeds both parties will be required to appear in the witness box and be cross-examined on it.

Although understandably tight-lipped about the cases he has worked on over the years, Mr Emblin, who specialises in the areas of fraud, negligence and recklessness within the disciplines of assurance, insurance and reinsurance, admits that it has been something of an eye-opener.

Criminal cases

He has worked on civil cases involving employers' liability, professional liability, property, contingency, marine hulls and cargo, and jewellers' block policies. Although he has not been involved in many insurance criminal cases, with a glint in his eye, Mr Emblin divulges that he has worked on a case in which the accused got "banged up" and another in which the charge was perjury, but he keeps any further details firmly under wraps.

As well as his expert witness work in court, Mr Emblin also lends his expertise in mediations as well as taking part in some arbitrations and expert determinations, which means his case load remains varied. "I really do enjoy what I do," he adds. "I got into it by accident but I have found that I really enjoy it. I like working under pressure anyway.

"It's like a drug. It stimulates my brain. What I like is at the end of a case I can pack up and put my feet up, but a week is about as long as I can handle. I get bored easily." Mr Emblin has certainly kept himself busy over the years.

He started his insurance career at Lloyd's in 1956 and like many of his peers he got into it by accident. "The only reason I started working for the firm was because they had offices in Billiter Street, which was about 100 yards away from Fenchurch Street station, where I commuted in to. I thought 'that looks handy'," he admits.

Mr Emblin began in the overseas department, which developed into the North America department, for a firm that specialised in bullion and jewellers' block. He was involved in broking many rather unique risks including those for some celebrity clients.

"We placed a lot of interesting cases at the time," Mr Emblin comments. "I did something for Errol Flynn. He had a house in Jamaica and we got an enquiry from one of our connections in New York about whether we could we place it. We then had a follow-up concerning Errol Flynn's yacht, which was his pride and joy. "I was charged with trying to get this sorted out. I took it to the lead market on yachts in the room at Lloyd's and asked 'would you be kind enough to give me some terms for this risk?' The gentleman took a look at it and with a twinkle in his eye, he folded up the papers and handed them back to me and said, and I quote, 'I don't write brothels East of Suez dear'. Errol Flynn was quite famous, as you are well aware, as bit of a womaniser."

Following his time at Lloyd's, Mr Emblin worked as a company insurance market inspector for a time before branching out on his own, setting up Miles Emblin Company in 1972. He explains that the business had a general portfolio but specialised in overseas cargo.

Eventually, the opportunity arose to merge the brokerage with another two businesses. Mr Emblin explains: "They made me group chairman and compliance officer for a time and then I bowed out thinking that would do me nicely. It took me almost two years to see to the run-off of my private portfolio."

Alongside his day-to-day job, Mr Emblin has been heavily involved with Biba over the years, serving as a north London committee member from 1978 and later holding the posts of regional deputy chairman and chairman. Subsequently, he became a member of Biba's national council and finance and general purposes committee as well as instigating and negotiating a number of national membership products and sitting on the general insurance brokers' committee for three years from 1996.

A founding member of Biba, he firmly believes that the trade association's work is vital to the broking community. "Biba does a lot of work behind the scenes that doesn't get publicised," he comments.

His current role as an expert witness has given Mr Emblin a unique perspective on the emerging trends and dangers for those in the insurance industry. In agreement with many others in the market, he points out that fraud is "very much under the spotlight" as well as highlighting the risk that brokers face from the significant rise in negligence claims.

Caught in the middle

He says: "Brokers are at risk if clients' claims are rejected. If the insurer can demonstrate that he's got a strong case then usually it will be the broker that will be looked at. On one side you've got the insured, on the other side the insurer, and if they can't agree on a settlement then it's the broker that's the meat in the sandwich."

Mr Emblin warns that brokers could potentially be in the firing line from both sides if difficulties occur. "The public is more litigious due to the economic climate and there are more opportunities to prove fraud these days because of the electronic storage of information and exchange of information. Claims are also being treated more harshly by insurers than they used to be, it's now more of a case of caveat emptor 'buyer beware'."

He continues: "While the Financial Services Authority has had, and is still having, an effect upon driving up professional standards generally, there is no doubt that higher standards for the insurance intermediary market are also being set as cases come to court, therefore making the intermediary vulnerable to legal attack when losses are not paid under arranged policies. "I feel there's a lack of privacy and respect of confidential information, which I find worrying especially because there is so much emphasis on fraud. When I started out, it was a given that the information on an insurance contract was private and confidential. It's an issue that intermediaries must address, otherwise they could face tough reprisals," he adds. "Conditional selling also gets my goat. I don't have a problem with cross-selling at all," but says he finds it galling that brokers will give the client a cheap price on a product on the condition that they will take out another policy, such as payment protection insurance.

"There's so much pressure from telesales. I think it's terrible to try to pressurise people into buying things that they don't want or need. It doesn't help the image of the profession," he adds. However, all in all Mr Emblin says he is proud of the industry, pointing out that it has "been very kind to him".

Although he has no plans to slow down, Mr Emblin says that when he's not busy swotting up on the latest case he's involved in or researching and preparing his latest expert witness report, he likes nothing better than watching cricket at Lord's. Having a hundred cases under his belt, he has now completed a century all of his own and judging by his boundless enthusiasm, there will be plenty more runs to come.

Biography - Miles Emblin

Miles Emblin began his broking career when he joined a firm of Lloyd's brokers in 1956, which specialised in specie business. He started off in the overseas department, which soon became the American department.

Having made up his mind that he wanted to start his own brokerage, Miles became an insurance company agency inspector in 1964, a position that he held for the next seven years in order to gain a more varied professional experience. He eventually realised his ambition, setting up his own London market brokerage, Miles Emblin Company, in 1972, specialising in international cargo business. The brokerage merged with two other companies in 1996 and Miles retired from the business in 1999 but has since held several other positions as a non-executive director, finally retiring from the profession last year.

He was a founder member of the British Insurance Brokers' Association (Biba), serving on various committees between 1978 and 1999 and started his second career as an expert witness in 2000 after Biba asked for his assistance in dealing with a solicitor's enquiry.

As a fully trained expert witness, Miles is a member of the Academy of Experts, the Society of Expert Witnesses the Institute of Public Loss Assessors and the Chartered Institute of Arbitrators.