

Miles Harris

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He's utterly charming, with very efficient and polished drafting, and he is strategically far-sighted.

- Chambers & Partners

Miles Harris conducts a wide range of commercial litigation specialising in professional liability, insurance, property damage and disciplinary work.

He is praised in Chambers & Partners for being "articulate and considered in his work" (2021), "very client-friendly, very practical, and great at driving a case forward...makes complex issues look very easy" (2020) and providing "strategic advice and procedural support... you want him in your corner for a tricky application hearing" (2019), being "exceptionally bright and very commercial... he's calm and excellent on his feet" (2018), "...utterly charming...and...strategically far-sighted...He gives brilliant advice...just a joy to work with" (2017). "Consistently delivers high-quality work, goes the extra mile and is very approachable." "He is very, very polished – he really goes through all the papers and he thinks outside the box" (2016).

The Legal 500 has said "All that he does is measured wise and calm" (2020) and described him as "a cool advocate under fire and a wonderful team player" (2021), "very bright" (2019), "extremely likeable" (2017), "extremely bright but user-friendly, commercial, hardworking and reliable" (2016). "He provides silky smooth drafting skills and a very calm and measured approach – an absolute joy to work with" (2017).

Miles strives to provide his clients with effective advocacy and advisory services that combine diligence, efficiency, knowledge of the law, approachability and commercial sense.

Miles acts in a wide range of cases within his areas of expertise, led and unled. He has spent much of the last year advising on insurance issues arising from the COVID-19 pandemic and acted in the FCA Test Case at both first instance and before the Supreme Court. He has also been published and lectured widely, especially in matters related to the civil liability of lawyers and insurance. Miles is also an established and experienced accredited mediator, accepting instructions in a range of civil disputes.

Miles is a member of the PNBA's Adjudication Panel and can accept appointments as an adjudicator under the PNBA Adjudication Scheme.

Publications and Seminars

Miles has written a number of articles on issues of importance in professional liability and insurance law and has been published in the Journal of Professional Negligence, the New Law Journal, Insurance Law Monthly and the Sweet & Maxwell Civil Procedure Rule Reports and by the Practical Law Company. He is the author of the Practical Law Company's practice note on the duty of fair presentation owed by business insureds under the Insurance Act 2015.

Privacy Policy

Click here for a **Privacy Policy** for Miles Harris.

Areas of Expertise

Insurance & Reinsurance

“Extremely client-focused, very friendly and open to deal with.” – *Legal 500, 2020*

“Hard working and very proactive...He has great client care skills.” – *Legal 500, 2021*

Miles is experienced in insurance disputes, both as advocate and arbitrator.

Chambers 2015 comments that he is **“celebrated for his knowledge of insurance-related negligence claims”**. This knowledge is founded on considerable experience of acting in insurance disputes involving a wide range of risks including property, D&O, ATE legal expenses insurance, business interruption, life and long-term sickness. Miles has frequently lectured on insurance law and been published in the *Insurance Law Monthly*. He is the author of the Practical Law Company’s practice note on the business insured’s duty of fair presentation under the Insurance Act 2015 which came into force on 12 August 2016 (<http://uk.practicallaw.com/0-568-1347>)

Miles acted at first instance and before the Supreme Court in the FCA Business Interruption Test Case as part of the counsel team led by Jonathan Gaisman QC instructed by Allen & Overy on behalf of Hiscox (*Financial Conduct Authority v Arch Insurance* [2021] UKSC 1). He continues to be heavily involved advising on insurance issues arising from the COVID-19 pandemic.

Recent cases include:

- *Financial Conduct Authority v Arch Insurance & Ors* [2021] UKSC 1
- *Financial Conduct Authority v Arch Insurance & Ors* [2020] EWHC 244 (Comm)
- *IHC & Anr v AmTrust Europe Ltd* [2015] EWHC 257 (QB): successfully defending declinature by ATE insurers on the basis of non-disclosure and/or breach of warranty, defeating argument AmTrust was barred by equitable estoppel.
- Advising insurers upon whether its conducted amounted to an election to reinstate an insured’s property rather than pay an indemnity
- Successfully acting for an insured lender in a contested arbitration against a legal title insurer that sought to decline liability arising from a mortgage fraud. Declinature was on the basis of an alleged breach of a condition precedent obliging the insured to comply with money laundering regulations.
- Advising second layer insurers in connection with control over monies paid over by primary layer insurers by way of discharge of their liability.
- Representing insured at trial in dispute in connection with claim under home insurance after declinature on the basis of fraudulent exaggeration of the claim. Leading counsel instructed for opponents.
- Successfully acting for commercial property insurers in defence of claim on the basis of failure by insured to prove loss. Claim withdrawn on drop hands basis.
- Advising insured in connection with declinature on the basis of an alleged failure to disclose previous relevant insolvency history.

Miles also has considerable experience of professional liability insurance, especially issues arising from the Minimum Terms and Conditions for solicitors. By way of example he has:

- Advised insurers of construction professionals in connection with late notification and material non-disclosure.
- Acted for successful insurers in arbitration seeking reimbursement on the basis of material non-disclosure and/or misrepresentation on submission of proposal. Leading counsel instructed by opponent.
- Acted for insurers in arbitrations seeking reimbursement on the grounds of prejudice attributable to late notification.



NEW SQUARE

- Acted for insurers seeking declarations that insurers are entitled to refuse indemnity on the grounds of dishonesty.
- Frequently advised on common coverage issues such as aggregation, double insurance, successor practices, what constitutes the making of a claim and sham partnership.
- Advising insurers in connection with coverage issues arising from lender claims.

Qualifications & Memberships

Miles is a member of the Professional Negligence Bar Association, the British Insurance Law Association, COMBAR and the Bar Pro Bono Unit.

MA, Trinity College, Cambridge University; Dip. Law, City University; David Karmel and William Shaw Awards from Gray's Inn

Insights

Insurance Blog Post: The Test for Inducement in Contracts Prior to the Insurance Act 2015: Zurich Insurance PLC v Niramax Group Limited [2021] EWCA Civ 590

4 May 2021

In *Zurich Insurance PLC v Niramax Group Limited*, dealing with a contract pre-dating the Insurance Act 2015, the Court of Appeal held that to establish inducement in cases of non-disclosure it was necessary for the insurer to show that the non-disclosure was an efficient cause of the underwriter writing the insurance on less onerous terms than would have been the case had the disclosure been made. It is not sufficient merely to establish that the less onerous terms would not have been imposed 'but for' the non-disclosure. The case highlights an issue as to whether the same result would be reached under the Insurance Act 2015. The Appellant was represented by Graham Eklund QC and Carl Troman and the Respondent by Ben Elkington QC and Ben Smiley, all of 4 New Square. The decision is considered by Miles Harris of 4 New Square. [Click here to read the article in full.](#)

Insurance Blog Post: Indemnification on the Reinstatement Basis: Endurance Corporate Capital Limited v Sartex Quilts & Textiles Limited [2020] EWCA Civ 308

16 March 2020

In *Endurance Corporate Capital Limited v Sartex Quilts & Textiles Limited [2020] EWCA Civ 308*, the Court of Appeal unanimously held that an insured is generally entitled to be indemnified in respect of property damage on the reinstatement basis, regardless of what it intends to do with the property following the insured event. It also ruled on the principles relevant to deductions from payments on the basis of betterment. Ben Elkington QC of 4 New Square acted for the successful claimant insured. The Court's decision is considered by Miles Harris of 4 New Square.

Introduction to the SRA's 2019 Standards and Regulations

14 October 2019

A summary look at the main changes brought in by the SRA's new November 2019 Standards and Regulations and their potential impact on practitioners.

Review of 2018 Insurance Law

24 May 2019

Informa have published *Insurance law in 2018: a year in review*, written by Alison Padfield QC and Miles Harris. The review highlights some of the more important and interesting developments in insurance law in 2018, and is available to i-law insurance law package subscribers [here](#).

Review of 2017 Insurance Law for Informa

12 April 2018

The article considers some of the more important and interesting developments in insurance law, both case law and legislation, in 2017. In addition to high profile developments such as the decisions of the Supreme Court in *AIG v Woodman* and *Gard Marine*, the review focuses on particular aspects of a number of cases which may be less well known, and which contain one or more points of real interest or practical use to those involved in the daily application of insurance law.



NEW SQUARE

4 New Square members elected to the PNBA Executive Committee

19 December 2016

Insurance: the precontractual duty of fair presentation under the Insurance Act 2015

6 September 2016