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# Time to Reconsider Strict Liability Penalty Interest in Coverage Disputes Arising Under Third Party Liability Policies

*I have used this space to tell stories about who I am and to introduce you to our group. My stories aren't about me, but about people and events that have had a profound impact on me.*

By Harvey R. Heller

Yes, I have one. It's on the 2nd floor of a four story suburban office building, so not that big of a deal. I'd like to tell you about a great "Corner Office." It is the title of Q&A that appears every Sunday on page 2 of *The New York Times* Business Section. Each week Adam Bryant interviews a business executive using essentially the same questions: What were some of your early influences? What were your parents like? What leadership lessons have you learned? How do you hire? Etc. It is one of the 1st things I read during my Sunday tradition of enjoying a real newspaper made of newsprint with several cups of coffee.

Not all of the interviews resonate with me; sometimes it appears that the interviewee is shallow, perhaps full of himself/herself, or possibly unprepared. That said, I can usually find a pearl of business wisdom every week. On Sunday January 3rd, the piece was a home run.

The executive was Ann Cairns, head of international markets at MasterCard. Ms. Cairns grew up the daughter of a shoemaker for miners somewhere in England in the Thatcher Years when mines were being closed, (think "Billy Elliot") resulting in high unemployment. She "wins" a grammar school scholarship at age 11, has a headmistress who is a nun with a chemistry degree as an inspiration, and off she grows from offshore oil exploration to managing engineers to banking!

She says this about team building: "You think about what each person will bring to the team, but you also have to think about them as individuals, and where they're going from and to, because they've all got their own paths and things they want to achieve."

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“And then you constantly reinforce what the good is, and you build mutual respect so that you don’t create a team of mediocre people who are all happy with each other and don’t challenge each other.”

I refer you to the article itself for more of this gold<sup>1</sup>.

Ms. Cairns came from humble beginnings and clearly learned great lessons along her way up the ladder of success. This is the kind of person I would love to sit with for a day. She sounds very genuine, has an understanding of not only who she is, but what it takes to build a successful team of people with unique abilities.

I have used this space to sing the praises of our team in the Defense and Coverage Group here at the firm in past pieces and I could go on about them forever, but our cobbling of this successful group of individuals was a happy accident for which I am eternally grateful. People like Ann Cairns cause me to wake up from the holidays, regain my focus and look for ways we can improve our service delivery to our clients. And thank you Adam Bryant for delivering each and every week!

In our second piece, David Saperstein provides a solid counter argument to those who claim that arbitration is geared against claimants.

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<sup>1</sup> Adam Bryant. “Ann Cairns of MasterCard: The Art and Science of Team Chemistry” *The New York Times* Dec. 30, 2016