

SIMON BLACK

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Principal | Insurance and Health

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Simon Black is a principal in our Sydney insurance and litigation team who has spent well over a decade specialising in the financial lines, financial institutions, professional indemnity, associations liability, D&O and management liability space. He and his team are well equipped to advise in relation to the most complex of insurance matters and commercial disputes.

Simon has advised and acted for corporate insureds in high-profile Australian Competition and Consumer Commission (ACCC) and Australian Securities and Investments Commission (ASIC) investigations, inquiries and prosecutions and royal commissions.

Simon has defended a broad range of professional clients in litigated actions commenced in all Australian jurisdictions, including the NSW Supreme and District Courts, the Federal Court, NCAT and a range of other tribunals and regulatory authorities including complaints to the Australian Financial Complaints Authority (AFCA) and its predecessor the Financial Ombudsman Service (FOS).

Simon's professional indemnity practice also involves a significant amount of work in the medical malpractice field, where he has defended doctors, dentists and allied health professionals in a broad range of litigated matters and disciplinary hearings before the HCCC, AHPRA and other health regulatory bodies.

Simon's practice also involves a significant amount of work in the construction space, having advised extensively in relation to construction PI matters and complex contract works disputes.

Some of Simon's recent experience includes:

- defending a financial planning firm in relation to a complaint made to AFCA, brought by the director of a corporate trustee of a self-managed super fund (SMSF), alleging that advice provided to him to establish a SMSF and for the SMSF to make several geared investments was inappropriate for his situation
- advising markets of domestic and European insurers in relation to claims arising out of a highway construction project, involving losses valued at in excess of \$200 million
- advising in relation to a class action commenced against a supplier and manufacturer of combustible aluminium cladding panels
- defending five related medical practices named as defendants in a large medical malpractice class action initiated on behalf of some 115 plaintiffs
- advising in relation to three class actions arising out of the collapse of RCR Tomlinson

- representing interested parties at the Public Inquiry into the Charitable Fundraising Act 1991
- advising in relation to a class action arising out of the Sydney light rail project
- advising insurers in relation to the CBA Austrac proceedings.
- advising insurers in relation to three of the four Big Banks in connection with claims arising out of the Royal Commission
- advising directors and officers in relation to claims following the collapse of a large vocational training provider resulting in ASIC investigations and three related securities class actions;
- advising the E&O insurer of an Australian television production and distribution company, and subsequently acted in defence of the insured, in proceedings commenced in California alleging (amongst other things) theft of intellectual property, copyright infringement, fraud and defamation.

Simon has built a solid reputation for achieving excellent results for his insurer and insured clients.

Where alternative dispute resolution is possible, Simon focuses on extracting his clients from proceedings at the earliest opportunity, to achieve sensible commercial results and to minimise the impact on his insured clients' daily businesses. Where commercial resolution is not possible, Simon adopts a thorough, comprehensive and robust approach to defending his clients.

Simon is considered a trusted adviser and an extension of his clients' businesses. By adopting a consultative approach, and ensuring that there are clear and regular lines of communication, Simon is able to gain a clear understanding of their imperatives and drivers – and then ensure that those imperatives are at the forefront of his defence and resolution strategies.

'I think what distinguishes me from other legal practitioners is my approachability. I'm straight talking. I adopt a commercial approach to any matter I'm running, which I know my clients appreciate. I work closely with my clients to get the results they are after, because I know that claims managers are under a lot of pressure, both in terms of volume of work and internal cost pressures. If I make their lives easier and achieve good results, I believe they'll see the value in working with me.'

In the 2015 - 2019 editions of *Doyle's Guide*, Simon is listed as one of Sydney's recommended professional indemnity lawyers. Simon has also been listed in *Best Lawyers* since 2018 as one of Australia's most respected insurance and litigation lawyers.

Simon is a co-author of Barry.Nilsson.'s [ProFiles](#) eNewsletter. His articles have been published in the Australian Insurance Law Bulletin, the Asia Insurance Review and the Trade Practices Law Bulletin.