

#### When Disaster Strikes -

Preparing Your Claim, Documenting Your Losses and Satisfying Your Deductibles

Micah Skidmore

Haynes and Boone, LLP

## Effective First-Party Claim Execution

- Preparing for Disaster
- Best Practices in Claims
   Management
- Claims Post-Mortem





# Contingency Planning

- Prepare incident response or business continuity plans
  - -Natural Disaster
  - Workplace violence/employee crime
  - -Network security/data breach





## **Contingency Planning**

- Develop/train cross-disciplinary team
  - -Risk management
  - -Legal
  - Finance/accounting
  - -Communications





# **Contingency Planning**

- Evaluate potential losses
  - -MFL/PML
- Update property/BI valuations





## Policy Review

- Limits for PD/BI
- Deductibles/SIR/Co-insurance
- Indemnity period
- Supplementary coverages
- Exclusions





## Policy Review

- Claims process
  - Notice
  - Proof of loss
  - -Contractual limitations
  - Appraisal





#### Claim Execution: First 72 Hours

- Loss mitigation
  - Initiate response plans
  - Property damage/business interruption
  - -Sue & labor coverage





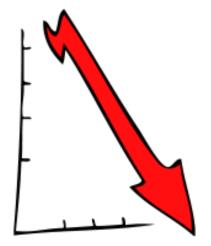
#### Claim Execution: First 72 Hours

- Communication protocol
  - Internal controls/privilege
  - Capture expenses
  - Notice to insurers
  - Coordinate with third parties





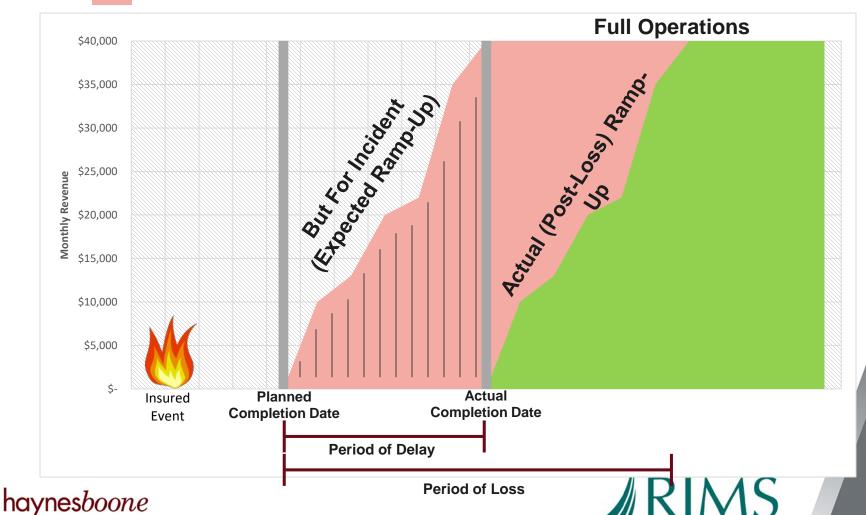
- Advancements on PD/BI loss
  - Anticipate loss payee interests
- Proof of loss/statement of loss
  - Ramp-up deduction for delay in completion claims





Actual Post-Loss Performance ||||||||| Delay Period – Incomplete Measurement of Loss

Actual Loss



- Document supplementary coverages
  - -Physical "loss" and "damage"
  - Professional fees
  - Increased cost of construction/civil





Reinforce communication

channels

- -Insurers
- Adjusters
- -Experts





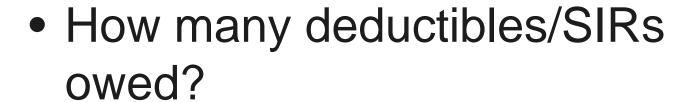
#### Claim Execution: Pitfalls

- Claims within SIR/deductible
- Timeliness v. accuracy in communication
- Last minute requests for advances
- Pursuing responsible third-parties
- Failure to replace/replace insured property
  - Deduction for depreciation on partial repair?



#### Deductibles/SIRs/Co-Insurance

- Calculating self-insured loss
  - Fixed
  - Percentage of value
  - Waiting period



 Maintain current valuations to avoid coinsurance penalties







#### Claims Post-Mortem

- Update response/continuity plans
- Re-evaluate policy terms/limits
- Provide feedback to internal/external teams
- Review communications protocol
- Identify other lessons learned





#### **Ouestions**

# haynesboone

