

# CLAIMS MANAGEMENT: THE PURSUIT OF CERTAINTY

A SUMMARY IN KEYPOINTS – by Carl Leeman

## INSURERS

- . should compete on service and rate
- . should handle a claim as a business issue and not as a legal issue
- . smooth claim payment: Insurers pretend not to have internal pressure anymore on the extensive use of exclusion. Risk Managers question : why then have exclusions in our policies quadrupled over the last 10 to 15 years

## FOR RISK MANAGERS

- . claims management is back to basics: it is the cornerstone in reputation management  
(reputation issue is consequence of something else going wrong, both for insurer and client)
- . RM should be on top of the claim, have upfront global and local procedures and agreements with the insurers and surveyors , and be in direct communication with surveyor and insurer in case of a claim.
- . distinction between disaster (recovery plan) and day-to-day claim (procedures)
- . surveyor should know your business up front

A claim has nothing to do with certainty ; it's a grey zone on the outcome

## ADDED VALUE OF BROKER

- . Can be productive, but in a lot of cases counter-productive
- . No sense of urgency

No added value in big claims

## Topics on Collective Redress and Class Actions

Julien is on top of it. We should not worry too much. Only 25 % of cartel infringement by EU resulted in damages suffered by the parties concerned, but when you are involved in it, it is very time and money consuming.

Try to be the whistle-blower, it will give you the best protection possible.

## Lessons learned from an Anglo-Saxon litigation

- . settlement is the best option
- . you always pay, whether you are right or not
- . important roles of lawyers and expert witnesses
- . privileged communication
- . enormous disclosure of documents / limit your achieves as much as possible
- . be careful of different strategies between primary and excess insurer in a claim settlement
- . you need a fighting spirit to win.