



INSURANCE COVERAGE

Our law firm's Insurance Coverage Group is recognized as one of the largest and most experienced in Canada. It is composed of a balanced mix of senior, intermediate, and junior lawyers with expertise in the legal issues that arise in virtually all lines of insurance. Equally important, our lawyers understand the business of insurance and risk management.

We are available to assist with the increasingly complex world of policy drafting and opinion work. We also provide advice and representation in coverage disputes that are in litigation, arbitration, mediation, or other resolution forums.

Services

The services offered by our Insurance Coverage Group to the insurance, brokerage, and risk management community are tailored to match the major elements of a comprehensive coverage risk management program centred on first party and third party insurance products. Details follow:

Full Range of Services

The Insurance Coverage Group stays at the forefront of the latest developments and trends in insurance law to provide our clients with the very best of coverage advice and representation. Our services include:

- drafting and modifying policy wordings to fit an Ontario or Canadian context
- coverage analysis of particular policies as applied to particular claims
- assessments of the interaction of various coverages
- representation in actions, applications, arbitrations, and other alternative dispute resolution processes to determine coverage
- selection of appropriate experts and consultants to supplement coverage-related analyses (e.g. accountants, engineers, industry underwriting professionals)
- advice on new jurisprudence, statutory changes, and other legal or industry developments

First Party Coverage Issues

First party coverage disputes are usually rooted in divergent, but not necessarily unreasonable, competing views of insurers, policyholders, and/or reinsurers. Brokers and adjusters are frequently caught in the middle. The larger and more complex the loss, the greater the room for disagreement over the application of policy wordings. We have a broad range of experience with the following:

- commercial property and business interruption/time element losses
- subscription conflicts
- boiler & machinery wordings
- priority disputes between property & boiler & machinery carriers
- loss adjustment and appraisal issues
- investigation and evidence preservation for subrogation
- fidelity bond, surety, and crime losses
- personal lines – property
- specialty lines (e.g. e-commerce, product recall, political risk, environmental, construction, etc.)
- health, life, disability lines

Chairs

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Members of the Group

Stephen Barbier
Michael J. A. Beeson
Michael Blinick
Eric W.D. Boate
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Hillel David
David Elmaleh
Samaneh Frounchi
Anthony Gatensby
Marisa Gilmore
Adam Grant
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Van Krkachovski
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Katie McBride
Paul McCague
Bogdan Miscevic
Megan Murphy
Dr. Brian Murphy
David J. Olevson
Alex Robineau
Aryeh Samuel
Miranda Serravalle
Irina Sfranciog
Josh Sugar
Sean Valentine
Peter Vlaar
Peter F. Yaniszewski

INSURANCE COVERAGE cont'd...

Third Party Coverage Issues

Typical issues that arise between insurers, policyholders, and/or reinsurers in liability coverage disputes include:

- the duty to defend
- allocation of defence costs and indemnity payments
- trigger of coverage and multi-year "long tail" exposures
- "claims made/reported" versus "occurrence" forms
- "other insurance" issues arising from the same or different primary forms (commercial general liability, errors and omissions, directors' and officers' liability)
- single-year and multi-year excess/umbrella layer analysis
- "bad faith" claims handling and resolving "conflict of interest" scenarios
- declaratory proceedings to determine obligations to policyholders or as between insurers on the same risk
- reinsurance or retrocession disputes on treaty or certificate wordings

Members of our Insurance Coverage Group have addressed the above issues in the context of many insurance risks, including:

- commercial/comprehensive general liability
- products liability
- professional liability
- directors' & officers' liability
- specialty corporate and commercial liabilities
- personal injury exposures
- motor vehicle liability exposures under auto policies
- homeowner liability
- environmental liability
- wrap-up liability (construction)
- automobile fraud investigations

Multi-Jurisdictional Services

Our Toronto law firm is well positioned to provide legal services on an individual or multiple retainer basis for all elements of a coverage risk management program, whether on behalf of policyholders, brokers, insurers, or reinsurers. We also have the unique advantage of membership in the National Coverage Group of Canadian Litigation Counsel, an affiliation of independent insurance law firms across Canada. This relationship, together with our ties to the Harmonie Group in the U.S. and various European firms, enables us to arrange Canadian, North American, and worldwide coverage services through individual firms or a multi-jurisdictional team to comprehensively address the issues.

As a special service, we are available to serve as co-ordinating counsel to contain the increasing hazards inherent in national and international coverage programs as respects conformity with local laws and uniformity in coverage positions. We are experienced in marshalling integrated advice and representation across borders to ensure consistency in coverage responses and litigation positions.

Featured Publications - for a full listing, visit our website

- *Do Parents Know Best? An Update on the Enforceability of Waivers Executed on Behalf of Infants* by Peter Vlaar, David J. Olevson and Sabrina Lucibello, First published with Canadian Underwriters Magazine, February 10, 2017
- *Autonomous vs Semi-Autonomous Vehicles: The Liability Distinction* by Eric W.D. Boate, February 10, 2017
- *Privacy Law for AB Insurers* by Catherine A. Korte, Anthony Gatensby and Bogdan Miscevic, First presented at a client seminar, February 06, 2017
- *Combatting Exposure: Utilization of Waivers by Ski Hill and Resort Operators - A Defence Perspective* by James Tomlinson and David J. Olevson, First presented at the Sport Seminar, February 02, 2017
- *Fans Beware: The Risks of Watching Your Favourite Athletes* by James Tomlinson and Garrett Harper, First presented at the Sport Seminar, February 02, 2017
- *First Party Claims: 7 Part Series* by Patricia A. Lawson, Samaneh Frounchi, Mercedes Marin and Marisa Gilmore, First Presented at the CBA-OBA Professional Development Program: Fast Out of the Gate: An Insurance Law Primer, November 28, 2016
- *Caring for the Elderly and the Duty to Supervise* by Sean Valentine and Michael Blinick, September 30, 2016
- *The Mechanics of the Duty to Defend* by Garrett Harper and Aryeh Samuel, September 15, 2016

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