

# Liability Claim Consulting

Integrated Casualty Consulting

**Having a team on your side that understands what may be looming on the horizon, and that can prepare you to meet it, is key to saving your bottom line, not to mention your peace of mind. We help clients avoid the risk, expense and delay of coverage litigation.**

WTW supports clients managing complex liability claims by maximizing insurance recoveries in connection with many challenging exposures like:

- Asbestos/Talc
- Chemical exposures
- Concussion/CTE
- Construction products
- Food-borne illnesses
- Mass casualty events (e.g., fire, explosion, structure collapse)
- Medical devices
- Pharmaceuticals
- Pollution
- Recall-related third-party claims
- Sexual abuse/molestation

## **What services we offer**

### *Insurance claim dispute resolution*

Leading or supporting insurance recovery efforts by providing:

- Consultative advice and guidance on the development and execution of insurance recovery strategies
- A channel of communication to senior, “decision maker” claim contacts at major insurance markets
- Tactical support for mass litigation and claims that impact numerous insurers

### *Loss allocation modeling*

Analyzing how insurance programs may offset losses and offering solutions to provide you with:

- Mathematical results to develop settlement demands and support settlement strategy
- A framework for analyzing positions taken by insurers during settlement negotiations
- The ability to test the financial impact of varying assumptions about legal uncertainties
- An estimation of insurance asset value available to offset current and potential future liabilities
- Analysis of cash flow requirements



### **Insurance archaeology**

Undertaking research to reconstruct historical insurance programs and assist you in locating policies by:

- Reviewing internal historic records and archives
- Interviewing current and former personnel
- Contacting former insurance brokers
- Helping to identify and contact other potential outside sources of policy information (e.g., law firms, governmental entities, accounting firms)
- Contacting insurers to coordinate additional research

### **Insurance asset valuation and coverage analysis**

Valuing insurance receivables – we help you understand how key variables may impact the value of potentially available coverage. These variables often include:

- Choice of law used to interpret the insurance contracts
- Prior limit erosion/exhaustion
- Trigger of coverage theories (e.g., continuous, injury-in-fact)
- Loss allocation method applied (e.g., pro-rata, “all sums”)
- Number of “occurrences” at issue
- Insolvent insurers
- Applicability of aggregate limits
- Gaps in coverage
- Treatment of defense costs

- Applicability of deductibles/self-insured retentions
- Relevant coverage exclusions
- Applicable clauses/provisions (e.g., “non-cumulation,” “drop down”, “other insurance”)
- Prior settlement(s) with insurers
- Shared coverage
- Limits available under multi-year insurance contracts or “stub” policies

### **Specialized vendor selection**

- Selecting specialized resources to address liability claim issues is vital to your liability program. We can assist you in selecting:
  - National coordinating counsel
  - Local defense counsel
  - Coverage counsel
  - Vendors to estimate future liabilities
  - Third-party administrators to address mass tort exposures

Our intellectual capital, contacts and vast experience dealing with the issues presented by these exposures have made WTW a recognized industry leader.

### **James Dorion**

Head of Liability Claim Consulting and Carrier Relations  
WTW

D: +1 212 915 8917

M: +1 203 908 1236

[james.dorion@willistowerswatson.com](mailto:james.dorion@willistowerswatson.com)

### **About WTW**

At WTW (NASDAQ: WTW), we provide data-driven, insight-led solutions in the areas of people, risk and capital. Leveraging the global view and local expertise of our colleagues serving 140 countries and markets, we help you sharpen your strategy, enhance organizational resilience, motivate your workforce and maximize performance. Working shoulder to shoulder with you, we uncover opportunities for sustainable success – and provide perspective that moves you. Learn more at [wtwco.com](http://wtwco.com).



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