

# FUTURE FIT INSURANCE SOLUTIONS FOR DISASTER EVENTS

## WHERE DO YOU CURRENTLY STAND?

South Africa: 16h00 – 17h30 (SAST) | New York: 10h00 – 11h30 (EDT) | London: 15h00 – 16h30 (BST)

12 May 2022

This event will focus on developments relating to business interruption claims and how businesses have and still are being impacted by these following COVID-19.

Our speakers will highlight types of cases pursued to date, how these have been case managed and outcomes. They will also discuss pending claims, business interruption calculation challenges and how legal certainty has ultimately unfolded in each jurisdiction together with what outcomes can be expected in future cases.

Continuing to look to the future, this webinar will address some of the following elements in respect of how insurers and insureds will be impacted:

- How insurers are likely to deal with extensions going forward;
- What brokers need to be aware of in respect of insurance contracts and related cover
  - what is included versus what is excluded; and
- How customers are likely to perceive this space going forward.

### Introduction

Tim Fletcher | Cliffe Dekker Hofmeyr | Chairperson and Dispute Resolution Practice Head

### Jurisdictional updates

#### United States

Richard Kissel | Kissel Straton & Wilmer LLP | Partner

#### United Kingdom

Helen Tilley | Carter Perry Bailey | Partner

Bernadette Bailey | Carter Perry Bailey | Partner

#### South Africa

Roy Barendse | Cliffe Dekker Hofmeyr | Director - Dispute Resolution

### Determining Business Interruption Loss

John Andrew | Lowers Forensics | Senior Vice President

### Questions & Answer Session and Closing



## SPEAKERS



**Richard A. Kissel, Esq.**  
Kissel Straton & Wilmer LLP  
Partner

Mr. Kissel is a founding member of Kissel Straton & Wilmer and has represented the interests of insurers and reinsurers for more than 40 years. Rich's practice focuses on cyber and technology issues, professional liability, with specific emphasis on lawyers, accountants, D&O and corporate liability, and miscellaneous E&O coverages. In addition to representing US insurers, much of Rich's work has involved representation of various London, European, and Bermuda insurers and reinsurers and he has served on several London Market panels focusing on complex claims related issues. Rich founded the Firm's Cyber/Tech practice and assisted in the drafting of numerous cyber policies, some of which formed the basis of many of the current policies being used in the London Market. For many years, Rich has served as an adjunct professor at Pace Law School, teaching courses in Accounting for Lawyers and Insurance Law. He has also presented at various conferences and forums on issues vital to the insurance market and to industry groups.



**Helen Tilley**  
Carter Perry Bailey  
Partner

Helen has over 30 years advising the general and life insurance and reinsurance market on both claims and regulatory/compliance matters and is familiar with advising insurers on Financial Ombudsman Service referrals. Helen obtained the first High Court case Judgment setting aside a FOS decision and treating it as not enforceable on the grounds that both the insurer and the FOS had been defrauded by the insured. This was an alternative approach to seeking Judicial Review of the FOS decision. Helen sits on the separate underwriting and claims committees for the International Underwriters' Association (IUA) in respect of Contingency and Accident & Health insurance cover.



**Bernadette Bailey**  
Carter Perry Bailey  
Partner

Bernadette's experience in handling a wide range of insurance and reinsurance matters, both contentious and non-contentious, has provided her with in depth knowledge of the issues facing those operating in the London market, including those arising in the contingency and property arena from the impact of COVID-19. Her practice focusses on a range of direct insurance coverage and defence matters, including property/casualty, industrial injury, public liability, professional indemnity and fine art claims. She represents insurers, often from overseas, as well as a number of intermediaries and consultants, including brokers seeking expert input on their own and their clients' accounts. Her recent experience includes acting for London brokers Lime Street and its sister companies, in its successful defence of a substantial claim by Equitas for recovery of allegedly unpaid broker funds.

Her non-contentious practice includes advising on regulatory issues, particularly to brokers, and drafting policies and contracts for insurers intermediaries and consultants.



**Roy Barendse**  
Cliffe Dekker Hofmeyr  
Director | Dispute Resolution

Roy Barendse is an Executive Consultant in the CDH Dispute Resolution practice. He was admitted as an attorney on 16 May 1989. He has practised in the insurance space for two decades. He advised a major statutory insurer on personal injury claims, acted for short term insurers in matters ranging from disputes between insurer and insured, subrogated recovery actions, public liability, professional indemnity, fidelity, construction and engineering and product liability, among others. Roy also advised on insurance due diligence for mergers and acquisitions. He also successfully advised major hydro and solar renewable energy operations in South Africa and Namibia on insurance disputes spanning from marine in transit insurance to mechanical failure and business interruption insurance. During 2020 Roy became one of the forerunners in advising businesses on pandemic related business interruption insurance claims and is continuing to do so. He was a presenter at webinars on this topic during the early stages of the COVID-19 pandemic and provided valuable guidance to insureds and insurers alike on this topic.



**John Andrew**  
Lowers Forensics  
Senior Vice President

John Andrew has been involved in investigative and forensic accounting for many years, has analysed financial information from a broad spectrum of public and private entities and has been involved in alternative dispute resolution cases, testifying as an expert witness in various legal proceedings. John is a Senior Vice President in Lowers' London office and has extensive experience in the measurement of complex insurance loss claims and litigation support cases, working throughout North America, Europe, the Middle East, and Far East. Recently, he has been involved in numerous loss files, either directly or indirectly affected by the effects of the COVID pandemic in the UK and Europe.