

# USA

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**Our claims team in the USA is part of a global claims management business, working with insurers, brokers and policyholders and specialising in the adjustment and administration of all classes of commercial lines claims. We have particular expertise in matters concerning Professional Indemnity, Architects & Engineers, Directors & Officers, Employment Practices, and Financial Lines Insurance.**

Rather than delivering a standardised claims solution across all lines of business and client requirements, we approach each client relationship as a partnership. We understand the importance of providing a locally relevant legal and claims expertise, in a way and at a cost that delivers the results you need and want.

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## What we do

We recognise that across different jurisdictions and lines of business, claims management protocols need to be adjusted to account for the underlying risk and varying legal, social and political environments. Certain fundamental principles, however, underpin the successful mitigation of claim and cost expense in all territories

Our claims team in the USA currently employs twelve specialist staff. While our claims staff is made up of licensed attorneys, we focus on resolving claims; not litigating liability or coverage disputes.

Working for insurer clients including the leading syndicates at Lloyds', we are particularly known for our work in relation to:

- Architect & Engineers Liability
- Accountant Liability
- Agents - Real Estate
- Employment Practices Liability
- IT/Media coverage
- Environmental claims
- Home Inspectors/Appraisers
- Insurance Agents & Brokers
- Lawyers Liability
- Securities Brokers/Dealers
- Management Liability/Directors & Officers
- Medical Malpractice
- Municipal Liability
- Property Losses

- Business Interruption/Product Recall
- Defamation/Invasion of Privacy
- Financial Institutions
- Commercial Crime/Financial Institution Bonds
- Property/Spectie

Our approach to managing claims is centred around ensuring each client can choose a way of working that suits them. We offer First Notification of Loss cradle-to-grave claims management under a delegated authority; hub management as a centralised point for collation of data from multiple service providers; as well as deductible claims management and excess layer/follow market claims administration.

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## Understanding the importance of commercial experience

Operating in the UK, USA, Canada, Australia, Ireland and continental Europe, our commitment to delivering the most relevant, effective claims service is grounded in the commercial experience of our staff. Our claims handlers have a combination of insurance market and legal expertise, having previously worked in brokerages, law firms, coverholders or insurance companies and syndicates. Within these teams we are able to offer niche understanding of areas such as Professional Indemnity, General Liability, Property, Directors and Officers/Management Liability, Legal Expenses, Motor, Healthcare and Hub/FNOL Bordereaux management, drawing in other experts, from across DWF, where necessary.

## Our claims management technology

DWF is recognised as one of the most innovative law firms operating across the globe today. As part of our commitment to innovation and best practice, we have developed our own, proprietary claims management system, called Claimsview that we use to accurately and efficiently manage complex claims.

Claimsview enables us to help underwriters to monitor their exposure, not only in terms of reserves and payments, on a claim-by-claim basis, but also the performance of the classes of business for underwriting purposes.

Claimsview enables us to help clients to monitor their exposure, not only in terms of reserves and payments on a claim-by-claim basis, but also the performance of a portfolio or book of business as a whole. When using Claimsview, clients can access reports and statistics on individual claims or entire portfolios, as well as multiple years of account. In addition, a client dashboard is available via our secure client extranet which provides instant graphical analysis on claims according to statistics such as business type, location and type of claim.

Clients can also access a full electronic file (incorporating incoming and outgoing correspondence, referrals and all policy documentation) as well as using Claimsview to produce in-depth Management Information, to easily capture SLA and KPI data and assess our claims team's conduct objectively. Post counts, response times, diary activity and file dormancy are all reportable and as a result easily controllable.

This immediately accessible, live information is beyond that available to most underwriters, even in large corporate entities, and sets the service provided by DWF apart.

## Examples of our work include:

### The fire in the aircraft

We recently completed the resolution of a multi-million dollar claim involving a battery fire in a commercial airliner. Working with the Insured, we were able to apply the coverage to place the burden of loss where it belonged – on third-party suppliers and on the products liability insurer. This was a cooperative effort, with our claims team in the USA utilizing DWF lawyers in London to monitor and report on the proceedings.

### From soup to data breach

We were retained by a major UK insurer to adjust a large first-party data breach for a commercial food-service insured. We were successful in adjusting the first-party loss, including reviewing all of the insured's costs for replacing automated kiosks with temporary employees, and reaching a resolution with the insured. Working with the insured, we were able to guide the subsequent subrogation effort to recover a significant portion of

the original loss from the third-party vendor who caused the data breach.

### The sands of time

A large US engineering firm was sued for its failure to adequately design a marina for a municipality on one of the Great Lakes, causing beachfront erosion to an adjoining neighbourhood. Working through a three-year mediation process, we were ultimately able to reduce the exposure by several million dollars, and achieving a favourable outcome for the Insured and Underwriters. This required a cooperative approach with the appointed mediator, establishing credibility on our part as a "problem solver" to achieve this excellent result.

## Why instruct our claims team in the USA?

- The benefit of DWF Claims Management & Adjusting over an in-house claims team (aside from the obvious cost implication), is that we have specialized legal and insurance backgrounds and therefore have a detailed working knowledge of insurance policies and their impact on claims. This allows us to view claims not only from a technical perspective, but also from a commercial viewpoint. We excel in helping insurer clients identify underserved markets and writing insurance products to serve those markets.
- We work for each client in a unique way, tailoring everything we do to your specific needs. DWF's structure, however, allows us to offer a number of tailored services, in addition to our claims work. These include audits (regulator, claims, underwriting), risk management services (contract reviews, pre-claims assistance, seminars/briefings, complete risk reviews) as well as governance and compliance services.
- All offices have their own management team and back-office functions - such as accounting and compliance, managed centrally. This gives an autonomy that ensures the best results for locally-based clients. In global matters, however, we draw on DWF's global resources to maximise knowledge and draw in cross-border expertise, as needed.
- Our fee structure is dependent on the services, line of business and location. We strive to ensure a fee structure that is mutually beneficial to DWF and to our clients so that we are incentivised to add value and mitigate claims costs.
- DWF Claims Management & Adjusting is part of our Connected Services division which contains a range of independent businesses that work alongside, support and deliver products and services to our legal teams and clients.
- We are a global legal business, transforming legal services through our people for our clients. We have over 28 key locations and 3,100 people delivering services and solutions that go beyond expectations.

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## Our global locations

