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Narrative: How to Successfully Mediate a Cyber Claims Dispute

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As companies increasingly seek the protection of cyber insurance, claim disputes are becoming more and more common. Recently, courts have laid down harsh rulings on cyber coverage claims, which have unsettled many businesses. Because of this, companies are beginning to look to mediation as an alternative to litigation to obtain equitable outcomes with respect to their cyber coverage claims, and as a way to contain the costs of a complex dispute.

Cyber claim disputes often involve complex information systems, which can present highly technical issues of fact. Because of these challenges, mediating cyber insurance coverage disputes, with the right mediator, is often the best course of action for both the insurer and insured. These elements make mediating a cyber dispute much different from resolving other types of matters when utilizing alternative dispute resolution techniques.

An additional element found when mediating a cyber matter is the issue of insurance. The insurance component of a cyber mediation is very unique. The insurance for a cyber claim can involve both first and third party insuring agreements. These types of disputes can also spill over into various other insurance policies that a defendant may have in force including, professional liability, Directors and Officers, property and crime policies. Knowing how all of these coverages fit together is an important part of the mediation process.

Additionally, not all cyber disputes are alike. Cyber claims can run the gamut from large data breaches to credit card issuer claims with an assortment of other privacy and data-related matters in between. One size does not fit all when it comes to a cyber mediation and claim handlers need to be prepared to adjust their approach depending upon the circumstances of the incident.

In sum, this panel will provide valuable insights on the potential benefits of mediating cyber insurance coverage disputes and how to optimize your mediation. The panelists will also discuss the key features of a cyber insurance policy, common pitfalls that policies may contain, and using cyber insurance in the context of a wider risk management strategy. Panelists will also discuss the sources of cyber risks and the various types of liability that exist, as well as types of claims and litigation. As mentioned above, topics that will be discussed include:

- How Mediation Can Assist with Cyber Risk and Liability
- Types of Cyber Insurance Policies
- Types of Claims Litigations

- Emerging Issues

Given that you will have the perspectives of two practitioners, a mediator and a cyber insurance carrier, the audience will benefit from hearing from a variety of perspectives regarding how to successfully mediate a cyber matter.