



PROFESSIONAL LIABILITY UNDERWRITING SOCIETY

The “Nuts & Bolts” of Mediating Complex D&O Claims

May 23, 2017

Presented by PLUS Diamond Sponsors





Meet The Presenters

Rebecca Pidlak

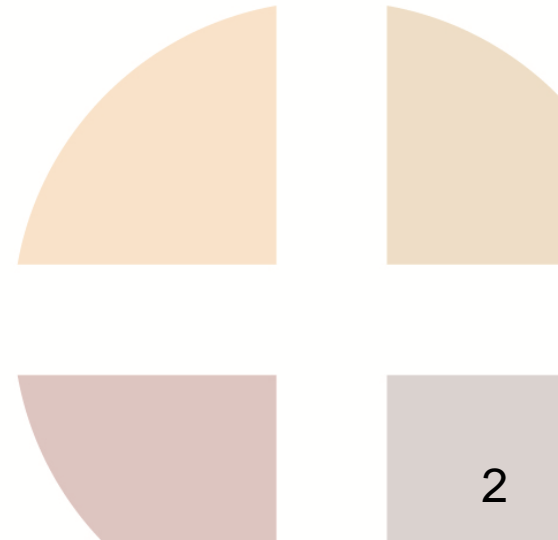
Assistant Vice President, Professional Liability Claims
XL Catlin

Jed Melnick

JAMS Mediator

Jim Skarzynski

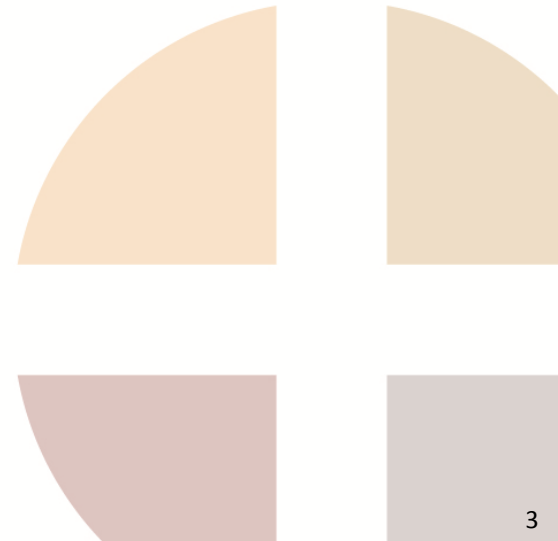
Chairman
Skarzynski Black LLC





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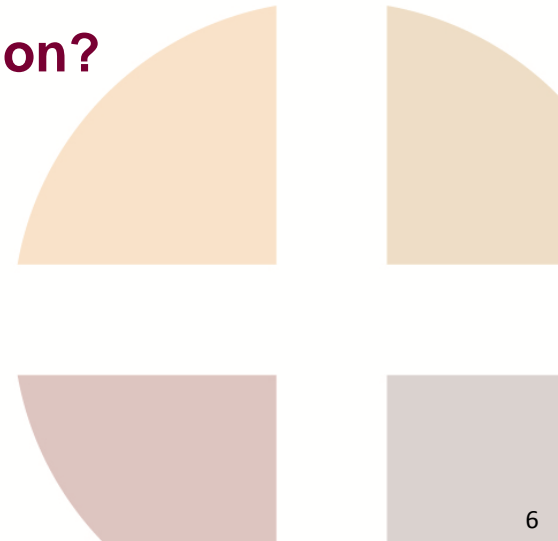
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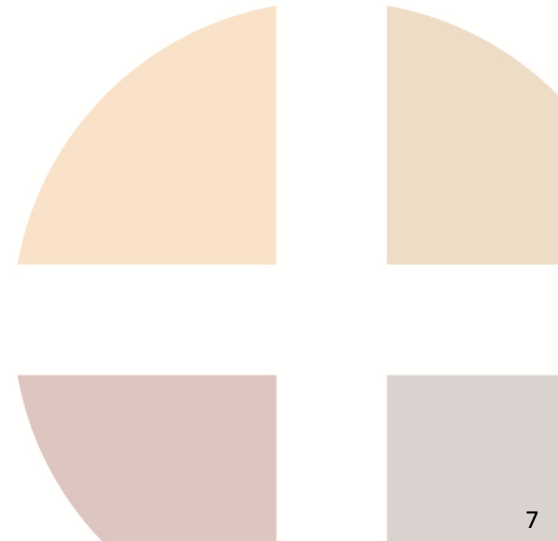
- **Overview and Introduction**
- **Pre Mediation Preparation**
- **Issues and Challenges Which Arise During the Day(s) of Mediation**
- **Post-Mediation Negotiations When the Case Does Not Settle During the Mediation**
- **Mediation Scenarios**
- **Questions (Please use Question Tool on User Dashboard)**

- **Pre-Mediation Preparation by the Insurer is Crucial to the Successful Resolution of the Claim**
- **Insurer-Insured Preparation**
- **The Insurers or Defense Counsel Should Look for Comparable Settlement Statistics**
- **Preparation by the Insurers Within the Tower(s)**
- **The Choice of a Mediator is a Crucial Development in the Process**
- **Educate the Mediator Regarding Any Significant Coverage Issues / Disputes**
- **Consider a Pre-Mediation Submission to the Mediator Solely on Coverage Issues**

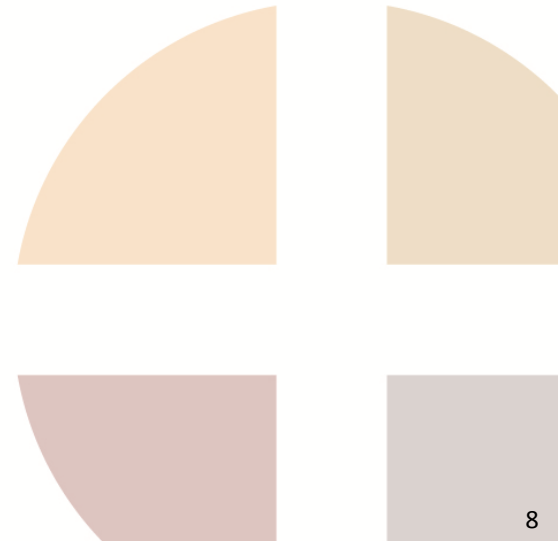
- **Use of Brackets**
- **How to Break the Logjam**
- **What are the Hardest Coverage Issues to Resolve?**
- **What if the Case Does Not Settle at the Mediation?**



Mediation Scenarios

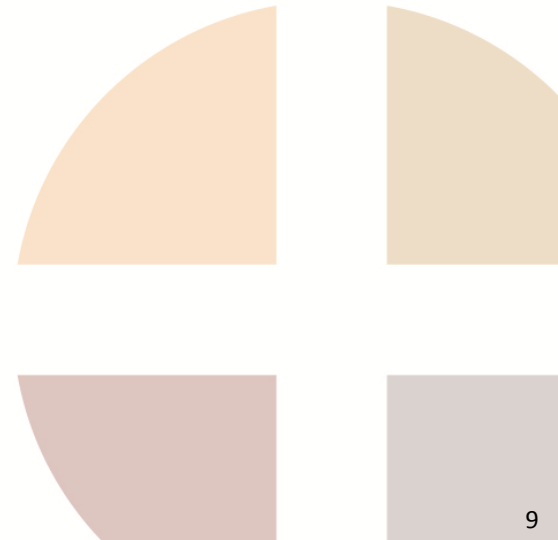


- **Pro Rata vs. Sliding Scale**
 - Potential full limits loss
 - Less than full tower exposure

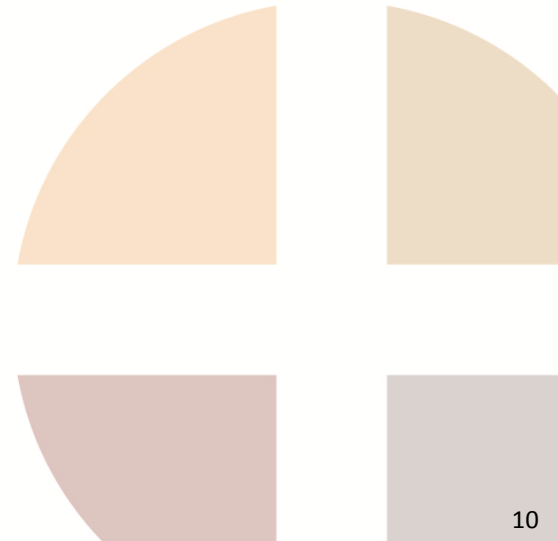


- **Multiple Towers**

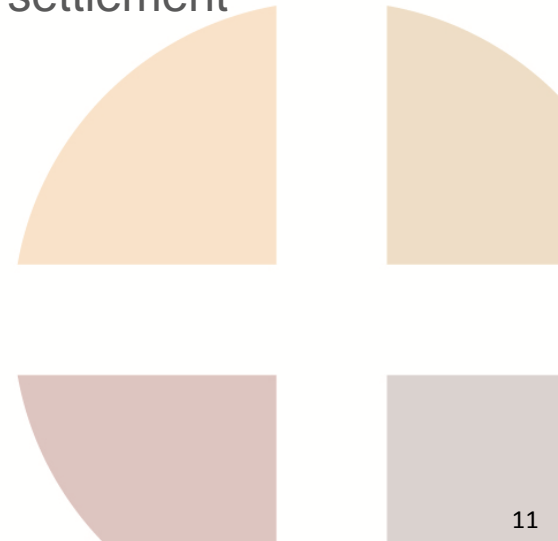
- Multiple policy periods, multiple insureds, multiple coverage types
- Potential disputes between towers may be limited if there are identical tower participants between the towers or the primary carrier is the same on all towers



- **Varying Coverage Defenses Among Tower Participants**
 - Difference in policy wording
 - Disputes between A-Side and ABC Towers

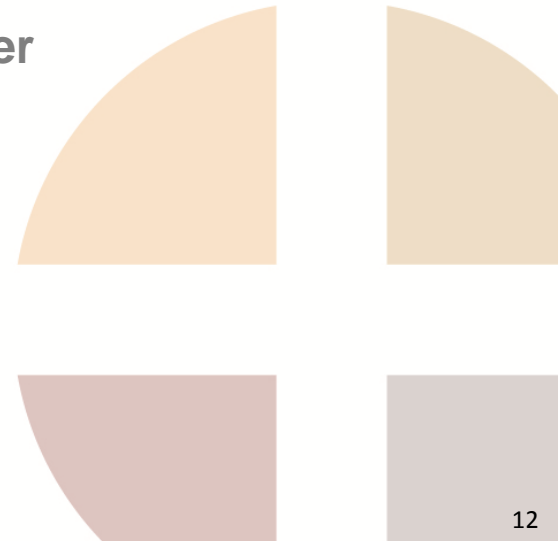


- **Disagreements Between Primary and Excess**
 - Primary wants savings even though exposure is in excess of primary limits and no strong coverage defenses
 - Primary would rather continue litigation with the possibility that the case may be dismissed rather than pay full limits in early settlement



Questions

Please submit using the question tool on user dashboard



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Thank you for your time.

**A replay of this webinar will be
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