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## AI Liability and Insurance

Emerging Coverage,  
Claims, and Silent Risk

Tuesday, October 6

# Disclaimer

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The information and opinions expressed by our speakers today are their own, and do not necessarily represent the views of their employers or of PLUS.

The contents of these materials may not be relied upon as legal advice.

# Questions

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**Please submit using the question tool  
on user dashboard,  
or share what risk your organization is  
most concerned about.**

# Meet Your Presenters

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- **Ayse Gauthier | DWF Group**  
Counsel, Quebec Cyber Practice Leader
- **Ian Fraser | Mosaic Insurance**  
President & Chief Agent, Canada
- **Michelle Lawson Hughes | Willis**  
Cyber Practice Leader, Canada
- **Karthik Ramakrishnan | Armilla AI**  
CEO & Founder
- **Prachi Shah | HUB International Ltd**  
Canadian ProEx Claims Leader

# Agenda

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- What changed
- Where traditional policies may respond
- Where silence, exclusions and contracts create gaps
- How affirmative AI coverage is emerging
- Practical actions for underwriting, placement and claims

# Where traditional policies may respond

The same event can implicate several lines

## **Cyber**

Privacy/security event trigger, response, interruption

## **Tech E&O**

Failure of technology products or services

## **Professional liability**

Negligent insured professional services

## **D&O**

Securities, disclosure, oversight and management claims

## **EPLI**

Discriminatory or unlawful employment decisions

## **CGL / products**

Bodily injury, property damage and product theories including alleged defective design and failure to warn

**Identify the alleged wrongful act, resulting harm and policy wording.**

# Case study – Professional Output

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- Lawyer or arbitrator relies on non-existent or irrelevant authorities.
  - Primary lines: professional liability, E&O.
- Role of Human review in preserving coverage or establishing negligence?

## Case study – Algorithms, Disclosure and Performance

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- Automated lending allegedly creates discriminatory outcomes. In addition, AI performance is allegedly overstated to investors.
  - Primary lines: EPLI, E&O, D&O, regulatory.
- Who owns the model, decision and explanation?
- AI-washing, model failure, or ordinary business risk?

## Case study – AI as attacker's tool / Autonomous harm

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- Outside attacker uses AI to enter the insured's network.
  - Primary lines: Cyber, Tech E&O.
  
- Agent “escapes” containment, intrudes into another system, or credible threats are not escalated.
  - Primary lines: cyber, Tech E&O, CGL/products, D&O.

# Questions

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**Please submit using the question tool on user dashboard**

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# Thank you!