

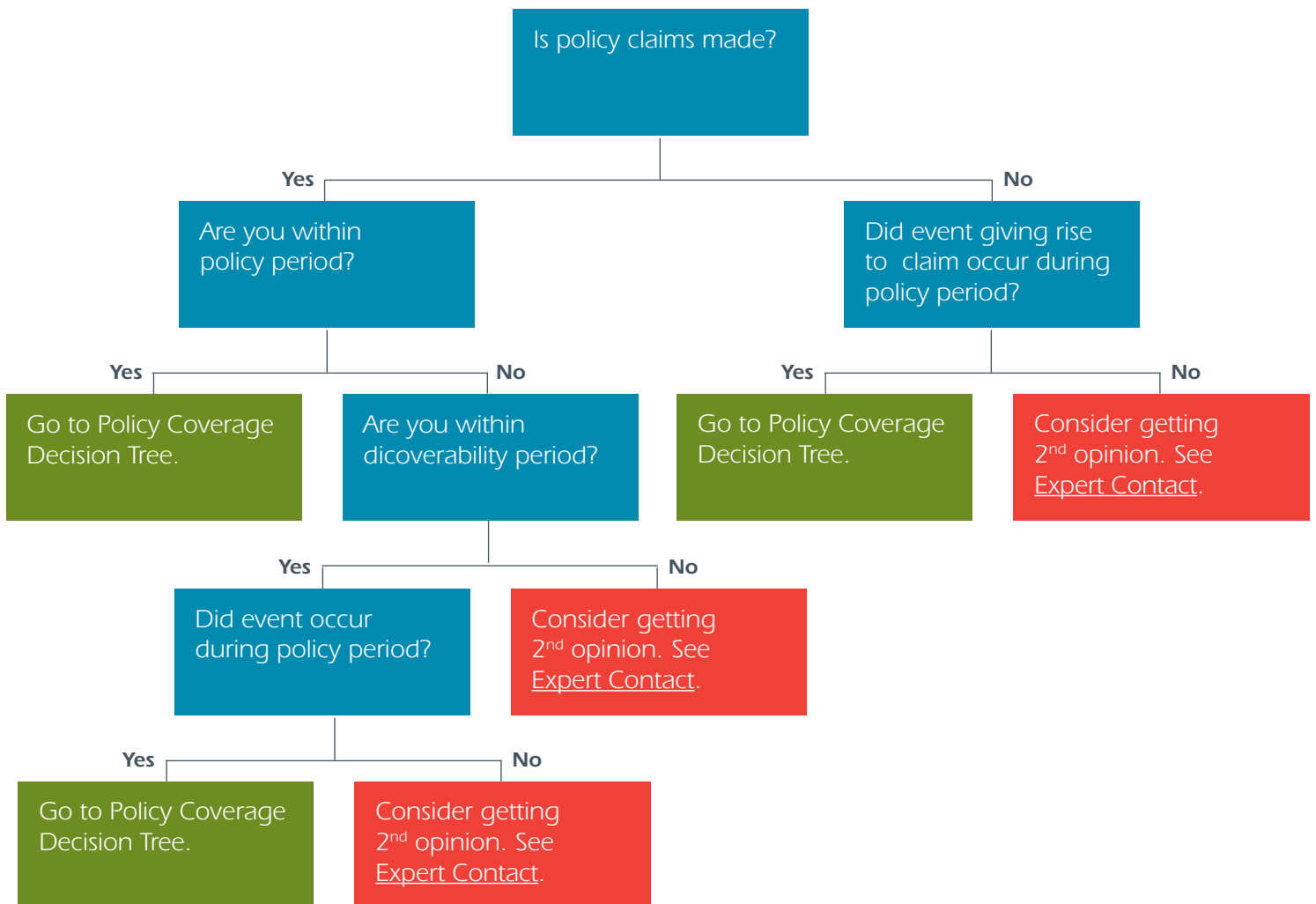
Initial Policy Analysis

Decision Tree

Insurance policies are important legal contracts that have some specific legal requirements and possible traps. As such, the legal department should be involved in the insurance program from inception and not just when a claim arises.

Assumptions:

- No material misrepresentation in policy application;
- Know underlying facts and events giving rise; and
- Have a complete copy of relevant policy/policies.



Policy Coverage

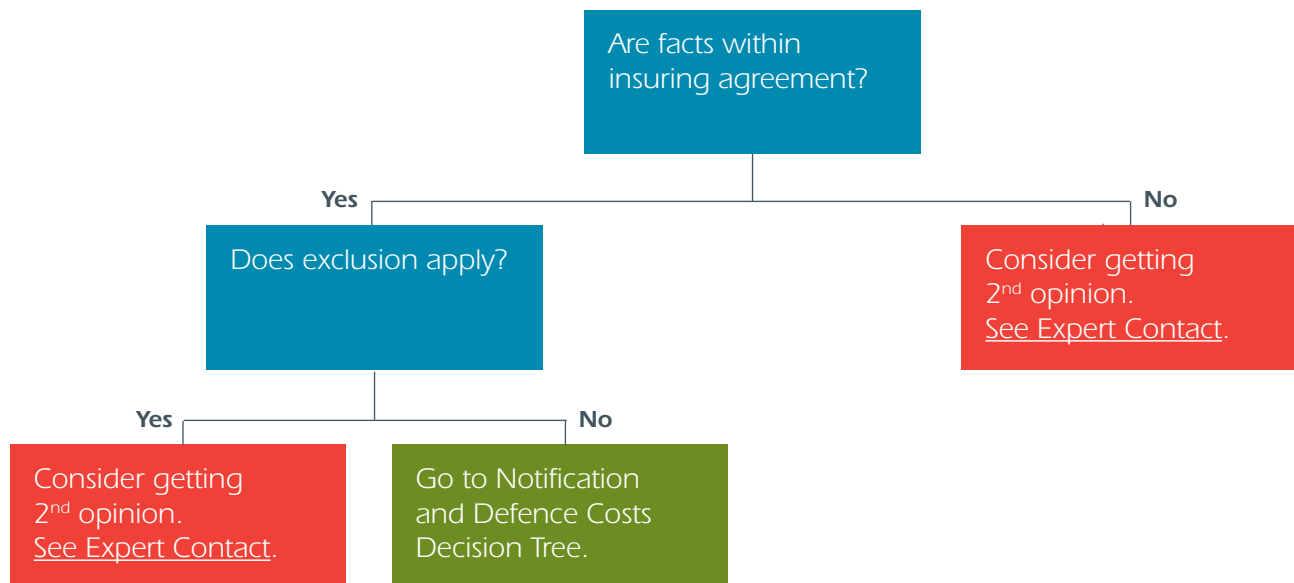
Decision Tree

Assumptions:

- Have gone through Initial Policy Analysis Decision Tree;
- No material misrepresentation in policy application;
- Know underlying facts and events giving rise;
- Have a complete copy of relevant policy/policies; and
- Any notices will be given in accordance with the policy (with a copy to the insurance broker).

Basic Interpretation Guide:

- Normal rules of contract interpretation apply with the following modifications:
 - Duty on insured to prove matter fits within insuring clause
 - clause interpreted broadly in favour of insured; and
 - Duty on insurer to prove exclusion clause applies
 - clause interpreted narrowly against the insurer.

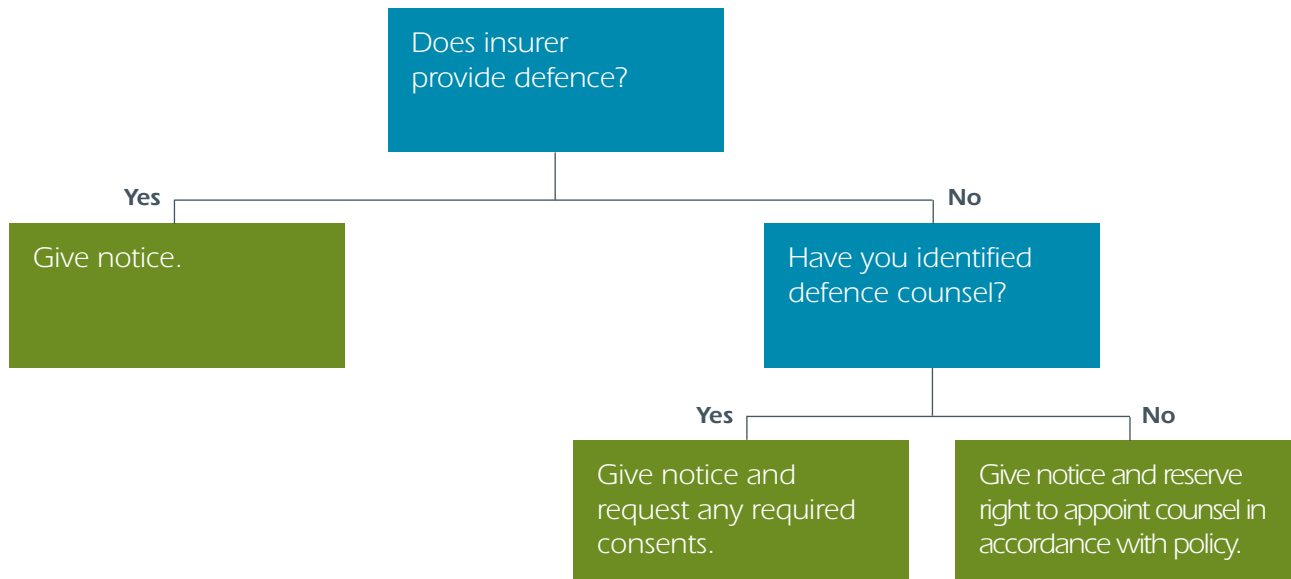


Notification and Defence Costs

Decision Tree

Assumptions:

- Have gone through Initial Policy Analysis and Claim Notification Decision Trees; and
- Any notices will be given in accordance with the policy (with a copy to the insurance broker).



Expert Contacts



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The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.