Modern Strategies to Handle Legacy Claims

September 20, 2022 – Casualty Loss Reserve Seminar

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Session Overview

Run-Off Basics

- Size of Runoff Market
- Trends & Outlook
- Transaction Motives
- Benefits Gained

Types of Run-off Firms and Structures Employed

- Recent History of Buyers
- Structures & Types of Liabilities Being Sold/Acquired
- Recent Headlines

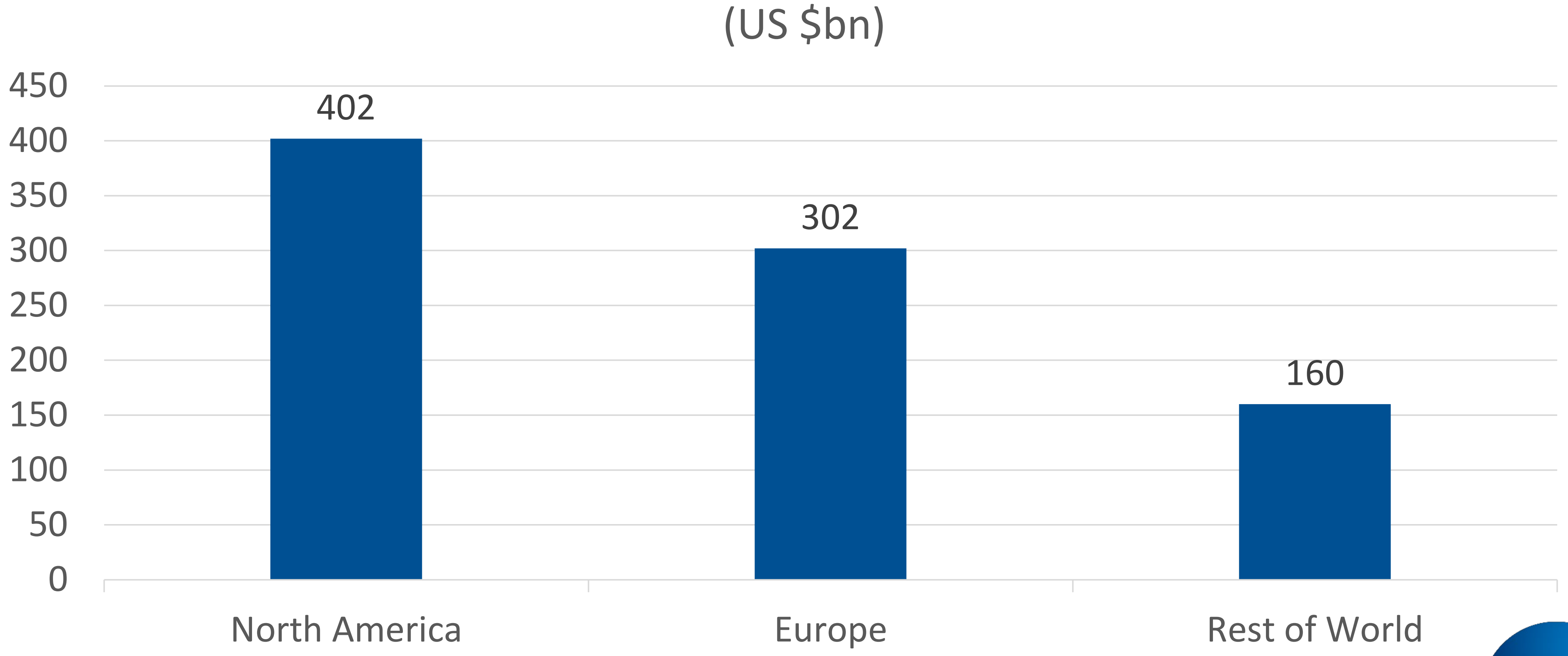
Role of the Actuary

- Pricing the Deal
- Understanding Operational Challenges
- Monitoring the Runoff Reserves

Q&A

Run-off Basics

Market Size - Global Non-Life Run-Off Reserves



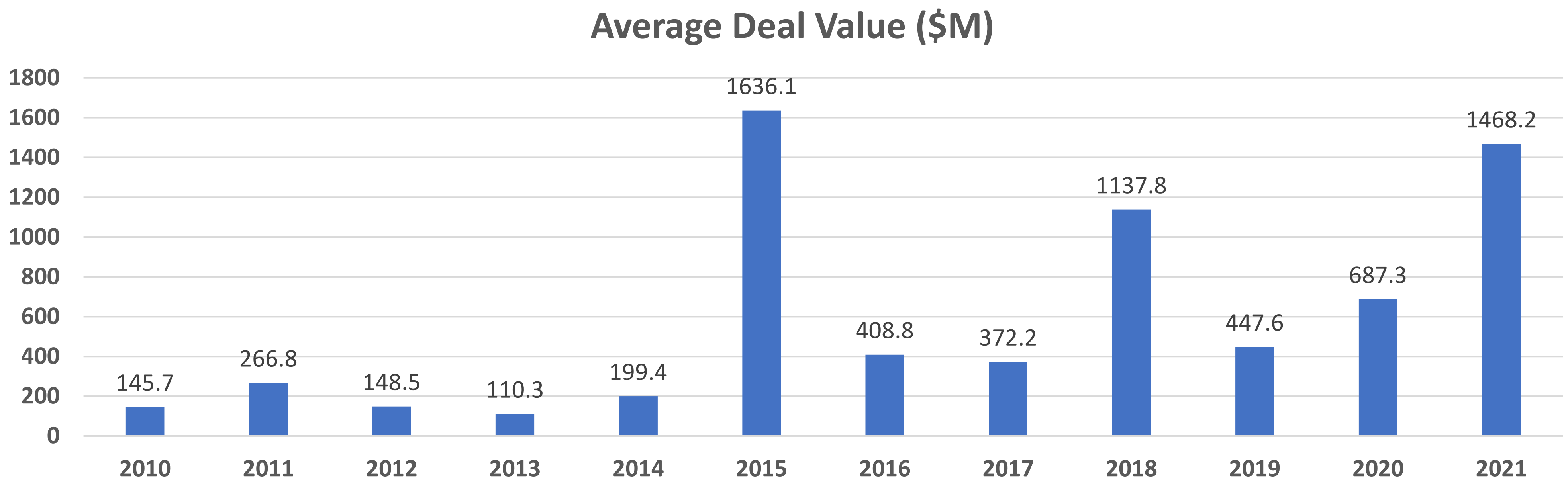
Source: PWC Global Insurance Run-Off Survey 2021

Market Size – Non-Life Run-Off Liabilities

Source: PWC Global Insurance Run-Off Survey 2021

M&A Trends for P&C

Transactions represent US and Bermuda companies making acquisitions on a global basis



Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
# of Deals	79	72	68	63	65	51	70	53	61	38	52	43

2022 Insurance Mergers and Acquisitions Outlook | Deloitte US

Transaction Outlook

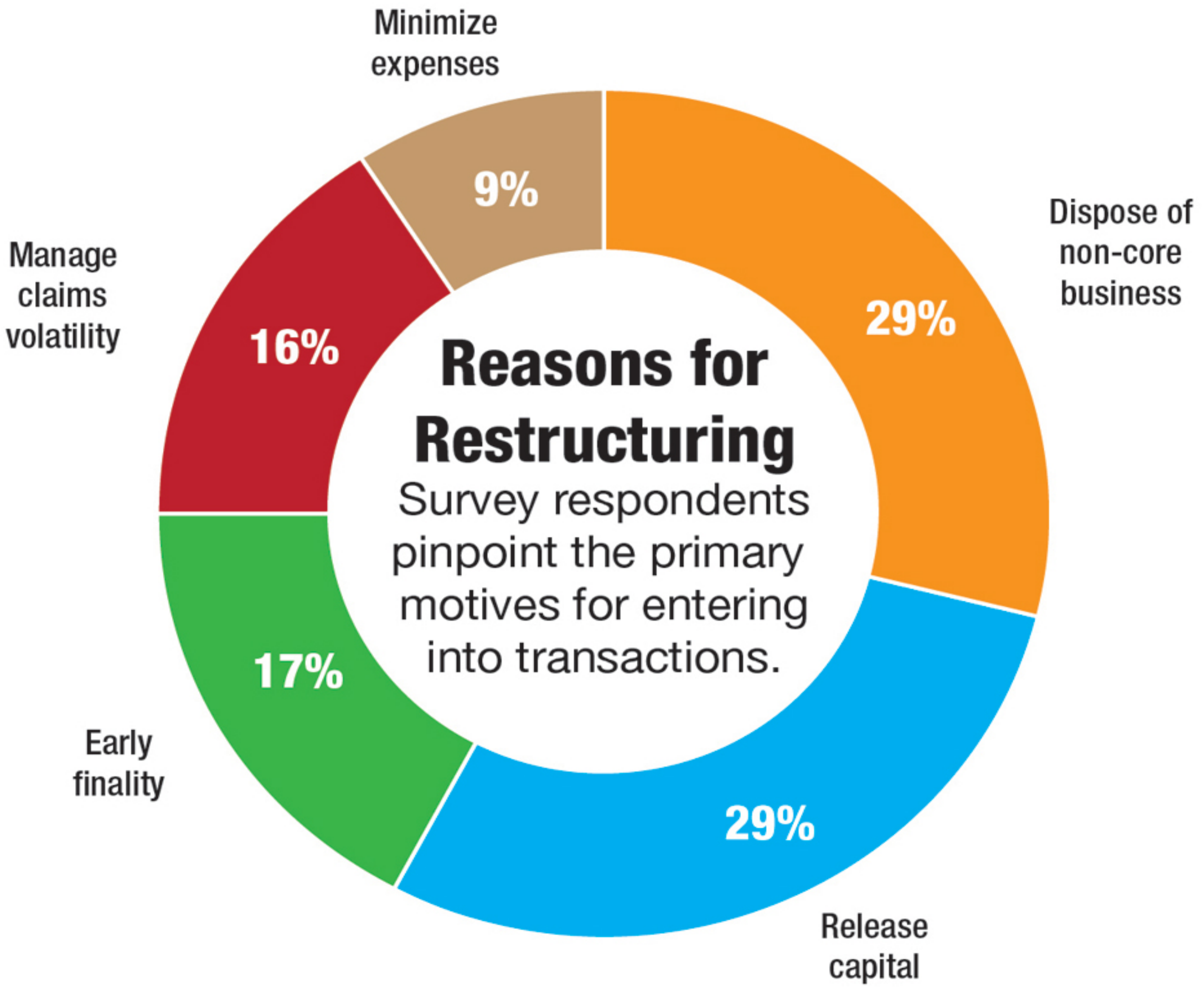
“Strong momentum in run-off sector continues”- PWC

June 20, 2022 By Reinsurance News

“total estimated value of executed deals during Q1 2022 exceeded that of the same period in 2021 ($4.2bn vs $3.3bn)…Most of the action was driven by **North America**”

“Strong momentum in run-off sector continues”- PWC - AIRROC Update

Transaction Motives



Source: PwC *Global Insurance Run-off Survey 2019*

Transaction Motives Expanded

If portfolio contains unique risks (asbestos, pollution, black lung) and/or seller is a corporate entity:

- Positive PR and ESG Boost
- Full Finality – Eliminate Future Downside Risk
- Create Value and Free Up Resources
- Clean up Financials and Balance Sheet

Types of Firms and Strategies

Who Buys Run-Off? Types of Firms Present in Market Today

Large Insurance Conglomerate – Berkshire

Legacy Insurer – Insurance company structured and built to acquire run-off insurance

Non-Insurer – Private equity or Investment Bank supported capital to find portfolios to acquire

Examples of Firms Present in Market Today

Prior to 2000 - Berkshire only credible buyer

2000 - 2020 - Legacy Insurers like Enstar and Catalina and later Riverstone and R&Q emerged

Since 2020 – a flood of credible buyers have emerged backed by strong balance sheets, including Broadwell Point, Carrick, Compre, DARAG, Delticus, FARA Recovery, Fortitude Re, Legacy Liability Solutions, Marco and Premia

- Willing to quote on deals of all sizes and exposures

Transaction Structures

Adverse Development Cover (ADC)

- A form of stop-loss
- Cede the risk of reserve inadequacy
- Attachment varies – reserve estimate is critical

Loss Porfolio Transfer (LPT)

- Similar to ADC, and usually purchased with one
- Cede the risk of timing and investment return

Commutation

- Reinsurance transaction
- Eliminates obligations of prior arrangement for a new "price"

Novation

- Legal transfer of reinsurance obligations to a third party
- Similar to commuting

Legal Entity Sale

- Disposal of all or part of the share capital of an entity containing liabilities
- Common with corporate runoff

Reinsurance to Close

- Specific to Lloyd's
- Transfer liabilities that attach to one syndicate in return for a premium

Insurance Business Transfer (IBT)

- Legal transfer of insurance policies from one insurer to another via court or regulator
- Oklahoma process

Exposures Being Sold/Acquired

Workers’ Compensation, Commercial Auto and Liability (Professional, Construction, etc.)

Asbestos, Pollution, etc. from 1986 and prior General Liability policies

Includes sexual misconduct, chemical exposure and other latent claims

Other Emerging risks

- Silica/Talc/Glyphosate
- PFAS – forever chemicals
- Opioids and other big pharma products
- Federal Black Lung

Recent Headlines

September 28, 2021 – Insurance Journal. "Religious Partners Fear Boy Scouts' Bankruptcy Plan Leaves Them Unprotected"

November 16, 2021 – Insurance Journal. "Will Forever Chemicals, PFAS, Lead to Never-Ending Lawsuits"

February 25, 2022 – Manufacturer Johnson & Johnson and the "big three" distributors finalized a $26 Billion Opioid settlement agreement

Recent Public Deals

Swiss Re

Swiss Re acquires Champlain Re in legacy deal

18th February 2022 - Author: Katie Baker

ENSTAR

Enstar Announces $3.12 Billion LPT Transaction with Aspen

January 10, 2022 16:30 ET | Source: Enstar Group Limited

CRANE

2022 – Crane (large corporate asbestos liability) acquired by Spruce Lake Liability Management

ENSTAR

Enstar Announces LPT Transaction With Argo

Role of the Actuary

Role of the Actuary

- Pricing the Deal
- Understanding Operational Challenges and Opportunities
- Monitoring Results

Role of the Actuary – Pricing the Deal

Runoff specialists have differing views as to what makes a book of business attractive, but a few underlying principals apply:

Line of business and expertise of seller
Structure of the potential deal
Underlying data – is it detailed, accurate and clean for analysis?
Case reserving adequacy/philosophy changes over time
Variability in future outcomes (“risk margin”)
Reasonable internal rate of return (“discounting”)

Actuarial / Operational Challenges and Opportunities

- Data and systems integration
- Data cleansing
- Operational strategy and integration
- Claims Approaches
- Staffing
- Reinsurance
- Reserving / Philosophies

More-effective management of legacy books creates the potential for considerable efficiency gains.

Role of the Actuary – Managing Runoff Reserves

Examples of functions critical to the successful management of runoff liabilities:

Data / IT – technical excellence

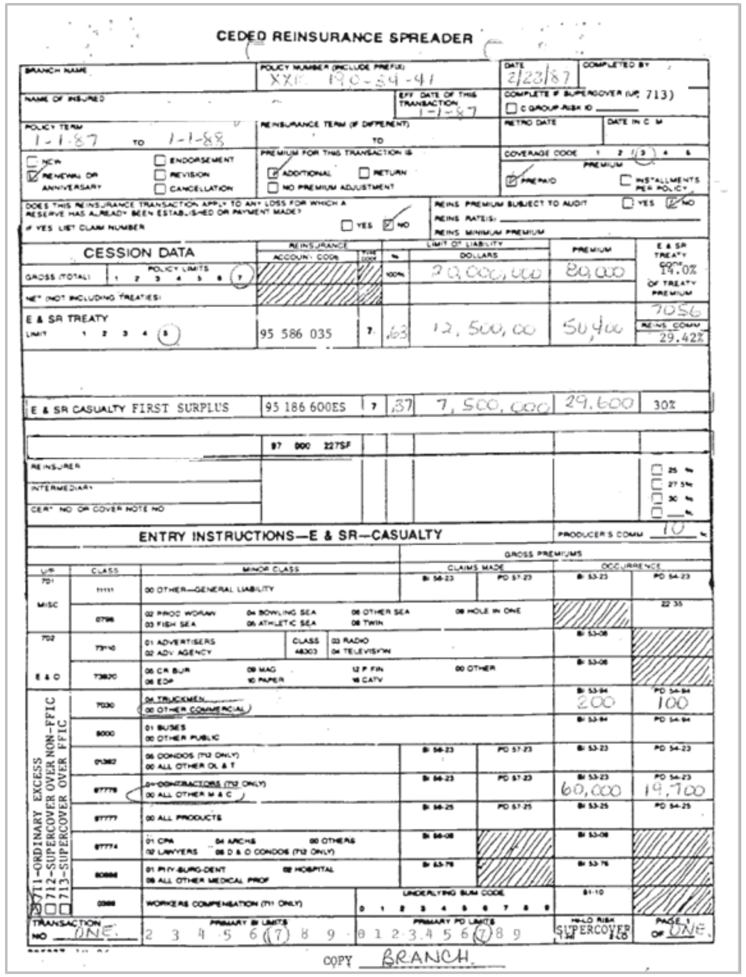
Claims expertise – specialized skill set required to manage legacy WC, Asbestos and GL claims (among others)

Ability to track results

Insurance coverage implications

Insurance Coverage Implications

The situation gets more complex given the age of relevant policies. Often, grainy photocopies of decades-old documents are all that remain. These complications produce considerable legal expense.


CEDED REINSURANCE SPREADER

POLICY NUMBER (INCLUDE PREFIX) XXF 190-54-41 DATE 2/23/87

POLICY TERM 1-1-87 TO 1-1-88

CESSION DATA

GROSS (TOTAL) 20,000,000 80,000

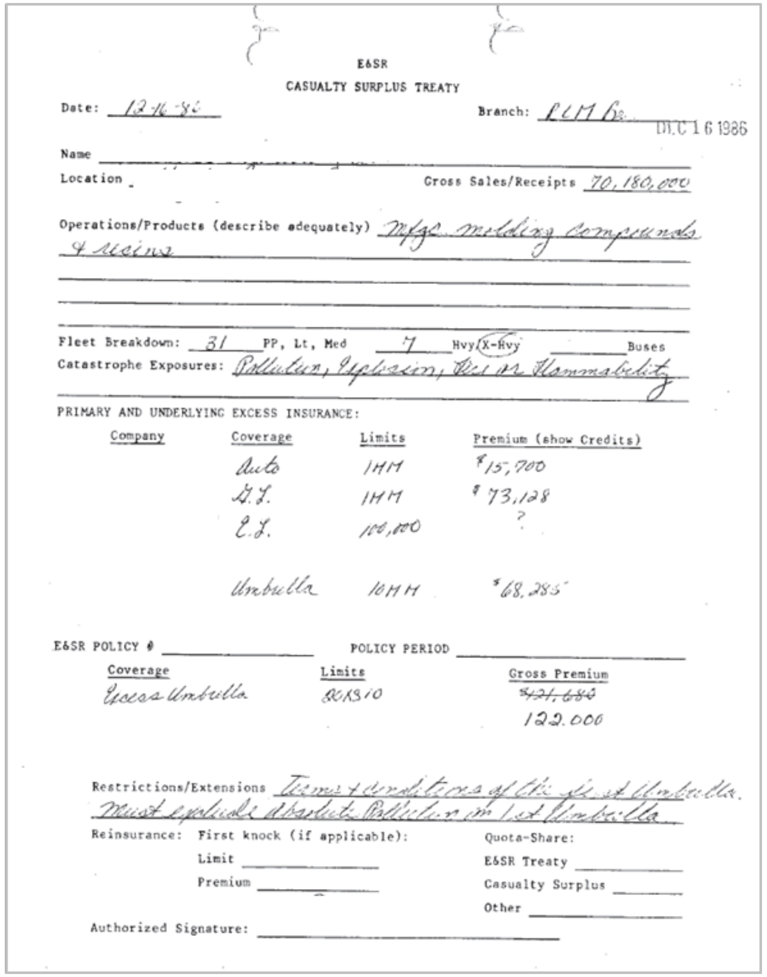
E & SR TREATY 95 586 035 12,500,000 50,400 7056 29.42%

E & SR CASUALTY FIRST SURPLUS 93 186 600ES 7,500,000 29,600 30%

ENTRY INSTRUCTIONS—E & SR—CASUALTY

711-ORDINARY EXCESS
712-SUPERCOVER OVER NON-PFIC
713-SUPERCOVER OVER PFIC

COPY BRANCH


E&SR
CASUALTY SURPLUS TREATY

Date: 12-16-86 Branch: RLM Br. DEC 16 1986

Name

Location Gross Sales/Receipts 70,180,000

Operations/Products (describe adequately) Mfg. molding compounds & resins

Fleet Breakdown: 31 PP, Lt, Med 7 Hvy/X-Hvy Buses

Catastrophe Exposures: Pollution, Explosion, Fire or Flammability

PRIMARY AND UNDERLYING EXCESS INSURANCE:

Company	Coverage	Limits	Premium (show Credits)
	Auto	1MM	$15,700
	G.L.	1MM	$73,128
	E.L.	100,000	?
	Umbrella	10MM	$68,285

E&SR POLICY # POLICY PERIOD

Coverage	Limits	Gross Premium
Excess Umbrella	20X10	~~$121,680~~ 122,000

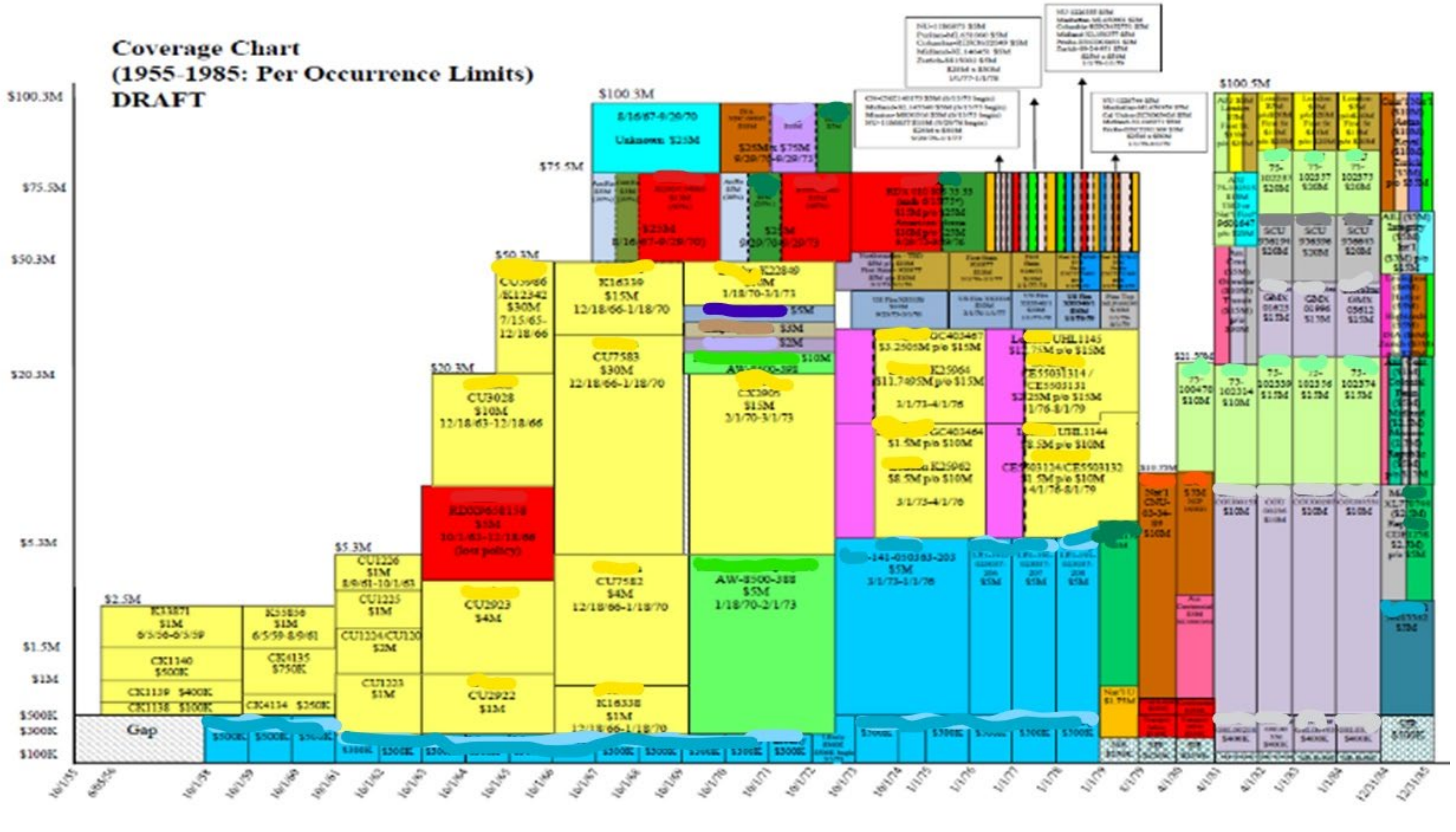
Restrictions/Extensions Terms & conditions of the 1st Umbrella. Must exclude absolute Pollution in 1st Umbrella

Reinsurance: First knock (if applicable): Quota-Share:
Limit E&SR Treaty
Premium Casualty Surplus
Other

Authorized Signature:

Insurance Allocation: A Difficult Task

Insurance coverage detail can get incredibly complex with multiple parties, missing documentation, insolvent insurers, disputed coverages, and other complications. Insurers' exposure often arises via small portions in various layers of loss across dozens of different accounts.



Insurance Allocation Simplified – All Sums

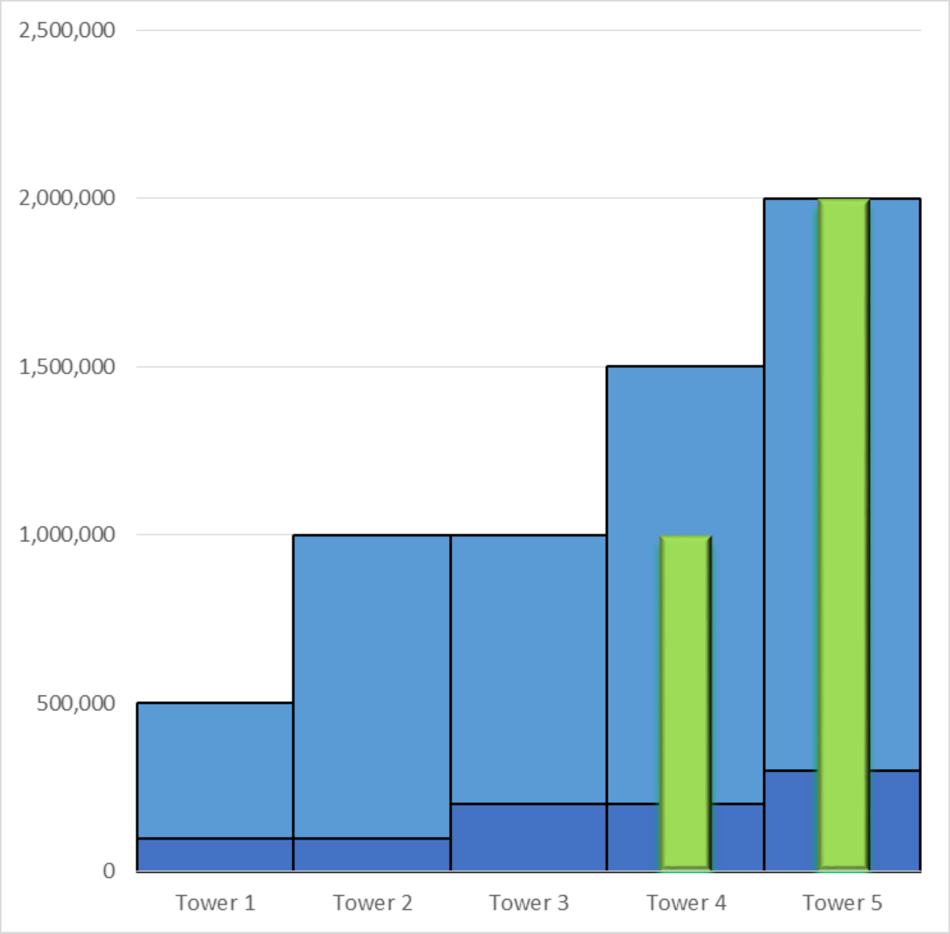
All Sums Allocation Example

Total Claims		$3,000,000
Total Limits		$6,000,000

	Tower Limits	Tower Costs
Tower 1	$500,000	$
Tower 2	$1,000,000	$
Tower 3	$1,000,000	$
Tower 4	$1,500,000	$1,000,000
Tower 5	$2,000,000	$2,000,000

All Sums Allocation is the simplest allocation type to conceptualize and calculate.

The insured targets specific year(s) of coverage and damages “spike” up through tower(s).



Insurance Allocation Simplified – Pro Rata

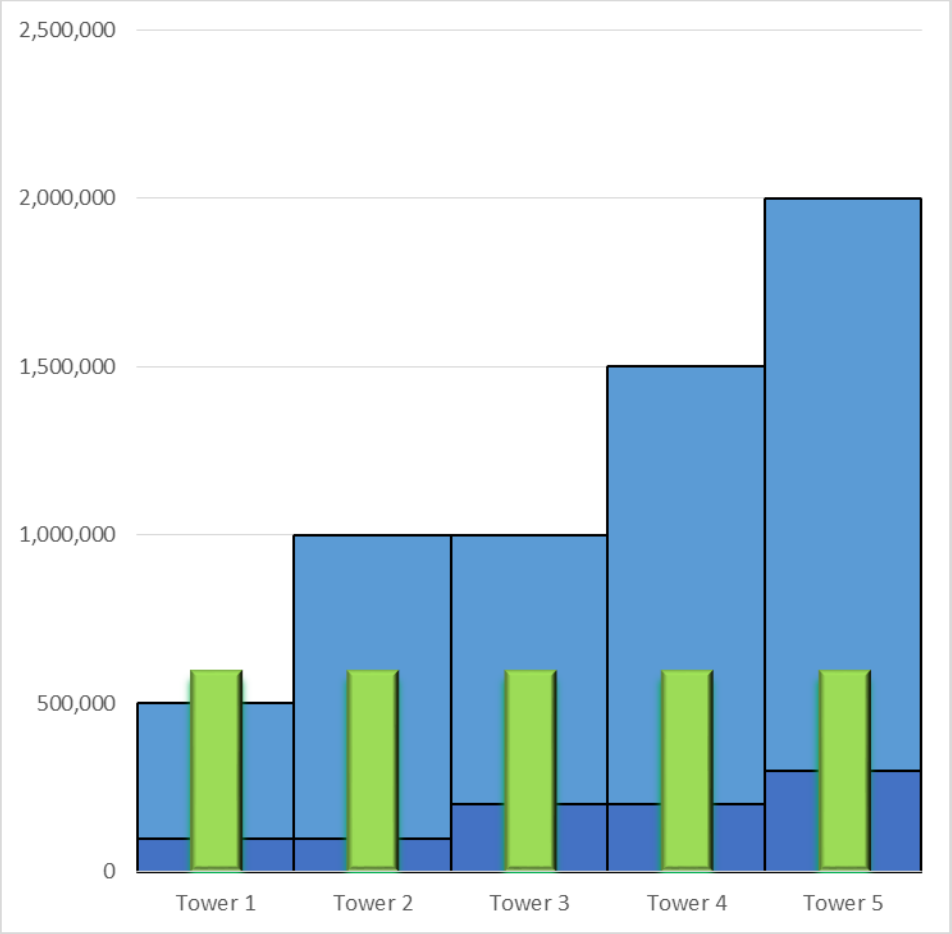
Pro-Rata Allocation Example

Total Claims	$3,000,000
Total Limits	$6,000,000

	Years Year	Damages/ Damages	Tower
Tower 1	1	$3M/5 =	$600,000
Tower 2	1	$3M/5 =	$600,000
Tower 3	1	$3M/5 =	$600,000
Tower 4	1	$3M/5 =	$600,000
Tower 5	1	$3M/5 =	$600,000

Pro Rata Allocation is where the allocation is based on damages divided by years of coverage and then allocated up through each tower.

Allocating can be fairly simple. Only need to know damages, trigger period, and the policy limits/attachments. The entire coverage chart is not needed.

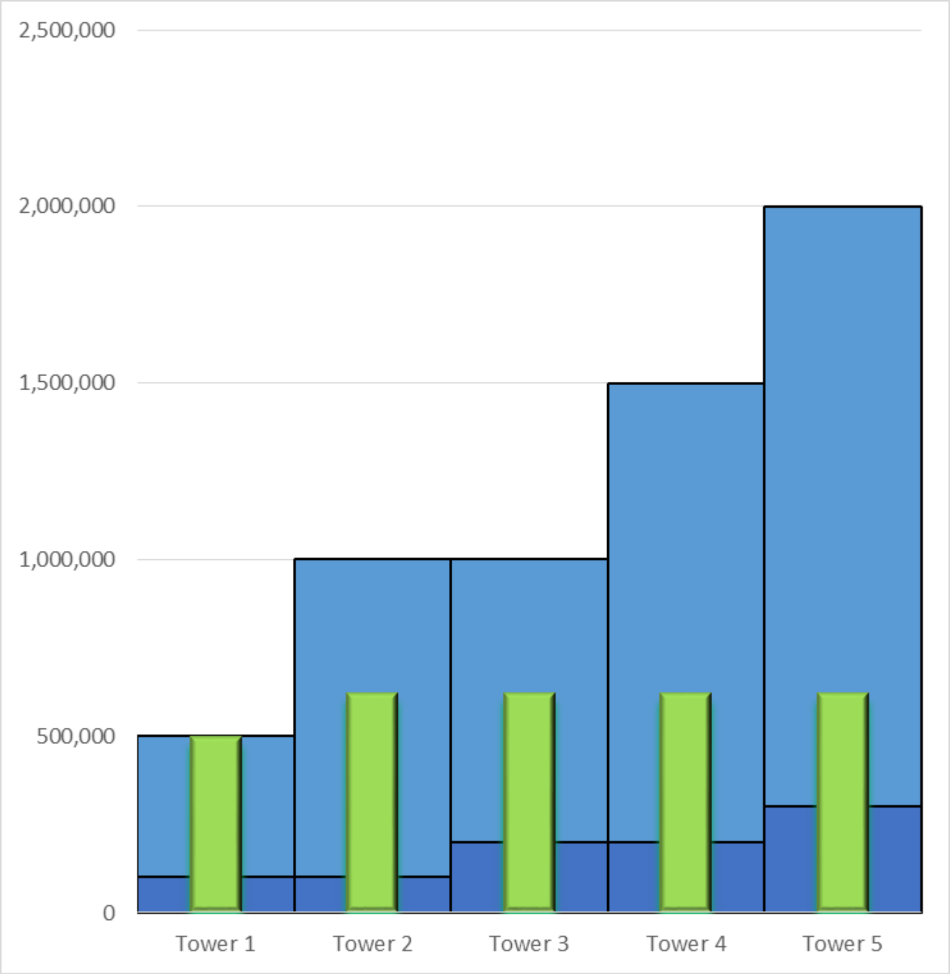


Insurance Allocation Simplified – Bathtub

Horizontal Allocation Example

Total Claims	$3,000,000
Total Limits	$6,000,000

Tower	Primary Lims	Ex < $500K	Addl Tower	Total
Tower 1	$100,000	$400,000	$	$500,000
Tower 2	$100,000	$400,000	$125,000	$625,000
Tower 3	$200,000	$300,000	$125,000	$625,000
Tower 4	$200,000	$300,000	$125,000	$625,000
Tower 5	$300,000	$200,000	$125,000	$625,000



Horizontal allocation is over the entire trigger Period.

Typically, primary limits are exhausted before umbrella/excess limits are impacted. Damages are allocated up through the coverage in a straight horizontal line.

Like filling a bathtub

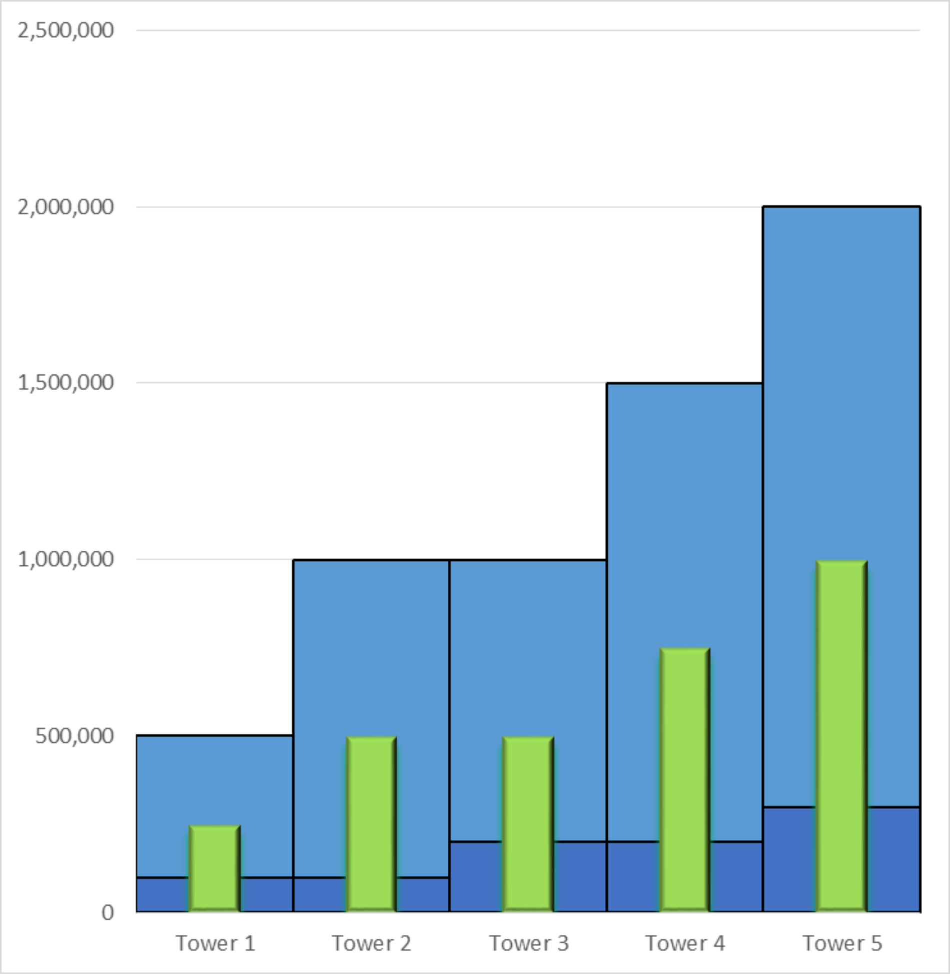
Insurance Allocation Simplified –Carter-Wallace

Carter-Wallace Allocation Example

Total Claims		$3,000,000	
Total Limits		$6,000,000	
	Tower Lims/ Total Lims	Tower C-W Share	Tower Damages
Tower 1	$500K/$6M	8.33%	$250,000
Tower 2	$1M/$6M	16.67%	$500,000
Tower 3	$1M/$6M	16.67%	$500,000
Tower 4	$1.5M/$6M	25.00%	$750,000
Tower 5	$2M/$6M	33.33%	$1,000,000

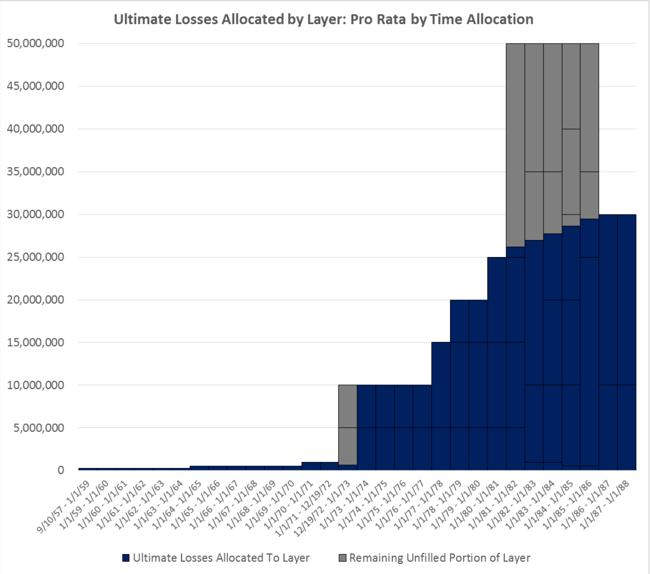
Carter-Wallace Allocation distributes damages based on proportion of total limits in each tower.

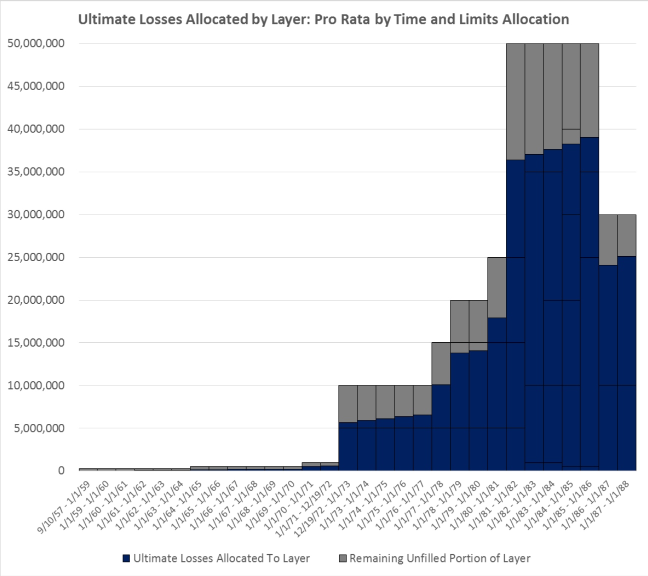
Carter-Wallace share of damages are then allocated vertically up through each tower.

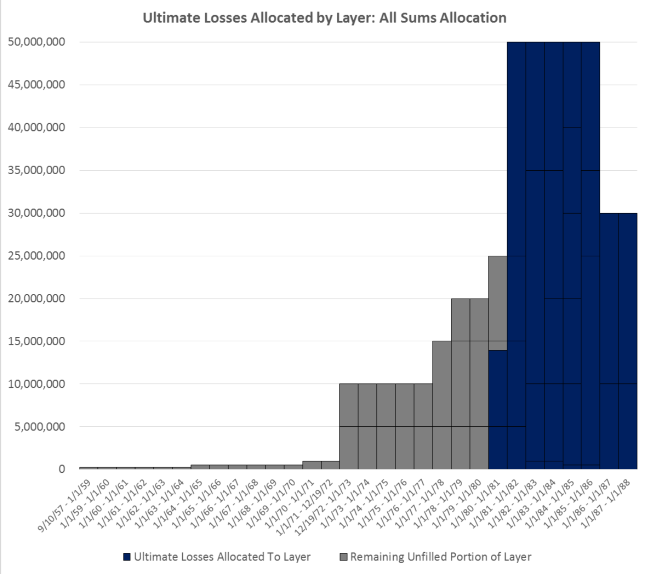


Allocation of Loss to Policy: Without Insolvencies

After deriving ultimate claims, loss must be allocated to policy. Different allocation methods can produce dramatically different indications per policy. The appropriate allocation method is a matter of legal interpretation and detailed scrutiny of policy language. Need to interact with claims to understand which law applies.





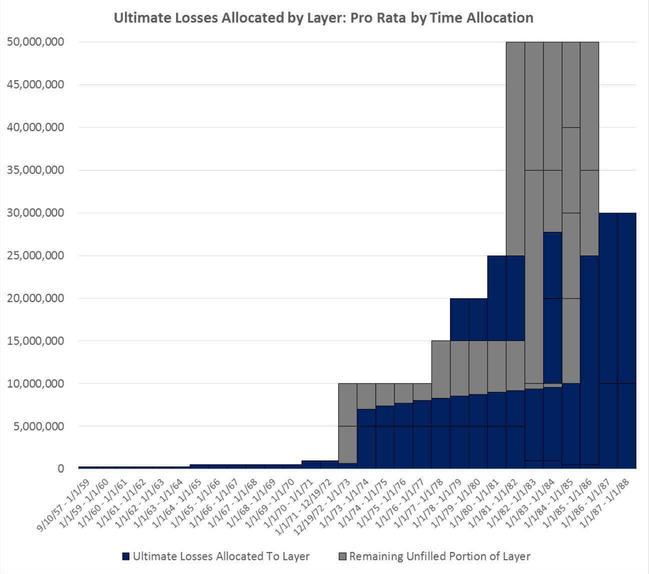


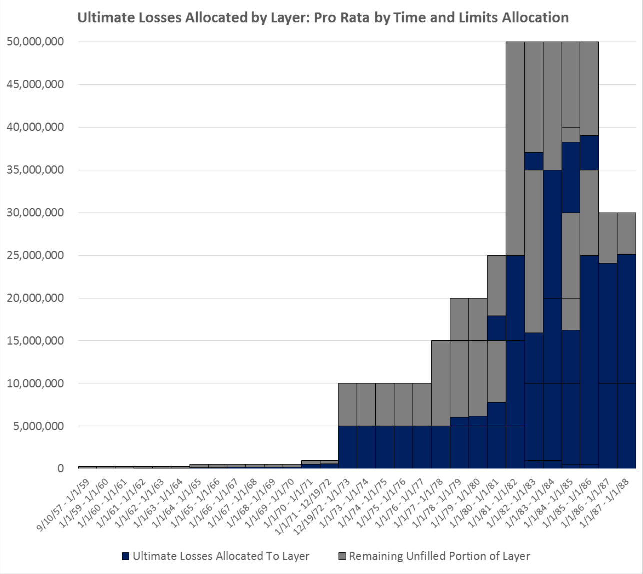
Allocation of Loss to Policy: With Insolvencies

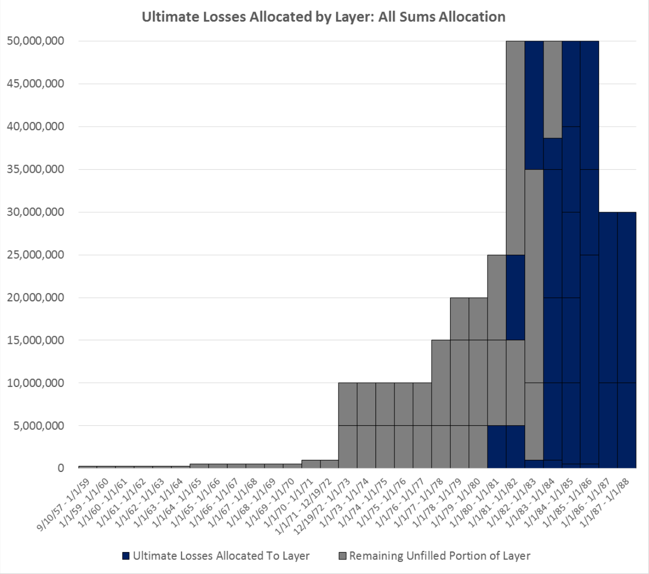
Insolvencies complicate the allocation. Losses are allocated to policies in the same manner as before, however, coverage holes appear where losses are allocated to insolvent insurers. Coverage gaps can be spread to remaining solvent insurers or back to the defendant to retain without coverage.

Additionally, currently insolvent insurers may have partially paid loss before insolvency. The examples shown here allocate currently paid loss to all insurers, but future unpaid loss to solvent insurers only.

Need to interact with claims to know about insolvencies.







Questions?

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