

# Greg Van Houten, Mike Scanlon in Claims Journal: Viewpoint: Be Like Mike and Look to Fundamentals to Recover COVID-19 Losses

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Michael Jordan, the National Basketball Association icon, once said, “get the fundamentals down and the level of everything you do will rise.” His insight here also holds value for insurance lawyers who are facing their own game seven.

Many of the articles published in the last several weeks have not focused on the fundamentals—the insurance 101—but on the graduate-level questions. Those questions are important, but as we prepare to tackle our toughest coverage questions, it is the fundamentals of insurance policy construction that will prove most important. Below are four “fundamentals” and the role they will likely play in the coming months.

## **Fundamental #1 – Policy Language is Interpreted to Give Each Word Meaning**

In addition to focusing on the fundamentals, Jordan focused on every single game. He truly believed that every game mattered. Courts view policy language the same way, as they interpret insurance policies to give every word meaning.

The fundamental that each word must have meaning is particularly relevant with COVID-19 losses, where business interruption policies are triggered upon “physical loss or damage.” Some insurers are asserting that the loss of use of an insured location does not trigger business interruption coverage because, in loss of use scenarios, there is no actual physical or structural damage.

Excerpted from *Claims Journal*. To read the full article, click [here](#).