Halprin, Schwarz and Falokun in Law360: 3 New Cyberinsurance Rulings Aid in Policy Interpretation

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The global cyberinsurance market continues to grow, yet the lack of standardized policy language and limited legal interpretation leaves policyholders, insurers and brokers with minimal guidance in resolving disputes. In an article for *Law360*, Haynes Boone Partner Peter Halprin and Associate Rebecca Schwarz and Summer Associate Simon Falokun discuss three new decisions that have been issued that provide some clarity in resolving these disputes.

Read an excerpt below.

The global cyberinsurance market is expected to reach $30 billion by 2027. At present, 56% of the premium associated with cyberinsurance originates in North America.

Although this market has exploded, there is no standardized cyber language or form shared by insurers and, at the same time, there are only a handful of decisions from around the country that have interpreted cyberinsurance policy language. Given this, policyholders, insurers and brokers are left with little guidance when disputes arise.

At the same time, because there is so little case law, the decisions that have been issued to date are of great importance and shed light on questions regarding the scope of coverage, causation and how to measure the period of restoration. Taken together, these cases provide policyholders, insurers and brokers with a sense of the evolving landscape and the direction in which the law appears to be developing.

In the last year, three new decisions have been issued that shed further light on the scope of coverage and causation issues and further reinforce the direction in which the law appears to be developing.

Specifically, we discuss the following decisions below: (1) *Abraham Linc Corp. v. Spinnaker Insurance Co.*, decided by the U.S. District Court for the Northern District of West Virginia; (2) *Kane ex rel. N.M. Health Connections Inc. v. Syndicate 2623-623 Lloyd's of London*, decided by the Court of Appeals of New Mexico; and (3) *Connelly Law Offices PLLC v. Cowbell Cyber Inc. and Spinnaker Insurance Co.*, decided by the U.S. District Court for the Western District of Washington.

Indeed, this interaction between the new decisions and the existing decisions reveals discernible trends in cyberinsurance jurisprudence that will continue to shape the underwriting of future policies and the handling of cyber claims.

Read the full article from *Law360* here.

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