



ACTUARIAL SOCIETY 2015 CONVENTION

# **An Actuary in the Damages Space**

**Finding the balance between the client's needs and professionalism**

**A panel discussion chaired by Wim Loots**

ASSA Damages and Compensation Committee



# Agenda

- The position of the damages actuary
- Damages Committee / APN
- Panel discussion
  - The damages actuary/attorney
  - Duties and conflicts of interest
- Questions and discussion



# Background and APN



# The position of damages actuaries

- Calculation of special (quantifiable) damages
- Instructed by plaintiff or defendant
- No syllabus or core reading
- Not a statutory/reserved role
- Unregulated area
- Governed by common law (precedent)
- Expert witness (duty to Court)
- Attorney appointed (duty to client)





# Damages Committee and APN

- Damages and Compensation Committee established July 2014.
- Sub-committees deal with
  - Professional Guidance
  - Research
  - CPD & Awareness
  - Legal updates
- APN close to finalisation but still requires PMB approval

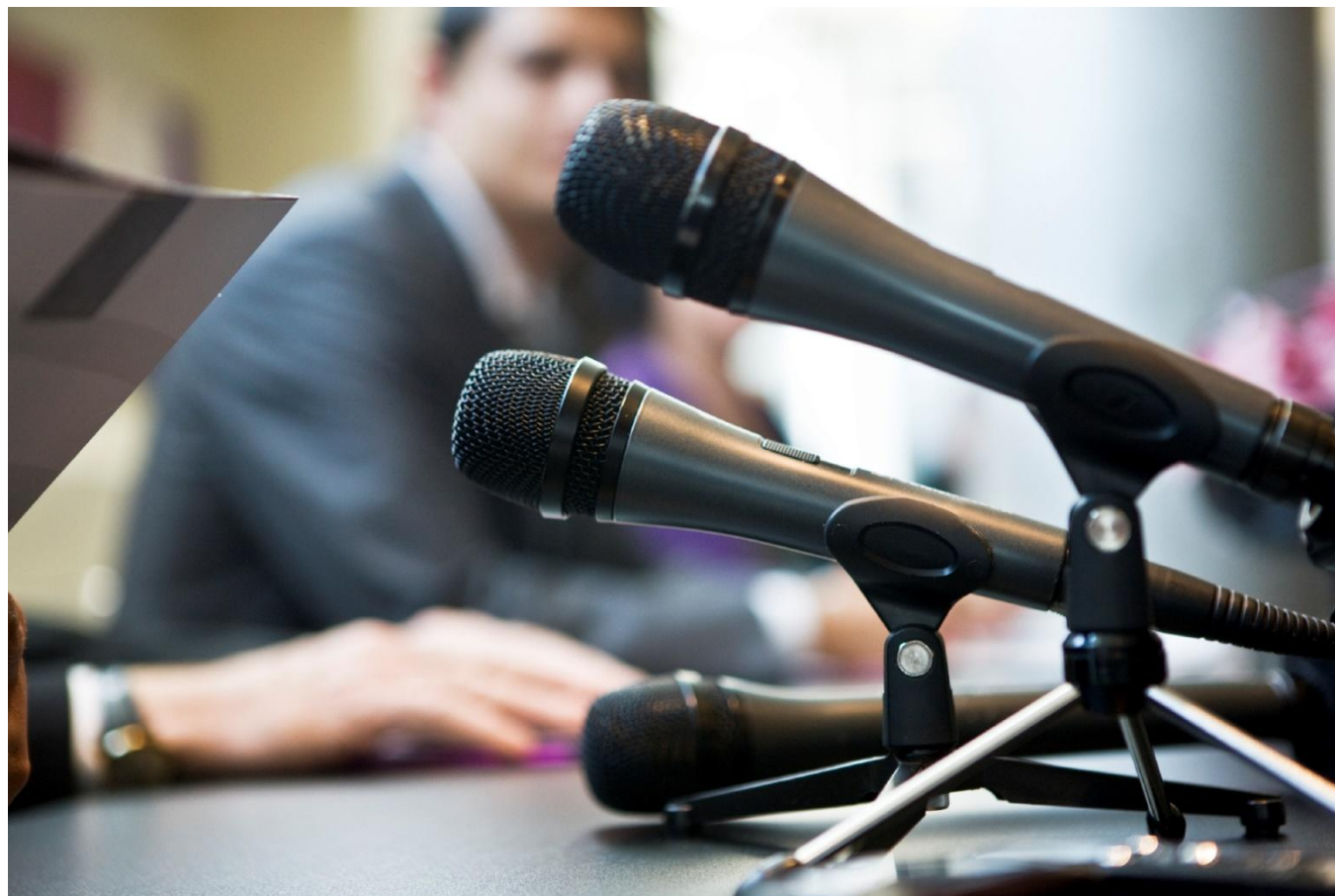


## Covered by the APN

- Competence and expertise
- Legislation and common law
- Contents of reports
- Methodology &  
Assumptions
- Expert witness &  
Professionalism



# Introducing our panel





# Ayanda Nondwana

Senior Associate,  
Hogan Lovells



- Specialises in commercial and insurance litigation
- Extensive experience in injury claims
- Assisted RAF in resolving several large or fraudulent claims

# Tommie Doubell

Director,

**ARGEN Actuarial Solutions**



- Experience in pensions, life assurance and damages
- Statutory valuator and past chairman of RMC
- Expert witness in pensions and damages

# Willem Boshoff

Actuary,  
Munro Consulting Actuaries



- Past experience in product development and private equity
- Currently specialises in damages work
- Passion for social entrepreneurship and start-ups

## Topic 1

Discuss the purpose of the damages actuary or attorney and contrast with other areas of specialisation



## Topic 2

- The damages actuary has an ultimate duty to the Court.
- The damages actuary is instructed by either plaintiff or defendant attorney.
- Discuss the duties and potential conflicts of interest.



# Questions and Discussion

