

Insurance

Insurance and reinsurance companies need legal counsel who understand their business. In the Insurance practice group, Clark Hill has experienced attorneys with a comprehensive understanding of the environment in which their clients operate. Our attorneys regularly represent insurers in all aspects of their business. A number of our attorneys have worked in insurance companies, which gives them a unique perspective on our clients' concerns. We focus on finding strategic solutions, looking beyond the individual matter to the long-term interests of the company. We use our in-depth knowledge of the industry to carefully consider the unique issues in each matter to fashion innovative and cost-effective solutions.

As a full-service firm, we are uniquely equipped to assist insurers and reinsurers in all aspects of their business, from claims counseling, litigation, and arbitration, to business transactions and tax matters, regulatory issues, and government relations. Attorneys in the Insurance practice area routinely work with attorneys from other practice areas to obtain the results expected by our insurer clients. We have offices in a growing number of cities nationwide, which allows us to seamlessly provide services to our clients anywhere in the country. We offer each client a customized web-based portal to manage work on a national or global scale.

We represent commercial insurers in matters involving primary, umbrella, excess, surplus lines and reinsurance. We have experience in a wide variety of coverages, including property and casualty, life, health and disability, professional liability, and directors and officers liability. Our attorneys have helped conceive specialty insurance programs and have provided critical assistance with large claims that implicate multiple layers and periods of coverage.

Claims Counseling

Our attorneys regularly advise clients regarding coverage issues under a wide variety of coverages arising out of countless factual scenarios. We provide a candid assessment of the issues and always consider whether positions asserted in that matter would impact the long-term interests of the company.

Insurance Coverage

We maintain a successful and broad-based practice relating to insurance coverage issues. We are highly skilled in representing insurance companies in complex insurance coverage-related litigation including employment liability, commercial general liability, personal injury, premises liability, construction defects, pollution/environmental contamination, mass tort, automobile liability/no-fault, advertising injury, professional liability, directors and officers liability, subrogation, and bad faith.

We also counsel and provide sophisticated insurance coverage analyses and opinions to insurance companies. We advise before issuance of the policy and throughout coverage litigation, including any appeal. Many of our insurance clients serve specialty markets such as risk pools, governmental liability, and professional errors and omissions. Our experience with those markets' legal issues helps underwriters formulate coverage proposals that protect the carrier and potential insureds. We then work with the underwriters, helping to draft coverage documents in unique and difficult markets. Our experience with coverage documents and endorsements helps carriers limit unintended coverage or gaps in coverage. Once these documents are in place, we address issues raised by a range of policies—including primary and excess policies, as well as reinsurance treaties, and facultative certificates. We also guide carriers through administrative and statutory issues such as premium rating, surplus lines, and forms approval.

We have participated in ground-breaking federal and state court litigation concerning insurance coverage. Our attorneys have also designed novel approaches to resolving coverage issues through declaratory judgment actions, alternative dispute resolution, and other means.

Insurance Liability Defense

We routinely defend insureds in areas including construction, drug and medical devices, employee benefits, energy, environmental law, fidelity and surety, health law, intellectual property, products litigation, professional liability, and transportation.

Insurance Litigation & Arbitration

Sometimes litigation is unavoidable. Our attorneys regularly represent insurers in complex multi-party litigation in



Insurance Leaders

Joseph M. Donley

+12156408525

jdonley@clarkhill.com

Donald L. Ridge

+12134175117

dridge@clarkhill.com

courtrooms and arbitration panels throughout the United States and abroad. We also serve as panel counsel for several insurers as it relates to employment practices liability insurance (EPLI) and directors and officers liability insurance (D&O). Our attorneys have defended insurers in numerous high-profile coverage actions involving long-tail claims, such as environmental contamination or exposure to asbestos-containing materials or toxic chemicals.

Our experience in representing insurers has allowed us to thoroughly understand the needs of insurers and their clients. As early as possible, we provide a detailed opinion that outlines the issues, potential pitfalls and a proposed strategy for resolution. We find that we can often dispose of litigation at the pleading stage or early settlement.

We routinely represent insurance carriers in first-party and third-party coverage disputes, including those involving claims of bad faith, deceptive trade practices, insurance code violations, and insurer negligence. We have also been involved in market conduct litigation, ranging from agent misrepresentation to compliance issues.

Our attorneys have expansive experience spanning many fields, including antitrust, construction, drug device, biotech, employee benefits, environmental, fidelity and surety, managed care, personal injury, products liability, and professional liability.

Where necessary, our attorneys have the experience and resources necessary to defend the company at trial in any jurisdiction.

Life & Health Insurance

Our life insurance practice is both extensive and long-standing. Our attorneys have represented numerous insurers and reinsurers in a wide variety of cases and consultations. We have substantial experience with disputes arising out of stop-loss contracts over self-insured entities or pools. We also have significant experience with issues relating to life settlements, including the significant concerns with respect to Stranger Originated Life Insurance contracts. Our attorneys also have substantial experience with matters involving alleged misrepresentation, where we have had success on dispositive motions where possible and appeal where necessary.

Regulation & Government Relations

As participants in a highly regulated industry, insurers have a long experience in dealing with state regulators and the National Association of Insurance Commissioners.

We have long represented insurers on regulatory issues, including initial licensing and renewal, filing and approval of rates and forms, statutory accounting and reserve issues, underwriting practices and examination disputes.

With a Washington D.C. office, we also provide governmental relations services concerning the proposed Optional Federal Charter and other proposed federal legislation that will impact the insurance industry.

Reinsurance & Excess

Our representation of insurance carriers extends into more concentrated areas of excess and reinsurance coverage. We represent the interests of excess carriers by monitoring and reporting the activities of primary carriers and counsel hired by them, as well as by protecting the excess carrier's interests in coverage litigation. Our team also represents various ceding carriers and reinsurers, both facultative and treaty, in disputes regarding reinsurance coverage in court and before arbitration panels.