

# Insurance Recovery and Counseling

When policyholders are faced with complex policy questions or disputes with their insurers, they turn to Jenner & Block for our deep experience in insurance law, strategic thinking, execution, and advocacy.

We help commercial policyholders better understand and improve their insurance programs, often working closely with risk managers and brokers to provide strategic counsel in the procurement process. We also counsel on claims submissions, and we provide experienced representation in insurance disputes and recovery matters, including litigation and arbitration.

Working collaboratively as appropriate with lawyers across the firm, we service nearly any issue with a deep bench, ranging from the nuts and bolts of traditional insurance liability claims, obtaining reps and warranties insurance in an M&A transaction, and navigating emerging cyber, data privacy (BIPA), and ESG claims.

## **End-to-End Insurance Counseling and Representation**

Understanding our client's business is a top priority. We work with our commercial clients every step of the way, offering strategic guidance to help them navigate their own and third-party insurance programs, balance business risk and costs through captive insurers, and to fully understand their obligations to their insurers and other third parties.

Our deep knowledge of every aspect of the insurance underwriting and claims process, including the role of alternative risk transfer arrangements and reinsurance, allows us to provide strategic counsel at every stage: from negotiating, packaging, and purchasing policies, to the journey of a claim through the insurer's handling process, through to litigation or arbitration if appropriate and ultimately to recovery.

## **Experience across a Spectrum of Policies and Claims**

We have experience with virtually every kind of policy form and have achieved hundreds of litigated, arbitrated, and mediated resolutions across a wide range of coverage claims. Our experience includes general liability, cyber liability, property damage and valuation (including in connection with risks such as fire, flood, and windstorm), business interruption, D&O liability, E&O liability, fiduciary liability, employee dishonesty and commercial crime, professional liability, representations and warranties insurance, products liability, premises liability, completed operations, lien protection, mortgages, homeowners, aviation risk, kidnapping and ransom, life and health, and dozens of other insurance forms.

We are often engaged to assist with the preparation of complex proofs of loss in connection with property damage and business interruption claims. We have substantial experience working in tandem with private adjusters and consulting firms in this process.

### **Success in Long-Tail Liability Matters**

Our attorneys have extensive experience resolving coverage claims for asbestos, environmental, toxic tort, industrial solvents, lead paint, and similar kinds of “long tail” liabilities. We are also highly familiar with the practices of run-off specialists seeking settlement and commutations of historical insurance programs.

### **Extensive Cross-Border Experience**

For commercial policyholders in particular, the market for insurance is – and long has been – international. We have deep experience with the London insurance market, the Bermuda insurance market and the Bermuda form, other foreign insurers, cross-border disputes, global master policies, and complex insurance programs involving international insurers and risks. We are also well-experienced with domestic and foreign insolvent insurers and schemes of arrangement in the London insurance market.

### **Recognized Leaders in Insurance Law**

Our lawyers have been leaders in the insurance litigation bar for more than 25 years and are consistently recognized among the best in the nation by leading industry publications, including *Chambers USA*. We are well known to insurers as unrelenting advocates with a formidable track record of trial, arbitral, and mediated successes, often enabling us to make substantial early settlement recoveries for our clients without the need for extensive litigation.

### **Experience**

- Represented a major international food and beverage company in obtaining cyber coverage with respect to malware related losses in excess of \$100 million.
- Represented a large commercial airline and numerous other clients in obtaining D&O liability insurance coverage for defense costs and indemnity for underlying investigations and lawsuits.
- Represented a Class 1 railroad in numerous insurance matters arising under its liability and property insurance programs as well as the insurance programs of affiliated and third-party entities, including derailment related insurance claims.
- Represented a multinational defense contractor in obtaining a recovery more than \$150 million for property damage and business interruption caused by a flood resulting from a Named Storm.

- Represented a large commercial shipbuilder and numerous other clients in obtaining insurance coverage in connection with underlying environmental claims.
- Represented multiple clients in various manufacturing industries in resolving disputed representations and warranties insurance claims in connection with M&A transactions.
- Represented a major western utility in obtaining a \$400 million recovery for business interruption and property damage to steam generators at a nuclear power plant.
- Represented a multinational power generation company in obtaining a recovery of more than \$100 million for property damage and business interruption caused by a major fire.
- Represented a global law firm in obtaining insurance coverage for a professional liability claim.

### **On-Demand Insurance CLEs**

The Insurance Recovery and Counseling Practice has prepared on-demand CLEs for you and your team to learn about common insurance issues. If you'd like a program on another topic, please reach out to our co-chairs. We would be happy to offer a program to you directly.

- Insurance 101
- What Every General Counsel Needs to Know About D&O Insurance Coverage
- Cyber Insurance and Breach Response

## Co-Chairs



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## Related Capabilities

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