

## Insurance Coverage & Corporate Risk Mitigation

**Leech Tishman's Insurance Coverage & Corporate Risk Mitigation Practice Group operates with one fundamental philosophy: "Risk is inherent in opportunity and growth; we must anticipate, prepare and mitigate the downside, so the client can seize the opportunities and grow."**

### In Brief

As the barriers to entry decrease and the global competition increases, most companies are facing previously unforeseen competition, pricing, pressures, supply chain interruptions, regulatory oversight and compliance costs—all of this leading to increased legal and insurance costs. Because we are business-focused lawyers, we bring a solid understanding of your company, which allows our lawyers to effectively counsel clients on how to identify potential risks, minimize risks through well-drafted contracts and risk allocation, develop well-crafted insurance policies, implement forward-thinking operational strategies, and utilize dispute resolution techniques to handle potential disputes.

Our team of lawyers has extensive trial and appellate court experience in local, state and federal courts, and in administrative proceedings before government agencies. This litigation experience is essential when the other elements of mitigating the risk have not eliminated the liability.

In addition, our Insurance Coverage & Corporate Risk Mitigation Group has extensive experience negotiating with insurance companies and developing captive insurance companies, including single parent captives, protected cell captive insurers, offshore captives, and others. Utilizing these types of vehicles and other techniques, we can increase a client's control over their risk management program and, in some instances, optimize tax deductions for our clients' businesses, gain asset protection benefits for our clients' personal and business assets, and achieve significant estate planning benefits.

### Contractual Provisions

- » Indemnification provisions
- » Limitation of liability
- » Additional insured status

### Insurance Requirements

- » Analysis of existing policies to minimize liability through;
  - Selection of proper insurance for your business in the following traditional lines of coverage:
    - Commercial general liability insurance
    - Professional liability insurance
    - Directors and officers liability insurance
    - Environmental liability insurance
- » Identification of potential gaps in coverage in an existing program and analyzing the cost-benefit of filling such gaps with insurance on other mechanisms
- » Elimination of redundant / unnecessary coverage
- » Crisis management and counseling

### Insurance Coverage Litigation

- » Extensive national and international experience representation of parties in insurance coverage disputes

### Risk Allocation / Development of Risk-Assuming Corporate Structures

- » Formation and operation of global investment funds
  - Private equity investments
  - Hedge funds
  - Venture capital funds
  - Commodity funds
  - Real estate funds
  - Collateralized debt obligation transactions
- » Investment strategies
- » Risk management

### Warranty Programs

#### Captive Insurance Companies

- » Formation of captives to cover risks that are commercially expensive or impossible to cover with conventional insurance
- » Single parent captives for generation of tax deductions & asset protection / estate planning
- » Health care captives to replace traditional third party insurance
- » Protected cell captives