



## Insurance Coverage

**Virtually all businesses across all industries around the world have insurance coverage needs. Maintaining commercial insurance is a key component of any prudent business' risk mitigation strategy. Insurance can help protect a business that suffers a third-party liability claim or a first-party property loss.**

For many, though, procuring an insurance policy and then accessing coverage under that policy when a claim or loss occurs can be daunting. Insurance policies often contain unique terms and conditions dictated by large insurance companies – language that may not be familiar to many policyholders. Leech Tishman can help.

Our experienced Insurance Coverage attorneys are poised to assist policyholders at each step along the path toward insurance recovery. We can help clients identify the coverages necessary for their businesses, review proposed policies and policy language, document and submit insurance claims if and when necessary, and negotiate with insurance companies to secure coverage. If an insurance company denies a policyholder the coverage to which they are entitled, our attorneys can vigorously represent that policyholder in litigation or any alternative dispute resolution (“ADR”) proceeding.

### Mitigating Risk

Leech Tishman can assist policyholders of all sizes with matters involving all types of insurance coverages, including, but not limited to, the following:

- Commercial General Liability (“CGL”) insurance
- Product liability insurance
- Property insurance, including business interruption insurance
- Builder’s risk insurance
- Directors and Officers (“D&O”) insurance
- Errors and Omissions (“E&O”)/professional liability insurance
- Cyber liability insurance
- Employment Practices Liability Insurance (“EPLI”)
- Pollution and environmental liability insurance
- Inland marine insurance
- Marine hull insurance

- Commercial automobile insurance
- Specie insurance
- Workers’ compensation insurance

In certain situations, businesses may also want to consider employing other risk mitigation, transfer, and allocation mechanisms, such as contractual insurance requirements, indemnification provisions, and/or limitation of liability provisions.

As business-focused attorneys, we are committed to having a solid understanding of each client’s specific business model and needs; that understanding, in turn, allows our Insurance Coverage Group attorneys to effectively counsel clients on deploying individualized risk mitigation solutions and implementing client-specific, forward-thinking operational strategies.

### Insurance Policy Reviews & Counseling

Proactively reviewing your insurance portfolio is essential in terms of limiting your liability in the event of a loss or claim. Our skilled insurance coverage counsel attorneys can help you identify your potential exposures, risks, and liabilities so that you can determine the types and amounts of coverage you need. We can also perform policy reviews and help you identify whether you have any gaps in coverage and, if so, how best to fill them.

When it comes time to purchase or renew coverage, Leech Tishman can review specimen policies and/or proposed policy language to make sure you are getting the coverage needed. We can also support businesses and brokers as they negotiate the terms of those policies and help draft manuscript language, as useful. Once the policies are issued, our attorneys can review them to make sure you received the coverage you purchased.

At the end of the day, while we want to make sure that every business has the right types and amounts of coverage, we also recognize the financial realities facing many businesses, and we work with each policyholder individually to help craft an insurance solution appropriate for that client.

Leech Tishman’s Insurance Counseling practice assists clients with:

- Insurance portfolio & policy review
- Potential exposure, risk, and liability analysis
- Policy purchase and renewal analysis and negotiations

## Insurance Claims

Despite acting reasonably, a responsible policyholder may still be sued and/or suffer a property loss. Should a first-party loss or third-party claim occur, it is important that the policyholder be prepared and know what to do. Leech Tishman's Insurance Coverage Group attorneys can help you develop and implement claims-handling best practices. When a claim or loss occurs, or circumstances that could give rise to a claim or loss become apparent, our attorneys can help you review your policies to determine which ones should respond and provide notice to the relevant insurers. To safeguard coverage, we help ensure that the policyholder is aware of, and complies with, a policy's notice provisions, as well as its other contractual obligations. Leech Tishman can also assist you in documenting, quantifying, and mitigating your loss and damages. We routinely work with insurance brokers, forensic accountants, industrial hygienists, and other experts who can assist our clients.

Unfortunately, insurance companies may deny coverage or issue complicated reservation-of-rights letters. They may ask continual questions or seek endless documentation. Even when they provide coverage, insurance companies may impose extra-contractual claims-handling guidelines and/or unilaterally reduce reimbursements. Our Insurance Coverage Group attorneys are skilled in understanding and responding to insurers' coverage correspondence and coverage positions. We know when and how to push back to make sure that every policyholder gets the full benefit of the coverage it purchased.

Leech Tishman's Insurance Claims practice assists clients with:

- Developing and implementing best practices and procedures
- Policy review and insurer notices in the event of a claim or loss
- Compliance with statutory and contractual deadlines and obligations
- Documenting, quantifying, and mitigating loss and damages
- Correspondence and negotiations with insurance companies

## Coverage Litigation & Other Dispute Resolution

On behalf of policyholders, Leech Tishman's Insurance Coverage Group attorneys work diligently to resolve coverage disputes with insurers in a cost-effective and amicable manner. Unfortunately, resolving insurance coverage disputes out of court is not always possible. We represent our clients in insurance coverage litigation, while also focusing on our client's bottom line. Our attorneys have experience litigating complex insurance coverage claims against many different insurance companies in federal, state, and appellate courts across the United States. Once in litigation, we seek to develop the best case possible during discovery and then, if possible, secure a quick victory for our clients through summary judgment or otherwise. At trial, we have successfully recovered millions of dollars for our clients.

In many jurisdictions, insurance companies are obligated to deal with their policyholders in good faith and fairly. However, insurance companies may fail to defend or settle third-party claims, engage in results-oriented coverage determinations, create unreasonable delays in handling claims, or wrongfully deny coverage to policyholders for first-party losses. When an insurer acts in bad faith, a policyholder may have the right to recover enhanced damages, including punitive damages or attorneys' fees. Our Insurance Coverage Group attorneys, who have expertise and experience developing and litigating bad-faith claims, can help. Our attorneys also represent policyholders in mediations, arbitrations, and other alternative dispute resolution proceedings.

Leech Tishman's Coverage Litigation & Other Dispute Resolution practice assists clients with:

- Mediation, arbitration, and alternative dispute resolution proceedings
- Representing policyholders in insurance coverage litigation in federal and state, trial courts
- Bad-faith claims

## Risk Mitigation, Transfer, and Allocation

In addition to addressing insurance coverage issues, members of Leech Tishman's Insurance Coverage Group routinely counsel clients about other risk mitigation, transfer, and allocation mechanisms. We are well-versed in drafting and analyzing important contractual provisions that may be included in various commercial agreements, including, but not limited to, supply agreements, services agreements, and leases. Those key provisions include:

- Indemnification provisions
- Limitation of liability clauses
- Insurance requirements
- Warranties
- *Force majeure* clauses

Along with insurance, these provisions can be used to help businesses anticipate and mitigate risk.