Insurance Recovery & Counseling

Business insurance policies are complex contracts. The insurance coverage industry is constantly changing and the laws governing business insurance are difficult to navigate. Additionally, many insurance companies now face financial challenges, which increase the number of disputed insurance claims and leads to more insolvencies and rehabilitation for insurers. Many businesses are unaware of the vulnerabilities they have as a result. Our insurance recovery practice is dedicated to serving policyholders and ensuring the best possible coverage.

Lathrop GPM is one of the largest firms in the United States representing policyholders. Our attorneys are uniquely qualified to provide policyholders with the necessary guidance and legal counsel to handle insurance disputes and insurance recovery.

Our insurance recovery practice group works with the following industries:

- Agribusiness
- Cable/telecommunications
- Education
- Hospitality and Entertainment
- Healthcare
- Insurance brokers
- Manufacturing
- Railroad
- Real estate
- Trucking
- Utilities
- Waste management
- Wood treaters

Our Insurance Recovery and Counseling team is honored to have our practice group and several individuals be recognized by *Chambers USA*.

In a decision that is sending shockwaves through the insurance industry, our team recently prevailed at the 5th Circuit on behalf of three wrongfully convicted men against multiple insurers on a duty to defend case. The case establishes that insurers cannot utilize common law "coverage theories" (e.g., "first manifestation" or "first exposure" or "continuous trigger" theories) to sidestep the plain language governing their policies. While the win immediately benefits the families of wrongfully convicted men, the implications will help business clients vindicate their rights to insurance proceeds to cover liabilities for other "long-tail claims" including asbestos exposure cases. This win represents the latest demonstration of our ability to apply deep knowledge of insurance principles to create the most desirable outcomes for our insurance recovery clients.

Commercial Claims

The firm's insurance recovery practice group handles a wide variety of commercial claims. We assist clients with matters ranging from disputing a denial of coverage for late notice under an employment practices liability policy to challenging an auto liability carrier about a client's right to choose counsel. Whatever your legal need, our insurance recovery team can assist with claim resolution - through informal negotiation, mediation, arbitration or litigation, coverage opinions and strategy, insurance procurement/due diligence, insurance archeology (we've performed archeology work for a vast majority of our coverage clients and have a particular interest in tracking down elusive London coverage) and notification of claims. Our environmental, product liability and tort insurance recovery work is focused on attaining settlements, not engaging in protracted litigation. Unlike many other firms, we have achieved impressive insurance recovery settlements without litigation.

The first step in preventing difficult claims is procuring the best possible coverage. Our insurance coverage attorneys work with brokers, risk

managers and other insurance professionals to ensure our clients obtain the best possible coverage. We regularly handle broker contracts, policy negotiations, policy review and risk management consulting.

Our attorneys have extensive experience assisting clients with insurance due diligence in acquisitions and advising clients on insurance contract provisions in a variety of transactions.

Insolvencies and Lloyd's of London Practice

A number of our attorneys devote their practice almost exclusively to insolvencies and have handled virtually every type of interest and claim in insolvency proceedings across the country. Also, our team successfully obtains significant insurance recoveries from both solvent and insolvent London market companies. Our lawyers' experiences and expertise with presenting and negotiating claims in London plus the relationship we have developed have proven invaluable in serving our clients.

Wrongful Conviction

Our insurance recovery group has recovered millions of dollars for individuals who were wrongfully convicted of crimes. Working in concert with the nation's leading civil rights firm, Neufeld Scheck & Brustin LLP and the Innocence Project, we aggressively pursue settlements from the insurers of municipalities and government entities.

Representative Experience

- Located policies and prepared a notification matrix for a $1 billion client who needed assistance in properly notifying its carriers of toxic tort claims.
- Negotiated a multimillion-dollar settlement for a client who did not realize it had coverage that resulted in a settlement after our team conducted an insurance archeology review.
- Negotiated claims with several London market and domestic insolvent/runoff carriers and collected sizable settlements for our clients.
- Advised a client with due diligence involving the purchase of a large company with toxic tort claims. The legal team helped the client

determine if coverage existed for the claims, and the information assisted the client with determining whether to complete the transaction.

- Provided guidance on how and when to give notice to maximize coverage for a large, publicly held client for a notice for a potential future multimillion-dollar class action lawsuit.