Insurance Coverage and Bad Faith

Insurance companies face major challenges in the ever-changing arena of insurance coverage. Complex coverage issues, significant underlying claims, the involvement of multiple parties and the potential for protracted litigation require claims professionals to turn to lawyers who have a comprehensive understanding of coverage nuances—as well as the “nuts and bolts” of policy interpretation—to secure the most favorable outcome.

The Insurance Coverage and Bad Faith Group has been servicing the insurance industry for decades and has established a national reputation, particularly in the area of complex and emerging coverage issues. Our group is comprised of industry-leading professionals with real-world experience that enables us to understand the challenges our clients face in this highly regulated arena. We counsel clients on coverage questions, partner with claim professionals in investigating and handling sensitive claims and represent carriers in prosecuting and defending coverage and bad faith actions in federal and state courts and through other forms of alternative dispute resolution. Among our clients are major property and casualty insurers, and smaller regional insurance companies, for whom we do work on a national or regional basis.

We are in the forefront representing clients in complex and emerging coverage matters involving issues that continue to challenge insurers and which have been hotly contested by policyholders. These matters include coverage for:

- asbestos
- advertising injury
- antitrust
- bad faith
- construction defect
- drugs and medical devices
- environmental pollution
- employment practices
- ERISA
- intellectual property

Practice Contacts
Gregory T. LoCasale, Co-Chair
215.864.6364
locasaleg@whiteandwilliams.com

Anthony L. Miscioscia, Co-Chair
215.864.6356
misciosciaa@whiteandwilliams.com

Related Practices
Corporate and Securities
Finance
Financial Lines
Financial Restructuring and Bankruptcy
First-Party Property
Insurance Fraud
Life, Health, Disability and ERISA
Professional Liability
Real Estate
Reinsurance

Practice Highlights
- A national reputation, particularly in the area of complex and emerging coverage issues
- Understanding of coverage nuances and the nuts and bolts of policy interpretation
- Industry-leading professionals dedicated to clients and the insurance industry as a whole
Often times, we collaborate with lawyers from our varied practice groups who also advise the insurance industry.

We are not only dedicated to our clients, but to the insurance industry as a whole. Many of our lawyers have held leadership positions in various insurance-related associations, including the Federation of Defense and Corporate Counsel (FDCC), DRI, Professional Liability Underwriting Society (PLUS) and Lawyers for Civil Justice.

In order to help our clients keep pace with the multitude of new and challenging issues that arise, we regularly speak and write on topics of interest to the insurance industry. In 2007, we developed Coverage College®, the firm’s premier educational program for insurance claims professionals and one of the largest programs of its kind in the country. Each year more than 450 professionals from across the country gather for a day-long program which includes master-level educational programs, breakout sessions and networking opportunities. Classes are taught by a “faculty” of over 30 lawyers from White and Williams.

**FIRST-PARTY PROPERTY**

The property interests of a business or individual are among their most valuable, and yet, those interests are constantly at risk from various hazards, including weather, accidents, and mischief. When such a loss occurs, policyholders turn quickly to their first-party property policy to respond. Our lawyers are called upon by our insurer clients to assume various roles in such first-party claims – from spearheading a claim investigation to defending the insurer’s coverage position in litigation and on appeal – and everything in between. At each step, our lawyers carefully examine the facts of the loss, the language of the policy, and the applicable law to work through the contested issues of coverage and the scope and value of the loss.

When our clients are sued for extra-contractual claims challenging their process and/or decision, we recognize that our client’s name, good standing, and reputation are on the line. Our lawyers are equally well adept at defending these often-frivolous claims and aggressively seek their dismissal through pre-trial motions.

Whatever our role, we work collaboratively with our clients and spare no effort to achieve a favorable result.
BAD FAITH AND EXTRA-CONTRACTUAL LIABILITY

In high-stakes coverage litigation, policyholders increasingly assert claims of bad faith and extra-contractual liability against their insurers. The attorneys in the Bad Faith and Extra-Contractual Liability Group have years of experience in defending insurance carriers against these allegations. Our understanding of the insurance industry and extensive trial skills have enabled us to successfully counsel our clients to avoid bad faith claims in the first place or to take a matter to trial if those claims cannot be otherwise resolved. When punitive and bad faith damages are on the line, it is critical to have attorneys who understand your business and have the skill set necessary to focus discovery and aggressively litigate a matter to conclusion, if necessary.

We have an active bad faith and extra-contractual practice that involves counseling, and litigating on behalf of, insurers around the country. Our experience in bad faith and extra-contractual matters is extensive and diverse. We cost effectively handle extra-contractual disputes involving general liability, life, health and disability, business auto, property, liquor liability, construction, directors & officers, professional liability including architect and engineers, municipal liability and school errors & omissions. Our practice includes litigation in state and federal trial and appellate courts, as well as extensive experience in mediation and other types of ADR.

Our experienced lawyers provide significant bad faith avoidance counseling at the claim level for over 40 insurance company clients. We regularly speak on punitive damages, bad faith and bad faith avoidance before industry and professional groups including FDCC, Coverage College, ABA , Tort Trial and Insurance Section, CLM, The Institutes, ACI, CPCU and client-requested seminars. We also hold a Board of Regents seat at the American College of Coverage and Extra-Contractual Counsel.

Representative Matters

- Numerous significant jury and bench trials, including but not limited to, multiphase environmental coverage matters involving manufactured gas plants, other plant sites, waste disposal sites/landfills, as well as confirmation hearings in bankruptcy court
- Successful appeals, including issues of first impression, such as adoption of pro rata allocation under both Massachusetts law and New York; limitation of allocation to portion of policy period “triggered”; no coverage for extension of policy period; dismissal of claims against excess insurers as a result of insured’s “selection” of primary insurers/pro rata allocation under Ohio law; dismissal of claim seeking unaggregated coverage for asbestos-related bodily injury claims
- Representation of a group of property-casualty insurers who are signatories to the landmark “Wellington Agreement”
- Limiting attempts by underlying claimants and/or policyholders to pursue direct claims against or get broad declaratory relief from insurers in New Jersey and Pennsylvania
- Successful arbitrations enforcing releases under settlement agreements

Recognitions and Awards

Since 2015, White and Williams has been recognized by Chambers USA as a leading law firm in Pennsylvania for achievements and client service in the area of insurance law. The firm is recognized for offering advice to insurers and
reinsurers across a range of areas, including coverage, bad faith and excess liability. The firm is also recognized for its adroit handling of complex alternative dispute resolution cases, with clients saying "they have very formidable folk" and "provide great value."

**News**

Congratulations 2019 DE, NJ and PA Super Lawyers and Rising Stars  
May 16, 2019

Eric Hermanson Elected Fellow of American College of Coverage Counsel  
May 15, 2019

Randy Maniloff Signs "Key Issues" Book at 26th Annual West Coast Casualty Construction Defect Seminar  
May 9 - 10, 2019

Chambers USA 2019 Ranks White and Williams as a Leading Law Firm  
April 26, 2019

Josh Mooney Discusses War Exclusions in Cyber Insurance Policies  
Law360 | January 18, 2019

White and Williams Announces Lawyer Promotions  
January 2, 2019

White and Williams Earns Tier 1 Rankings from U.S. News "Best Law Firms" 2019  
November 1, 2018

12th Annual Coverage College Features Current Trends and State of the Insurance Claims Industry  
October 23, 2018

Congratulations 2018 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars  
October 18, 2018

Randy Maniloff Weighs In on Potential Golf Lawsuit  
October 9, 2018

*Best Lawyers* Recognizes Twenty White and Williams Lawyers  
August 15, 2018

Randy Maniloff Interviews Former US Senator Chris Dodd for Law360  
July 23, 2018

Randy Maniloff Interviews ABC News' Dan Abrams For Law360  
June 6, 2018

Chambers USA 2018 Ranks White and Williams as a Leading Law Firm  
May 10, 2018
Randy Maniloff Interviews Former New York Governor George Pataki For Law360
March 2, 2018

Randy Maniloff Teaching Insurance Law At Temple Law School
January 15, 2018

White and Williams Announces Lawyer Promotions
January 4, 2018

Congratulations 2017 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
November 11, 2017

White and Williams Earns National "Best Law Firm" Rankings from US News
November 1, 2017

Best Lawyers Recognizes Fifteen White and Williams Lawyers
August 15, 2017

Chambers USA 2017 Ranks White and Williams as a Leading Law Firm
May 26, 2017

White and Williams Elects Four Lawyers to Partnership, Promotes Six Associates to Counsel
January 6, 2017

White and Williams Earns Tier 1 Rankings from U.S. News “Best Law Firms” 2017
November 1, 2016

Congratulations 2016 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
October 18, 2016

Coverage College Celebrates Its 10th Anniversary
September 22, 2016

White and Williams’ Insurance Practice Receives Top Honors
September 22, 2016

Partners Patti Santelle and Gale White honored as “Top Women in Law” by The Legal Intelligencer
September 16, 2016

Best Lawyers Recognizes Twelve White and Williams Lawyers
August 15, 2016

Chambers USA 2016 Ranks White and Williams as a Leading Law Firm
May 31, 2016

White and Williams Announces the Election of Five Lawyers to the Partnership and the Promotion of Five Associates to Counsel
January 14, 2016
White and Williams Earns "Best Law Firm" Distinction by US News and World Report
November 3, 2015

Congratulations 2015 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
October 21, 2015

The Ninth Annual Coverage College Features True-to-Life Case Study
October 8, 2015

White and Williams Lawyers Recognized by Best Lawyers
August 17, 2015

Erica Kerstein Joins White and Williams New York Office
July 13, 2015

Chambers USA 2015 Ranks White and Williams as a Leading Law Firm
May 19, 2015

White and Williams Nationally Recognized as a Top-Tier Firm by U.S. News and World Report
November 3, 2014

Congratulations 2014 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
October 22, 2014

Randy Maniloff Elected to American Law Institute
October 22, 2014

Coverage College® 2014 Brings Over 600 Students Together for Eighth Annual Insurance Industry Event
October 3, 2014

Sean Mahoney Joins White and Williams Coverage Practice
May 5, 2014

White and Williams Listed by A.M. Best for over 50 Years
February 12, 2014

White and Williams Defeats Policyholder’s Attempt to Invalidate Asbestos Exclusions
January 23, 2014

White and Williams Earns National Recognition by U.S. News and World Report
November 4, 2013

Long History of Links and Litigation: Randy Maniloff Interviewed by Philadelphia Inquirer
June 9, 2013

Randy Maniloff Published in the Wall Street Journal
April 29, 2013
Randy Maniloff Discusses Insurance on WCHE 1520AM Radio Program, Legal Talk
February 12, 2013

White and Williams LLP Receives AM Best's "Recommended Insurance Attorneys" Badge Again
February 11, 2013

Gale White a Founding Member of the American College of Coverage and Extracontractual Counsel
December 6, 2012

Patricia Santelle Receives Industry Honors
August 28, 2012

U.S. News and World Report Gives "Best Law Firm" Honors to White and Williams in Insurance Law

Claims and Litigation Management Alliance Extends Invitation to Joshua A. Mooney for Membership
March 22, 2012

Oxford University Press | February 6, 2012

White and Williams LLP Receives AM Best's "Recommended Insurance Attorneys" Badge
January 16, 2012

Eight Lawyers Admitted to U.S. District Court for Eastern District of PA
November 15, 2011

Randy Maniloff's Binding Authority Selected as a LexisNexis Top Blog 2011 Winner
November 15, 2011

Coverage College 2011® Brings Over 500 Students Together for Fifth Annual Insurance Industry Event
October 6, 2011

Gale White Elected to FDCC Board of Directors
August 26, 2011

Gale White and Lori Kachmar Recognized as Top Women Lawyers in Pennsylvania
August 1, 2011

Insurance Coverage Attorneys Contribute to MA Liability Insurance Manual
May 23, 2011

Randy Maniloff Signs "Key Issues" Book at West Coast Casualty Construction Defect Conference
May 2011

Oxford University Press Publishes "General Liability Insurance Coverage - Key Issues in Every State"
Oxford University Press | January 2011
Gale White Receives 2009 Franklin Award
April 16, 2009

Publications

PA Superior Court Provides Clarification on Definition of CGL “Occurrence” When Property Damage Is Caused by Faulty Building Conditions
Insurance Coverage and Bad Faith Alert | July 25, 2019

Garlock Five Years Later: Recent Decisions Illustrate Ongoing Obstacles to Asbestos Trust Transparency
The Complex Insurance Coverage Reporter | July 18, 2019

Trust the Process – A Process That Develops Reasonable Justification for a Coverage Determination Will Disarm a Bad Faith Claim
Insurance Coverage and Bad Faith Alert | June 10, 2019

Indiana Federal Court Holds No Coverage for $50M Default Judgment for Lack of Timely Notice of Class Action
Insurance Coverage and Bad Faith Alert | June 5, 2019

Invasion of Privacy Exclusion in a Claims-Made Policy and Looking Ahead to Data Privacy Litigation
Insurance Coverage and Bad Faith Alert | June 3, 2019

“Based On”… What Exactly? NJ Appellate Division Examines Phrase and Estops Insurer From Disclaiming Coverage for 20-Month Delay
Insurance Coverage and Bad Faith Alert | May 31, 2019

Federal Court Asks South Dakota Supreme Court to Decide Whether Injunction Costs Are “Damages,” Adopts Restatement’s Position on Providing “Inadequate” Defense
Insurance Coverage and Bad Faith Alert | May 28, 2019

Declarations: The Coverage Opinions Interview With Preet Bharara
Coverage Opinions | April 30, 2019

Sharing Privileged Communications: What Insurers and Reinsurers Need to Know
Complex Insurance Coverage Reporter | April 17, 2019

What Types of Insurance for Startups? Consider Your Risks and Liabilities
JD Supra Corporate Law Report | March 25, 2019

Declarations: The Coverage Opinions Interview With Leon Panetta
Coverage Opinions | March 20, 2019

Declarations: The Coverage Opinions Interview With Anthony Scaramucci
Coverage Opinions | February 6, 2019
Two Recent Cases Highlight the Importance of Complying With New York’s Coverage Disclaimer Rules

*Insurance Coverage and Bad Faith Alert* | January 29, 2019

The Complex Insurance Coverage Reporter – A Year in Review

*The Complex Insurance Coverage Reporter* | January 23, 2019

Pennsylvania Federal Court Addresses Recurring Asbestos Coverage Issues

*The Complex Insurance Coverage Reporter* | January 18, 2019

Supreme Court Rejects “Wholly Groundless” Exception to Question of Arbitrability

*Reinsurance Alert* | January 9, 2019

Eighth Circuit Holds Deposition Testimony Shows Adequate Notice Given for TCPA Exclusion

*The Coverage Inkwell* | January 4, 2019

Declarations: The Coverage Opinions Interview With The Honorable Jack Weinstein

*Coverage Opinions* | January 3, 2019

Declarations: The Coverage Opinions Interview With Fred Fielding

*Coverage Opinions* | December 19, 2018

New York State Trial Court Addresses “Trigger of Coverage” for Asbestos Claims and Other Coverage Issues

*The Complex Insurance Coverage Reporter* | December 12, 2018

Insureds Suing Individual Adjusters – What Will Change If The Washington Supreme Court Decides That Adjusters May Be Sued For Bad Faith?

*The Complex Insurance Coverage Reporter* | December 11, 2018

Delaware Superior Court Applies “Capacity” Exclusion to Deny Coverage Under D&O Policy

*Directors and Officers Alert* | December 4, 2018

New York Appellate Court Holds Insurer’s Failure to Defend Does Not Constitute a “Reasonable Excuse” Required to Overturn Judgment

*Insurance Coverage and Bad Faith Alert* | December 4, 2018

Delaware Supreme Court Rules Insured’s Claim Too Late, Reverses Bad Faith Judgment

*Insurance Coverage and Bad Faith Alert* | November 30, 2018

Third Circuit Court of Appeals Concludes “Soup to Nuts” Policy Does Not Include Faulty Workmanship Coverage

*Insurance Coverage and Bad Faith Alert* | November 21, 2018

Declarations: The Coverage Opinions Interview With Michael Chertoff

*Coverage Opinions* | November 7, 2018

A Divided Florida Supreme Court Drastically Expands Liability for Bad Faith Claims

*Complex Insurance Coverage Reporter* | September 24, 2018
Covering an American Epidemic: Insurance Coverage Issues Arising out of the Opioid Crisis
*Complex Insurance Coverage Reporter* | September 24, 2018

New York State Trial Court: Non-Cumulation Provision in Excess Policies Mandates “All Sums” Allocation
*Complex Insurance Coverage Reporter* | September 6, 2018

Does Counterclaim Litigation Exhaust a SIR? The Visionaid Effect
*TortSource* | August 31, 2018

Restatement of the Law-Liability Insurance Debate Now Shifts to Its Impact
*The Legal Intelligencer* | August 22, 2018

Pennsylvania Supreme Court Will Not Address Trigger for DEP Environmental Cleanup Action at This Time
*Insurance Coverage and Bad Faith Alert* | July 19, 2018

Declarations: The Coverage Opinions Interview With Former U.S. Senator Chris Dodd
*Coverage Opinions* | July 18, 2018

Delaware Supreme Court Choice of Law Ruling Vacates a $13.7 Million Verdict Against Travelers
*Insurance Coverage and Bad Faith Alert* | July 17, 2018

The ALI Restatement – What Lies Ahead?
*Complex Insurance Coverage Reporter* | July 12, 2018

Appellate Division: Violation of New York Insurance Law § 3420(d)(2) Does Not Constitute an Unfair Claims Handling Practice
*Insurance Coverage and Bad Faith Alert* | June 11, 2018

Declarations: The Coverage Opinions Interview With Dan Abrams
*Coverage Opinions* | June 6, 2018

Another Court Broadly Construes “Interrelated Wrongful Acts” Provision
*Insurance Coverage and Bad Faith Alert* | June 1, 2018

Update: Texas Supreme Court Issues New Opinion in Menchaca Bad Faith Case
*Complex Insurance Coverage Reporter* | May 18, 2018

Declarations: The Coverage Opinions Interview With Judge Robert Braithwaite
*Coverage Opinions* | May 9, 2018

New York’s Highest Court Rejects “Unavailability” Exception to Pro Rata Allocation in Long-Tail Claims
*Complex Insurance Coverage Reporter* | May 4, 2018

District of Maryland: Prior Knowledge Exclusion in Policy Application Bars Coverage
*Insurance Coverage and Bad Faith Alert* | May 3, 2018

Wisconsin Appeals Court Finds No Duty to Defend Under Excess Policies
*Complex Insurance Coverage Reporter* | May 1, 2018
Another Court Applies New York’s “Sufficient Factual Nexus” Test to Related Claims  
*Insurance Coverage and Bad Faith Alert* | April 27, 2018

Insurers May Consider Extrinsic Evidence “Irrelevant to the Principal Merits” in Evaluating the Duty to Defend  
*Insurance Coverage and Bad Faith Alert* | April 24, 2018

No Coverage for Seafood Importer Netted in Phishing Scam  
*The Coverage Inkwell* | April 18, 2018

Declarations: The Coverage Opinions Interview with Michael Rubinoff  
*Coverage Opinions* | April 11, 2018

After the Driverless Fatality, Insurance and Litigation Will Be Forever Changed  
*Law.com* | April 10, 2018

Insurers of Directors and Officers of Delaware Corporations Must Take Heed of The Superior Court’s Recent Murdock Decision  
*Directors and Officers Alert* | April 10, 2018

New York Court of Appeals Rejects Unavailability Exception to Pro Rata Allocation  
*Insurance Coverage and Bad Faith Alert* | March 28, 2018

California Federal Court: “All Sums” Allocation Applies to Meso Case Under CA and NY Law  
*Complex Insurance Coverage Reporter* | March 20, 2018

Declarations: The Coverage Opinions Interview With Former New York Governor George Pataki  
*Coverage Opinions* | March 7, 2018

An Insurer’s Guide to Reserving Rights: Tips for Avoiding Waiver and Estoppel  
*Complex Insurance Coverage Reporter* | February 22, 2018

Massachusetts High Court to Decide if Insurers Can Recoup Defense Costs  
*Complex Insurance Coverage Reporter* | February 2, 2018

Declarations: The Coverage Opinions Interview with Bob Woodruff  
*Coverage Opinions* | January 31, 2018

Ohio Court Of Appeals: Absolute Pollution Exclusion Bars Coverage For Workplace Coal-Tar Pitch Exposure Claims  
*Complex Insurance Coverage Reporter* | January 4, 2018

Texas Supreme Court to Rehear *Menchaca* Bad Faith Case  
*Complex Insurance Coverage Reporter* | January 3, 2018

Coverage For Defense Costs Under Excess Policies – Missouri Court Surveys the Landscape  
*Complex Insurance Coverage Reporter* | December 20, 2017

New York Court of Appeals Disavows the “Bellefonte Rule”  
*Reinsurance Alert* | December 14, 2017
Top 10 Coverage Cases of 2017 (17th Annual)

Ninth Circuit to Address Application of Pollution Exclusion to Indoor Carbon Monoxide Exposure Claim under Oregon Law

Connecticut Supreme Court to Review Several Issues in Asbestos Coverage Case

Declarations: The Coverage Opinions Interview with Blind Melon's Rogers Stevens

Rancosky Adopts Terletsky: Pennsylvania Supreme Court Sets Standard for Statutory Bad Faith Claims

Declarations: The Coverage Opinions Interview with Ben Brafman

ALI Liability Insurance Restatement: Latest Happenings

Massachusetts Holds That Insurers Need Not Fund Insured’s Counterclaims

Declarations: The Coverage Opinions Interview with Floyd Abrams

Massachusetts Supreme Judicial Court Rules Duty To Defend Does Not Include Duty To Prosecute Counterclaims

U.S. Supreme Court Again Curbs Personal Jurisdiction for Out-of-State Corporations

ALI Liability Insurance Restatement - Final Approval Delayed: What It Means

Declarations: The Coverage Opinions Interview with Scott Turow

Courts Agree That "Insured v. Insured" Exclusion Bars Coverage in "Mixed Actions"

Declarations: The Coverage Opinions Interview with Gloria Allred
Declarations: The Coverage Opinions Interview with Robert Morgenthau
Coverage Opinions | March 21, 2017

Declarations: The Coverage Opinions Interview with Karen Korematsu
Coverage Opinions | February 13, 2017

Delaware High Court Rejects Effort to Target Defense IME Physician
Healthcare Alert | January 24, 2017

Proposed Arbitration Limitations and the FAA: Are We Headed for a Showdown?
The Legal Intelligencer | January 17, 2017

Declarations: The Coverage Opinions Interview with Marcia Clark
Coverage Opinions | November 9, 2016

Up To The Task
The Legal Intelligencer | November 2, 2016

Insurer Exposure Limited in Suit Involving “Fight Club” Daycare
Insurance Coverage Alert | September 23, 2016

Athletic Participants Exclusions “Clear and Unambiguous” to College Lacrosse Player’s Death During Practice
Insurance Coverage and Bad Faith Alert | September 21, 2016

Game of Drones: Liability and Insurance Coverage Issues Coming
The Legal Intelligencer | August 30, 2016

Declarations: The Coverage Opinions Interview with John Q. Public
Coverage Opinions | June 22, 2016

Supreme Court Clarifies Key Principles Under The Federal False Claims Act
Commercial Litigation Alert | June 17, 2016

Declarations: The Coverage Opinions Interview With Brendan V. Sullivan, Jr.
Coverage Opinions | May 31, 2016

Capturing the Elusive Prejudice Standard: 4th Circuit Offers "Meaningful" Test
Insurance Coverage Alert | May 6, 2016

Declarations: The Coverage Opinions Interview with Rev. Robert Hagan (Father Rob) - Lawyer Turned Chaplain For Villanova Men's Basketball Team
Coverage Opinions | April 29, 2016

Liability Coverage for Claims of Publishing Secret Data Does Not Require Access by Others
Insurance Coverage Alert | April 15, 2016

Declarations: The Coverage Opinions Interview With Carter Phillips - The Supreme Court's Frequent Trier
Coverage Opinions | March 30, 2016
What Is the Most Interesting Liability Coverage Issue?
Coverage Opinions | March 14, 2016

Delaware Supreme Court Determines Timing of Action for Bad Faith Failure to Settle Third-Party Claim
Insurance Coverage Alert | March 8, 2016

Declarations: The Coverage Opinions Interview with Raoul Felder
Coverage Opinions | February 10, 2016

Three's a Trend: Second, Fourth and Ninth Circuits Uphold Broad "Related Claims" Language
Insurance Coverage Alert | February 1, 2016

Declarations: The Coverage Opinions Interview With Cyril Wecht, M.D., J.D.
Coverage Opinions | January 13, 2016

9th Circuit Ruling Might Be End for Zip Code Coverage Suits
Law360 | December 21, 2015

Maximizing Contractual Indemnity Rights: Insuring the Indemnitor's Obligation
Insurance Coverage Alert | November 25, 2015

Maximizing Contractual Indemnity Rights: Components of an Effective Provision
Insurance Coverage Alert | November 23, 2015

Maximizing Contractual Indemnity Rights: Problems with Common Law
Insurance Coverage Alert | November 19, 2015

Delaware Supreme Court Holds that Employer is Free to Acquire Maximum Uninsured Motorist Coverage on a Company Car Solely for Key Personnel
Insurance Coverage Alert | November 6, 2015

Third Circuit Holds "Privacy" Means Secrecy, "Publication" Means Dissemination to the Public, and "In Any Manner" Does Not Change Meaning of Publication
The Coverage Inkwell | October 2, 2015

Blurred Lines: New York Supreme Court Clarifies Scope of Privileged Documents in Connection with Pre-Denial Communications Prepared by Insurer's Coverage Counsel
Insurance Coverage Alert | September 8, 2015

The Coverage Opinions Exclusive Interview with Attorney General Alberto Gonzales
Coverage Opinions | August 26, 2015

Pennsylvania Supreme Court Adopts New Rule in Breach-of-the-Consent-to-Settle-Clause Cases
Insurance Coverage Alert | August 19, 2015

Class-Action Foul Territory
The Coverage Opinions Exclusive Interview With American Pharoah
Coverage Opinions | June 9, 2015

The Coverage Opinions Interview With Tom Brady
May 20, 2015

The Coverage Opinions Interview With New York Times #1 Best Selling Author Nelson DeMille
Coverage Opinions | April 8, 2015

Delaware State Court Holds that Defective Workmanship Claims do not Trigger Coverage by a Builder’s Commercial General Liability Policy
Insurance Coverage Alert | April 3, 2015

The Coverage Opinions Interview with Robert F. Kennedy, Jr.
Coverage Opinions | March 18, 2015

The Coverage Opinions Interview With Frank Shorter - Olympic Gold Medalist And Lawyer
Coverage Opinions | February 18, 2015

The Many Flavors of Environmental Insurance
Environmental Claims Journal | January 2015

The Coverage Opinions Interview With Robert S. Smith, Former Judge, New York Court Of Appeals
Coverage Opinions | January 14, 2015

Entire Fairness or Business Judgment? It’s Anyone’s Guess
Corporate and Securities Alert | January 9, 2015

Delaware Superior Court Denies Uninsured Motorist Claim of Employee Operating Company Car
Insurance Coverage Alert | January 7, 2015

The Coverage Opinions Interview With Former Senate Majority Leader George Mitchell
Coverage Opinions | December 3, 2014

The Coverage Opinions Interview with Oscar Goodman - From Mob Lawyer to Mayor of Las Vegas
Coverage Opinions | November 5, 2014

Delaware Settlements with Minors and the Uniform Transfer to Minor Act
Insurance Alert | October 16, 2014

New Jersey Superior Court Sides with Insurers in Dispute Concerning Assignability of Policies
Financial Restructuring Alert | October 10, 2014

The Coverage Opinions Interview with Laurence Tribe
Coverage Opinions | October 6, 2014

Delaware Court of Chancery Provides Guidance On Application of MFW On Motion To Dismiss
Corporate and Securities Alert | September 11, 2014
Missouri Appellate Court Rules CGL Insurer's Reservation of Rights Letter Unclear, Untimely and Ineffective

The Coverage Opinions Interview with Leigh Steinberg - The Greatest Sports Agent in History

Cracking Coverage Issues in Data Breach Cases

The Coverage Opinions Interview With Jay Bilas - Duke Basketball Star And Coach, Lawyer, ESPN Broadcaster, Author

The Coverage Opinions Interview With Stanley Feldman, Former Chief Justice Of The Arizona Supreme Court

New Jersey Appellate Division Affirms Grant Of Permissive Intervention To Void Settlement Obtained By Legally Invalid Class Action

New York's Highest Court Reverses Lower Court Ruling That Imposed Erroneous Timeliness Requirement For Disclaimers of Coverage

Three Missed Takeaways from the Sony Data Breach Case

The Coverage Opinions Interview With Justice Don Willett Of The Supreme Court Of Texas

Coverage B: A Person Is Not A Company

My Favorite Issue; Interview with Robert Shapiro

Interview w/ Joe Jamail - the Richest Lawyer in America; Slurpee Brain Freeze Coverage

My Favorite Interview (Mark Geragos); Biggest Coverage Case Ever
Case You Must Read (Pt. 2); The Coolest Coverage Lawyer in America
Coverage Opinions | March 4, 2014

Just How Many Cyber Policies Are Floating Around Out There? (Not Nearly As Many As You Are Being Told)
Insurance Coverage Alert | February 25, 2014

Attention Shoppers: Increased Risk of Identity Theft from a Data Breach is Not an Injury
The Coverage Inkwell | February 12, 2014

The Coverage Opinions Interview With Alan Dershowitz
Coverage Opinions | January 27, 2014

Recall Total: Discussing (Sort of) the Meaning of Publication in a Data Breach Case
The Coverage Inkwell | January 16, 2014

Coverage for Dummies (6th Annual); Most Significant Cases 2013
Coverage Opinions | January 6, 2014

To Infinity And Beyond - Long Dissolved Corporations Remain Subject To Claims According To The Delaware Supreme Court
Insurance Alert | December 20, 2013

The Cover-age Story: Ten Most Significant Insurance Coverage Decisions Of 2013
Coverage Opinions | December 18, 2013

The Cover-age Story: Declarations: The Coverage Opinions Interview With Brian Rodgers, Corporate Director of Safety And Risk Management For Butterball, LLC
Coverage Opinions | November 27, 2013

The Cover-age Story: Randy Spencer's Open Mic: The Most Interesting Insurance Man In The World
Coverage Opinions | November 13, 2013

Coverage Opinions | October 30, 2013

Internet Cookies, Personally Identifiable Information, And The Internet
The Coverage Inkwell | October 25, 2013

The Cover-age Story: Declarations: The Coverage Opinions Interview With Judge Richard Posner
Coverage Opinions | October 16, 2013

First Circuit Rules on Scope of Uninsured Location Exclusion in Homeowner's Policy
Insurance Coverage Alert | October 10, 2013

The Cover-age Story: Declarations: The Coverage Opinions Interview With Alan Page
Coverage Opinions | September 16, 2013
The Cover-age Story: Demand For Independent Counsel: Panel Counsel And The "Steering" Argument  
Coverage Opinions | September 4, 2013

Babcock Signals Big Change In Pa. Duty-To-Defend Law  
Law360 | August 22, 2013

MA Court Issues Ruling Favorable to Insurers on Extrinsic Evidence, Interrelatedness  
Insurance Coverage Alert | August 21, 2013

The Cover-age Story: The Greatest Coverage Mystery: What Is An Accident? 70 Years And Still No Easy Answers  
Coverage Opinions | August 12, 2013

New Pennsylvania Law on Duty To Defend and The Insured’s Right To Settle  
The Coverage Inkwell | August 2, 2013

A Question For Cyber Coverage: Another Court Holds “Without Authorization” Under CFAA Means Hacking  
The Coverage Inkwell | July 25, 2013

The Cover-age Story: Cyberia: Ohio Federal Court's Decision Not To Be Exiled Court's Definition Of "Publication" Useful For Hacking Claims Under CGL Policies  
Coverage Opinions | July 22, 2013

A Leave It To Beaver Lesson: Paying Royalties Is Not Loss From A Wrongful Act  
The Coverage Inkwell | July 19, 2013

The Cover-age Story: Hardest Issue Of Them All  
Coverage Opinions | July 10, 2013

Striking Out With The Intellectual Property Exclusion Exception  
The Coverage Inkwell | June 28, 2013

The Cover-age Story: The Wedding Nightmare Issue  
Coverage Opinions | June 19, 2013

The Cover-age Story: Hole in One: Insurance & the Law  
Coverage Opinions | June 5, 2013

The Cover-age Story: Interview With An Insurance Legend  
Coverage Opinions | May 22, 2013

The Cover-age Story: The Case Getting A Lot Of Buzz  
Coverage Opinions | May 7, 2013

The Cover-age Story: The Case That You Must Read  
Coverage Opinions | April 24, 2013

The Cover-age Story: Declarations: The Coverage Opinions Interview With Ken Feinberg, "Pay(ment) Czar"  
Coverage Opinions | April 10, 2013
The Cover-age Story: Declarations: Coverage Opinions Takes The Field To Talk Risk And Insurance With Jonathan Mariner, Chief Financial Officer Of Major League Baseball
Coverage Opinions | March 27, 2013

No Acrobatics: Buzz-words and Phrases Do Not Create Coverage
The Coverage Inkwell | March 22, 2013

The Cover-age Story: Coverage Opinions Visits Penn Law School: IL Changes History Of Torts
Coverage Opinions | March 13, 2013

The Cover-age Story: Declarations: The Coverage Opinions Interview With Maurice R. ("Hank") Greenberg
Coverage Opinions | February 27, 2013

Some Sweet Cases: The Unauthorized Use Exclusion & Reliance Upon a Court Decision of No Coverage
The Coverage Inkwell | February 15, 2013

The Cover-age Story: Happy Valentine's Day: 50 Ways To Leave No Cover
Coverage Opinions | February 13, 2013

The Cover-age Story: To Be Or Not To Be Defined?
Coverage Opinions | January 30, 2013

Only The Fax Matter: The Phrase "Knew Or Should Have Known" Does Not Alleged Negligence
The Coverage Inkwell | January 26, 2013

The Cover-age Story: The Single Most Important Coverage Issue: Duty To Defend: “Four Corners” Or “Extrinsic Evidence”
Coverage Opinions | January 16, 2013

The Future of Diversity and Inclusion in the Philadelphia Legal Profession
The Legal Intelligencer | January 14, 2013

The Cover-age Story: 5th Annual “Coverage For Dummies”
Coverage Opinions | January 3, 2013

The Cover-age Story: Single Cause Is Comin’ To Town
Coverage Opinions | December 19, 2012

The Oracle Says: For CFAA Claims, Alleged “Hacking” And Plead With Particularity (Sometimes)
The Coverage Inkwell | December 14, 2012

Michigan Court Expands Meaning Of “Material That Violates A Person’s Right Of Privacy”
December 12, 2012

50 States Of Grey Claims: The 10 Most Significant Insurance Coverage Decisions Of 2012
Coverage Opinions | December 5, 2012

Michael Taylor Designs Affirmed
The Coverage Inkwell | November 9, 2012
Announcing A New Bi-Weekly Publication On Insurance Coverage Issues By Randy Maniloff  
October 18, 2012

Binding Authority: So Long, Farewell, Auf Wiedersehen, Goodnight  
*Binding Authority* | October 6, 2012

Duty to Fender Bender: Connecticut Federal Court Held That Umbrella Insurer Had A Duty to Defend An Auto Claim (even while a defense was provided under the unexhausted primary policy)  
*Binding Authority* | September 23, 2012

Chilly Reception: Virginia Supreme Court Rejects Coverage For Power Plant For Damages Allegedly Caused By Global Warming  
*Binding Authority* | September 17, 2012

Data Breach Alert: Copied Customer Information is Loss, but Not “Confidential Information” Under Exclusion  
*The Coverage Inkwell* | September 11, 2012

Leaking Like Progressieve?: What’s Next For Insurers After The UIM Claim Heard ‘Round The World; Will More Money Now, Err, Flo?  
*Binding Authority* | August 24, 2012

Dr. Frackenstein: Or How I Learned to Stop Worrying and Love the Risk  

Chrissie Hynde’s Favorite Coverage Issue: Pretenders Defense Costs; California Federal Court’s Decision Is Not In The Middle Of The Road  
*Binding Authority* | August 21, 2012

California Supreme Court Issues Long-Awaited Allocation Decision: Adopts The “One Giant ‘Uber Policy’” Approach  
*Binding Authority* | August 9, 2012

Sui Generis: Smoke and Mirrors - How Soot May Be the Next Asbestos  
*Sui Generis* | August 9, 2012

Illinois Federal Court: No Defect In Construction Of Sub-Contractor Exclusion  
*Binding Authority* | July 28, 2012

Sui Generis: A Duo of Climate Change Suits Gains Traction Under the Public Trust Doctrine  
*Sui Generis* | July 24, 2012

Mark This Down - Clearance Sale Qualifies as Product Disparagement for Purposes of Duty to Defend  
*The Coverage Inkwell* | July 20, 2012

California Court Holds that Trading on Someone Else's Reputation is Not Disparagement  
*The Coverage Inkwell* | July 16, 2012
Sui Generis: Eastern District Upholds Retroactive Date in E&O Policy
*Sui Generis* | July 10, 2012

Wisconsin Appeals Court Puts The End In Defend: Insurer Can Settle The Only Covered Claim And Then Withdraw From The Defense
*Binding Authority* | June 25, 2012

A Trademark Infringement Action Also Can Be an Action for Infringement of a Slogan
*The Coverage Inkwell* | June 8, 2012

District Court Makes Illi-noise Whether Policy Language Can Alter A Long-Standing Duty To Defend Rule; Court Prevents Insurer From Defending For Itself
*Binding Authority* | May 19, 2012

CA Court Says “Palming Off” is Not Slander or Misappropriation of a Style of Doing Business
*The Coverage Inkwell* | May 8, 2012

Breach of Contract Exclusion Doesn’t Bar Coverage for Copyright Infringement
*The Coverage Inkwell* | April 27, 2012

Sui Generis: So Much for Global Warming Claims
*Sui Generis* | April 23, 2012

At A Loss For Words: 7th Circuit Defines “Loss” Without Needing Any Words From the Policy; Posner: No Coverage For the Return Of Money That The Insured Was Never Entitled To
*Binding Authority* | April 15, 2012

The Computer Fraud and Abuse Act Prohibits Unauthorized Access, Not Use
April 13, 2012

What is a Slogan?
April 10, 2012

Contractor Says Oh-CIP: I’m Not Enrolled In The Wrap-Up; Louisiana District Court Addresses Wrap-Up Policy Enrollment
*Binding Authority* | April 8, 2012

New York State Of Bind For Policyholder: District Court Does Not Allow General Contractor To Reach The “Subcontractor Exception”
*Binding Authority* | April 1, 2012

For Real? Is Counterfeiting Becoming The “New” Trade Disparagement For Purposes Of “Personal and Advertising Injury” Coverage?
*Mealey’s Emerging Insurance Disputes* | March 22, 2012

Indiana Supreme Court Slams The Flexdar Shut On Any Chance To Change Kiger Hoosier State Remains The Toughest In The Country For Insurers And The Pollution Exclusion The Most Eagerly Anticipated Coverage Decision In The Nation
*Binding Authority* | March 22, 2012
Posner On The Pollution Exclusion: Could It Have Been The Most Important Decision Ever?  
_Binding Authority_ | March 16, 2012

Holy Terms And Conditions: Wisconsin Supreme Court Says Kapow To Insured’s Argument That Bat Guano Is Not A Pollutant  
_Binding Authority_ | March 6, 2012

Eastern District of Pennsylvania Issues a Significant Kvaerner/Gambone Decision; Fourth Circuit Court of Appeals Issues the Most Significant Coverage Decision of 2012 – Addressing Coverage for Pre-Existing Duties  
_Binding Authority_ | February 28, 2012

The Hanging Chad of Coverage Issues: Any Insured Versus The Insured; Florida Federal Court Uses A Tiny Thing To Make A Big Decision  
_Binding Authority_ | February 22, 2012

Linsurance Coverage: The Issue That Everyone Is Talking About  
_Binding Authority_ | February 17, 2012

Global Warning: Virginia Trial Lawyers Association Predicts The End Of Liability Insurance Following AES v. Steadfast Insurance Company  
_Mealey’s Litigation Report: Insurance_ | February 8, 2012

Insured In The Hole: Prisoner Working In The Kitchen Is Not A Volunteer; 24601 Unique Case  
_Binding Authority_ | January 25, 2012

Texas Appeals Court: Insurer Has Duty to Defend Austin Power; Dr. Evil For Insurers: A Duty To Defend Standard That Is A Mystery  
_Binding Authority_ | January 18, 2012

Two Thousand And Unleaven: A Flat Year For Insurance Coverage  

**Events**

Various Types of Cyber Coverages: How They Interact with Other Types of Insurance, Including Property, General Liability and E&O Policies  

Emerging Coverage Issues Under Cyber/Technology Errors and Omissions Insurance Policies  
White and Williams LLP (New York, NY)  | March 20, 2019

Pre-Suit Duties Under CGL Policies  
ABA TIPS Insurance Coverage Litigation Midyear Meeting (Phoenix, AZ)  | February 2019

Applying the Top 5 Coverage Decisions of 2018 in Daily Claims Handling  
Client Seminar | January 30, 2019
How to Mediate a Cyber Dispute  
CLM Insurance Conference (New York, NY) | December 12, 2018

Coverage College 2018  
October 4, 2018

Deposition Basics: Practical Tips for a Successful Deposition  
Client Seminar | August 22, 2018

A Comparison of Insurance Bad Faith Law in Pennsylvania, New Jersey and New York  
NJ Institute for Continuing Legal Education Seminar (New Brunswick, NJ) | August 21, 2018

Cyber Insurance in Commercial Contracts: Allocation of Risk, Coverage, Interplay With Other Insurance Requirements  
Strafford CLE Webinar | July 10, 2018

East Coast Meets West Coast – Hot Construction Defect Issues and Coverage Cases from the Other Coast  
2018 West Coast Casualty Construction Defect Seminar (Anaheim, CA) | May 16, 2018

Evaluating Additional Insured Coverage and Contractual Indemnity  
Client Presentation | April 25, 2018

Cutting-Edge Trends and Developments in Allocation Issues  
Perrin Conference for Emerging Insurance Coverage & Allocation Issues (Philadelphia, PA) | April 11, 2018

2017 NAIC Insurance Data Security Model Law  
Strafford Webinar | March 29, 2018

A New Set of Rules: How the Restatement Expands Bad Faith Liability by Calling it Something Else  
26th TIPS Annual Insurance Coverage Litigation Mid-Year Conference – Tool Box Presentation (Phoenix, AZ) | February 23, 2018

Reading and Understanding the Insurance Policy  
Client Seminar | January 2018

New Jersey Allocation "Carter Wallace 102"  
Client Seminar | December 2017

What's Hot in Coverage: A Survey of the Latest and Greatest in Construction Coverage  
2nd Annual Construction Defect, Claims Litigation and Strategies ExecuSummit (Uncasville, CT) | December 5, 2017

A New Set of Rules: How the Restatement Expands Bad Faith Liability by Calling it Something Else  
White and Williams Coverage College | October 26, 2017

Independent Counsel: When, How and Why?  
White and Williams Coverage College | October 26, 2017

Successful Advocacy Strategies for Women in Mediation  
The Union League Club New York | May 15, 2017
Reps and Warranties Insurance Coverage Update  
2nd Annual Reps & Warranties & Transactional Liability Insurance ExecuSummit | Ucasville, CT | May 2, 2017

Non-Cumulation and Prior Insurance Clauses: Policy Provisions, the State of the Law and Practical Application  
Client Seminar | February 2017

The Duty to Defend: Advanced, Challenging and Unique Issues  
The National Underwriting Company Webinar | November 16, 2016

The Role of Indemnity in Insurance and Business Transactions and Litigation  

Insurance Coverage for Data Breaches and Privacy Violations: Are Your Corporate Clients Adequately Protected?  
Strafford Webinars | May 18, 2016

CGL Policy Road Trip: 66 Advanced Stops Along the Way  
The National Underwriter Company Webinar | March 30, 2016

Allocation and Exhaustion: Coverage Issues and Practical Applications  
Client Seminar | March 2016

Determining Duties and Obligations: Insuring Agreement, Exclusions and Conditions  
Client Seminar | February 2016

Insurance Coverage for Data Breaches and Privacy Violations: Are Your Corporate Clients Truly Protected?  
Strafford Legal Webinars | May 20, 2015

Just When You Thought You Knew How to Allocate Long Tail Claims  

A Practitioner's Perspective on Rules of Insurance Contract Interpretation  
Restatement of Law of Liability Insurance Conference, Rutgers School of Law-Camden | February 27, 2015

What is the Occurrence and How Many Are There?  
Client Seminar | February 21, 2015

Is It Covered? Data Breaches and Privacy Rights  
CPCU Society Philadelphia Chapter Meeting | February 19, 2015

Basic Commercial Coverage Issues  
New Lawyers Section, Boston Bar Association | January 16, 2015

Insuring Against Terrorism - TRIA and Private Insurance in the Wake of the Boston Bombings  
2014 ABA Annual Meeting - Tort Trials & Insurance Practice Section (Boston, MA) | August 8, 2014

Role of Indemnity Insurance in Business Litigation  
Attorney-Client Privilege in Bad Fath Litigation: Pushing the Limits
March 5, 2014

American Conference Institute - Bad Faith Litigation (Miami, FL) | November 21, 2013

Tales from the Crypt...Death, Dismemberment, Gore and More
White and Williams Coverage College | October 3, 2013

Dining Out Legal Issues for Restaurants and their Customers

Bad Faith and Ethics: Overcoming Recent Ethical Challenges and Factoring in Emerging Ethics Standards Around Social Media, ESI and Attorney-Client Privilege
The American Conference Institute’s 23rd National Advanced Forum on Bad Faith Litigation (Orlando, FL) | November 29, 2012

Avoiding Legal Malpractice

Avoiding Legal Malpractice

2012 Coverage College®
October 4, 2012

Oklahoma Bar Association Insurance Law Section
Tulsa, OK | April 1, 2012

**Cases & Deals**

Media Coverage Team Obtains Summary Judgment in Connection with Underlying Defamation Lawsuit
January 23, 2019

NY Federal Court Reaffirms White and Williams Win in Former Gas Plant Pollution Coverage Dispute
May 17, 2018

White and Williams Secures Summary Judgment in Dispute Over Coverage for Breach of Contract Claims
May 3, 2018

White and Williams Secures Decision on Application of Pollution Exclusion in Ohio Court of Appeals
December 28, 2017

Litigation Team Obtains Summary Judgment in Case Involving Sinkholes at Bulk Propane Storage Facility
September 27, 2017
Coverage Team Obtains Summary Judgment Based on Employer's Liability Exclusion
June 13, 2017

Coverage Team Obtains Summary Judgment in Case Involving Insurability of Punitive Damages
May 15, 2017

Insurance Coverage Team Defeats Bad Faith Claim that Insurer Wrongfully Settled Some Claims to Avoid Payment on Others
May 4, 2017

Insurance Coverage Team Obtains Rescission of Policy in Multi-Million Dollar Collapse Case
May 4, 2017

Coverage Team Obtains Summary Judgment in Faulty Workmanship Case
May 2, 2017

Coverage Team Successfully Defends Insurer In Medical Product Class Action
March 31, 2017

Coverage Team Successfully Protects Insurer from Covering Sexual Abuse Claims Against School Teacher
October 19, 2016

White and Williams Recovers High-Six Figure Damages for Insurer in Settlement of Unpaid Premium Dispute
June 29, 2016

White and Williams Defeats Claims Brought by Insured’s Alleged Successor in Environmental Coverage Dispute
March 23, 2016

White and Williams Secures Favorable Ruling for Insurer in Delaware Supreme Court
October 20, 2015

White and Williams Obtains Complete Defense Verdict for Insurance Client
August 10, 2015

White and Williams Obtains Significant Arbitration Award on Behalf of Insurer
April 2015

White and Williams Obtains Favorable Ruling for Insurer in New Jersey District Court
April 20, 2015

Coverage Team Secures Significant Choice-of-Law Victory in Ohio State Court
April 14, 2015

White and Williams Insurance Coverage Team Convinces New York’s Highest Court to Reject Policyholder’s Effort to Rewrite Law Regarding Timing of Coverage Disclaimers
June 10, 2014
White and Williams Coverage Team Records Another Win in Long-Running Environmental Coverage Dispute
January 18, 2013

Lawyers in Insurance Coverage Group Secure Summary Judgment in Complex Environmental Coverage Case
February 7, 2012

White and Williams Insurance Coverage Team Scores Another Win in an Environmental Coverage Case
January 31, 2012

White and Williams Coverage Attorneys Successfully Enforce Settlement Agreements Against New Claims
January 2012

Blog

Complex Insurance Coverage Reporter