



Reinsurance

With the increasing contentiousness of reinsurance disputes over the last few years, it is crucial that insurers and reinsurers hire lawyers who are proactive and able to devise and pursue creative strategies that lead to favorable outcomes. Not only is it important for lawyers to provide sound legal and business advice, but it is critical for counsel and industry clients to work together to consider changes to contract wordings, alternatives to the three-panel arbitration structure and develop other creative solutions in an effort to achieve economic and efficient resolution to disputes.

With extensive trial and arbitration experience, the Reinsurance Group balances aggressiveness and efficiency to achieve positive results for clients. We have a reputation for being exceptionally focused and analytical. While there may be similarities, no two reinsurance disputes are the same, and drawing from our years of experience and applying a strategic focus, we are able to uncover nuances in a case that allow us to achieve the best possible outcome for our clients.

We not only understand reinsurance, but also the underlying insurance claims and coverage issues. We represent both ceding companies and assumed reinsurers in helping to avoid disputes before they develop, as well as arbitrating or litigating disputes when the parties cannot otherwise amicably resolve them. By working with our clients before a dispute develops, and while the underlying claim is ongoing, we are able to anticipate possible solutions and develop a strategy that works for our clients. Oftentimes this leads to the quick resolution of disputes, saving the client both time and significant transactional expense.

In the last 15 years, we have litigated or arbitrated more than 100 reinsurance cases to final conclusion – resulting in awards in the hundreds of millions of dollars to our ceding company clients, and very substantial savings to our reinsurer clients. Numerous additional cases have been favorably resolved by settlement during the same time period.

Our lawyers have been involved in ground-breaking disputes including those involving:

Practice Contacts

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Related Practices

Financial Lines
Insurance Coverage and Bad Faith

Practice Highlights

- "A go-to firm for reinsurance disputes in Philadelphia," Chambers USA 2016
- Possess extensive trial and arbitration experience - more than 100 cases to final conclusion in the last 15 years
- Construct audit protocols and perform audits for reinsurers, ceding companies and potential purchasers

- follow-the-fortunes
- environmental allocation
- workers' compensation
- numerous kinds of financial instruments
- insurer and reinsurer insolvency
- offsets
- reinsurance for asbestos losses
- actuarial issues in life reinsurance
- pools
- surety

We have negotiated market agreements with regard to major repetitive issues and have made substantial use of professional mediation in reinsurance disputes. We bring years of trial and arbitration experience to bear on clients' concerns and are very knowledgeable about the leading industry arbitrators and experts.

TRANSACTIONAL WORK

We counsel clients regarding the use of reinsurance-related devices in:

- the purchase and sale of businesses
- the purchase and sale of books of business
- real estate financing
- finite risk, ART transactions, non-traditional (structured) reinsurance
- commutations
- coinsurance, modified coinsurance and YRT agreements

We have drafted reinsurance and related contracts for life, accident and health and for property/casualty carriers to effect the transfer of books of business and portions of companies in countries throughout the world. We have drafted reinsurance contracts to address risks in significant real estate transactions, to make contract language more suitable for technology exposures, to provide for new methods of risk transfer and in many other contexts.

AUDITING AND COUNSELING

We construct audit protocols and perform audits for reinsurers, ceding companies and potential purchasers with particular experience in:

- Professional liability: attorneys, accountants, medical, architects, engineers, etc.
- Directors & Officers
- Other property/casualty risks

- Life, accident and disability
- Workers' compensation
- Health care and medical malpractice liability programs

On behalf of reinsurance and transactional clients, we audit D&O, professional liability, and health care and medical malpractice accounts throughout the United States. Using our reinsurance claims experience as both inside and outside reinsurance counsel, we advise clients on broad and specific issues of claim handling and presentation including XPL and ECO losses, contract construction and interpretation, reserving, risk management, dispute avoidance and the use of ADR to minimize transaction costs.

Clients benefit from our cross-practice group approach to auditing and counseling that draws upon the experience and resources of our reinsurance practice group together with the specific skills and experience of other practice groups within the firm. As an example, we audit and provide counseling to reinsurers on significant health care liability treaty programs involving admitted insurance companies, risk retention groups and other cedants. Our healthcare practice group provides subject matter expertise, including considerable trial experience involving physician and hospital liability, physician practice groups, nursing homes, allied health and many other aspects of healthcare and medical malpractice liability programs.

INSURANCE INSOLVENCY

We represent insurers, reinsurers and other entities in connection with insurer and reinsurer insolvencies and in disputes involving setoff, cut-through, acceleration, collateral, arbitration rights and other issues. We also counsel clients on eliminating or reducing the risks associated with the insolvency of trading partners and have negotiated settlements, commutations and assumption reinsurance transactions with receivers.

Representative Matters

- Successfully argued to the New York Supreme Court, Appellate Division – First Department that a reinsurer's statute of limitations defense should be decided by arbitration panel rather than the court
- Arbitrated dozens of reinsurance disputes concerning the accumulation of long tail claims pursuant to "causative agency" and similar language on behalf of ceding companies
- Defeated reinsurers' documentation requirements applicable to the adjustment of asbestos claims
- Obtained declaratory relief in several cases establishing a protocol with respect to the adjustment of reinsurance claims on a going forward basis
- Arbitrated several cases on behalf of a ceding company seeking to collect reinsurance for asbestos liabilities under a clash treaty
- Represented ceding companies in defense of reinsurers' rescission claims
- Arbitrated disputes involving finite risk contracts
- On behalf of a reinsurer, achieved summary judgment with respect to ceding company's attempt to cede Extra-Contractual Obligations under an Excess of Policy Limits provision

- Successfully arbitrated series of surety reinsurance disputes arising out of Enron Mahonia bonds on behalf of a ceding company
- Represented ceding companies and reinsurers against companies in liquidation and confronted issues involving offsets and cut throughs

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 described as "a go-to firm for reinsurance disputes in Philadelphia" and 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

13th Annual Coverage College Hosts Over 400 Insurance Professionals
November 1, 2019

Congratulations 2019 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
October 17, 2019

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

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

Chambers USA 2018 Ranks White and Williams as a Leading Law Firm
May 10, 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

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

Coverage College Celebrates Its 10th Anniversary
September 22, 2016

White and Williams' Insurance Practice Receives Top Honors
September 22, 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

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

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

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

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

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

Reinsurance Lawyer Returns to White and Williams LLP
February 1, 2013

Reinsurance Group Secures Confirmation of an Arbitration Award Including Grant of Attorneys' Fees and Expenses In Favor of Ceding Insurer
October 9, 2012

Patricia Santelle Receives Industry Honors
August 28, 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

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

White and Williams Sponsors RAA Annual Conference
September 14-15, 2011

White and Williams Adds Five New Lawyers During Summer
September 2011

Publications

NY Child Victims Act: Don't Ignore Reinsurance Issues
Reinsurance Alert | August 20, 2019

PA District Court Holds Newly Formed Arbitration Panel Should Decide Consolidation Dispute
Reinsurance Alert | April 1, 2019

Supreme Court Rejects "Wholly Groundless" Exception to Question of Arbitrability
Reinsurance Alert | January 9, 2019

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

Second Circuit Adopts Heightened Standard for Distinguishing Evident Partiality of Party-Appointed Arbitrator
Reinsurance Alert | June 13, 2018

New York Court of Appeals Disavows the "Bellefonte Rule"
Reinsurance Alert | December 14, 2017

NYDFS Cybersecurity Regulations and NAIC Model Law: What Insurers Need to Know
Cyber Law and Data Protection Alert | May 22, 2017

SDNY Vacates Arbitration Award for Party-Arbitrator's Nondisclosures
Reinsurance Alert | April 6, 2017

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

Second Circuit Certifies Question Impacting "Bellefonte Rule"
Reinsurance Alert | December 9, 2016

Third Circuit Compels Arbitration of Fraud in the Inducement Claim
Reinsurance Alert | November 4, 2016

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

Judicial Review of Arbitration Decisions
ARIAS Quarterly | July 1, 2015

The New (Semi) Confidential Arbitration Award
AIRROC Matters | Summer 2013

PA Federal Court Holds Cedent's Claims Time Barred
Reinsurance Alert | May 28, 2013

Leveling the E-Discovery Playing Field: Court Shifts Costs to Putative Class Action Plaintiffs Prior to Class Certification
Gibbons Law E-Discovery Law Alert | September 19, 2012

Resign, Replace, Resume
AIRROC Matters | Summer 2012

Recent Case Law Under The Federal Arbitration Act
Reinsurance Alert | March 9, 2012

Appellate Court Applies Follow-the-Fortunes to Post-Settlement Reinsurance Allocation
Reinsurance Alert | February 8, 2012

Second Circuit Reverses District Court Holding on Evident Partiality, Confirms Arbitration Award
Reinsurance Alert | February 8, 2012

Events

Emerging Issues in Long-Tail Exposure Insurance
Webinar | November 18, 2019

Applying the Top 5 Coverage Decisions of 2018 in Daily Claims Handling
Client Seminar | January 30, 2019

Arbitration for Arbitrators: Cradle to the Grave
ARIAS Fall Conference (New York, NY) | November 1, 2017

It's Not Over 'Til It's Over: A Review of Post Arbitration Remedies
White and Williams Coverage College | September 22, 2016

A Comparative Workshop: AIRROC DRP or Traditional Arbitration
New York, NY | September 20, 2016

It's a Deal! A Workshop Designed to Sharpen Negotiation Strategies and Techniques
AIRROC Negotiation Workshop (New York, NY) | June 2, 2015

The Future of the Duty of Utmost Good Faith
AIRROC Winter Workshop (Princeton, NJ) | April 17, 2015

Inside A Reinsurance Arbitration
White and Williams Coverage College | October 2, 2014

A Comparative Workshop: AIRROC DRP or Traditional Arbitration
Philadelphia, PA | September 23, 2014

Carving Up the Giving Tree: Allocation of an Underlying Settlement
2014 ARIAS-US Spring Conference (Key Biscayne, FL) | May 7, 2014

Arbitration vs. Litigation of Reinsurance Disputes: A View from the Trenches
White and Williams Coverage College | October 4, 2012

Current Trends in D&O Liability Insurance
Re Claims: Reinsurance Claims and Loss Management Seminar, New York, NY | September 13, 2012

Emerging Trends in Reinsurance Arbitration
CLE Teleconference sponsored by HB Litigation | January 12, 2012

Cases & Deals

Reinsurance Team Successfully Argues in the New York Supreme Court, Appellate Division - First Department
May 28, 2015

Reinsurance Group Confirms Arbitration Award, Successfully Strikes Cross-Petition
September 27, 2011

Reinsurance Group Secures Federal Court Confirmation of Arbitration Award Over Opposition from London Market
Reinsurers
July 28, 2011

Reinsurance Group Defeats Reinsurer's Motion for Summary Judgment
May 23, 2011