

Insurance

The insurance industry is constantly adapting to address fluctuations in risks and to take advantage of new opportunities caused by changing markets, shifting economic policies, climate change and other natural occurrences, geopolitical conditions, and emerging technologies. Insurers, in turn, must adapt and evolve. White and Williams' insurance industry team helps insurers capitalize on legal and business opportunities to navigate these challenges and understand how they impact their business in the short term and the long term.

Our attorneys work collaboratively across diverse practice groups to advise insurers and provide well-rounded, business-sensitive advice about virtually every facet of the business of insurance. Clients rely on the White and Williams insurance team for advice regarding the evaluation and litigation of the most sophisticated complex coverage disputes arising out of primary and excess general and professional liability insurance, financial lines insurance, cyber insurance, employer liability insurance, life and health insurance, commercial property insurance, reinsurance and subrogation matters.

Additionally, our attorneys advise insurers with respect to general commercial disputes, the negotiation and drafting of commercial contracts, vendor and outsourcing arrangements, strategic alliances, joint ventures, acquisitions, investments, real estate and labor and employment needs. The insurance industry team also has dedicated attorneys who can advise insurers regarding their intellectual property needs as they develop new and proprietary claim and risk management tools and products to meet the most current insurance industry needs.

White and Williams' deep and varied resources for servicing insurers' business and legal needs, coupled with its many decades of insurance industry experience, provide insurers with unmatched insight to meet both today's business and legal challenges as well as tomorrow's growth opportunities.

Areas of Focus

Restrictive Covenant, Trade Secret & Unfair Competition Services

The Restrictive Covenant, Trade Secret & Unfair Competition Team at White and Williams understands what it means to protect your business. We have litigated hundreds of restrictive covenant, trade secret and unfair competition matters throughout the United States. In addition to our litigation experience, we serve as trusted advisors to our business clients by providing advice regarding the drafting

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and enforceability of restrictive covenant, trade secret and confidentiality agreements. Our advice helps our clients ensure that they have the proper protective measures and strategies in place to prevent damage and loss to their business. Our clients come from a wide variety of industries, including insurance, aerospace, executive recruiting, petrochemical, real estate, technology, media, and other professional services. Sometimes, even with protective measures and strategies in place, litigation is inevitable and the Restrictive Covenant, Trade Secret & Unfair Competition Team at White and Williams is always ready to go into court on a moment's notice to enforce your agreements, to stop wrongful conduct through obtaining injunctive relief, and to protect your business.

Fraud Investigation and Prosecution

Fraud is widely prevalent across the insurance industry, and can cost insurers millions of dollars per year. White and Williams' attorneys work closely with their insurer clients to investigate and combat insurance fraud, to recover moneys lost, and to formulate strategies designed to mitigate future risk. Whether on our own or in close collaboration with an insurer's in-house team of fraud investigators, our attorneys dig deep to identify and unravel complex instances of fraud, and formulate effective and aggressive strategies for pursuing wrong-doers through affirmative litigation.

Subrogation

White and Williams has one of the oldest subrogation practices in the country practicing in all 50 states. The group offers an aggressive early intervention program utilizing a vast network of screened experts and consultants covering a wide variety of subrogation related disciplines. Subrogation lawyers handle high-profile commercial property, inland marine, cargo, fidelity, food recall, maritime, worker's compensation, small water, and cyber losses. To learn more visit our subrogation page [here](#).

Bankruptcy and Reorganization

Our lawyers can expertly assist insurers in navigating safely through the sometimes treacherous intersections between insurance law and bankruptcy law. More and more insureds are using Chapter 11 as a means of resolving environmental, toxic tort, product defect and sexual abuse claims. Bankruptcy can have a significant impact on how claims are defended and settled, and on where and how coverage issues are litigated. Our bankruptcy, insurance coverage, and defense groups work together to protect the rights of insurers in the bankruptcy process and to resolve coverage issues fairly and efficiently, whether through bankruptcy litigation, plan negotiations or complex mediations.

Healthcare

Our multidisciplinary team of lawyers helps health insurers and providers alike navigate the ever-changing and increasingly complex world of health care payments and delivery. We represent insurers, employers, brokers, re-insurers, third-party administrators, self-insureds, ERISA plans and related entities in a wide array of matters. Our lawyers have a wealth of experience and broad knowledge from years of handling complex and unique issues under both individual and group plans. We also conduct audits for health insurance providers to assess policies/procedures, ensure compliance with contracts and stated policies/procedures, evaluate claims handling, and monitor/assess for proper reserves and risk management.

Litigation

White and Williams delivers premier liability defense for liability insurers and their insureds. Our team of subject matter experts handle all manner of liability claims including catastrophic personal injury and property loss as well as employment and complex corporate liability claims. We counsel insurers on claims handling processes and defend insurers against allegations of bad faith. Our appellate lawyers have had tremendous success overturning adverse or otherwise excessive verdicts against insurers and their insured alike.

Appellate

Insurers are often faced with matters surrounding the potential for appeals from trial court and the appellate process. The firm's Appellate group not only prepares creative and effective appellate papers and arguments, but also provides assistance to our insurance industry clients with the development of litigation strategy, preparation of dispositive motions, monitoring of trial and preparation of post-trial motions to effectively address issues impacting insurers and their insureds through the litigation process. The Appellate group is called upon to collaborate throughout the entire litigation process.

Construction and Surety

The attorneys in our Construction and Surety group have years of experience defending insurers and their insureds in construction defect litigation, including having served as national oversight counsel for insurance company clients for certain types of construction defect cases. We have tried cases throughout the country on behalf of insureds involved with construction-site accidents that have resulted in major property loss and serious personal injuries. Our Surety team regularly represents insurance/surety clients in regard to all aspects of suretyship, including drafting and enforcing indemnity agreements and equitable subrogation rights, managing defaults and takeover situations, and defending payment and performance bond claims and bad faith claims asserted against sureties.

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Settlement Reached Against Seasoning Packet Supplier

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Subrogation Department Settles Listeria Contamination Recall Matter

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Construction Group Wins Final Judgment on Indemnity Claims and Defeats Bad Faith Claims
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White and Williams Obtains Favorable Ruling for Insurer in New Jersey District Court
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11.1.21

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8.19.21

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8.19.21

5th Edition of "General Liability Insurance Coverage - Key Issues in Every State" Now Available
7.13.21

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5.20.21

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3.31.21

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Three Lawyers Elected to Partnership and Eight Associates Promoted To Counsel
1.4.21

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8.20.20

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Insurance Coverage and Bad Faith Alert, 1.24.20

Not All Damages Are Created Equal – the Proper Application of the Economic Loss Doctrine
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Homeowners Coverage for Arsonist's Innocent Coinsured: Clarification From the MA Supreme Judicial Court
Insurance Coverage and Bad Faith Alert, 1.21.20

Total Disability Definition Construed by New York Federal Court
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Coverage Opinions, 1.8.20

Pennsylvania Federal Court Holds Insurer Can't Use Insured's Admission to Withdraw Defense
Insurance Coverage and Bad Faith Alert, 1.8.20

The Jury Is Still Out on Elvis
The Wall Street Journal, 1.7.20

Massachusetts Court Clarifies Statute of Repose Trigger for Multi-Phase Construction Projects
The Subrogation Strategist, 1.7.20

Illinois Appellate Court Clarifies What Is and Is Not an "Occurrence" in the Construction Defect Context
Insurance Coverage and Bad Faith Alert, 1.6.20

Establishing Proximate Cause Where Both Roads Lead to the Defendant
The Subrogation Strategist, 12.26.19

Third Circuit Clarifies Standards Governing Confidentiality of Litigation Documents
Reinsurance Alert, 12.13.19

Exxon Prevails in a Major Climate Change-Related Legal Battle, But Many Questions Remain Unanswered
Insurance Coverage and Bad Faith Alert, 12.12.19

Idaho Formally Adopts an Independent Tort for Third Party Spoliation

The Subrogation Strategist, 12.6.19

PTSD May Be Covered As "Bodily Injury" If It Resulted From Physical Injuries, Pennsylvania Appeals Court Holds

Insurance Coverage and Bad Faith Alert, 12.6.19

Pennsylvania Follows Multi-State Movement to Modify and Extend Statutes of Limitation for Sexual Abuse Claims

General Litigation Alert, 12.2.19

Applying *Mighty Midgets*, NY Court Awards Legal Expenses to Insureds Which Defeated Insurer's Coverage Claims

Insurance Coverage and Bad Faith Alert, 11.22.19

Declarations: The Coverage Opinions Interview With John Grisham

Coverage Opinions, 11.19.19

Is Football Violence a Crime?

The Wall Street Journal, 11.18.19

The Insurer's Duty to Defend: Pre-Suit Demand Letters

The Brief, Fall 2019

Pennsylvania Superior Court Fires up a Case-By-Case Analysis for Landlord-Tenant, Implied Co-Insured Questions

The Subrogation Strategist, 11.14.19

Climate Change in the Courts

Insurance Coverage and Bad Faith Alert, 11.8.19

Tennessee Looks to Define Improvements to Real Property

The Subrogation Strategist, 11.8.19

Amazon Feels the Heat From Hoverboard Fire Claims

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ESG, BIPA and COVID Claims and EPLI Coverage Issues

PLUS Webinar, 1.11.23

The Imitation Game - Using Exemplars at Product Examinations

2022 NASP Annual Conference, 11.8.22

Insurer's Duties to Excess Carrier and Bad Faith

Strafford Webinar, 9.29.22

Civil Human Trafficking Lawsuits: A Growing Risk for Insurance

AIRROC Summer Membership Meeting 2022, 7.21.22

Class Action Lawsuits Series - Part Three
Webinar, 7.12.22

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Webinar, 6.21.22

Class Action Lawsuits Series – Part One
Webinar, 6.14.22

36th Environmental & Emerging Claim Manager Association Annual Conference
Virtual, April 21-22, 2022

Latest Developments in the Opioids Crisis
AIRROC Spring Membership Meeting 2022, March 29-30, 2022

Leadership Ethics: Confronting Ethical Issue Case Studies Involving the Worker, Employer, and Carrier in Lien Recovery Litigation
National Association of Subrogation Professionals, 2022 Spring Hybrid Conference, 3.17.22

Per- and Polyfluoroalkyl Substances (PFAS) Panel
CPCU Reinsurance & Excess Surplus Lines Symposium, March 9, 2022—March 10, 2022

PFAS: Insurance Issues Arising From a Persistent and Ubiquitous Family of Chemicals
30th Annual ICLC Mid-Year Conference, February 24, 2022—February 26, 2022

Top 10 Duty to Defend Issues
PLRB Conquering Policy Coverage Issues Webinar Series, 2.17.22

Is Your Insured in a Financial Crisis? Not Sure What to Do Next? Part III: The Defunct Insured
Webinar, 12.14.21

Is Your Insured in a Financial Crisis? Not Sure What to Do Next? Part II: Assignments for Benefit of Creditors (ABCs)
Webinar, 12.7.21

Is Your Insured in a Financial Crisis? Not Sure What to Do Next?
Webinar, 11.30.21

Coverage College 2021
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ALI Restatement of the Law - Liability Insurance: Lessons Learned After Three Years
Webinar, 10.4.21

PFAS are Here to Stay: The "Forever Chemical" That Will Impact the Industry for Years to Come
In2Risk 2021, 9.24.21

Functus Officio: Exploring Exceptions to the Finality of Arbitral Awards
ARIAS U.S. Live Webinar, 5.12.21

Perspectives on Climate Change and the Insurance Industry

CPCU Society 2021 Virtual Reinsurance, Excess & Surplus Line Symposium, 3.12.21

Best Practices Reboot! An Industry Insider Panel and Attendee Discussion on Complex Relationships That Impact Lien Recoveries

National Association of Subrogation Professionals Annual Conference, 11.17.20

Reverse Engineering: Forensic Alarm Science Investigations Yields Mission Critical Information for Subrogation Recovery

National Association of Subrogation Professionals Annual Conference, 11.17.20

State Specific Subrogation Coast to Coast (Part 1 and 2)

National Association of Subrogation Professionals Annual Conference, 11.17.20

Fire Scene Safety Considerations in the Post-Fire Environment (Part 1 and Part 2)

National Association of Subrogation Professionals, Annual Conference, 11.16.20

Recovery and Beyond: The Past, Present and Future of Subrogation

National Association of Subrogation Professionals Annual Conference, 11.16.20

Romaine Calm: Lettuce Discuss Food Recalls and the Recoveries You've Been Leaving on the Table

National Association of Subrogation Professionals Annual Conference, 11.16.20

Coverage College 2020

10.22.20

Risk Transfer for Construction Defect Claims: Minimizing and Allocating Costs of Defense and Indemnity

2020 CLM Construction Conference

How Subrogation Professionals and First-Party Claims Adjusters Can Work Together for Mutual Benefit

The National Association of Subrogation Professionals Webinar, 9.8.20

COVID-19 Insurance Program

Webinar, 8.11.20

Creating a Data Privacy Compliance Program on a Limited Budget

Gallagher's Cyber Insight Series (Webinar), 7.22.20

Insurers Need To Seek Allocation Between Covered And Uncovered Claims (Or Pay A Price) - New Coverage Trend

Webinar, 7.16.20

Confronting Organized Insurance-Fraud Schemes and Sham Claims

Avoiding Payment of Sham Claims, Tools to Deter and Recover from Scheme Leaders, Seeking Criminal Prosecution

Stafford CLE Webinar, 5.27.20

The Shield Surrounding Online Retailers: An Update on the Prime Strategies Utilized by Cyber Stores

The National Association of Subrogation Professionals (Webinar), 5.12.20

Don't Lose Your Head! Or Arm, Leg, or Other Body Parts: How Workers' Compensation Subrogation Professionals Can Still Obtain Lien Recoveries Despite Worker Error (Part 1)

2020 National Association of Subrogation Professionals Spring Conference Webinar, 4.24.20

Don't Lose Your Head! Or Arm, Leg, or Other Body Parts: How Workers' Compensation Subrogation Professionals Can Still Obtain Lien Recoveries Despite Worker Error (Part 2)

2020 National Association of Subrogation Professionals Spring Conference Webinar, 4.24.20

I Fall to Pieces: Investigating Microbiologically Influenced Corrosion in Sprinkler Systems

2020 National Association of Subrogation Professionals Spring Conference (Webinar), 4.23.20

CARES Act Synopsis for Insurance Brokers

Webinar, 4.9.20

Estopped from Denying Coverage: What Recent Cases Show and What Actions to Take Now

Webinar, 4.8.20

COVID-19: Working Remotely - What Attorneys Need to Know to Avoid Cyberthreats and Privacy Risks

ABA TIPS Cybersecurity (Webinar), 3.30.20

The SIR Dilemma: When Does (And When Should) An Excess Carrier Get Involved?

ABA TIPS Insurance Coverage Litigation Midyear Meeting (Phoenix, Arizona), 2.22.20

Out-of-Network ERISA Claims: Identifying Provisions Subject to Provider Challenge

Strafford CLE Webinar, 1.22.20

4th Annual Construction Defect, Claims & Litigation Strategies ExecuSummit

4th Annual Construction Defect, Claims & Litigation Strategies ExecuSummit (Uncasville, CT), December 10-11, 2019

Emerging Issues in Long-Tail Exposure Insurance

Webinar, 11.18.19

Giving Stronger Deposition and Trial Testimony

IAAI - New Jersey Chapter (Atlantic City, NJ), 11.5.19

Electronic Information in Criminal Investigations & Proceedings

New York State Bar Association (New York, NY), 3.13.19

Giving Stronger Deposition and Trial Testimony

IAAI - Indiana Chapter (South Elgin, IL), 3.6.19