

## Insurance Law

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Plunkett Cooney has long been recognized as having one of the premier Insurance Law Practice Groups in the nation. This group's history of insurance consulting and representation of insurance carriers in disputed claims, coverage litigation (both large and small scale), and regulatory proceedings is second to none.

Plunkett Cooney's Insurance Law Practice Group is unique in its depth and breadth of experience. The group is comprised of attorneys who specialize in defined aspects of insurance coverage law, and who have achieved national reputations for themselves in those areas. Several of these attorneys have been awarded the Chartered Property Casualty Underwriter (CPCU) or other insurance industry designations, and are frequent authors and lecturers on insurance law-related topics. Several of our members are leaders in prominent industry groups, including the Defense Research Institute, the International Association of Defense Counsel, and the American Law Firm Association.

Plunkett Cooney's Insurance Law Practice Group includes attorneys who focus on coverage claims arising from:

- Large scale, high exposure toxic tort coverage claims, including environmental, breast and knee implant, asbestos, and Chinese Drywall claims; these claims typically involve multi-state claims requiring extensive choice of law and multi-state coverage analysis
- Federal Multi-District Litigation
- Bad faith and "reverse" bad faith actions
- Actions for reformation and rescission of insurance policies
- Personal injury and advertising injury claims, including claims for trademark and copyright infringement and infringement of trade dress
- Construction-related claims, including claims for contractual indemnification and claims by purported additional insureds
- Professional liability claims, including errors & omissions claims against real estate agents, insurance agents, attorneys, physicians, and directors and officers
- Coverage claims presented in bankruptcy
- First party property coverage claims, including Examinations Under Oath and property appraisals
- Auto PIP claims
- Worker's Compensation claims

Traditionally, our Group has offered both insurance coverage litigation services, as well as consultation at the claim stage. A brief description of those services follows:

### Insurance Coverage Litigation

The Insurance Law Practice Group's insurance coverage litigation practice is national in scale.

Members are currently or have previously represented insurers in coverage litigation in Ohio, Indiana, Illinois, Wisconsin, Iowa, California, New Jersey, Missouri, Pennsylvania, Minnesota, West Virginia, New York, Kentucky, Texas, Virginia, Louisiana, and Mississippi, among other states. We have lawyers that are permanently licensed in Indiana, Ohio and Illinois, in addition to their Michigan licensure.

The Insurance Law Practice Group aggressively represents its carrier clients in litigation, seeking the most favorable and efficient results possible. Members of this group have served as lead counsel for insurance carriers in nationwide breast and knee implant, environmental, asbestos, construction and pharmaceutical coverage cases. The group is also involved in emerging insurance issues such as coverage for Chinese drywall, and is a leader in advocating insurers' rights on such issues as requests for recovery of pre-tender costs, successor rights to coverage under policies issued to predecessor corporations, and post-*Kiger* total pollution exclusion issues in Indiana.

Our attorneys also have broad experience representing insurance carriers in so-called "bad faith" matters in numerous jurisdictions. Our attorneys are intimately familiar with the issues involving whether bad faith constitutes a separate cause of action and whether a policyholder may obtain extra-contractual damages (including lost profits and/or attorneys fees). We have also represented insurance carriers in matters arising from the Uniform Trade Practices Act and other similar state regulatory statutes such as the Michigan Consumers Protection Act.

Equally as important, the attorneys in the Insurance Law Practice Group counsel claim professionals, with respect to particularly troublesome or complex claims, in order to assist insurance providers in the prevention of bad faith claims or claims for the breach of the covenant of good faith and fair dealing.

Our attorneys have also represented insurance carriers in "reverse bad faith" matters, where the policyholder's actions were especially outrageous and harmful, particularly in Ohio, where the law may permit damages for such a reverse action.

We also have attorneys that specialize in the consultation and representation of insurance carriers in the context of first-party property damage claims. We are often retained immediately after a loss, and assist in directing cause and origin investigations, reviewing claims submissions and making recommendations regarding coverage determinations. Our attorneys routinely conduct Examinations Under Oath during the investigation of property losses and have participated in property appraisals.

## **Insurance Claim Consulting**

Plunkett Cooney's Insurance Law Practice Group is frequently retained to consult with insurance carriers during the pre-suit claim stage to provide legal advice with respect to the existence of insurance coverage for a given claim and to make recommendations regarding claim handling. This work often involves drafting extensive insurance coverage opinions and coverage position letters on behalf of carrier clients.

## **Reviewing and Editing Insurance Policy Language/Underwriting Assistance**

Plunkett Cooney's Insurance Law Practice Group is often retained to review insurance policy language and to assist in the drafting and/or revision of policy language, as well as to consult with underwriters regarding the use of such policy language.