

Our attorneys are recognized leaders in insurance and reinsurance coverage issues and have significant experience in complex property and energy insurance.

Insurance

At Weber Gallagher, we counsel our clients on a myriad of complex insurance coverage issues. We represent them during every stage of the process including taking the case to trial, if necessary. During our representation, the attorneys at Weber Gallagher provide our clients with ongoing detailed analyses regarding potential exposure so they can make the proper business decision on when to resolve the matter. When appropriate, we also strive for resolution through alternative dispute resolution such as mediation, arbitration and negotiation. Whether a matter is highly intricate or routine, we have the experience to handle all insurance needs.

Clients engage us for a wide range of matters, including complex coverage issues, policy interpretation, identification of responsible third parties in subrogation cases, drafting and implementing cost-sharing agreements, risk assessment and representation in both defending and prosecuting declaratory judgment actions. We also counsel clients on communication, due diligence audits, complex allocation issues, contractual wording and regulatory matters.

Our attorneys have worked as in-house counsel, general counsel, claims professionals and underwriters at insurance companies, tending to multimillion-dollar issues.

Typical First and Third Party coverage matters handled by our Insurance Practitioners:

- Advertising and Intellectual Property Issues
- Additional Insured Exposure
- Asbestos
- Bad Faith
- Commercial General Liability
- Complex Shared Risk Disputes
- Construction Defect Litigation
- Directors and Officers
- Employers' Liability/Side B Coverage
- Environmental Exposure and Latent Injury
- ERISA Exposure
- Extra-Contractual Obligations
- Fidelity Bonds
- Healthcare and Disability Insurance
- Material Misrepresentation
- Police Officers and Public Officials
- Professional Liability/Errors and Omissions
- Public Entity Liability
- Subrogation and Recovery

Reinsurance

In the last few decades, reinsurance issues and disputes have grown exponentially. While our goal is to

preserve the business relationship between cedant and reinsurer, the attorneys at Weber Gallagher have successfully counseled, arbitrated and litigated reinsurance matters for the last 35 years for both cedants and reinsurers worldwide.

Sampling of matters we have handled include:

- Admiralty/Marine
- Aggregation of Loss
- Asbestos
- Bail Bonds
- Boiler and Machinery
- Clash Catastrophe Reinsurance
- Environmental Exposure and Latent Injury
- Extra-Contractual Obligations
- Follow the Fortunes
- Material Misrepresentation
- Number of Occurrences
- Political Risk
- Professional Liability
- September 11
- Workers' Compensation Carve-out
- Workers' Compensation Excess

At Weber Gallagher, we also provide the following services:

- Audits and Inspections
- Collecting Aging Balances
- Commutations
- Counseling our clients on "Best Practices"
- Drafting and Revising Reinsurance Agreements
- Loss Portfolio Transfers

Our attorneys participate in and present at industry conferences such as ACIP, ARIAS-US, AIRROC, CLM, FDCC and IRLA. Our attorneys have also participated as arbitrators and umpires in reinsurance disputes.

Attorneys aid in managing expectations, focusing consulting experts and resolution strategies. We have decades of experience in insurance and reinsurance coverage and disputes, and continue to provide topically relevant presentations and seminars to clients directly and at industry conferences. By effectively identifying and managing legal issues during adjustment and litigation, your company is properly counseled and protected.

Experience

- Secured a motion to dismiss on a case involving uninsured motorist coverage for a collision involving a horse and buggy.
- Represented a Homeowner's Association Board and Property Management Company against allegations of bad faith and breach of fiduciary duty claims and secured resolution through settlement whereby creative solutions that did not include monetary consideration were employed.

- Successfully appealed a D&O coverage dispute to the Delaware Supreme Court with a pro hac admission, avoiding a policy limit exposure for the client.
- Successfully obtained an early dismissal of a Consumer Fraud claim on the pleadings for failure to state a claim. In that case, the plaintiff homeowners lost power when a tree fell during a storm and took down the power lines. As part of the work necessary to restore power, certain trees on the homeowners' property were trimmed by the defendant company. The plaintiff homeowners took issue with the manner in which they had been trimmed and filed a lawsuit, alleging among other things, that the defendant company was liable for consumer fraud. The court granted the defendant's motion, finding that there was no consumer transaction and therefore dismissed the consumer fraud claim.
- Successfully defended the insurance company after both jury and bench trials brought by various medical providers for thousands of dollars in first party claims denied based on lack of medical necessity, fraud, incomplete/insufficient/improper claims documents and excessive billing.
- Successfully litigated a D&O coverage dispute with a pro hac admission in California, avoiding a policy limit exposure for the client.
- Obtained a litigated rescission of a D&O policy in New York.
- Served as an expert witness for the prevailing party in a confidential arbitration over a Representations and Warranties insurance policy dispute.