



Insurance & Reinsurance Services

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The Hinshaw Advantage

The insurance industry is an important engine of economic and technological growth and an essential source of financial security, stability, and strength. This \$4 trillion dollar industry — as measured by premiums — confronts business, regulatory, litigation, and claim challenges and opportunities on a daily basis. Insurers require and deserve sophisticated, cutting-edge, creative counsel who deliver cogent advice, vigorous representation, practical solutions, and outstanding results.

Whether focusing on a particular claim, cession, transaction or matter, or considering their larger portfolio interests...whether in the claims stage, trial court, intermediate appellate court, court of last resort, or in evaluation, negotiation, mediation, or arbitration...whether dealing with policyholders, government regulators, consumers or other insurers...whether selecting the particular lawyers, the insurance practice group, or the firm as a whole...leading insurers call upon Hinshaw to protect their interests. Insurers appreciate the Hinshaw advantage.

World Class Advice and Representation Provided by a Premier Team of Insurance Lawyers

Hinshaw offers a premier team of leading insurance lawyers — more than 100 attorneys with significant combined legal experience. The breadth and depth of our diversified roster of lawyers is second to none when it comes to representing insurers in the full range of legal services.

- ◆ Our lawyers have an established track record of successfully representing insurers in a wide range of insurance and reinsurance matters throughout the country and globally.
- ◆ The preeminence of our group is exemplified further by the many honors, distinctions, and recognitions received by our lawyers. For example, members of our team are: ranked by *Chambers USA*; listed in *Best Lawyers in America*; fellows of the American College of Coverage and Extracontractual Counsel, Litigation Counsel of America, and American Bar Foundation; and listed in *Who's Who Legal Insurance and Reinsurance* and *Euromoney Legal Media Group, Expert Guides*: "World's Leading Insurance and Reinsurance Lawyers." Many Hinshaw lawyers have been selected by peers and clients for inclusion in Leading Lawyers, Client Choice, Super Lawyers and Rising Stars, and other prominent listings of top attorneys and have earned AV Preeminent® ratings from Martindale-Hubbell.

A Long-Standing Tradition of Serving Insurers

Hinshaw has represented insurers in every facet of insurance law, in every domestic forum, and in the global market since the firm's founding in 1934. With this tradition of service comes an understanding of the insurance business, a respect for the needs and expectations of insurers and insurance professionals, a mastery of legal precedent, and an ability to place current and future challenges into context.



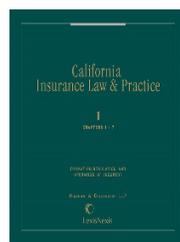
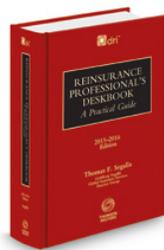
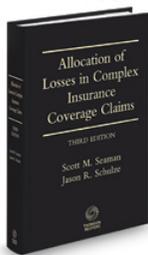
A Contemporary and Strategic Commitment to Serve Insurers

Providing superior legal services to insurers for decades to come is a central element of Hinshaw's strategic plan. Hinshaw delivers by attracting leading legal talent and by providing an environment conducive to delivering top legal services.

Professionals Who Know Insurance Law

Our legal professionals' commitment to insurance law does not start or stop when on the client's clock. To our lawyers, insurance law is a passion.

- ◆ Our lawyers author and contribute to leading treatises, handbooks, chapters, articles, and white papers on a wide range of insurance and reinsurance topics.
- ◆ Our lawyers are members of, and hold leadership positions in, leading organizations such as: the Defense Research Institute (DRI); the American Bar Association (ABA) (Sections on Litigation and Tort Trial & Insurance Practice); ARIAS US; the Claims & Litigation Management Alliance (CLM); numerous state and local bar associations; Chartered Property & Casualty Underwriters (CPCU); the International Association of Defense Counsel; the Professional Liability Underwriting Society (PLUS); and many others.
- ◆ Our lawyers chair, teach and develop seminars, courses and conferences on insurance, reinsurance, extracontractual liability, litigation practice, claims management and the business of insurance.
- ◆ Our lawyers are thought leaders advocating on behalf of our clients, identifying trends and emerging issues, and providing strategies to address the global challenges and opportunities our clients currently face and will confront in the future.
- ◆ Our lawyers work on cutting edge issues, precedent setting cases and creative transactions, and have helped shape the law in areas of interest to our clients.
- ◆ We publish our own books, host seminars and broadcast webcasts on matters of interest to our clients.



Responsive Service-Oriented Representation

Hinshaw lawyers understand that providing high-caliber, creative, resourceful, professional advice and first-rate representation from seasoned litigators is critically important to our clients. We also appreciate the vital roles played by claims professionals, claims supervisors and managers, underwriters, senior management, and in-house counsel and understand how their



talents, leadership, and knowledge contribute to a company's success. Accordingly, we pride ourselves on building long-term relationships with our clients and on working collaboratively with these professionals to achieve the best results. We understand our clients' business goals, operations, programs, and portfolio interests and the importance of effective and timely communication. We strive to make the jobs of our client representatives easier and produce outstanding results on a cost-effective basis.

Global Insurance & Reinsurance Services Capabilities

Domestic and foreign insurance companies have been turning to Hinshaw for complete legal services for over 90 years. We represent insurers in state and federal courts across the country and internationally at the trial and appellate court levels. Through our participation in Global Access Lawyers, we have working relationships with leading lawyers representing insurers across the globe. Our lawyers also help insurers with regulatory compliance and in their dealings with regulatory authorities. We evaluate and resolve matters from the claims stage through mediation and arbitration. We provide coverage analysis and opinions. We also evaluate client portfolio issues, assist in product development and drafting contract language, and provide training and other advice. We often serve as national or regional counsel for insurance companies.

Providing the Full Range of Services

Our advice and representation includes the full range of matters, including:

- ◆ Insurance coverage litigation and counseling
- ◆ Bad faith, extra contractual liability, business practices, and market conduct claims and class actions
- ◆ Reinsurance and retrocessional dispute resolution and counseling
- ◆ Corporate transactional, regulatory, run-off and insolvency insurance services
- ◆ Claims, litigation and fees management services

Spanning the Full Spectrum of Policy Types

We are well-versed in the full panoply of commercial and personal lines insurance policies, including:

- ◆ Automobile & Transportation
- ◆ Aviation and Aerospace
- ◆ Builder's Risk, OCIP, & Wrap Up
- ◆ Crop & Farming
- ◆ Cyber & Privacy
- ◆ Directors & Officers (Private and Public Entities)
- ◆ Employee Benefits & EBAL
- ◆ Employment Practices Liability
- ◆ Energy
- ◆ Environmental
- ◆ Errors & Omissions Excess & Surplus Lines
- ◆ Facultative Certificates
- ◆ Fidelity & Crime
- ◆ Fiduciary Liability



- ◆ First Party Property
- ◆ General Liability
- ◆ Hail, Windstorm & Flood
- ◆ Homeowners
- ◆ Intellectual Property
- ◆ Life Insurance & Disability
- ◆ Long-Term Care
- ◆ Marine
- ◆ Medical & Health
- ◆ Municipal/State/County Liability
- ◆ Pooling Arrangements
- ◆ Professional Liability (including accountants, agents and brokers, architects and engineers, attorneys, health care institutions and health care professionals, managed care organizations and other fiduciaries)
- ◆ Real Estate Title
- ◆ Reinsurance Treaties
- ◆ Specialty Policies of Various Types
- ◆ Stop Loss
- ◆ Transactional/M&A Insurance (including representations and warranties, tax, and litigation insurance)

Our experience also extends to structures for managing, transferring, and retaining risks, including self-insurance, fronting arrangements, captives, risk retention groups, pooling arrangements, and trusts.

Insurance Coverage Litigation and Counseling

Hinshaw is one of the premier law firms representing insurers in a wide range of coverage litigation and coverage disputes. Our experience includes coverage issues arising out of losses relating to products, operations and premises; pollution, PFAS, mold, toxic torts; ESG and global warming; intellectual property; false imprisonment, slander and defamation; advertising, publishing and media liability; cyber liability; privacy; malpractice and professional liability; spinal fixation devices; construction defects; directors and officers liability; sexual abuse; murder; property damage; and lost profits. We have represented insurers in declaratory judgment actions, actions involving defense, indemnity and reimbursement, and actions seeking a wide range of relief, including compensatory and punitive damages, rescission, and reformation.

Insurers turn to Hinshaw to assist them in addressing the challenges of social inflation. Our lawyers have extensive experience in claims review and analysis; due diligence audits and inspections; negotiating the resolution of specific matters and commutations involving multiple books of business; and assisting in building business relationships and workable protocols between companies.

Bad Faith, Extra Contractual Liability, Business Practices, Market Conduct Claims, and Class Actions

Hinshaw lawyers regularly evaluate and advise clients in myriad bad faith, extra contractual, and market conduct matters, and class actions. Hinshaw lawyers represent insurers at trial and on appeal of first and third-party bad faith actions in courts across the country. In addition, Hinshaw



lawyers advise clients and provide training in proper claims practices and compliance with statutory, regulatory, and common law requirements and best practices.

Our experience extends to various claims, including allegations of inadequate investigation; unreasonable failure to defend or indemnify; unfair or improper claims handling, premium pricing, and property valuation; unfair settlement practices or failure to settle; institutional bad faith; and various other matters. Hinshaw lawyers are well-versed in defeating such claims and in limiting recovery of damages, including punitive damages and attorneys' fees. Our work includes representing insurers with respect to other extra contractual claims, including those involving loss control and risk management services; alleged conspiracy; alleged improper hiring or supervision of contractors; alleged breaches of fiduciary duties; alleged violations of insurance regulations; and alleged fraud and misrepresentation.

Reinsurance and Retrocessional Dispute Resolution, and Counseling

Hinshaw represents companies in a wide range of issues and disputes confronting ceding companies, reinsurers, and retrocessionaires, including:

- ◆ Rescission, adverse selection, non disclosure, misrepresentation, fraud, and duties, rights, and responsibilities in connection with underwriting
- ◆ Insolvency, rehabilitation, runoff, wind-up and cut-through
- ◆ Audits, inspection, discovery, and access to records
- ◆ Complex allocation and billing
- ◆ Number of accidents, occurrences, loss occurrences, and aggregation
- ◆ Following form, follow-the-settlements, and follow-the-fortunes
- ◆ Custom and usage, course of performance, and contract interpretation
- ◆ Duties, rights, and responsibilities in connection with claims handling, such as notice and rights of association
- ◆ Fronting and captive arrangements
- ◆ Authority and agency
- ◆ Umpire, arbitration and forum
- ◆ Limits
- ◆ Extra contractual liability
- ◆ Defense costs and declaratory judgment costs
- ◆ Letters of credit
- ◆ Offsets
- ◆ Commission and premium
- ◆ Retention warranties
- ◆ Regulatory requirements and restrictions
- ◆ Sole judge and honorable engagement

Our reinsurance experience includes representing clients in litigation, arbitration and other dispute resolution settings. We also provide advice and planning on insurance and reinsurance issues arising in the normal course of business and in connection with commutations, run-off operations and acquisitions.

Corporate Transactional, Regulatory, Run-Off, and Insolvency Insurance Services

Hinshaw lawyers have extensive experience in advising and assisting insurers on a wide range of corporate, regulatory, and other commercial and transaction activities, including:



- ◆ Conservation, liquidation and rehabilitation issues
- ◆ Corporate governance
- ◆ Corporate operations, organization, reorganization and structure, including issues related to mutualization, demutualization, and mergers and acquisitions
- ◆ Creation of domestic and offshore captives and third-party risk sharing entities
- ◆ Federal and state regulatory compliance
- ◆ Filing and obtaining approval of rates and forms
- ◆ Corporate bylaw drafting and revisions
- ◆ Insurance company creation and domicile selection
- ◆ Purchase and sale efforts involving issues ranging from due diligence to tax implications
- ◆ Purchasing assets of insolvent insurance companies
- ◆ Risk transfer

Hinshaw lawyers assist insurance industry clients in completing high-level business transactions such as strategic business sales and acquisitions, agency/broker relationships, licensing, and response to regulatory authorities. We have represented insurance companies and agencies, third-party administrators, managing financial agents, and claims specialist in these matters. Additionally, we have been involved in creating captive insurance companies, self-insured pools, risk retention groups, and other vehicles for risk transfer. We help companies manage risk by creating and implementing insurance programs and in drafting insurance policies, endorsements and exclusions.

Our lawyers have appeared in a wide variety of regulatory matters before state insurance regulators, defending enforcement actions and other administrative proceedings involving various issues, orders to show cause, agency appeals, notices of non compliance, and rulemaking.

Hinshaw lawyers have experience in insurance company conservation, rehabilitation and liquidation proceedings, including representing insurers before insurance regulators; preparing bids for assumption of business; negotiating and documenting commutations; and litigating reinsurance, claims, and asset valuation disputes.

We have represented numerous clients — both foreign and domestic — including secured and unsecured creditors of insolvent insurers and policyholder groups. Our attorneys provide advice and representation in connection with fraudulent conveyance and preferential transfer claims and allegations. We have experience advising on domestic and foreign insurance and reinsurance company insolvencies, schemes of arrangement, bankruptcy, and run-off operations, and have devised and executed numerous successful strategies in the context of legacy businesses.

Claims, Litigation, and Fees Management Services

Hinshaw counsels and represents insurers with respect to claims management, litigation management, and legal fees issues and disputes.



We help insurers analyze the reasonableness and necessity of costs and fees incurred in complex litigation. Our lawyers have served as counsel and as experts at the claims stage, in trial and appellate courts, and at mediations and arbitrations. Common matters we have addressed include analyzing fees and costs of independent counsel, *Cumis* counsel fee arbitrations, and allocating and apportioning fees and costs. We also assist insurers in implementing billing guidelines and cost controls in complex litigation.

Defense of Policyholders in Underlying Actions

Hinshaw attorneys are appointed by insurers to defend policyholders in a wide range of litigation and claims, including wrongful death, personal injury, bodily injury, and property damage; construction; product liability; medical malpractice and health care, aviation, aerospace, and transportation; professional liability; directors and officers liability; labor and employment; intellectual property; cyber and privacy; and other matters.

About Hinshaw & Culbertson LLP

Hinshaw is a U.S.-based law firm with offices nationwide. The firm's national reputation spans the insurance industry, the financial services sector, professional services, and other highly regulated industries. Hinshaw provides holistic legal solutions—from litigation and dispute resolution, and business advisory and transactional services, to regulatory compliance—for clients of all sizes. Visit www.hinshawlaw.com for more information and follow @Hinshaw on LinkedIn and X.

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