

Joel Wiegert Examines Contractual and Evidentiary Requirements to Demonstrate Insurance Coverage under Commercial Crime Policies via Fidelity Law Journal

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Hinshaw Partner Joel Wiegert and Theresa Gooley, Assistant Vice President & Counsel with Travelers, recently co-authored an article for the *Fidelity Law Journal* on the contractual and evidentiary requirements concerning establishing coverage under Financial Institution Bonds or Commercial Crime Policies.

Specifically, the authors address the contractual elements that provide the means to require an insured to meet their obligation to provide sufficient information to allow the insurer to address the insured's claim. The article further addresses the general burdens and elements of proof necessary to satisfy the burden. Finally, the article addresses the consequences of an insured's inability to provide sufficient evidence to meet its burden, or worse yet, where the insured no longer has the evidence to support its claim.

Noting that the Commercial Crime Policy and Financial Institution Bond are designed to protect the insurer against both an uncooperative insured and questionable claims, the authors add that while these provisions themselves can provide sufficient means to render a coverage decision even when the insured is not cooperative, similar constraints and protections are afforded if the claim makes its way into litigation.

- “Contractual and Evidentiary Requirements to Demonstrate Coverage” was published by the *Fidelity Law Journal* in its 30th volume and is available at XXX L.J. 91 (2024).

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