

Bad Faith, Market Conduct & Extra-Contractual Liability

Protecting Insurers from High-Stakes Bad Faith and Extra-Contractual Claims

Bad faith and extra-contractual claims present the potential for substantial damages, reputational harm, and long-term operational impact. At Hinshaw, we have decades of experience representing insurers in high-profile and high-stakes bad faith litigation, market conduct examinations, and related disputes nationwide. Our attorneys bring a deep knowledge of insurance law coupled with a pragmatic understanding of the business practices employed by insurers as well as the realities confronting insurers in defending against extra-contractual claims.

Defending Insurers Against Every Angle of Bad Faith Risk

Hinshaw lawyers regularly evaluate, advise, and represent insurers in myriad bad faith, extra-contractual, and market conduct investigations, lawsuits, and class actions. We represent insurers in trial and appeals in courts across the country in both first and third-party bad faith actions. We counsel and represent insurers before state departments of insurance and state and federal regulatory bodies. We work proactively to advise clients and provide training in claims handling practices and best practices and in compliance with statutory, regulatory, and common law requirements to minimize the risk of extra-contractual liability and to navigate evolving regulatory expectations.

Our experience extends to the full panoply of extracontractual claims, including:

- allegations of inadequate investigation,
- unreasonable delay, failure to defend or indemnify,
- unfair or improper claims handling,
- premium pricing,
- property valuation,
- unfair settlement practices,
- failure to settle,
- institutional bad faith, and
- various other theories and allegations.

We represent insurers with respect to other extra-contractual claims, including:

- claims involving loss control and risk management services,
- alleged conspiracy,
- alleged improper hiring or supervision of employees or contractors,
- alleged breaches of fiduciary duties,
- alleged fraud and misrepresentation,
- alleged violations of insurance and claim handling regulations, and
- consumer fraud and protection statutes.

We advise insurers in responding to time-limited demands and with respect to stipulated judgments and assignments. Simply stated, Hinshaw lawyers are well-versed in evaluating and defeating extracontractual claims and in limiting recovery of damages, including punitive damages and attorney fee awards.

Insights

Press Release
Aug 21, 2025

102 Hinshaw Lawyers Recognized in 2026 Editions of *The Best Lawyers in America*® and *Ones to Watch*™

Press Release
Aug 15, 2025

Tessa Vorhaben Appointed to the New Orleans Chapter of the Federal Bar Association's Board of Directors

In The News
Aug 1, 2025

Scott Seaman Featured in *Law360* Report on the Top Property Insurance Decisions in the First Half of 2025

In The News
Jul 21, 2025

Scott Seaman Interviewed by *Law360* in its Report on the Top Commercial General Liability Rulings From the First Half of 2025

In The News
Jun 19, 2025

New Two-Volume 13th Edition of Thomson Reuters Insurance Law Treatise is Now Available

Press Release

Jun 17, 2025

Scott Seaman Supports Ruling that Held Federal Jurisdiction is Appropriate in Insurance Coverage Disputes

In The News

Jun 11, 2025

Scott Seaman Discusses Significance of Fourth Circuit's Towers Watson Bump-Up Exclusion Ruling

Press Release

Jun 9, 2025

Hinshaw Adds Insurance Partner Tessa Vorhaben in New Orleans

In The News

Jun 9, 2025

Scott Seaman Discusses the Importance of Securing Judicial Finality in COVID-19 Pandemic Insurance Coverage Rulings

Press Release

Jun 5, 2025

Hinshaw Earns National Recognition in 2025 *Chambers USA* Directory

Press Release

Apr 25, 2025

Daniel Shatz Named to Top 25 Financial Services and Insurance Attorneys of 2025

Press Release

Apr 21, 2025

Scott Seaman Selected for *Crain's Chicago Business* 2025 Notable Litigators and Trial Attorneys

To Find Out More Contact



Pedro E. Hernandez

Partner

Miami

☎ 305-428-5043



Rory Eric Jurman

Partner

Fort Lauderdale

☎ 954-375-1141



Scott M. Seaman

Partner

Chicago

☎ 312-704-3699

Related Capabilities

Claims Resolution, Management & Social Inflation Containment

Complex Tort & General Casualty

Insurance

Insurance Coverage Litigation & Counseling

Insurance Regulatory & Compliance

International Law & Alliances

Litigation & Trial

Nationwide Litigation Portfolio Management

Professional Services