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GLOBAL INSURANCE SERVICES

Goldberg Segalla is one of the premier law firms advising and representing the global insurance and reinsurance industry. Our 75-lawyer Global Insurance Services Practice Group, which *Law360* ranks among the largest in the United States, exists to serve insurers, reinsurers, and all others operating in the insurance arena.

Comprehensive Offerings and Global Reach

We are proud that executives, general counsels, and risk-management professionals across this space know they can call upon us to handle virtually any domestic or international need that arises, including:

- Complex and innovative transactions
- Thorny regulatory concerns
- Cross-border or cross-jurisdictional issues
- Advice on day-to-day operations
- Practical coverage opinions
- Resolving coverage disputes and other contentious matters
- Pragmatic and cost-effective approaches to pre-suit claim resolution
- Bet-the-company litigation

Our team has extensive experience serving the U.S., Europe, Asia, Latin America, Bermuda, and other key markets. We bring the exceptional ability to bridge international gaps, thanks to our deep market knowledge, multilingual lawyers, and team members admitted in foreign countries.

State-by-State Experience

Goldberg Segalla's Global Insurance Services group provides superior services to national and international insurers by encouraging collaboration across offices, mobilizing our top talent and relevant subject-area experts to offer counsel and defense wherever our clients need us. Though we work fluidly as a 75-attorney team, we also boast deep benches and decades of experience in numerous states across our footprint. Our statewide insurance services teams include:

- **GIS California:** The insurance market in California, valued at well over \$123 billion, is one of the largest in the world — and California state law on coverage issues is uniquely well-developed, frequently placing the state on the forefront of emerging coverage issues. Many jurisdictions throughout the U.S. look to and cite California law as persuasive authority on key coverage issues that have not yet been considered in other jurisdictions. The GIS California team is mindful of the distinct challenges and opportunities the state's market presents, and has a record of thinking ahead to the future implications of taking particular positions or defenses. Goldberg Segalla's attorneys have decades of experience representing insurers in California with regard to CGL, E&O, fidelity, automobile, commercial property, homeowners, media, aviation, cyber, and excess/reinsurance policies.
- **GIS Connecticut:** Regularly litigating first party property, construction defect, professional liability, and other coverage issues, our GIS Connecticut team is exceptionally qualified both to know and understand the nuanced, well-developed laws governing the insurance market as well as to identify and work creatively around the coverage-related legal issues that have yet to be sufficiently

addressed in the state's courts.

- **GIS Florida:** Deeply versed in the difficulties facing Florida insurers — including statutory fee entitlement, a low threshold for bad faith claims, *de minimis* pleading requirements, and the high incidence of time-limited demands — our attorneys provide front-line investigation and defense of first-party property disputes along with pure coverage analysis on a wide scale, as well as comprehensive third-party insurance coverage and aggressive defense of bad faith matters.
- **GIS Illinois:** Insurers in Illinois face high penalties for reaching incorrect coverage conclusions, possible estoppel from asserting coverage defenses to judgments or settlements, and the prospect of “going it alone” in casualty claims. With a reputation for anticipating and creatively meeting these challenges, our attorneys have been at the forefront of advising insurers and successfully litigating coverage disputes involving property and casualty claim challenges throughout the Illinois state and federal courts for decades. We routinely represent major insurers doing business in Illinois on high-exposure coverage matters across all product lines, including the litigation of declaratory judgment actions and extracontractual claims.
- **GIS Indiana:** For decades, Indiana has been a consistently pro-policyholder jurisdiction with its courts routinely ruling contrary to insurance industry-advocated positions. Well-known as exceptional coverage litigators in this market, our attorneys regularly advise insurers and successfully litigate coverage disputes involving environmental, law enforcement liability, and other property and casualty claim challenges throughout the Indiana state and federal courts.
- **GIS Massachusetts:** The Commonwealth of Massachusetts' consumer protection statute exposes insurers to the potential of incurring extracontractual liability. Our attorneys are well experienced in counseling clients in responding to demands under the consumer protection statute, the predicate for imposing extracontractual liability.
- **GIS New Jersey:** Our extensive experience in handling Superstorm Sandy cases, both residential and commercial, positions us well to address similar natural catastrophes and/or property damage claims going forward. Our knowledge of first-party and third-party court decisions with respect to extracontractual claims also positions us well for the battles that will follow if the Insurance Fair Conduct Act is passed.
- **GIS New York:** Our GIS New York attorneys — who have served as either advisory or litigation counsel for nearly every major insurer in the state — are intimately familiar with the nuances of New York Insurance Law 3420, and have litigated countless cases involving most subsections of that statute, including certain court decisions that have morphed the effect of that statute since its inception.
- **GIS North Carolina:** Since 2000, the North Carolina Supreme Court has interpreted the state's unfair claims settlement practices statute to allow insurers to be subject to treble damages based on a standard well below the “bad faith” standard. Our GIS North Carolina attorneys have been advising and successfully defending insurers since decades before this landmark decision, and since then have been at the forefront of litigating extracontractual claims and other coverage matters across all product lines.
- **GIS Ohio:** Ground zero in national opioid litigation, Ohio remains a challenging jurisdiction for insurers with respect to tort litigation and insurance coverage for that exposure. Our team includes multiple attorneys with experience litigating insurance coverage and bad faith matters in Ohio under

nearly every type of insurance policy in the market, including CGL, professional liability, environmental, and property policies.

- **GIS Pennsylvania:** One of the most significant challenges for insurers operating in Pennsylvania is the state's well-established bad faith insurance statute, which provides for recovery of punitive damages and attorneys' fees for an insurer's bad faith conduct. Goldberg Segalla's strong GIS Pennsylvania team has four attorneys each with at least 20 years of coverage experience, as well as several other experienced coverage lawyers, with a record of securing dismissals of bad faith claims early in litigation to eliminate the exposure and associated costs. In addition, we routinely provide training to our insurance company clients on good faith claims-handling practices, providing further protection from bad faith exposure.
- **GIS South Carolina:** South Carolina insurers continue to face the proliferation of high exposure construction defect claims, particularly over multi-family projects along the coast. Our attorneys have been at the forefront of advising insurers and of actively and successfully litigating coverage disputes over construction defect claims in South Carolina for many years — including the successful litigation of many issues of first impression under South Carolina law, such as the allocation of loss across triggered policy periods (*pro rata* time on risk), the enforceability of business risk exclusions, and the enforceability of the exterior insulation finish system (EIFS) exclusion.
- **GIS Wisconsin:** Some recent decisions notwithstanding, Wisconsin has for decades been a consistently pro-policyholder jurisdiction — one that allows direct actions against insurers — with its courts routinely ruling contrary to insurance industry-advocated positions, including the adoption of "all sums" allocation in multi-insurer, multiple policy period progressive loss claim scenarios and the holding that CERCLA environmental response costs are considered "damages" under CGL policies. GIS Wisconsin attorneys are well experienced in representing carriers in the state, including in direct actions, simultaneously knowing how to avoid exposing carriers to disputes with policyholders and how to work cooperatively with defense counsel in order to avoid duplicative costs to the carrier.

Trust Earned Through High-Level Engagement

Several of the world's largest insurers and law firms have selected us to serve in capacities such as:

- Regional coverage counsel for multiple insurers — in some cases covering more than a dozen states, and in another spanning more than 20
- National bad faith coverage counsel
- National reinsurance counsel
- National fidelity/crime coverage counsel
- National coordinating counsel for weather-related catastrophes such as Superstorm Sandy
- One of only a select few firms handling 9/11 coverage litigation
- Regulatory counsel for a Japan-based insurer in the \$5 billion acquisition of a NYSE-traded U.S. insurance holding company
- National regulatory counsel for one of the largest providers of vehicle service contracts
- A go-to resource for large, cross-border law firms without regulatory capacity to serve the U.S. regulatory needs of their multinational financial and other service-provider clients

This constantly growing and increasingly diverse list of assignments reflects the exceptional degree of trust and confidence we have earned in the worldwide insurance market. These engagements —

coupled with recognitions like *Reactions* Law Firm of the Year and consecutive placements on the short list of finalists for *Intelligent Insurer's* Best Law Firm global award — attest we are a go-to firm globally.

Leading the Way ...

Members of our dynamic team have earned national and international recognition as leaders and trailblazers in many insurance-related legal disciplines. We also play a major role in driving the professional discourse on insurance and reinsurance law.

As one example, partner Thomas F. Segalla is the Editor of the seminal LexisNexis treatise *Couch on Insurance 3d* and of the *Reinsurance Professionals' Deskbook* published by Thomson Reuters (which featured seven contributing authors and editors from our firm). He was the founding President of the American College of Coverage and Extracontractual Counsel (ACCEC), a group of the most prominent and respected insurance lawyers in North America focused on improving the quality of the practice of insurance law. Three additional Goldberg Segalla partners are members of this exclusive organization.

Our lawyers hold key leadership positions in virtually all the most prominent national and international legal and insurance organizations. A small sampling of these positions includes:

- Past President, Defense Research Institute (DRI)
- National Committee Chairman Emeritus, Claims and Litigation Management Alliance (CLM)
- Past Chair, Federation of Defense and Corporate Counsel (FDCC) Insurance Coverage Section
- Co-Chair, FDCC Advance Committee
- Past Director, Senior Director, and Insurance Industry Committee Co-Chair, FDCC
- Past Chairs, International Association of Defense Counsel (IADC) Insurance and Reinsurance Committee
- Chair, IADC Eastern Pennsylvania State Committee
- Editorial Board member, *Insurance Law360*

In addition to our team members' work on important titles like the *Reinsurance Professionals' Deskbook* and *Couch on Insurance*, more than 10 Goldberg Segalla lawyers have been authors for the *Appleman on Insurance* LexisNexis treatise, with contributions including chapters on reinsurance, life insurance claims adjusting and fraud, litigation and regulatory aspects of Lloyd's in the United States, calculating coverage amounts, and mergers and acquisitions insurance.

On a near-weekly basis, members of our Global Insurance Services team author or contribute commentary to articles appearing in the publications insurance and legal professionals rely on, including DRI's *For the Defense*, *Mealey's Litigation Reports*, *Law360*, *Insurance Day*, *Intelligent Insurer*, *Reactions*, and many more.

Our *Insurance and Reinsurance Report* blog (insurereport.com) — which was named among the top 50 insurance blogs by LexisNexis every time the list was published — provides regular national coverage and analysis of critical insurance law decisions and critical regulatory developments impacting the industry.

... by Breaking the Mold

Goldberg Segalla set out in 2001 to challenge the prevailing model of providing legal services. Our founders built this firm on systems that reward working together and growing long-term client

relationships.

Our Global Insurance Services Practice Group reflects that vision and commitment. We realize that the insurance industry, in particular, faces unparalleled challenges. Our approach is driven by a deep commitment to being a solution to those problems for clients, not another source of stress.

As we explained to *Intelligent Insurer*:

“It all starts with truly understanding the client’s business. Our philosophy is, you have to walk in their shoes and feel their pain. You have to understand the pressures they are under and do everything you can to help them face those pressures. As one example, we have worked extensively to develop processes in our firm to ensure we follow our clients’ guidelines so we can help them keep their claims leakage numbers down.”

We built a strong reputation for outstanding work and stellar service by listening to our clients, appreciating their specific business philosophies and needs, and respecting their desire for efficiency. For example, when handling litigation, we pursue aggressive motion practice to dismiss common-law claims and preclude experts, and we strive to ensure the proper confines of discovery, including limitation to the administrative record and limitation of discovery against an insurer or carrier regarding its claims process.

The impact of this new approach? Just ask the insurance and reinsurance professionals and executives polled for *Intelligent Insurer’s* Global Awards, where we have been a finalist for the Best Law Firm accolade in multiple years, or consider our receipt of the *Reactions* Law Firm of the Year award in 2014.

For these and other honors, the industry ranked us alongside or even above long-established law firms that are several times our size — indicating that our way of doing things is something clients have craved for some time.