



## INSURANCE AND REINSURANCE LAW

Riker Danzig's Insurance Group draws on the combined resources of experienced litigators, governmental affairs attorneys and corporate attorneys to bring comprehensive understanding to matters on behalf of the insurance industry. We are consistently ranked in the top tiers for Insurance Litigation in New Jersey by *Chambers USA: America's Leading Business Lawyers Client's Guide*, which notes our "excellent reputation," "efficient staffing of cases," and describes our group as "responsive, efficient and large enough to handle research-intensive cases, as well as offer a carefully tailored approach." The Insurance Litigation group is said to "attract praise for its extensive insurance and reinsurance capabilities which include acting for insurers on coverage disputes and defending companies against product liability and construction defect claims. Our Insurance Law Group was recognized nationally among all U.S. firms in the 2010 inaugural edition of the *U.S. News & World Report—Best Lawyers* rankings of "Best Law Firms," and has continued to be ranked in Tier 1 for New Jersey firms each year since 2011. See [Awards and Honors Methodology](#).

*No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*

We represent our clients in a variety of different insurance related areas, including insurance coverage, reinsurance, corporate litigation, insurance defense, bad faith litigation, insolvencies, governmental affairs and regulatory matters and intermediary and agency disputes. We appear regularly before trial and appellate courts, arbitration panels and governmental and regulatory agencies. Our current and former insurance and reinsurance clients include: Admiral Insurance Company, AIG Specialty Insurance Company, Alea North America, Allied World National Assurance Company, American Guarantee and Liability Insurance Company, American Centennial Insurance Company, American Home Insurance Company, American Income Life Insurance Company, American International Management Association, AmeriChoice, Inc., Association of Bermuda Insurers and Reinsurers, Attune Insurance Services, Berkley Specialty Underwriting Managers, Inc., California Casualty Insurance Company, Cambridge Integrated Services, Inc., Camomile Underwriting Agencies Limited, Catalina London Limited, Chartis Specialty Insurance Company, Chubb Group of Insurance Companies, CIGNA, Citizens Insurance Company of America, Continental Insurance Company, Cosmopolitan Insurance Company, in Liquidation, The Copenhagen Reinsurance Company (UK) Limited, Crum & Forster Insurance Group, Delta Lloyd Insurance Company Limited, Diamond State

Insurance Company, Downlands Liability, Dukes Place Holdings, L.P., Euler-Hermes, ACI, Excess Insurance Company Limited, Fairmont Specialty Insurance Company, (f/k/a Ranger Insurance Company), Federal Insurance Company, GLOBAL Reinsurance Corp. of America, Globe Life And Accident Insurance Company, Gotham Insurance Company, Granite State Insurance Company, Great American Insurance Company, Greenwich Street Capital Partners II, L.P., Greenwich Street Investments II, L.L.C., Hanover Insurance Company, HDI-Gerling America Insurance Company, Inc., High Point Insurance Company, Highlands Insurance Company, in Receivership, High Point Insurance Company, Ideal Insurance Company in Liquidation, Illinois National Insurance Company, Ironshore Indemnity Inc., Lexington Insurance Company, Markel Corporation, Massachusetts Bay Insurance Company, Mercury Insurance Company, Midland Insurance Company in Liquidation, Mitsui Sumitomo Marine Management (USA), Inc., Mutual Marine Office, Inc., National Casualty Company, National Casualty Company of America Limited, National Income Life Insurance Company, National Union Insurance Company of Pittsburgh PA, Nationwide Mutual Insurance Company and affiliates, New Hampshire Insurance Company, New York Marine & General Insurance Company, North River Insurance Company, Pacific Specialty Insurance Company, Penn-America Insurance Company, The Philadelphia Contributionship Insurance Company, PMA Insurance Group, Preferred Mutual Insurance Company, Proformance Insurance Company, Prudential of America Group, Reinsurance Association of America, The Riverstone Group, RSUI Group, Inc., Selective Insurance Company of America, Selective Way Insurance Company, Sompo America Insurance Services LLC, Southeastern Asset Management, Inc., Steadfast Insurance Company, Stonewall Insurance Company, Stronghold Insurance Company Limited, the Superintendent of Financial Services of the State of New York as Liquidator of Cosmopolitan Insurance Company and Ideal Mutual Insurance Company, TIG Insurance Company, Toa Reinsurance Company of America, Torchmark Corporation, Unionamerica Insurance Company Limited, United National Insurance Company, United States Fire Insurance Company, UnitedHealth Group, Universal Underwriters Insurance Company, Western Reserve Group.

We have also served as New Jersey legislative and regulatory counsel to the Reinsurance Association of America and as governmental affairs representatives for the Insurance Council of New Jersey -- the non-profit, insurance research, information and advocacy organization representing New Jersey's licensed property/casualty insurance companies.

## **Practice Areas:**

### **Insurance Coverage**

A cornerstone of our Insurance Law practice is based upon representing our clients in a broad array of insurance coverage issues. This includes counseling clients on coverage issues, as well as defending them against insurance coverage litigation. Over the years, we have represented our clients in almost every conceivable variety of first and third party coverage disputes including: property, environmental, products, completed operations and ERISA.

Our insurance lawyers are extremely knowledgeable in choice of law, the application of various policy exclusions, allocation issues and other substantive defenses. We have dealt extensively with claims under products liability, automobile, multi-peril, advertising injury and property policies. Our practice has also given us in-depth exposure to issues unique to primary, excess and umbrella insurers.

## **Reinsurance**

Another significant aspect of our Insurance Law Group is Riker Danzig's Reinsurance Law practice, which has developed extensively over the past twenty years. Our diverse representations have given us a thorough familiarity with and understanding of issues peculiar to reinsurance claims, including (1) the custom and practice of facultative and treaty placements, (2) the function, role and importance of reinsurance intermediaries, (3) the structure of reinsurance and retrocessional programs, and (4) the ceding and collection of reinsurance recoverables. We have arbitrated or litigated many of the coverage issues that typically arise in connection with reinsurance claims including: occurrence, trigger, follow the fortunes, extra-contractual loss, late notice and good faith. We have also developed extensive experience in the appropriate allocation of underlying claims to reinsurance treaties. Finally, we have been involved in successful reinsurance collection efforts throughout the world.

## **Corporate Litigation**

Drawing from a deep bench of litigation talent within the firm, we have successfully litigated and arbitrated a wide range of matters for the corporate law departments of major insurers. Our extensive experience ranges from the representation of insurers in large scale, "bet-the-company" cases, to the defense of insurance companies in commercial litigation suits, to the prosecution of high-value collection matters. The combination of our attorneys' deep insurance and litigation background with our tireless commitment to serving the needs of our clients makes Riker Danzig the firm of choice for litigations and arbitrations both pursued and defended by insurance company clients.

## **Regulatory and Governmental Affairs**

Our Trenton office serves as the center of our New Jersey regulatory and governmental affairs practice. On behalf of our clients, we work regularly with members of the New Jersey Legislature and Executive Branch offices including the New Jersey Department of Banking and Insurance. Because of those relationships and our own extensive first-hand experience in government, we can realistically apprise clients of the prospects of obtaining their objectives, and can offer imaginative and workable solutions to a variety of their problems.

We appear frequently before the New Jersey Department of Banking and Insurance on a broad range of insurance regulatory issues on behalf of insurers, reinsurers, captives, pools and self-insured retention programs. We serve as governmental affairs representatives in Trenton for the Insurance Council of New Jersey, which advocates on behalf of New Jersey licensed property and casualty insurers and have served as New Jersey legislative and

regulatory counsel to the Reinsurance Association of America, a non-profit trade association comprised of professional property and casualty reinsurance companies. Our regulatory practice includes seeking regulatory approval of various insurance company transactions under the Insurance Holding Company Act, litigation and appeal of contested cases involving assessments and rate cases and other regulatory matters, as well as constitutional challenges to the State's regulatory authority. We regularly represent and advise insurers in connection with new policies and programs, licensing and market conduct issues. The firm serves as general counsel for one of the fastest growing New Jersey personal lines carriers. We have represented this company in all aspects of doing business in New Jersey, including formation and other regulatory matters, agent contracts, claims coverage issues and corporate transactions.

We also represent insurance companies in the legislative process. Our attorneys are experienced in investigating the impetus behind legislation, and in developing legislative strategies to advance our clients' interests. We often lobby for our clients' interests and secure legislative sponsorship and passage of bills, some of which we draft for those clients. In a recent New Jersey legislative session, for example, we played a significant role in crafting New Jersey's health insurance and property and casualty insurance reform laws. We recently worked to secure legislative passage of the State's "Reinsurance and Surplus Lines Stimulus and Enhancement Act" and filed the first application before the New Jersey Department of Banking and Insurance for redomestication of a surplus lines company under the new law. We have also worked with the Department of Banking and Insurance on various provisions of its law to regulate captive insurers.

We frequently provide advance comment and input and participate in regulatory work groups led by the New Jersey Department of Banking and Insurance relating to the Department's adherence to Governor Christie's Executive Order 2, seeking input on various upcoming rulemaking actions.

### **Insurance Defense**

As part of its litigation practice, Riker Danzig has extensive experience in virtually all types of insurance defense litigation, including claims arising from professional liability, directors and officers liability, environmental liability, premises liability, homeowner liability and automobile liability, as well as construction defect, workers compensation and other general liability claims. Working closely with insureds and their insurer-claims management groups, we develop case strategies for achieving the dismissal, withdrawal and/or lowest cost settlement of litigation against our insured-clients, and aggressively put into action strategies designed to achieve these objectives. Our efforts have produced a long track record of success and have inspired the confidence of policyholders and insurers alike.

### **Bad Faith Litigation**

An unfortunate result of the contentious nature of modern coverage disputes is that bad faith claims have become a common aspect in many of these cases. We have extensive experience in both counseling and defending our

insurance clients on bad faith and unfair claims practices violations.

Riker Danzig has been involved in all aspects of bad faith litigation. Recently, through several cases, we have been at the forefront of the developing category of bad faith litigation concerning the duties owed by primary to excess insurance carriers. We have also successfully defended our insurance clients in a variety of cases in which bad faith concepts have sought to be expanded under New Jersey law. We continue to be actively involved in this rapidly evolving area of law so that we may effectively defend our insurance clients.

### **Insurance Insolvency**

Our insurance lawyers have been at the forefront of insurance and reinsurance insolvency law in New Jersey. For example, this firm played a leading role in the successful rehabilitation of Mutual Benefit Life Insurance. In that capacity, we negotiated with the National Organization of Life and Health Insurance Guaranty Associations and the State Insurance Commissioner to formulate a successful plan for Mutual Benefit Life's rehabilitation. Our clients had assets in excess of \$3.5 billion dollars deposited with Mutual Benefit Life, which were all recovered as a result of the successful rehabilitation. Our firm has also played a significant role in virtually every liquidation and rehabilitation in New Jersey, including the liquidation of the Integrity Insurance Company and the Pritchard & Baird reinsurance companies. We have also represented the conservators of insolvent insurers' estates in Texas, New York and California state and federal court proceedings.

### **Insurance Intermediaries and Agency Disputes**

We are experienced in handling a broad range of sophisticated insurance and reinsurance law matters involving insurance intermediaries and brokers. Over the past several years, our insurance lawyers have represented major insurance companies in all types of contested matters, including disputes between insurance companies and managing general agents. In one recent matter, we succeeded in collecting more than \$1 million in insurance premiums embezzled by a broker, plus interest and attorneys' fees. We have also represented insurance companies and managing general agents in disputes involving the termination and runoff of claims arising out of such terminations. We have provided regulatory counsel to several insurance agents and brokers in enforcement matters brought by regulatory bodies, including the New Jersey Department of Banking and Insurance and Office of the Insurance Fraud Prosecutor. In addition, we have extensive litigation experience involving brokers and agents, and the differing duties and obligations arising out of such relationships in both insurance and reinsurance contexts.

## **Transactional**

We have extensive experience representing insurers and their insurance holding companies in all aspects of finance and corporate transactions including: formations, change of control, mergers, acquisitions, assumptions and reinsurance, private placements, replacement transactions, and surplus and capital notes. In our role as counsel to many insurers, we often negotiate and draft industry agreements including: producer, broker, and agency agreements; operations and services agreements; and cost-sharing agreements.