KAUFMAN | DOLOWICH

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Transactional Insurance

Transactional Risk Insurance Products

Increasingly, equity firms and parties to merger and acquisition transactions look to insurance when closing a deal. Transactional risk insurance products, including representations and warranty insurance policies, are used to transfer liability risks away from the deal participants. These types of products typically include a collection of customized products designed to protect buyers and sellers against a number of risks associated with corporate level transactions such as tax claims, breach of warranty and litigation.

The attorneys at Kaufman Dolowich are on the cutting edge of these emerging insurance products. Insurers across the nation retain our firm to provide strategic counsel and assistance in connection with their transactional risk insurance product development activities. Our lawyers have assisted insurers in drafting bespoke policy documents and conducting due diligence reviews when underwriting these risks. We are considered one of the leading firms in the area of transactional risk and have been endorsed on major carriers' policies to serve as notification and monitoring counsel.

Investigations, Litigation and Arbitration

Kaufman Dolowich's insurance coverage and litigation attorneys are regularly retained to investigate claims involving mergers and acquisitions, tax liabilities and loss litigation policies. Our lawyers have an in-depth understanding of the industry and the complex issues underlying these types of claims. As part of the investigative process, our legal team reviews the terms and conditions of the policy and provides clients with a detailed assessment of the potential risks and costs associated with the claim. When coverage issues arise, we help our clients resolve these matters in the most cost-conscious manner possible.

If a coverage dispute cannot be successfully resolved outside of the courtroom, Kaufman Dolowich's trial lawyers are prepared to represent our clients throughout the course of the litigation. We regularly litigate insurance coverage disputes in state and federal courts across the nation, including cases involving multiple carriers who may be responsible under various insurance policies.

Our lawyers also counsel and defend insurance carriers in claims alleging that the carrier has acted in bad faith. These types of actions tend to be highly volatile and put the carrier at risk for significant damages. Insurers trust our firm to deliver the strategic counsel necessary to protect their interests in these high-stakes matters.

The attorneys in our Insurance Coverage and Litigation Practice also assist clients in handling disputes involving transactional risk products through alternative dispute resolution. Our lawyers are familiar with rules and procedures governing arbitration in the insurance industry. In one of the few representation and warranties policy disputes to reach arbitration, Kaufman Dolowich successfully defended excess insurers in an $80-million claim.

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