

Insurance Coverage Law

Plunkett Cooney has long been recognized as having one of the premier Insurance Coverage Practice Groups in the nation. This group's history of insurance consulting and representation of insurance carriers in disputed claims, coverage litigation and regulatory proceedings is second to none.

Plunkett Cooney's Insurance Coverage Practice Group is unique in its depth and breadth of experience. The group is comprised of attorneys who specialize in defined aspects of insurance coverage law and who have achieved national reputations in those areas. These attorneys are frequent authors and lecturers on insurance law-related topics at national conferences for insurance industry organizations.

Members of this group are leaders in prominent industry associations, including DRI – The Voice of the Defense Bar, the International Association of Defense Counsel, Federation of Defense & Corporate Counsel and ALFA International.

Plunkett Cooney's Insurance Coverage Practice Group includes attorneys who focus on coverage claims arising from:

- Large scale, high exposure toxic tort coverage claims, including environmental, breast and knee implant, asbestos, and Chinese Drywall liability. These matters typically involve multi-state claims requiring extensive choice of law and complex coverage analysis.
- Bad faith and "reverse" bad faith actions
- Claims related to the COVID-19 pandemic
- Actions for reformation and rescission of insurance policies
- Personal and advertising injury claims, including claims for disparagement, copyright infringement and infringement of trade dress
- Construction-related claims, including claims for contractual indemnification and claims by purported additional insureds
- Professional liability matters, including errors and omissions claims against real estate agents, insurance agents, attorneys, physicians, and directors and officers
- First party property coverage claims, including examinations under oath and property appraisals
- Coverage claims presented in bankruptcy

Traditionally, members of Plunkett Cooney's Insurance Coverage Practice Group have offered both insurance coverage litigation services, as well as consultation at the claim stage. A brief description of those services follows:

Insurance Coverage Litigation

The Insurance Coverage Practice Group's litigation practice is national in scale with group members currently or previously representing insurers in coverage litigation throughout the country. A number of our attorneys are fully-licensed in Illinois, Indiana, Michigan, New Jersey, New York, Ohio and Wisconsin.

The Insurance Law Practice Group aggressively represents its carrier clients in litigation, seeking the most favorable and efficient results possible. Our attorneys have served as lead counsel for insurance carriers in nationwide breast and knee implant, environmental, asbestos, construction and pharmaceutical coverage cases.

Plunkett Cooney's attorneys are at the forefront of emerging insurance issues such as coverage for medical and recreational cannabis and claims related to the COVID-19 pandemic. The firm is also a leading advocate for insurers' rights on such issues as requests for recovery of pre-tender costs, successor rights to coverage under policies issued to predecessor corporations, and post-Kiger total pollution exclusion issues in Indiana.

Another key aspect of the firm's insurance coverage practice involves the defense of carriers in so-called "bad faith" litigation filed in numerous jurisdictions. Our attorneys are intimately familiar with the issues involving whether bad faith constitutes a separate cause of action and whether a policyholder may obtain extra-contractual damages (including lost profits and/or attorney fees). The firm has also represented insurance carriers in matters rising from the Uniform Trade Practices Act and other similar state regulatory statutes.

Our attorneys have represented insurance carriers in "reverse bad faith" matters, where the policyholder's actions were especially outrageous and harmful, particularly in Ohio, where the law may permit damages for such a reverse action.

Insurance Coverage Consulting

The members of Plunkett Cooney's Insurance Coverage Practice Group counsel claim professionals with respect to particularly troublesome or complex claims in order to assist insurance providers in the prevention of bad faith claims or claims for breach of the covenant of good faith and fair dealing.

Our attorneys are frequently retained to consult with insurance carriers during the pre-suit claim stage to provide legal advice with respect to the existence of insurance coverage for a given claim and to make recommendations regarding claim handling. This work often involves drafting extensive insurance coverage opinions and coverage position letters on behalf of carrier clients.

INSURANCE COVERAGE LAW Cont.

Plunkett Cooney's attorneys also have expertise in the consultation with and representation of insurance carriers in the context of first-party property damage claims. Our attorneys are often retained immediately after a loss, and assist in directing cause and origin investigations, reviewing claims submissions and making recommendations regarding coverage determinations. They routinely conduct examinations under oath during the investigation of property losses and have participated in property appraisals.

Drafting Insurance Policy Language/Underwriting

Plunkett Cooney's Insurance Coverage Practice Group members are often retained to review insurance policy language and to assist in the drafting and/or revision of policy language, as well as to consult with underwriters regarding the use of proposed policy language.