

Insurance and Risk Management

Overview

The insurance industry is built on mitigating risk, and insurers and the companies they do business with require savvy, experienced legal counsel to manage their own risks so their businesses can grow and thrive. Katten is a recognized leader in servicing clients throughout the insurance industry on a range of litigation, commercial, transactional and regulatory matters.

National leaders in insurance fraud detection and prevention

Katten is a national leader in helping insurers reduce their exposure to systemic fraud. We work with insurers across the country to identify fraudulent claim trends in high-exposure markets, develop strategies to reduce exposure and recover payments that were never owed in the first place. Our attorneys work to combat fraudulent insurance claims by identifying patterns and parties that are driving systemic fraudulent claims activity. Our fraud team understands:

- Patterns and practices of those who engage in insurance and health care fraud
- Insurance claims operations, company and industry-wide claims databases
- Various forms of medicine including acupuncture, chiropractic, physical therapy, physiatry, orthopedics, neurology, pain management, surgery, psychiatry, psychology and dentistry
- Various forms of diagnostic testing including imaging studies, neuropsychological testing, electrodiagnostics, range of motion and muscle strength tests, pulmonology tests, sleep studies and laboratory diagnostics
- Durable medical equipment, orthotics and pharmaceuticals

Our team includes several former federal prosecutors, and we routinely represent insurers in affirmative litigation directed at the parties who are primarily responsible for fraudulent claims activity and have recovered significant sums on behalf of our clients. We have brought cases and argued many positions that have established controlling legal principles in jurisdictions across the country, which in turn have been used to reduce future exposures.

Working with all types of insurance industry clients

We counsel clients throughout the insurance industry — including insurance and reinsurance companies, risk retention groups, policyholders, insurance agencies, brokerages and premium finance companies — in disputes and litigation, on transactions, and in corporate and regulatory work. We work with risk and underwriting managers,

general agencies and third-party administrators. Our attorneys advise alternative market ventures including Risk Retention Act of 1986 companies and risk pooling associations. We also represent the financial organizations that provide services directly to the insurance industry, from investment bankers and derivatives dealers to private equity funds and investment advisers.

We help our clients' management and insurance brokers to assess areas of potential liability inherent in their businesses, and we review current and proposed policy wording and provide guidance in procuring appropriate insurance coverage. Katten attorneys assist in-house risk management departments in developing procedures and guidelines that reduce the risk of litigation exposure. Our attorneys manage clients' litigation portfolios and maintain their insurance policies to cover all potential claims and defend them within insurers' guidelines.

Katten also represents insurance and reinsurance companies in a wide variety of general corporate matters, including:

- The formation and admission of new insurance companies and the accompanying capitalization and financing through commercial lenders or public and private capital markets
- Mergers, acquisitions and divestitures involving insurance companies and other insurance entities, including elements of state insurance holding company act compliance
- Structuring and restructuring insurance holding company systems with an emphasis on revenue flow and concern for taxation
- Sale of books of business and renewal rights transactions

Full-service support on insurance-related disputes

Our attorneys provide counseling in all aspects of insurance-related dispute resolution, asserting and defending insurance claims in litigation and arbitration and drafting coverage opinions. We handle:

- Fidelity bond claims, professional liability and Director and Officers (D&O) liability claims
- Fraud-related losses
- Business interruption and related property claims
- Claims arising from accidents and catastrophes
- Complex fact investigations and cooperation with law enforcement
- Defense of matters ranging from personal injury to commercial contract claims
- Disputes between claims managers and insurers, brokers and underwriters, and primary and excess layer insurers regarding business written in the US, London and Bermuda markets
- Regulatory violations
- Enforcement proceedings

Key Contacts



Michael I. Verde

Partner and General Counsel

New York
+1.212.940.8541
michael.verde@katten.com

Recognitions

Recognized or listed in the following:

- *U.S. News Best Lawyers – "Best Law Firms"*
 - Insurance Law
 - Chicago, 2013–2023