

Insurance Coverage Disputes

Our insurance coverage dispute attorneys represent policyholders and insureds throughout New York. We work with clients across many industries, including:

- Hospitality
- Retail
- Biotechnology
- Education
- Manufacturing
- Financial and professional services
- Nonprofit and religious organizations

When clients come to us for help with a lawsuit or business dispute, one of the first things we do is identify coverage issues that can result in shifting the financial burden to an insurer or exposing our clients to additional risk if not promptly and fully addressed. We understand how coverage should operate in practice, and we are experienced in deciphering complex policy terms and anticipating how courts may interpret them.

How We Assist Clients in Coverage Matters

The most effective insurance coverage work combines careful analysis, strategic advocacy and strong writing. Our attorneys bring deep litigation experience to each matter. Many are former federal law clerks, former federal prosecutors or alumni of prominent national and New York City firms. That background allows us to break down complicated insurance programs, spot coverage issues quickly and move decisively.

Our work includes:

- Evaluating policies to determine whether a carrier must defend or indemnify.
- Advising clients at the outset of litigation about whether their insurer should be paying for the defense.
- Preparing detailed coverage letters that prompt insurers to step in and honor their obligations.
- Filing lawsuits when carriers refuse to defend or indemnify.
- Asserting breach of contract claims and, when warranted, bad faith claims for improper denials.
- Much of this work is resolved through persuasive motion practice. When settlement is the best path forward, our trial lawyers bring strong negotiation skills that help achieve efficient, favorable outcomes.

Types of Coverage Disputes We Handle

Our team regularly handles disputes involving:

- General liability insurance
- Business liability insurance
- Directors and officers insurance
- Professional liability insurance
- Title insurance
- Business interruption insurance
- Property loss insurance
- Excess insurance and coverage gaps

Common scenarios include:

- A carrier refuses to defend a law firm in a professional liability lawsuit.
- A property insurer declines coverage for a claim brought against an insured.
- Businesses sued for personal injury or commercial claims where coverage should be triggered, allowing us to shift defense costs to the insurer.

In many cases, clients hire us to defend a lawsuit, and we discover that the insurer should be paying the bills. When that happens, we intervene with the carrier, and our efforts often lead to the insurer accepting the defense. Clients sometimes ask us to remain involved even after that happens, which leads to our shadow counsel work.

Shadow Counsel, Coverage Gaps and Protecting Personal Exposure

Shadow counsel services often arise when there is a risk of personal exposure that an insurer-appointed lawyer may not prioritize. We step in as independent counsel when:

- The potential damages exceed available insurance limits.
- There is a gap between primary and excess coverage.
- A layered insurance program raises questions about how coverage will respond.

In these situations, the insurer is focused on its payment obligations, while our role is to protect the insured's personal interests. For example, when an accident could produce damages far above policy limits, the insurer may have little incentive to minimize the insured's additional exposure. We manage the settlement strategy, evaluate risk and advocate for outcomes that safeguard the client rather than the insurance company.

Even when the insurer assigns counsel, clients often retain us to monitor the litigation, advise on strategy and ensure that decisions are made with their interests in mind.

Our Approach

Every client and coverage dispute is different, and we tailor our work to the pressures and business concerns at play. We listen closely, identify the most efficient path to resolution and pursue results that align with our client's goals. Whether that means shifting defense costs to an insurer, protecting against substantial personal exposure or litigating a wrongful denial, we

advocate with focus and persistence.