

# Insurance Coverage & Litigation

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The Goulston & Storrs Insurance Group combines seasoned insurance practice professionals with experienced litigation attorneys to provide risk assessment, coverage analysis, litigation and litigation management, alternative dispute resolution, and recovery analysis for all lines of insurance including matters related to the COVID-19 pandemic. The practice's industry-specific knowledge combined with the extensive resources of a large firm has created a reliable, proactive, and focused resource for our clients. We handle the full range of insurance matters, from the routine to the complex, including:

- [Risk Assessment, Portfolio and Coverage Analysis](#)
- [Litigation and Arbitration](#)
- [Claims and Litigation Management](#)
- [Alternative Dispute Resolution](#)
- [Recovery Analysis and Prosecution](#)
- [Title Insurance](#)

## Risk Assessment, Portfolio and Coverage Analysis

To manage risk, the nature of the exposure must first be recognized and assessed. Considering those potential exposures, along with a client's risk tolerance, allows a risk management plan to include an insurance portfolio managing those exposures. We work with insurance brokers, underwriters, and others to develop and implement a cost-effective and comprehensive plan that meets a client's needs. When there are no forms of insurance available to respond to a particular need, we will draft manuscript forms and negotiate their acceptance by insurers.

## Litigation and Arbitration

As disputes can often arise between insurers and insureds, we analyze available insurance coverages and develop positions regarding how best to maximize coverage. If disputes cannot be resolved amicably, we are prepared to proceed to the appropriate ADR process or to litigation. Because our attorneys are as comfortable operating in a courtroom as in an underwriting meeting, the progression to resolution is seamless and efficient. For many years, our attorneys have provided these services relating to events in all 50 states and several foreign jurisdictions.

## Claims and Litigation Management

The initial response to an event, the development of facts concerning that event, and investigation of circumstances surrounding it must be accomplished rapidly, effectively, and properly. Communications between claimants, insurers, adjusters, state and local authorities, and others, including lawyers, must be managed with the goal of resolving claims fairly. If claims cannot be resolved and litigation by third-party claimant results, that litigation must be managed.

We are seasoned trial and appellate counsel and can supervise the underlying investigation, advise as to available defenses and claims, and protect potentially uninjured interests. We are able to monitor ongoing litigation and the work of counsel assigned by insurers and can successfully prosecute matters through the legal process for our clients.

## Recovery Analysis and Prosecution

Efficient, affordable, and results-oriented cost recovery is a key element in today's competitive insurance market where the premium charged bears little relation to the risks insured. Effective recovery starts when the loss occurs. Our attorneys thoroughly understand the investigative steps required to obtain recovery. In addition, they have the litigation experience in numerous jurisdictions needed to effectively prosecute these claims.

## Alternative Dispute Resolution

Judicial systems in many jurisdictions require participation by litigants in mediation and arbitration in order to control their case backlog. Our attorneys are specialists in these areas and can advantageously draw upon the resources of other firm members who concentrate on the firm's core practice areas. We represent clients in arbitration and reference proceedings, contractually mandated by insurance policies, as well as in court-ordered mediation and arbitration proceedings. We also serve as arbitrators, referees, and mediators and appreciate the nuances that allow for successful results in this area.

## Title Insurance

Title insurance poses its own set of unique challenges and differs in many respects from other lines of insurance. Our seasoned real estate lawyers and litigators offer a broad range of experience in the negotiation and procurement of appropriate "non-standard" coverages to address potential exposures encountered in various types of real estate transactions, from the relatively simple to the complex. We undertake coverage analysis and claims presentation and handling if issues with

title are later encountered and, if necessary, resort to litigation to resolve areas of disagreement. Given the firm's depth in all aspects of real estate, our attorneys have handled title insurance matters for title insurers and commercial, institutional and residential property owners.

## Representative Matters

### **\$2.5 Million Arbitration Award**

Lead counsel representing a Boston-based seafood company in a commercial arbitration to determine the value of the business income and extra expense losses the company sustained following the shutdown of its main distribution facility resulting in an award in excess of \$2.5M.

### **Matters Involving Structural and Subsurface Failures of Buildings Causing Property Damage and Business Interruption**

Represented real estate entities in several matters involving structural and subsurface failures of buildings sustained at retail locations throughout the U.S. causing extensive property damage and interruption of business.

## Publications

August 31, 2020

### **State of Play: Reopening Considerations for College and University Athletic Programs**

April 7, 2020

### **A Toolkit for Directors & Officers of US Companies Amid COVID-19**

April 3, 2020

### **COVID-19 Impact on Rep and Warranty Insurance in Private Company M&A**

March 30, 2020

### **No, Insurance is Not the Solution to the Problem**

March 23, 2020

### **Ten Things You Need to Know About Force Majeure Now**

May 2018

### **Trends in M&A Provisions: Insurance Reduction Provisions**

Bloomberg Law

October 2015

### **Cyber/Privacy Insurance: A Very Brief Primer**

January 2015

**"Trends in M&A Provisions: Insurance Reduction Provisions," Bloomberg BNA Mergers & Acquisitions Law Report**

2015

**Insurance Reduction Provisions**

Bloomberg Law

May 2014

**Flood Insurance Reforms Offer Little to Commercial Property Owners; FEMA Accepting Comments on Scope of NFIP Study**