



The latest edition of Corporate Policyholder magazine covers insurance concerns stemming from the COVID-19 pandemic as well cyber security threats, risks from environmental liabilities, and purported gaps in commercial general liability policies.

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Representation and warranty insurance (R&W) is a form of insurance purchased in relation to a corporate transaction, merger or acquisition to indemnify the parties for specified breaches of the representations and warranties associated in the agreement.

R&W insurance has become increasingly popular among businesses and M&A teams as a way to shift-risk, protect investments, save capital in the often uncertain landscape of corporate transactions, and avoid litigation between the parties to the transaction over the question of whether one party breached representations and warranties or not. Although R&W insurance can be both “buyer side” and “seller side,” these policies have particular benefits to, for example, buyers in a seller’s market by reducing the seller’s escrow while still protecting the buyer’s investment.

Our team helps companies pursue coverage under R&W insurance policies when carriers try to deny or otherwise limit coverage. We also advise clients on obtaining “best in market” policy terms and provisions, and assist with claim notification and coverage disputes if they are to arise.

We also have deep experience with assessing, negotiating, and defending policyholders under R&W insurance and understand the time-sensitive nature of these products for our clients. Our ultimate goal is to maximize coverage for our clients and serve as a partner in protecting their risk in transactions.

Practice Leaders



**Carrie Marie
Raver**
Partner

P 260-425-4652
F 260-424-8316



**Kevin B.
Dreher**
Partner

P 312-214-8308
F 312-759-5646