Called the “go-to group for complex matters and unique issues” by Chambers USA and named five times as “Insurance Group of the Year” by Law360, Steptoe’s team of more than 50 lawyers across the US, London, Brussels, and Beijing is one of the most prominent insurance and reinsurance practices in the world. Our insurance coverage lawyers have appeared in 48 of the 50 states, and in arbitrations throughout the US and abroad. Having tried scores of cases and presented argument in numerous intermediate and supreme courts, our extensive courtroom experience and thorough knowledge and understanding of insurance law has rewarded us in the most cutting edge and complex issues in the insurance area while also providing our clients with effective and efficient representation.

Our Insurance/Reinsurance Group handles a wide-range of third-party coverage disputes involving environmental contamination, hazardous products, financial products, pharmaceuticals, and medical devices. The group also represents insurers in first-party coverage litigation, including cases arising from hurricanes, fires, earthquakes, floods, and other natural and man-made disasters. Our lawyers — noted as “excellent strategists” by The Legal 500 US — also serve as defense counsel for insureds in professional liability matters, construction litigation, and other commercial disputes.

Noteworthy

- Chambers USA, Band 1, Insurance: Dispute Resolution: Insurer, Nationwide (2007-2020)
- Chambers USA, Band 1, Insurance: Insurer, DC (2005-2020)
- Legal 500 US, Insurance: Advice to Insurers (2010-2020)
- Legal 500 UK, Insurance: Corporate and Regulatory (2010-2012)
- Chambers UK, Insurance: General Claims, UK-wide (2010-2011)
Environmental Coverage Litigation & Counseling

Our nationally recognized environmental coverage practice leads the industry in representing insurers in complex, multiparty coverage disputes arising out of environmental contamination and pollution with potential exposure in the hundreds of millions of dollars. We also advise clients outside the litigation context on environmental coverage issues. We have secured major precedent-setting victories in state and federal courts on a number of issues, including the proper interpretation of the pollution and asbestos exclusions, number of occurrences, application of limits of liability, what constitutes a suit, scope of damages, allocation of costs, late notice, consent to settlements, and the cooperation clause, to name just a few. Steptoe lawyers handle these issues all over the country, from New York to California, from Washington State to Florida — and everywhere in between. Many Steptoe partners have been handling these cases for more than 30 years and serve not only as trusted advisors, but also as the institutional “memory” for many insurance clients. Steptoe lawyers have been responsible for numerous reported decisions that have helped develop much of the environmental insurance authority on which major insurers depend to this day.

Asbestos, Silica & Related Bankruptcy Litigation

Over the last 30 years, tort lawsuits arising from the actual or potential inhalation of asbestos fibers have exploded in number, creating massive, corollary insurance disputes as defendant-policyholders seek to have the bill paid by their historic insurance policies, some of which were issued more than 50 years ago. Asbestos liabilities have affected nearly every long-time Fortune 500 company with significant industrial activities. Steptoe insurance lawyers have been involved in more than 100 asbestos-related insurance coverage cases around the country.

The asbestos crisis has caused many corporate defendants — both large and small — to use the bankruptcy laws for protection while at the same time continuing their efforts to access billions of dollars of potential liability insurance. In the 1990s, the asbestos claim phenomenon found new ground in silica disputes. Nearly every sand manufacturer, sandblasting company, safety clothing manufacturer, and industrial premises owner has been sued, sometimes by the thousands, by the same plaintiffs’ law firms filing asbestos claims. As with asbestos litigation, the explosion of silica suits has driven hundreds of affected defendants to the brink of insolvency or outright bankruptcy. Our lawyers are at the forefront in representing insurers in these complex bankruptcy proceedings, which require careful coordination of frequently divergent bankruptcy and insurance law principles, as well as creative strategic planning. Steptoe lawyers have represented major insurers at the center of more than 40 asbestos- or silica-related bankruptcies and/or threatened insolvencies.

Reinsurance Litigation, Arbitration & Counseling

Steptoe’s reinsurance team regularly represents cedents, reinsurers, and retrocessionaires in high-profile arbitrations and litigation involving the full range of reinsurance issues in the United States, the United Kingdom, Europe, Bermuda, and China. We also focus on the regulatory and legislative aspects of the reinsurance industry and a wide variety of corporate matters, inclusive of transactional work pertaining to the purchase and sale of large blocks of risk. Our work covers multiple lines and classes of reinsurance, broadly encompassing both life and health and property and casualty matters, as well as “specialty lines,” inclusive of financial reinsurance.

Steptoe also represents clients in disputes over specific and aggregate medical stop-loss programs, workers’ compensation carve-out programs, surety programs, the sale of closed blocks of life reinsurance, disability income matters, and alternative risk finance programs. Our representations involve virtually every major recent issue to sweep through the reinsurance industry including: London Market Excess (LMX) spiral issues, pharmaceutical liability matters, environmental and asbestos exposures, and brokerage bid-rigging issues affecting the purchase of reinsurance. Our reinsurance lawyers are long-standing members of the major sponsoring institutions that resolve reinsurance disputes, including the Aida Reinsurance and Insurance Arbitration Society (ARIAS), both in the United States and the United Kingdom, as well as the London Court of International Arbitration (LCIA).
Bad Faith Claims

Steptoe’s insurance practice also involves the defense of high-stakes bad faith claims. In the bad faith arena, Steptoe defends a broad array of common law and statutory damage claims, including claims that seek multiplied and/or punitive damages. Steptoe coordinates the national defense of institutional claim handling programs and litigates coverage and abuse-of-process claims brought against insurers, and has achieved notable successes and favorable published trial court opinions. We also help insurers avoid litigation and minimize bad faith exposure while running an efficient and fair claim-handling operation. Steptoe’s work in this area includes the defense of class actions around the country—of particular note, we have defended insurers in class actions in Arizona, Arkansas, Illinois, Kentucky, Montana, New Mexico, Texas, and the District of Columbia. Steptoe’s bad faith practice includes appellate advocacy. Steptoe has argued and obtained successful results for insurance company clients before the US Courts of Appeal for the Second, Fourth, Fifth, Sixth, and Eleventh Circuits, and in six state supreme or appellate courts. Steptoe also provides coverage opinion services and legal auditing to avoid bad faith claims.

First-Party Property Coverage

Steptoe represents major national and international carriers from all major insurance markets in complex, large-value first-party coverage disputes under a full range of commercial property policies, as well as first-party property facultative and treaty reinsurance exposures. Our representations include advising insurers and reinsurers over the course of claim adjustment on coverage, allocation, and aggregation. We excel at finding the best strategic approach in connection with various issues, including dealing with threshold questions of whether coverage is provided by all-risk, DIC/DIL, and CAR/EAR policies, as well as the construction and effect of coverage exclusions. First-party property issues handled by our group also include whether a loss falls within a policy period and/or whether it is excluded on known loss, loss in progress, and other fortuity grounds. Additional issues include trigger and number of occurrences/aggregation, late notice and suit limitation, the scope of environmental clean-up costs, pollution time-element claims, settlement and other earth movement claims, unscheduled and newly acquired locations concerns, actual cash value v. replacement cost, depreciation, holdback, appraisals and other valuation issues, and code compliance and code upgrade coverage. Steptoe insurance group lawyers also reconcile coverages provided by other insurance, allocation of losses among policy periods, and offsets, as well as deal with business interruption/contingent business interruption damages.

Financial Products Coverage Litigation & Counseling

Steptoe lawyers are at the forefront of litigation involving insurance products designed to cover financial investments. In the last decade, these products often have taken the form of credit and/or clean-up cost protection associated with commercial real estate loans. The collapse of various loan markets has given rise to disputes implicating financial underwriting misrepresentations, lending criteria, servicing activities, timeliness of notice, and complex environmental issues, all within the context of financial transactions worth hundreds of millions of dollars. Faced with these novel issues, Steptoe lawyers have been able to draw upon their years of experience to develop strategies to handle disputes successfully in the context of litigation and high-stakes, confidential arbitration. We also represent insurance clients in complex coverage disputes arising from banking and financial institution operations, addressing questions such as what constitutes an “occurrence” for purposes of insurance coverage and whether the harm for which coverage is sought was expected or intended.

Dispute Resolution Under the Bermuda Form

Steptoe insurance group lawyers have handled multiple insurance coverage arbitrations under the Bermuda Form. In the last few years alone, Steptoe has served as lead counsel for insurance companies in multiparty arbitrations and mediations involving coverage claims for $1 billion, $600 million, $100 million, and $70 million arising out of four “blockbuster” drugs and medical devices. Steptoe also successfully handled Bermuda Form multimillion-dollar disputes arising from the Deepwater Horizon explosion in the Gulf of Mexico. Given the large sums at stake, Steptoe is able to mobilize substantial legal manpower and resources to review, synthesize, and put forward forceful coverage-related defenses, while drawing on significant international litigation experience to handle arbitrations that often take place in London or Bermuda.
London & Brussels Insurance, Reinsurance & Regulatory Practice

Steptoe has a dedicated and specialized EU insurance and reinsurance regulatory practice with team members based in Brussels and London. We advise on EU law and the EU institutional framework as it applies to the re/insurance sector, and intersects with EU member state legislation. In the context of Brexit, we advise on implications for inward and outward firms. Our regulatory work includes advising insurers, reinsurers, and other financial clients on setting up and maintaining business in Europe. Clients benefit from our vast experience in developing insurance products that comply with local legislative and regulatory requirements, resolving questions on transfer of insurance and reinsurance portfolios, and assisting clients wishing to expand and restructure their operations in Europe.

A large proportion of reinsurance business in the EU is handled in the UK. We advise on UK and EU regulation of that business, assist in designing products and drafting contracts, advise on sophisticated risk-transfer transactions, and help reinsurers with claims, including coverage disputes. Our lawyers regularly advise on related, cross-sectoral matters, such as money laundering, data protection, competition, and corporate governance.

China Insurance & Reinsurance

With insurance and reinsurance lawyers in China, the United States, and the European Union, Steptoe is well-placed to help the industry with China-related issues. We advise insurers and reinsurers on how to conduct business in both the mainland of the People’s Republic of China and the Hong Kong Special Administrative Region. This includes providing general advice on the Chinese business environment as it relates to insurance as well as specific advice on all aspects of market entry, including establishing a representative office, investing in domestic Chinese insurance companies or foreign invested insurance companies, structuring employment contracts, and advising on tax exposure. We have advised on the establishment of a domestic Chinese life insurance company in Beijing, as well as assisted with the establishment of property and casualty insurance and reinsurance entities in Shanghai and Beijing. We have also assisted with an investment by a foreign insurer in a property and casualty insurer located in Beijing, and advised on investment of foreign shareholders in a Chinese reinsurer.

Arbitration is gaining ground as the preferred manner to resolve insurance disputes in China, and our China team includes a member of the panel of arbitrators of the Shanghai Arbitration Commission, which includes the Shanghai Court of Financial Arbitration. Our international insurance and reinsurance disputes practice is extremely strong, and we regularly advise reinsurers on potential exposure to product liability risks and other liabilities arising in China.

Our insurance lawyers have also assisted with other China-related issues, including tax treaties, assets control sanctions, export controls, corruption, and anti-money laundering. We have also helped to implement Foreign Corrupt Practices Act compliance programs for insurers and advised on local bribery and anti-money laundering issues.
Representative Matters

- **National Union Ins. Co. v. CalPortland Cement Co.**, No. CGC-14-540942 (Sup. Ct. Cal., County of San Francisco 2017). Obtained judgment in an asbestos insurance coverage case for Resolute Management where the court ruled that another insurer has a duty to contribute to the settlement of past and future asbestos claims.

- **Highpoint Risk Services LLC v. Companion Property & Casualty Insurance Co.**, Case No. 3:14CV03398. (N.D. Tex. 2017). Obtained a favorable outcome in two related cases involving complex, high-stakes disputes stemming from a contractual insurance "fronting" program agreement.


- **Fulton Santa Rosa LLC v. Granite State Ins. Co.**, Case No. BC499859 (Sup. Ct. Cal., County of Los Angeles 2015). Successfully defended a breach of contract and bad faith suit brought by its insured, Fulton Santa Rosa, LLC.


- **National Union Fire Ins. Co. of Pittsburgh, Pa. v. CML Metals Corp.**, Case No. 2:12-cv-00934 (D. Utah 2015). Granted partial summary judgment with respect to multiple coverage claims arising out of alleged physical damage to an iron ore concentrate plant in Utah.

- **Wilt v. Household Life Ins.**, Case No. 2:14-cv-31400 (S.D.W. Va. 2015). Won summary judgment in a case disputing the terms of a credit disability insurance policy.

- **The Travelers Indemnity Co. v. Orange & Rockland Utilities Inc. et al.**, Case No. 603601/02, (NY App. Div. 1st Dept.). Obtained judgment of no coverage based upon policyholder’s late notice for environmental contamination at a manufactured gas plant.

News & Publications

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Law360 Names Steptoe an 'Insurance Group of the Year' for Sixth Time
December 17, 2020

PRESS RELEASES
Steptoe Receives 67 Rankings in 2021 US News - Best Lawyers' 'Best Law Firms'
November 5, 2020

PRESS RELEASES
Steptoe Launches Financial Services University
Video Series to Explore Financial Services Legal, Business and Regulatory Matters
October 21, 2020

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Law360 Names Sarah Gordon an MVP in Insurance
October 13, 2020

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Law360 Names Four Steptoe Partners to 2020 MVP List
October 5, 2020

MEDIA MENTIONS
Law360 Quotes Angus Rodger on Insurance Litigation Test Case in UK High Court
September 18, 2020

PRESS RELEASES
Fifth Circuit Upholds Steptoe's Win for AIG in $26M Waste Management Suit
September 10, 2020

CLIENT ALERTS
Changes in EU Commission Line up – Implications for Business?
September 9, 2020
By: David O'Sullivan, Simon Hirsbrunner, Philip Woolfson, Guy Soussan, Yongqing Bao, Stefan Tsakanakis

PRESS RELEASES
Steptoe Secures Win for Hadco Construction at Utah Supreme Court
September 3, 2020

PRESS RELEASES
Steptoe Adds Privacy & Cybersecurity Lawyer Charles Helleputte in Brussels
September 1, 2020
Events

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Demystifying "Equivalence"
Part One: Focus on the Reinsurance Sector
April 26, 2017
Speakers: Philip Woolfson, Guy Soussan, Simon Hirsbrunner, Algirdas Semeta

WEBINARS
Brexit: Legal & Regulatory Options for the Reinsurance Sector
Mitigating the Risk
July 6, 2016
Speakers: Angus Rodger, Philip Woolfson, Guy Soussan, Simon Hirsbrunner

SEMINARS & EVENTS
Antitrust for Insurers and Reinsurers
Staying Clear of Competition Law Pitfalls
February 24, 2016
Speakers: Paul Hughes, Angus Rodger
Steptoe
5 Aldermanbury Square
London EC2V 7HR

WEBINARS
Digitizing Financial Services in Europe: Managing Risks, Maximizing Benefits
June 25, 2015
Speaker: Philip Woolfson

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