bodman

Insurance

calculate the risk

Bodman's Insurance Team is an interdisciplinary group with a wealth of experience in managing insurance industry issues from all angles. This multi-faceted approach allows our attorneys to provide a gamut of services to our insurance clients.

We represent large, multi-national insurers, captives, ERISA plan administrators, sponsors and fiduciaries, regional insurers, third-party administrators, and brokers. From our Midwest base, Bodman attorneys provide cost-effective solutions to issues arising across the country and beyond.

Our insurance litigation lawyers are recognized leaders in the field. We serve as regional counsel for AIG/American General, one of the world's largest insurers, as well as primary counsel for Blue Cross Blue Shield of Michigan, the state's largest health insurer. We serve as key members of national organizations, such as the DRI's Life, Health, and Disability and Insurance Committees, and have written and spoken extensively on insurance issues on a national level.

We understand that each case is unique and that it is critical to identify and manage disputes as early as possible. We are frequently asked to provide advice at the claims consideration stage, so that our clients can make claims decisions that are not only well-informed, but are also well-documented and as insulated from attack as possible. Our ERISA lawyers are thoroughly familiar with the complexities and ever-changing construction of the statute, and our clients benefit from this by never having to reinvent the wheel. Understanding the interplay between ERISA and other types of coverage is also key to sorting out coordination of benefits and other priority issues whether we are representing the ERISA plan, the health insurer, the disability insurer, or some other stakeholder. Our litigators are adept at handling coverage matters, D & O cases, property and casualty litigation, and disputes involving reinsurers and excess carriers.

Where our clients seek assistance on behalf of their insureds, we likely have an experienced attorney in our full-service litigation department to manage the underlying subject matter, whether it involves

environmental, construction, product liability, or commercial claims. The leading peer- and client-review journals that evaluate business law firms have recognized Bodman's litigation group for superior ability and service. For example, Chambers USA ranks Bodman among Michigan's leading litigation firms, and both U.S. News and Benchmark: Litigation give Bodman their highest rankings for commercial litigation services based on the evaluations of our clients and peers.

Bodman's transactional attorneys also have a long history of adeptly managing insurance-related matters. Our lawyers regularly work with the Michigan Insurance Commissioner and have a strong relationship and frequent contact with Michigan's Office of Financial and Insurance Regulation. We have handled regulatory matters on behalf of insurers, formed (and dissolved) captives, and negotiated insurance clauses in various types of contracts. We also assist clients in drafting ERISA plans and summary plan descriptions and in meeting their regulatory compliance obligations. Our corporate lawyers can assist in mergers, acquisitions, divestitures, mutualizations, and other transactions on behalf of our insurance industry clients.

SERVICES

LITIGATION

Representation of the insurer or of an ERISA plan in the following types of disputes or litigation matters:

- **Coverage matters**
- **Directors and officers (D&O) matters**
- **Excess carrier insurance matters**
- **Property and casualty matters**
- **Reinsurance matters**
- **Subrogation claims**

REGULATORY

- **Captive insurance formation and dissolution**
- **Drafting of ERISA plans and summary plan descriptions (SPDs)**
- **Negotiation of insurance clauses**

TRANSACTIONAL

- **Mergers, acquisitions, and other corporation transactions for insurance industry entities**

REPRESENTATIVE MATTERS

- In a matter before the Michigan Court of Appeals, we achieved reversal of an adverse judgment against a major health insurer with total exposure approaching $100 million.

- We have defended an insurance client in numerous class cases that are part of a national attempt to force insurers to cover an experimental educational method for treatment of autism. Our aggressive response led plaintiffs to withdraw class action allegations in In several of those cases and in others we have successfully narrowed the claims to contractual damages.
- In a case of first impression, we successfully represented an insurer in a matter challenging its entire electronic account servicing system as unreasonable under the Uniform Electronic Transactions Act.
- We handled a successful declaratory judgment action seeking rescission of a $1 million life insurance policy due to material misrepresentations made in the application process regarding pre-issuance diagnosis and treatment.
- We achieved dismissal of a multimillion dollar class action lawsuit against a subsidiary of a major life insurance company alleging that a representative of the subsidiary was involved in a massive Ponzi scheme.
- When a health insurer's pharmacy benefits management (PBM) provider threatened to stop processing pharmacy claims unless our client agreed to a large fee increase and contract extension, we successfully argued for an injunction before an arbitrator and a U.S. District Court judge, forcing the PBM to continue processing claims under the existing contract.
- We represented an insurer in a multibillion-dollar antitrust action filed by a competitor challenging the use of "most favored nation" provisions in health care reimbursement contracts. We served as lead local counsel, took a leadership role in the discovery phase, took hundreds of depositions, and served as trial counsel. The case settled on favorable terms before trial.

REPRESENTATIVE CLIENTS

- **AIG | American General Life Insurance Company**
- **Blue Cross Blue Shield of Michigan**