



Introduction to Lathrop GPM's

# Insurance Recovery & Counseling Team



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# Insurance Recovery & Counseling Overview

Lathrop GPM's insurance recovery work for policyholders originated more than 30 years ago. As we developed our insurance expertise, our firm made the strategic decision to represent only policyholders in property and liability insurance matters to more effectively represent our clients in disputes against their insurers by avoiding any positional conflicts of interest.

# \$2.8B

Recovered by Lathrop GPM for several hundred policyholder clients

Lathrop GPM is one of a few large, full-service firms in the country with a team of attorneys dedicated to representing *only* policyholders nationwide in matters involving property and casualty insurance coverage. Our dedicated team represents policyholders from coast to coast, having recovered billions of dollars for clients under their first-party and third-party insurance policies.

## Coverage procurement and renewal processes

The first step in preventing a disputed claim is procuring the best possible coverage. Our insurance coverage attorneys regularly work with our policyholder clients – including financial and credit institutions, banks, and their respective brokers on policy negotiation and underwriting submissions in order to ensure our clients obtain appropriate coverage and understand their policies before a claim arises. More specifically, we routinely advise clients in the following areas:

- Policy review and negotiation
- Due diligence in corporate transactions
- Underwriting submissions
- Brokerage agreements
- Confidentiality agreements

## Policy Review

While policy reviews are always an important portion of the service that we offer to clients, in early 2020, it became even more so.

At the very beginning of the pandemic, in mid-March 2020, Lathrop GPM's Insurance Recovery team realized that business interruption would be severe and nearly universal. As such, we reached out to current clients to offer flat-fee insurance policy reviews and written analysis, aimed to help policyholders determine next-steps in pursuing insurance coverage for business interruption costs.

In the end, we connected with dozens of companies on these issues, helping them to see a way forward.

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## Proactive counseling and guidance

On a daily basis, our insurance coverage attorneys work with in-house counsel, risk managers, brokers, and other insurance professionals in all phases of insurance programs, from procurement to tenders, in order to set our clients up for success. More specifically, we have extensive experience in areas spanning policy negotiations and renewals, risk assessments, brokerage contracts, underwriting submissions, coverage evaluations and analysis, due diligence during corporate transactions, insurance archeology, and claim tenders. This proactive approach to insurance evaluation and counseling reduces the likelihood of disputed coverage in the event of a claim and saves our clients significant time, money and resources in the long run.

## Insurance in the context of transactions

We also advise our clients on insurance-related transactional matters, including insurance provisions in contracts and asset purchase agreements. This advisory and transactional work includes insurance-related due diligence, as well as the negotiation and placement of transactional risk insurance including representation and warranties policies, contingent and tax liability policies on behalf of both buyers and sellers in M&A transactions.

## Creative, efficient solutions

We recognize that while sometimes the courtroom cannot be avoided, litigation is not the optimal path for every disputed claim or every client. We are keenly focused on avoiding protracted litigation whenever possible. Our team has an excellent track record of resolving claims through informal negotiation, mediation or arbitration. We routinely achieve impressive insurance recoveries without ever setting foot in the courtroom. We are known for developing creative, sophisticated arguments and strategies to overcome even the most difficult circumstances and coverage defenses. All the while, we are mindful that maximizing recovery typically involves, among other factors, considering the cost-to-benefit ratio and controlling legal fees. Our cost structure, nimble approach and openness to alternative fee arrangements enables us to effectively tailor our plan of action to help each client achieve the best possible outcome, whatever the size of the risk and potential recovery may be.

## A broader perspective

We also recognize that “success” may mean different things depending on the circumstances. We strive to understand the larger context of every claim, evaluating not only the legal basis and options for recovery but also clients’ important business, financial and operational objectives, including longstanding relationships and the importance of continued procurement of the best possible insurance. By looking at the bigger picture, we can effectively support clients in reaching the best possible solution to balance their needs and meet all of their goals.

## Coverage disputes

The lion’s share of our insurance practice is dedicated to resolving disputed claims favorably for our policyholder clients across the nation. Our collective experience involves claims of every type arising under a wide array of coverage lines. Whether facing a denial or reservation of rights or questioning an insurer’s position on the right to select defense counsel or limit rates, our team can assist with any claim resolution through informal negotiation, mediation, arbitration or, if necessary, litigation.

Our Insurance Recovery team has negotiated and litigated insurance claims on behalf of clients under general liability and umbrella policies, inland marine policies, builder’s risk policies, errors and omissions, professional services, D&O or management liability, and employment practices policies, and has even been able to obtain coverage for intellectual property infringement claims where carriers initially denied coverage.

# Lathrop GPM Attorneys at RIMS RISKWORLD 2024



## Mike Abrams

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A powerhouse litigator with a humble attitude, Mike has dedicated more than 30 years to representing clients in jury trials, appellate matters and alternative dispute resolution. Mike is also a pioneer in recovering financial restitution for exonerated prisoners from the insurance carriers representing the public entities that wrongfully prosecuted and imprisoned them.



## Alexander Brown

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Alex represents several Fortune 500 companies in high-stake lawsuits. Alex has extensive expertise in litigating third-party coverage for complicated long-tail liability claims, in addition to lawsuits involving complex business interruption claims for cyber liability attacks, hurricanes, fires, floods, and more. By far, Alex is proudest of being one of the leaders of our Civil Rights Insurance Recovery practice which litigates claims on behalf of exonerees who were wrongfully imprisoned.



## Kim Winter

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An insurance coverage and insolvency attorney with more than 20 years of experience, Kim possesses great insight and perspective into complex coverage disputes arising under numerous kinds of policies. She works with clients in analyzing policy terms, conducting insurance archeology, and negotiation with solvent and insolvent insurance carriers on behalf of policyholders facing long-tail environmental and product liability claims.



## Alana McMullin

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Alana McMullin focuses her practice on defending clients in complex insurance disputes, products liability and toxic tort litigation, as well as general liability matters. Alana is also a key member of the Lathrop GPM Civil Rights Insurance Recovery team, which litigates § 1983 civil rights claims on behalf of wrongfully convicted exonerees and has successfully secured millions in settlements for civil rights plaintiffs.

## Our Projects

- **The Road to Insurance Recovery**

This blog is dedicated to helping readers better understand and manage the complexities of the modern business insurance policy.

- **The Policyholder Project: Insurance Literacy**

A series of videos where we define common insurance jargon and share real-world examples.



Scan or click to learn more about our practice and contact our team.