Does the Insurance Policy Incorporate the Service Contract by Reference? An Examination of *In Re Deepwater Horizon*

Insight

A Steptoe & Johnson article takes a look at the way additional insured coverage under an insurance policy is analyzed when there is an underlying drilling contract limiting the additional insured coverage to the scope of the liability assumed in the service contract.

The Eighth Circuit Raises the Bar for Would-Be Indemnitees

Insight

A federal appellate court has issued an order dealing with indemnification for prior settlements, and it could have a hugely beneficial impact on potential indemnitors, including sellers of mortgage loans as well as insurers, reports Bilzin Sumberg.

The Importance of Attention to Risk Allocation Provisions in Contracts

Insight

A recent Indiana Court of Appeals decision illustrates the importance of having an overall risk allocation strategy in contracts where appropriate, and paying close attention to the language used to express that strategy, writes Christian Jones of Barnes & Thornburg.

Are Smart Contracts Smart Enough for the Insurance Industry?

Insight

In an article in the Pillsbury Policyholder Pulse blog, Kimberly Buffington and Cara Adams discuss the question: Will insurance policies become the laboratory to test the thesis behind smart contracts?

Keys to Negotiating Indemnity

Agreements

Insight

It’s imperative that your company’s risk management and legal departments strategically manage indemnification and insurance obligations to minimize the always increasing cost-of-business demands, writes Buldas of Pietragallo Gordon Alfano Bosick & Raspanti L.L.P. in Pittsburgh.

Insurance Giant Receives New York Subpoena on Sales Practices

News

New York’s attorney general has subpoenaed TIAA, the giant insurance company and investment firm, seeking documents and information relating to its sales practices, according to people briefed on the inquiry, reports *The New York Times*.

IADC Explores Privacy and Data Protection Issues in Defense Counsel Journal

Insight

The International Association of Defense Counsel (IADC) has

dedicated the October 2017 edition of its Defense Counsel Journal (DCJ) to the exploration of privacy issues.

Silicon Valley Software Startup, Ex-CEO Fined Nearly $1M

News

Zenefits will pay a $430,000 penalty and the co-founder/former chief executive has been fined more than $533,000, Reuters reports.

Disney Takes Insurer AIG to Court Over 'Pink Slime' Defamation Settlement

News

The Walt Disney Company is going to battle with its insurer, AIG, as it seeks coverage for a massive settlement in the "pink slime" defamation case, *Variety* is reporting.

Blank Rome Adds Insurance Recovery Team in Los Angeles

News

Blank Rome LLP has added Linda Kornfeld, David Thomas and Julia Holt to the firm's Los Angeles office in the Insurance Recovery group. Linda Kornfeld joined as partner and vice chair of the group, David Thomas joined as partner and Julia Holt joined as of counsel.

Three Ways to Indemnify Your Business (Or Your Client's Business) From Smart Contract Risks

Insight

The Steptoe Blockchain Blog, suggest three tools to address smart contract risks, including cybersecurity insurance policies, indemnification agreements, and "make whole" agreements.

Dallas Lawyer Named Chair of

State Bar of Texas' Insurance Law Section

News

Meloney Perry, founder of the Dallas-based insurance defense law firm Perry Law P.C., has been elected the 2017-18 chair of the Insurance Law Section of the State Bar of Texas.

D&O Insurance in a Time of Technological and Enforcement Uncertainty

Event

Anderson Kill's 15th Annual D&O Conference addresses the interplay of D&O insurance with other insurance policies in cyber claims, including crime insurance, property insurance, GL coverage, and cyber specialty insurance policies. In addition, a panel of D&O insurance brokers will review major emerging D&O risks.

11th Circuit: 'Completed Work' Exclusion Does Not Bar

Claims for Work Under Maintenance Contract

Insight

The 11th Circuit found that the unambiguous language of an insurer's "Completed Work" exclusion did not bar coverage for injuries sustained by a motorist injured at a railroad crossing who later sued the insured, reports Hunton Williams.

Law Firm Sues Insurer Over $700K in Lost Billings Due to Ransomware Attack

News

The suit says the infection disabled the law firm's computer network, meaning lawyers and staffers "were rendered essentially unproductive."

Negotiating Technology Contracts – Insurance Requirements

Insight

Stephen F. Pinson of Scott & Scott LLP provides a list of

insurance provisions that parties should include in technology contracts for the different types of claims scenarios between contracting parties.

U.S. Accuses UnitedHealth of Medicare Advantage Fraud

News

The accusation against the company is the latest, following separate lawsuits in two separate whistleblower lawsuits against the country's largest health insurer, reports Reuters.

Reallocation Actions and Settlement Agreements: What Did We Settle?

Insight

Frequently, a dispute cannot be fully resolved where non-parties to the dispute have contributed defense and indemnity amounts on behalf of one or more of the parties and have reserved the right to seek recovery of those amounts in subsequent litigation, writes Stacy L. La Scala.

How Do Additional Insured Obligations Work with Subcontract Flow-Down Clauses?

Insight

In his Commonsense Construction Law blog, Stan Martin asks the question “How do additional insured obligations work with subcontract flow-down clauses.” And he answers it with one word: “They don’t.”

When Is a Mixed Insurance Contract a Maritime Contract?

Insight

Whether a mixed insurance contract (i.e., an insurance contract with maritime and non-maritime elements) permits the exercise of admiralty jurisdiction is a complicated question for parties and for the courts, according to a Montgomery McCracken Walker & Rhoads LLP alert.