

Team Leaders

Joseph E. Coughlin
jcoughlin@lordbissell.com
312.443.0343

John C. Gurley
jgurley@lordbissell.com
312.443.0318

www.lordbissell.com

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Lord, Bissell & Brook LLP Assembles Team To Advise On Recent Contingent Insurance Commissions And Bid-Rigging Suits

The recent actions filed by the New York Attorney General, and threatened by the California insurance commissioner, and the class actions filed by private plaintiffs against brokers, and insurers, and the plea bargains of insurance executives have raised numerous questions and concerns by those in the business of insurance and reinsurance.

While no one can tell where all of this will end up, we are likely to see increased litigation, adoption of reforms, and substantial regulatory activity. In addition to more litigation, we foresee stepped up examination activity involving insurers and brokers, new market conduct rules imposing greater disclosure requirements, and a reconsideration and restructuring of the compensation system for brokers and agents.

Lord, Bissell & Brook LLP has assembled a special team of experienced insurance lawyers and non-lawyer experts to advise its clients concerning the issues raised in the lawsuits filed by the New York Attorney General and by private plaintiffs. The team includes two former insurance commissioners—one of whom served as president of the National Association of Insurance Commissioners—and the immediate past chief examiner of the California Insurance Department. The team's experience, which extends back over 30 years, includes advising clients in such areas as:

- ♦ antitrust and restraint of trade, including tying arrangements
- ♦ multi-state market conduct examinations
- ♦ self-examinations and company compliance audits
- ♦ disclosure in insurance marketing and client relationships
- ♦ unfair insurance trade practices
- ♦ insurance advertising
- ♦ company-agent agreements
- ♦ public company disclosures including SEC filings

Lord, Bissell & Brook's team also includes litigators experienced in handling all aspects of class action and antitrust litigation. Our attorneys can conduct compliance audits and other internal investigations, as well as aggressively defend any

action brought against our clients. Antitrust litigation matters Lord, Bissell & Brook's team members have handled include:

- ♦ Defending Visa International in various antitrust suits involving currency conversion fees, card acceptance and membership.
- ♦ Defending the NCCI from a federal antitrust claim that it conspired with insurance companies to withdraw from the insurance market in Maine. Judgment was entered in favor of our client.
- ♦ Defending the NCCI in connection with, among other things, an antitrust claim brought by a workers' compensation insurer under Indiana antitrust laws.
- ♦ Defending one of the nation's top writers of commercial lines insurance in a series of over 15 purported class actions asserting a conspiracy to overcharge corporate buyers of loss-responsive workers' compensation insurance. Ten of the cases were dismissed and class certification was denied, or reversed on appeal, in five of the cases.
- ♦ Defending a pharmaceutical manufacturer from the federal antitrust claim that it conspired with other defendants to exclude the plaintiff from the market. The plaintiff sought over \$300 million. Most claims were dismissed, and judgment on the remaining claims was entered in our client's favor.

Drawing on the regulatory and litigation experience outlined above, our team can assist clients in investigating current compensation arrangements, identifying potential exposures, developing compliance programs, dealing with regulators on all related issues, and evaluating and defending high stakes litigation. If you would like to speak to a member of our team about any issues relating to emerging developments, please contact the sender.

For more information, please contact one of the team leaders or your regular Lord, Bissell & Brook attorney.