

Insurance & Bankruptcy

Wiley excels in advising insurers on the complex intersection of insurance and bankruptcy and, when necessary, representing insurers in bankruptcy courts across the United States. We provide expert advice on the steps insurers should take when a policyholder files for bankruptcy and whether, and to what extent, bankruptcy court approval is required for an insurer to pay defense costs and fund settlements. We also have experience in representing insurers regarding the specific issues faced when a policyholder is subject to a receivership filed by federal or state regulators.

Wiley routinely advises insurers in the context of:

- Filing motions to obtain relief from the bankruptcy code's automatic stay in bankruptcy courts around the U.S. to allow for insurer's payment of defense costs and settlements.
- Negotiating and mediating settlements of claims brought by bankruptcy trustees or receivers against former directors and officers of bankrupt entities or entities in receivership.
- Adjusting first-party losses under cyber insurance policies when a policyholder with a cyber event files for bankruptcy protection.
- Utilizing the bankruptcy code to obtain certainty and finality when resolving claims.