

5 Best Practices for Submitting a Successful Representation and Warranties Insurance Claim

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The past decade has seen unparalleled level of M&A activity, fueled in large part by the huge growth in private equity investment. This seller-friendly M&A environment has been aided by the advent and increased use of buy-side representation and warranties insurance (R&W), a product which has become near ubiquitous in private equity-backed transactions.

Winston & Strawn Attorneys William O'Neil and Gretchen Scavo discuss the 5 best practices for submitting a successful R&W Insurance Claim in their article on Law360.

They discuss how it is best to approach R&W insurance claims with an adversarial approach, rather than litigiously. It is also critical to work with counsel who are experienced with R&W insurance claims as cases are largely settled or resolved through confidential arbitrations. Moreover, early in this process, it is important to hire damage experts who can prepare an analysis of loss, preferably before the claim is even submitted to the carrier.

William and Gretchen add that it is very important to be thoughtful about assessing proof-of-loss submissions, so that you can fully capture the buyer's expectancy, or benefit of bargain damages; and, always manage expectations regarding the claims process which requires significant collaboration with the insurer over the 4-7 month process.

Read the full Law360 article [here](#).

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