

RWI Policies in the Coronavirus Era

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The global coronavirus pandemic continues to radically alter almost every aspect of M&A deal-making. With deals and markets in a constant state of flux, M&A professionals should retain seasoned representation and warranty insurance (RWI) brokers to stay apprised of how RWI can alter deal outcomes.

Winston & Strawn Attorneys Kyle Gann and Brendan Mace provide insights to Bloomberg Law on how RWI considerations are often a necessary addition for advising deals through rapidly evolving market conditions. Buyers and sellers should consider factors such as the creditworthiness of insurers, COVID-19 exclusions, and how to manage pending deals and an expected uptick in forthcoming distressed transactions.

Kyle and Brendan emphasize how it is helpful to work with buy-side advisers to set client expectations on RWI early on as both buyers and insurers want protection from coronavirus risks.

“It is useful to work with an RWI broker who has a deep understanding of the insurance industry and consult with litigators who are monitoring insurance litigation closely. Collectively, deal professionals should consider whether there are developments that might negatively affect one or more of the insurers,” they add.

Additionally, pending transactions that obviously lack coronavirus-related disclosures should consult with M&A litigators who can advise them through alterations to no-claims certificates and should take a collaborative approach throughout the process.

Read the full article [here](#).

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