



Representation & Warranty Insurance Claims

Winston is a market leader in the field of representation and warranty insurance (RWI) claims. With an in-depth understanding of the complexities and nuances of contractual agreements, we are skilled at meticulously analyzing purchase agreements, identifying potential breaches, and formulating comprehensive recovery strategies. This enables us to deliver favorable outcomes for our clients, making us a go-to-choice for buyers seeking preeminent counsel in this nuanced area of law.

RWI has become near ubiquitous in private equity transactions over the past decade. Along with the increase in the number of RWI policies being written each year is an increase in the number of RWI claims being submitted to carriers. Claims are now submitted in nearly one out of every four M&A transactions.

Winston's RWI-dedicated team of attorneys has handled dozens of matters across from the leading RWI carriers in the country. We have developed strong relationships in the industry, as well as a formidable reputation for efficiency, honesty, and effectiveness throughout the claim resolution process. In a niche space where relationships, reputation, and connections matter, the Winston team stands out.

Winston's RWI-dedicated team has extensive experience helping clients recover significant losses under RWI policies. Our claim resolution team has extensive experience and a very successful track record representing policyholders in recovering tens of millions of dollars in losses under these policies. We are often called upon to present the buyer/policyholder perspective on the RWI process.

Our team also has longstanding relationships and regularly works with a cadre of preeminent financial and technical advisors to help clients investigate and quantify losses efficiently so our clients can present a comprehensive claim, supported by relevant facts and analysis, early in the claims process. Our loss reports allow carriers to evaluate claims efficiently and minimize disruptions to our clients' day-to-day business.

In addition, our team understands the nuances of the claims-resolution process, allowing us to effectively counsel clients at all stages of the process—from initial investigation through settlement of the claim or, if necessary,

litigation. While our goal in these matters is always to reach a fair resolution of the claim without the need to go to court, our team is also adept at all types and phases of litigation, including trial, should it become necessary.

Because the RWI market understands and respects our trial prowess, we are able to obtain superior outcomes for our clients during the claim adjustment phase, without incurring the time or expense of full-scale litigation, in almost every instance.

Often, our clients pursue a dual-track strategy of asserting an RWI claim against the carrier and indemnification and/or fraud claims against the seller. We are adept at handling the nuances of this two-front offensive in parallel and have a successful track record of achieving creative, global resolutions of both claims simultaneously.

Key Contacts

William O'Neil

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Related Capabilities

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Working With Winston's RWI Team



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APRIL 8, 2020