

# *Insurance, Indemnity, and Government Enforcement: Who's Going to Pay for This?*

1

## The Panelists

- Kip Mendrygal
  - Partner – White Collar Criminal Defense, Locke Lord LLP
- Jennifer Judge
  - SVP & Dep. General Counsel – Caliber Home Loans, Inc.
- Mike Smith
  - VP, Client Advisor - Lockton Companies
- Scott Thomas
  - Partner – Litigation, Winston & Strawn, LLP

2

## The Goal

- Practical approach to insurance in the government enforcement context
- Make it relevant to clients and practitioners
- Few mentions of case law
  - Too much to cover in too little time
  - Complex
  - Often varies among Courts/Circuits

3

## The Enforcement Encounter

- Criminal Indictment
- Grand Jury Subpoena
- State/Federal Agency Subpoena
- FBI "Knock and Talk"
- Search Warrant
- SEC Complaint
- SEC Wells Notice
- SEC Informal Inquiry
- Whistleblower/qui tam inquiry
- Administrative/regulatory inquiries

4

## Client Questions

- What is under investigation?
- Who is under investigation?
  - The company? The executives? The board? Everyone?
- Do I need external counsel for the company and/or any officers/directors/employees?
- Who's going to pay for this?
  - If I'm going to invoke insurance coverage, when?

5

5

## Reaching For The “Insurance Drawer”

- What policies are you reviewing for potential coverage?
  - Directors & Officers (“D&O”)
  - Errors & Omissions (“E&O”)
  - Crime/Fraud
  - Cyber
  - Commercial Multi-Peril Policy
  - Employment Practices Liability

6

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: Insurance and Government Enforcement: Ancient Secrets Revealed

Also available as part of the eCourse

[2021 Government Enforcement eConference](#)

First appeared as part of the conference materials for the  
7<sup>th</sup> Annual Government Enforcement Institute session

"D&O Insurance and Government Enforcement Actions: Perspectives and Tips from the Insured, the Insurer, and the Defense Bar"