

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

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The Panelists

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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

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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

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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?

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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

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Title search: Insurance and Government Enforcement: Ancient Secrets Revealed

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[2021 Government Enforcement eConference](#)

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

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