

# 07

## Advantages of Directors & Officers Liability Insurance

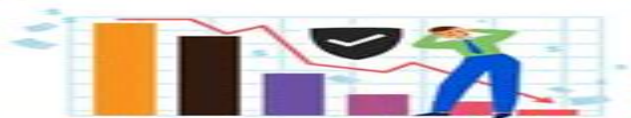


Protection against Personal Liability for Directors and Officers

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Cover for Defence Costs and Compensatory Damages awarded by Courts



Mitigates financial risks for the Company

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Helps attract and retain top talent for the Company



Cover for Employment Practices Liability Claims

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Cover for Entity Security Claims



Makes it easier to attract VC or PE Funding

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# Directors And Officers Liability Directors And Officers Liability

**Adolfo Paolini, Deepak Nambisan**



## **Directors And Officers Liability Directors And Officers Liability:**

Directors & Officers (D & O) Liability Simon Deakin, Helmut Koziol, Olaf Riss, 2018-02-19 In recent years several cases concerning the liability of directors and officers have courted controversy Arguments raised in such discussions oscillate between two extremes on the one hand the need for governing bodies to give a space to entrepreneurial discretion and on the other hand to ensure the protection of investors in and creditors of a company from the consequences of disadvantageous decisions by those bodies In light of the geographical dispersal of the above stakeholders the study offers a comparative insight into the liability of directors and officers in 10 key European jurisdictions in particular Austria Czech Republic Germany Italy the Netherlands Norway Poland Spain and Switzerland and 4 non European jurisdictions namely Brazil Israel Turkey and the United States Amongst other things it investigates existing company law principles on the topic and examines their interaction with tort law and other fields with a view to suggesting principles for better stakeholder protection National reports are complemented by an economic analysis and insurance conflict of laws and comparative reports The study also benefits from case study analyses *Directors' and Officers' Liability Insurance* Adolfo Paolini, Deepak Nambisan, 2020-11-25

With the ever increasing number of claims against directors and officers this book provides a very welcome addition to the bookshelves which hitherto have lacked books on this important area Alison Green Chairman of the Trustees of the BILA Charitable Trust This book scrutinises the origins and the rationale underlying D O insurance and provides answers to the question of protecting directors against the potential liabilities they may face It provides clear understanding about D O policies wording exclusions and issues of misrepresentation The information contained in this new book includes Nature and Legality of D O Liability Insurance D O Exclusions Directors and Officers Liability to Third Parties Directors Liability at Civil Law D O Defence Costs Cover and Allocation Aggregation Principles and D O Cover and the Reinsurance of D O Policies

**Directors and Officers Liability Insurance** David E. Bordon, 1998 Directors and Officers Liability John H. Mathias, David M. Kroeger, Matthew M. Neumeier, Jerry J. Burgdoerfer, 2000 This book examines such topics as the risks officers and directors face derivative and class actions and when a corporation is required or allowed to provide indemnification **Directors & Officers Liability Insurance Deskbook** Martin O'Leary, 2007 **Directors' and Officers' Liability, 1986** Practising Law Institute, 1986

D&O 101: Understanding Directors and Officers Liability Insurance - A Holistic Approach Larry Goanos, 2019-06-05 Real world war stories from the front lines of D O Insurance to illustrate the importance of various principles The book contains a chapter of career advice from more than 60 senior insurance executives including 25 current or former CEOs Respected leaders such as Maurice Hank Greenberg Brian Duperreault Stephen Way Dinos Iordanou Kevin Kelley and many others provide their unique insights on career advancement

**Directors & Officers Liability Insurance Deskbook** American Bar Association, 2016 Understanding and interpreting D insuring agreements trigger and scope of coverage defense obligations policy limits retentions and exclusions settlement

allocation policy termination and nonrenewable coverage litigation issues and recent developments in D O liability abroad

Directors' & Officers' Liability, D&O Insurance and Moral Hazard Wim Weterings, 2012 Directors and supervisory board members officers are increasingly being held personally liable Directors Officers D O liability insurance offers directors and supervisory board members ample protection against directors and officers liability On the one hand this has many advantages for the directors and supervisory board members the company and other concerned parties It implies for instance that it is easier for a company to attract good directors With a D O insurance policy there are also improved means of recovery for parties that have been injured which also positively affects the compensatory and preventive functions of liability law On the other hand due to the presence of D O insurance there are fewer financial incentives vis vis directors and officers to act with due care the moral hazard As a result the preventive function of liability law is in principle undermined or at least negatively affected by the D O insurance D O insurers can however take various measures in an attempt to mitigate the moral hazard For potential injured parties the company the insurer and society those measures are of tremendous importance for ensuring the risk of damage loss remains as low as possible Field research shows however that the moral hazard is being insufficiently addressed by D O insurers in the Netherlands There are restrictions to the instruments that the Dutch D O insurers are currently using to reduce the moral hazard What is more not all possible instruments are being used This most likely also holds true for D O insurers in other European countries and in the United States in light of the research of Baker Griffith 2010 It is however necessary to ensure that the moral hazard is optimally addressed and that the incentives for careful acts of management from liability law continue to be retained as much as possible That is why it is desirable for D O insurers to start implementing a retention for the Side A coverage for the liability of directors and officers Directors' and Officers' Liability Insurance Ian Youngman, 1999-06-04 Directors and officers liability insurance was at one time considered essential only for large public corporations Now no public limited company anywhere in the world should be without it Large private companies charities financial institutions pension funds and all executive directors need to consider the risks It is a widely held misconception that legal action cannot be taken against individual directors of limited liability companies Directors and officers liability insurance is one of the fastest growing areas in the world insurance market Company directors are facing increasingly onerous responsibilities as shareholders demand higher standards of corporate governance Recent years have seen more stringent laws on environmental liability and directorial responsibility for pollution is now a global concern This new edition will answer the questions Just what are the personal liability risks facing directors How can they protect themselves against the increasing possibility of being sued What are the latest developments Ian Youngman cuts through the jargon and explains the intricacies of this kind of cover and how it relates to other forms of insurance He includes examples of claims as well as profiles of insurers specialising in this area He also assesses the current and likely future status of D O cover in all the world markets **Directors and Officers Liability Insurance Deskbook**

Martin O'Leary,2020 The Deskbook is designed as a practical reference tool for practitioners of directors and officers D O liability and coverage      **Directors' and Officers' Liability Insurance** ,1991      *Directors and Officers Liability Survey* ,2003      *Directors' and Officers' Liability* Dan L. Goldwasser,1992      **Directors & Officers Liability Insurance Deskbook** Michael R. Davissan,2011 Be it enhancements or restrictions the scope of D O policy coverage has reflected the corporate events of the time most frequently as outlined in case decisions interpreting the same      **Directors' and Officers' Liability Insurance and the Cost of Equity** Zhihong Chen,2015 We examine whether directors and officers D O liability insurance affects a firm s cost of equity We find a positive association between D O insurance and the cost of equity Information quality and risk taking appear to be two underlying channels through which D O insurance affects the cost of equity Further tests suggest that this positive association is not due to optimal risk taking as evidenced by a negative market reaction to an increase in D O insurance coverage a lack of improvement in firms cash flow and a low valuation associated with D O insurance Overall our evidence is consistent with the notion that D O insurance weakens the disciplining effect of shareholder litigation leading to an increase in the cost of equity      What Went Wrong with Directors' and Officers' Liability Insurance? Roberta Romano,1988      **Directors' and Officers' Liability Insurance and the Cost of Equity Capital** Zhihong Chen,2017 We examine whether directors and officers D O liability insurance affects a firm s cost of equity We find a positive association between D O insurance and the cost of equity Information quality and risk taking appear to be two underlying channels through which D O insurance affects the cost of equity Further tests suggest that this positive association is not due to optimal risk taking as evidenced by a negative market reaction to an increase in D O insurance coverage a lack of improvement in firms cash flow and a low valuation associated with D O insurance Overall our evidence is consistent with the notion that D O insurance weakens the disciplining effect of shareholder litigation leading to an increase in the cost of equity      **Directors' and Officers' Liability Insurance, Independent Director Behavior and Governance Effect** Ning Jia,2017 We examine the effect of directors and officers liability insurance D O insurance on the behavior of independent directors and the effectiveness of their governance role Using a unique dataset we find a negative relation between D O insurance and personal board meeting attendance by independent directors and a positive relation between D O insurance and meeting attendance by authorized representatives Content analysis of independent director opinion reports indicates that D O insurance encourages independent directors to behave less responsibly Insured independent directors are also more likely to be busy Collectively D O insurance reduces the effectiveness of independent directors in corporate governance      *Directors' and Officers' Liability Insurance and Corporate Innovation* Rongli Yuan,2019 We examine whether directors and officers D O liability insurance affects corporate innovation We find a positive association between D O insurance and innovation The result is robust to a series of robustness checks including Heckman model longer test windows of corporate innovation and a difference in differences analysis based on a propensity score matched sample Our further

analyses show that the impact of D O insurance on innovation becomes more pronounced for firms with lower risk tolerance higher litigation risk and a stronger willingness to innovate Finally we find that risk taking appears to be the underlying channel through which D O insurance affects innovation

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web just one cluster both explain be prepare to evaluate a clustering based on this visualization e g figures 8 30 and 8 31 be prepared to produce this visualization

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web data clusters can be complex or simple a complicated example is a multidimensional group of observations based on a number of continuous or binary variables or a

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web the objective of cluster analysis is to find similar groups of subjects where the similarity between each pair of subjects represents a unique characteristic of the group vs the

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web 488 chapter 8 cluster analysis basic concepts and algorithms biology biologists have spent many years creating a taxonomy hierarchical classification of all living things

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