



Lowenstein Sandler's Insurance Recovery Podcast: Don't Take No For An Answer

Episode 111:
2025 Year in Review: The Year of Leverage

By [Lynda A. Bennett](#)

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Lynda Bennett: Welcome to the Lowenstein Sandler podcast series. Before we begin, please take a moment to subscribe to our podcast series at lowenstein.com/podcasts. Or find us on Amazon Music, Apple Podcasts, Audible, iHeartRadio, Spotify, Soundcloud, or YouTube. Now let's take a listen.

Welcome to Don't Take No for an Answer. I'm your host, Lynda Bennett, Chair of the Insurance Recovery Practice here at Lowenstein Sandler. It's our favorite tradition of the year, the Insurance Recovery Year in Review. Today, we'll look back at the conversations you tuned into most in 2025, the themes that tied them together, and the trends we think will matter as we head into 2026. We'll also share a bit of exciting news about our team and what to expect from the podcast next year. Let me start with a heartfelt thank you.

When we launched this show, our goal was simple: create short, practical conversations that help policyholders navigate an increasingly complex insurance landscape. Thanks to you, we've built a community that's curious, discerning, and not afraid to push the insurance industry for better outcomes. This year, that community grew again. We saw consistent engagement across our catalog of podcast episodes, and we saw strong momentum on new releases. Our most listened to episode of 2025, "Bad Faith No More: New York Courts Shift the Insurance Paradigm," drew more than 2000 listens on its own, and our episodes continued to average well north of a thousand listens. For a niche show about insurance recovery, we're pretty proud of those stats, and we're grateful to our loyal listeners. Now, without further ado, it's time to dive into the 2025 year in review.

Let's start with what you replayed, bookmarked, and shared with your teams. This episode connected legal concepts to the practical levers policyholders can push to get insurers to step up with an immediate defense and show up at the settlement table.

“Beyond the defense: Exploring the Insurer's Duty to Indemnify” was close behind and for good reason. For many clients, defense funding is the first hurdle, but the dollars that truly matter are often the indemnity dollars when those settlement opportunities arise or a jury renders its verdict. We talked about sequencing, exhaustion, and the evidence you need to translate liability exposure into settlement authority. Listeners told us they appreciated the step-by-step framing, how to align underlying litigation strategy with coverage strategy, and how to keep excess carriers tethered to the facts rather than to the path of leased payment. We also continued our strong engagement with our insurance 101 and market watch content from recent years that listeners revisited throughout 2025. Episodes like “The ABCs of D&O Insurance,” “Stitching the Patchwork Quilt” on coordination of policy language and exclusions, and our earlier looks at broker partnerships and excess following form dynamics remain fixtures on your playlists.

That combination, technical fundamentals, plus practical playbooks has become a hallmark of this show, and based on your feedback, remains our sweet spot. Now moving on to some key themes we saw this year. If there was one common thread that permeated through nearly all of our episodes in 2025, it was leverage. Across coverage lines, the most successful outcomes came where policyholders paired meticulous claim preparation with strategic pressure at the right moment. Three themes stood out.

First, claims handling conduct matters more than ever. Courts and arbitrators are scrutinizing how insurers communicate, whether they actually evaluate the record you provide, and whether they take clear positions when the facts crystallize. Policyholders who document the timeline, anticipate protectual proof demands, and force clarity through correspondence, status calls, or when necessary, taking legal action against insurers, are securing the insurance coverage when they paid substantial premiums for the insurance policies issued. That's why our bad faith and claims handling process episodes drew so many ears this year. They speak to the power of process.

Second, locking down indemnity coverage requires discipline and seeing the whole field from the outset of the claims process. We saw and discussed on the show the importance of building indemnity readiness in parallel with defense. That means mapping liability and damages to coverage grants, tracing allocations when mixed claims are presented, and thinking early about how to move from primary to excess cleanly and with a record that makes a knee-jerk denial hard to maintain. The episode on the duty to indemnify framed this as a project plan, and many of you

told us you've started using that framework with your litigation and risk teams.

Third, D&O remains a bellwether for policyholders. From capacity questions to coordination among towers, D&O keeps surfacing as the proving ground for market norms. Listeners continue to turn to our D&O primers and our market updates because the playbook is evolving. What used to be good enough on wording, notice, and consent to settlement simply isn't anymore. When we say read the policy like a litigator before a claims hit, we mean it.

Building on our year in review tradition, if you've joined us for prior year-end episodes, you know our goal isn't just to reminisce. It's to distill what's actionable. In 2022, we flagged the early tremors in cyber and D&O markets. In 2023, we zeroed in on choice of law, capacity traps, and excess carrier alignment. In 2024, we celebrated a 100-episode milestone and highlighted the enduring value of insurance fundamentals. In 2025, we carried those threads forward with a sharper focus on how policyholder leverage is built fact by fact, letter by letter, and motion by motion; and how courts are increasingly receptive to holding insurance companies to their duties when the record is clear.

Now a word about the team behind the mic. 2025 was a banner year for Lowenstein's Insurance Recovery Group. Our practice grew significantly in people, matters, and in impact. We welcomed top tier laterals and expanded our partnership ranks. We continued to be recognized at the highest levels in the market, and our workload reflected the trust sophisticated clients place in our commitment to represent only policyholders. From billion-dollar coverage disputes to cutting edge issues in D&O, professional liability, business interruption, and rep and warranty claims, our team was ready. We secured significant results, advanced important legal questions in trial and appellate courts, and kept our clients covered and matters moving forward. The work was complex, the stakes were high, and our team delivered collaboratively, creatively, and with the pragmatism our clients highly value and you hear on this show. That growth fuels this podcast. The topics we choose and the practical guidance we share come straight from the front lines.

Looking ahead, expect the momentum to continue in a few areas. The claims handling lens is not going to soften. If anything, it will sharpen. The interplay between indemnity strategy and tower dynamics will matter even more as cases become more expensive to try and more complex to settle, and D&O remains center stage with mixed claims, layer coordination, and consent issues ripe for continued litigation and

negotiation. Across all of it, the fundamentals we revisit—prompt notice, discipline documentation, policy literacy, and broker alignment—remain the foundation for maximizing the insurance protection that was purchased.

We also have some exciting podcast news. Our team continues to grow, and you may hear some new voices on Don't Take No for an Answer in 2026. As new colleagues join our practice, we'll ask them to step up to the mic so you can meet the practitioners who are shaping strategy, trying cases, and negotiating the resolutions we talk about here.

We'll keep the same format and plain-spoken style you've come to expect, just with a few more perspectives, more practical tips and more ground covered. Now, before we wrap, I'd like to give a big thank you to you, our listeners, clients, brokers, mediators, underwriters, in-house counsel, and insurance aficionados. You all tune in, send questions, and share episodes with your teams. Thanks as well to our guests this year for lending their expertise and candor. And to our own production crew and marketing colleagues who make this show sound great as each episode drops, your work is second to none. Thank you, Katie Simons, Marisa Rugel, and Melanie Canto for bringing your A game and helping your lovable insurance geeks stay on point and remain relevant. From all of us here at Lowenstein Sandler's Insurance Recovery Group, we wish you a safe, healthy, and prosperous new year.

We'll be back in early 2026 with fresh episodes and yes, some new voices. Until then, keep reading your policies, keep documenting your claims, and say it with me now:

Podcast Team: "Don't take no for an answer!"

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