



**Michael Bruce Abelson, Partner**

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Mr. Abelson is a founding partner of Abelson | Herron LLP. His practice focuses on commercial litigation, as well as consulting and advising individuals and businesses on complex insurance coverage matters across a variety of policy forms. In addition to pre-litigation counseling and trial experience, Mr. Abelson has successfully prosecuted and defended appeals which are the subject of numerous published opinions. He has also lectured regarding insurance and litigation-related topics to members of the industry, trade associations and at law schools. Prior to forming Abelson | Herron LLP, Mr. Abelson was a litigation partner with Latham & Watkins LLP (Los Angeles, CA).

Mr. Abelson is a member of the California State Bar, the United States Court of Appeals for the Ninth Circuit, as well as the United States Court of Appeals for the First Circuit. He has been admitted to practice, *pro hac vice*, in numerous states outside California.

**Highlights of Mr. Abelson’s Experience Include:**

- Trial counsel in *In Re: San Juan Dupont Plaza Hotel Fire Litigation*, MDL-721. Represented individual hotel investor against hundreds of personal injury and property damage claims resulting from New Year’s Day fire in San Juan, Puerto Rico. Also responsible for insurance recovery from the hotel’s manufacturers and suppliers. Action settled prior to judgment;
- Trial counsel on behalf of Southern California real estate development partnership brought by disgruntled joint venture partners. Action settled prior to judgment;
- Trial counsel for insurer in defense of broker indemnification/contribution action. Case resulted in complete defense verdict for insurer and payment of all insurer’s costs;
- Trial and appellate counsel for insurer against personal injury claimant alleging direct action for physician’s non-FDA approved treatment. Verdict for insurer upheld on appeal. See *Meza v. Southern California Physicians Insurance Exchange*, 62 Cal. App. 4th 709 (1998);
- Trial and appellate counsel for insurer against claims of breach of contract and bad faith. Successfully voided multimillion dollar verdict on post-trial motion. Subsequent appellate decision outlines frontiers of California “good faith” settlement statute, Cal. Code Civ. Proc. §877.6. See *Maryland Casualty Co. v. Andreini & Co.*, 81 Cal. App. 4th 1413 (2000);

- Trial and appellate counsel to national REIT. Successfully overturned district court summary judgment precluding coverage for securities class action. Appeal establishes analytic framework for insurability of fiduciary and restitutionary claims. See *Pan Pacific Retail Properties, Inc. v. Gulf Ins. Co., Inc.*, 471 F. 3d 961 (9th Cir. 2006);
- Lead counsel in an international arbitration defending American telecommunications corporation from Turkish company alleging fraud and interference with contract. Claimant sought damages of more than \$100 million. Case ended in complete defense verdict and order that Turkish company reimburse American client's attorneys' fees and costs;
- Insurance counsel to numerous Fortune 500 Companies, non-profits, securities litigators, private practitioners and individuals regarding exploitation of coverage forms, including Directors & Officers; Errors & Omissions; Comprehensive General Liability; Employers' Liability; Fidelity Bond; Multi-Media; Personal Lines; and special form endorsement coverages;
- Coverage counsel for Salt Lake Olympic Committee and World Cup USA 1994, Inc.
- Lead counsel in junk fax lawsuit by Hollywood-based technology company against Canadian-based, broadcast fax company. Key issues include interpretation and implementation of the Telephone Consumers Protection Act, 47 USC §227, as well as issues regarding international discovery procedures and enforcement of United States letters rogatory in foreign courts.
- Successfully overturned district court's summary judgment, excluding coverage for software company's Internet-based, invasion of privacy lawsuits. See *Netscape Communications Corporation., et al. v. Federal Insurance Company, et al.*, 2009 U.S. App. LEXIS 19500 (United States Court of Appeals for the Ninth Circuit).

### Education

New York University School of Law, J.D., 1987

Note & Comment Editor, *New York University Law Review*

Extern, Hon. Whitman Knapp, United States District Court, Southern District of New York

Occidental College, B.A. *summa cum laude*, Political Science (honors), 1984

*Phi Beta Kappa*, 1983

### Awards and Recognition

2005, 2006, 2007, 2008, 2009 and 2010 "Super Lawyer," as selected by *Los Angeles Magazine* and *Law & Politics*

### Professional Activities

Member, California Bar

Member, Los Angeles County Bar Association

Board Member, American Management Association (Insurance and Risk Management Council)

*Amicus* on behalf of California Witness Protection Foundation

See *Alvarado v. Superior Court*, 23 Cal. 4th 1121 (2000);

*Author*, Prior to Appeal: Crafting Successful Post-Trial Motions,  
“The Practitioner,” *Daily Journal*, June 5, 1995

*Author*, “Making the Most of Adult Policy Coverage,” XBIZ World (September 2006) at 30

*Author*, “Essentials of Coverage 1,” (<http://xbiz.com/articles/13257/abelson>)  
(February 3, 2006), [www.xbiz.com](http://www.xbiz.com)

*Author*, “Essentials of Coverage 2,” (<http://xbiz.com/articles/13281/abelson>)  
(February 4, 2006), [www.xbiz.com](http://www.xbiz.com)

*Guest Lecturer*, “Deposition Techniques” USC School of Law

*Guest Lecturer*, “Insurance Law” UCLA School of Law

*In-House Instructor* to Industry, *Insurance 101: Coverages, Procurement & Use*

*Panelist*, XBIZ Summer ’06 Forum Seminar: Protecting Your Business

*Author*, “Insuring Resolution,” *Daily Journal*, October 18, 2007