



Marc D. Halpern, Partner

(619) 618-7002 – Direct
mhalpern@abelsonherron.com - Email

Mr. Halpern’s practice area is business litigation, with exceptional expertise in insurance coverage disputes. Mr. Halpern has successfully represented policyholders in numerous insurance coverage and bad faith lawsuits at the trial and appellate levels, and in alternative dispute resolution proceedings, for claims under nearly every policy type. He has been involved in a number of high-profile insurance litigations, and has briefed key insurance and general litigation issues in the Courts of Appeal and the California Supreme Court.

In addition to his litigation expertise, Mr. Halpern also counsels businesses on the integrated strategic management of insurance portfolios (including excess and insolvent policies) to maximize long-term recoveries and to develop under-utilized insurance assets. In this regard, Mr. Halpern has identified hundreds of millions of dollars of additional coverage for his clients. He likewise has negotiated many hundreds of millions of dollars of coverage claims, for both liquidated and contingent liabilities, with dozens of different insurers and nearly every major insurance group. Mr. Halpern also has extensive experience managing insurance claims for commercial disputes, where early involvement of expert counsel is essential to maximize recoveries, and often helps avoid coverage litigation. This includes establishing defense coverage, enforcing coverage rights regarding counsel selection, fees or other defense issues, and ultimately obtaining funding for settlements or judgments.

Before joining Abelson | Herron, Mr. Halpern practiced for seven years at Latham & Watkins LLP (San Diego) where he was a lead litigator for some of the firm’s largest insurance coverage clients, including Montrose Chemical Corporation and Fluor Corporation.

Mr. Halpern is a member of the California State Bar. He frequently litigates outside of California, and is admitted to practice *pro hac vice* in other jurisdictions.

Highlights of Mr. Halpern’s Experience Include:

- Lead counsel in coverage action regarding settlements in side track indemnity, contribution and injury claims spanning 50 years of commercial liability coverage.
- Lead counsel in bad faith and breach of fiduciary duty action concerning improper disclosure by insurer of confidential policyholder information.

- Lead counsel in coverage and bad faith claim concerning more than 30 trespass and nuisance claims relating to various natural resource operations.
- Lead counsel for international mining company in coverage and bad faith litigation against umbrella insurers regarding 15 Superfund sites in Missouri, Oklahoma, Kansas and Montana.
- Lead counsel in multimillion-dollar wrap policy recovery action.
- Lead counsel in coverage and bad faith action regarding D&O / E&O coverage for Department of Labor claims.
- Lead counsel in coverage and bad faith action regarding cleanup costs from underground storage tank rupture. Obtained seven-figure policy limits recovery.
- Lead counsel on international credit risk coverage claim. Obtained seven-figure policy limits recovery.
- Lead counsel for CGL policyholder in coverage and bad faith litigation regarding scope of defense obligation and right to “independent” defense counsel in Texas tort actions with approximately 2000 plaintiffs.
- Represented chemical manufacturer in EIL coverage and bad faith litigation regarding a multi-million dollar environmental cleanup in Nevada. Obtained summary adjudication on main coverage issue.
- Lead counsel in defense of coverage suit by insurer brought in Texas, concerning toxic tort defense obligations. Case settled through early mediation efforts.
- Represented Fortune 500 company in litigation concerning defense and indemnity coverage claims for asbestos liabilities across numerous jurisdictions.
- Represented policyholder in coverage and bad faith litigation regarding defense coverage for over two dozen personal injury and property damage claims. Court issued bench trial award of approximately \$3 million for unreimbursed defense costs and interest. Case settled prior to bad faith trial.
- Represented Fortune 500 company in defense of multiple lawsuits by third-party insurer seeking contribution from self-insurance policies for defense costs in various personal injury and property damage actions. Judgment for client, and award of costs. Appeal dismissed by plaintiff.
- Arbitrated multi-million dollar claim regarding interpretation and enforcement of prior insurance settlement. Prevailed on all issues.
- Counseled various businesses and defense attorneys regarding rates, fees and expenses disputed by insurers for IP, commercial, securities, employment and other claims, under D&O, Employment Practices, Professional Liability, and other policies.

- One of principal attorneys in California Supreme Court appeal in *Home v. Superior Court (Montrose)*, obtaining 7-0 unanimous victory, 34 Cal. 4th 1045 (2005). Also represented various business and policyholder interests in amicus efforts in major insurance cases in the California Courts of Appeal and California Supreme Court, including *State of California v. Underwriters at Lloyd's of London*, *Scottsdale v. MV Transportation*, and *County of San Diego v. ACE*.

Education

Stanford Law School, J.D., 2001

Article Editor, *Environmental Law Journal*

Stanford University, M.S., Biology, 1999

Columbia University, B.A., *magna cum laude*, Biochemistry, 1995

Phi Beta Kappa, John Jay Scholar

Professional Activities

Member, Advisory Board, San Diego Zoo and San Diego Wild Animal Park

Member, Risk & Insurance Management Society

Member, San Diego County Bar Association