

CHAMBERS & PARTNERS

LEGAL PUBLISHERS

# CHAMBERS USA

America's Leading  
Lawyers for Business

2010  
The Client's Guide

[www.chambersandpartners.com](http://www.chambersandpartners.com)

## is ranked in Chambers USA 2010 as follows:

### NATIONWIDE

#### INSURANCE DISPUTE RESOLUTION: POLICYHOLDER

##### Insurance: Dispute Resolution: Policyholder

###### Leading Firms

###### Band 2

Anderson Kill & Olick, P.C.

###### Leading Individuals

###### Band 2

Horkovich Robert M Anderson Kill & Olick, P.C.

###### Band 3

Passannante William G Anderson Kill & Olick, P.C.

##### Anderson Kill & Olick, P.C.

**THE FIRM** There is little doubt that Anderson Kill remains one of the leading policyholder forces in the USA. A team of 64 lawyers ensures that it has the depth to handle a broad range of matters, including asbestos and environmental claims, D&O and professional liability insurance, commercial general liability, self funding, and business income-related proceedings. The group's marketplace prominence is illustrated by its role as special counsel to the claimants' committee in a number of the largest asbestos bankruptcies in the country. In addition, it has been acting on coverage actions arising from 9/11.

**Sources Say:** "Some top-notch coverage lawyers who have been practicing at a very high level for many years."

**KEY INDIVIDUALS** **Robert Horkovich** has impressed market commentators with his performance in major environmental and asbestos coverage matters. One source calls him "a fabulous lawyer with a corporate presence." **William Passannante** cochairs the insurance recovery group and handles complex coverage litigation. He debuts in the rankings following praise for his expertise in this field.

### NEW YORK

#### INSURANCE

##### Insurance: Dispute Resolution: Policyholder

###### Leading Firms

###### Band 1

Anderson Kill & Olick, P.C.

###### Leading Individuals

###### Senior Statesmen

Anderson Eugene R (Deceased) Anderson Kill & Olick, P.C.

###### Band 1

Horkovich Robert M Anderson Kill & Olick, P.C.

###### Band 2

Passannante William G Anderson Kill & Olick, P.C.

##### Anderson Kill & Olick, P.C.

**THE FIRM** This large practice retains its reputation for top-tier work in the policyholder space. The group serves a broad client base across D&O insurance matters, environment and asbestos claims, business interruption and general liability matters. Recent highlights include the successful trial recovery for the State of California in relation to the Stringfellow acid pits hazardous waste site, and acting for the Trustee of the WCI Chinese Drywall Trust in a coverage matter arising from alleged harm from Chinese-manufactured drywall in home construction in New Orleans.

**Sources Say:** "Its strongest quality is the pool of knowledge and the experience of the partners and associates."

"I felt that when they came on board, I had what I needed."

**KEY INDIVIDUALS** **Eugene Anderson** (Deceased) was a founding attorney at the firm and remains involved with policyholders on a range of insurance cases. He was a well-known figure in insurance law circles, with sources endorsing his senior statesman mantle. **William Passannante** cochairs the insurance recovery group and is considered one of the team's most prominent practitioners. Recent standout work includes representing the Trustees of Princeton University in relation to a key D&O policy claim. Clients and peers point to the skill of practice chair **Robert Horkovich**. "He is just a superb trial lawyer," say sources.

### NEW JERSEY

#### LITIGATION

##### Litigation: Insurance

###### Leading Firms

###### Band 1

Anderson Kill & Olick, P.C.

##### Anderson Kill & Olick, P.C.

**THE FIRM** The Anderson Kill name is synonymous with the representation of policyholders, and its Newark branch is no different. Sources regard it as one of the first choices for representing both corporations and individuals in actions against insurance companies. The group is noted for its strength in the pharmaceutical, healthcare, and banking and finance sectors. One of the team's key highlights came with its successful representation of Taco Bell against underwriters of Lloyd's,

where it attained partial summary judgment in a high-profile case where the franchisees of Taco Bell sought business income coverage for losses stemming from the 2006 so-called 'Taco Bell Outbreak' of E. coli.

**Sources Say:** "They don't just have fantastic lawyers; they have a fantastic brand name in insurance – that adds value in itself."

**KEY INDIVIDUALS** The firm's key New Jersey contact is Steven Pudell, managing partner of the Newark office.

## Leaders' Profiles in Nationwide

### **ANDERSON, Eugene R (Deceased)**

Anderson Kill & Olick, P.C., New York  
212 278 1751  
eanderson@andersonkill.com

*Recommended in Insurance (New York)*

**Practice Areas:** Eugene R Anderson is the Founding Member of the firm. Business Insurance has designated Mr Anderson as one of the people who have had the greatest impact on property and casualty insurance over the past 20 years. Mr Anderson has long been and is often described as the "dean of policyholders' attorneys." Mr Anderson's practice concentrates on insurance recovery exclusively on behalf of the policyholders.

**Publications:** Mr Anderson has written numerous articles about insurance coverage issues. His writings have appeared in law reviews and trade publications, and he is a frequent lecturer on insurance matters.

### **HORKOVICH, Robert M**

Anderson Kill & Olick, P.C., New York  
212 278 1322  
rhorkovich@andersonkill.com

*Recommended in Insurance (New York), Insurance (Nationwide)*

**Practice Areas:** Robert M Horkovich has obtained over \$5 billion in settlements and judgments from insurance companies for his clients over the past decade. Mr Horkovich is a trial lawyer with substantial experience in trying complex insurance coverage actions on behalf of corporate policyholders. As lead trial counsel for the State of California, he won a major jury verdict in 2005 securing coverage for the clean-up of the Stringfellow Acid Pits that was upheld in several key particulars by the State Supreme Court in 2009, at which point recovered gross settlements exceeded \$121 million. In Fuller-Austin, he won a jury verdict of over \$188 million against numerous insurance companies in an asbestos insurance coverage (the 9th largest verdict in the US in 2003, now on remand). His victories also include five landmark state Supreme Court Decisions, two ground breaking Court of Appeal decisions, eight jury verdicts and eight bench trial decisions in favor of policyholders. Mr Horkovich has been engaged on several projects as insurance counsel to the United Nations.

**Publications:** Mr Horkovich frequently lectures and writes on insurance recovery issues. He is co-editor of the book, The Policyholder Advisor, published by Juris Publishing.

### **PASSANNANTE, William G**

Anderson Kill & Olick, P.C., New York  
212 278 1328  
wpassannante@andersonkill.com

*Recommended in Insurance (New York), Insurance (Nationwide)*

**Practice Areas:** William G Passannante is a leading lawyer for policyholders in the area of insurance recovery. Mr Passannante has represented clients in major precedent-setting cases tried in courts throughout the country. Recently, he has successfully represented Princeton University in its insurance recovery matter involving a D&O liability insurance policy; a foreign manufacturer with regard to insurance for a large number of asbestos claims; and franchisees of a major food chain in a business income recovery matter stemming from alleged food-borne illness. He also has represented a number of large financial institutions, chemical companies and healthcare-related organizations in multi-million dollar insurance recovery efforts, and a major telecommunications company in its efforts to recover under liability insurance policies. He also represented Weyerhaeuser Company in its precedent-setting insurance recovery case.

**Publications:** Mr Passannante frequently lectures and writes on insurance recovery issues, including those published in The John Liner Review, The International Bar Ass'n (IBA) Newsletter, Risk Management Magazine, The (ABA) Brief, Corporate Counsel Magazine, The Corporate Counselor, Corporate Board Member, American Banker, Insurance Litigation Reporter, and Mealey's Insurance. He is also the editor of the book, The Policyholder Advisor, published by Juris Publishing.

## ANDERSON KILL & OLICK, P.C.

### THE FIRM

**Managing Partner:** Robert M Horkovich  
**Number of lawyers:** 87

**FIRM OVERVIEW:** Anderson Kill & Olick, P.C. is a corporate law firm best known for its work in insurance recovery. The firm represents policyholders only in insurance coverage disputes, with no ties to insurance companies and no conflicts of interest. *The New York Times* has described Anderson Kill as 'a leader in representing big corporations and individuals against insurance companies'. *The Wall Street Journal* has described Anderson Kill and its insurance coverage practice as combining 'corporate polish with the pugnacity' of a plaintiff's firm. Complementary practice areas include anti-counterfeiting, bankruptcy, commercial litigation, corporate and securities, employment and labor law, real estate and construction, tax, and trusts and estates. Anderson Kill attorneys have recovered billions of dollars in judgments and settlements from insurance companies and have made insurance law in multiple states. Recent landmark victories include decisions for the State of California, franchisees of Taco Bell, Asarco, HLTH Corporation, and Princeton University. The Insurance Recovery Practice is known for its creative and strategic approaches, backed by an unrivaled library of insurance company regulatory filings, insurance company claims and underwriting manuals, briefs, advertisements and other discovery materials. Anderson Kill's membership in Interleges, a consortium of similar law firms in some 20 countries, assures a high quality of service throughout the world.

### MAIN AREAS OF PRACTICE:

**Bankruptcy & Restructuring:** Anderson Kill's pre-eminent Bankruptcy and Restructuring Practice represents clients in debt restructurings, bankruptcy cases, creditors' rights matters, litigation and related finance and corporate transactions. The practice group has earned a solid reputation representing creditors and bondholders in ad hoc and official committees and as part of lending groups and as holders of control positions in restructurings and bankruptcy cases.

**Corporate & Commercial Litigation:** Anderson Kill's corporate and commercial litigation attorneys regularly appear in federal and state trial and appellate courts across the country. The practice also frequently acts as counsel for clients in domestic and international arbitrations. It handles claims on behalf of clients across all industries and business sectors involving anti-counterfeiting, antitrust, breach of contract, securities, common law fraud, employment, unfair competition, corporate governance, breach of fiduciary duty, waste management, class actions, and white-collar crime.

**Corporate & Securities:** Anderson Kill's Corporate and Securities Practice delivers solutions with personalized focus, efficient staffing, and creative, hands-on senior leadership, resulting in fast turnaround on corporate, partnership and limited liability company transactions, with substantial long-term and short-term savings for clients. The practice offers capabilities in complex transactional, mergers, divestitures, corporate restructuring and corporate governance and cross-border legal issues, including equity investments, joint ventures, finance and captive insurance companies.

**Employment & Labor Law:** Anderson Kill counsels and represents management in every phase of employment and labor law, providing practical preventive advice and counsel on a full range of issues affecting the workplace. If litigation ensues, the firm provides cost-effective and results-oriented representation. The firm also represents employers in labor arbitrations, union negotiations and union avoidance.

**Insurance Recovery:** Anderson Kill has enormous experience in successfully obtaining insurance recoveries for policyholders in connection with environmental, asbestos, and toxic tort liability, directors' and officers' liability, products liability, professional liability, intellectual property claims, commercial crime insurance, property losses, business interruption losses and many other types of insurance in trial verdicts and unparalleled settlements. Anderson Kill has evidence databanks related to the insurance industry unmatched by any other law firm in the world. For over 40 years Anderson Kill has declined to defend the insurance industry, establishing its undivided loyalty to the policyholder. Often, the policyholder's defense counsel finds it difficult or impossible to conduct both the defense of the liability claim and resolve the coverage issue with the insurance company. Anderson Kill provides very discreet, knowledgeable and results

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<b>Intellectual Property</b>	Kanishka Agarwala
<b>Real Estate</b>	James Cullen
<b>Tax</b>	Phillip England
<b>Trusts &amp; Estates</b>	James G Clements

oriented insurance 'conflicts counsel' to obtain an insurance recovery without distracting or compromising the defense counsel. The process works and fills a real need.

**Intellectual Property:** Anderson Kill regularly provides counsel and litigation services to domestic and international clients on a full range of intellectual property issues relating to patents, trademarks, domain names, copyrights and mask works, unfair competition and anti-counterfeiting.

**Real Estate:** The Real Estate Practice provides clients with sophisticated legal counsel required for a host of complex real estate and construction projects. The group provides owners, developers, non-profit entities, commercial tenants and investors with land use, construction, construction insurance, commercial property purchase and sale, leasing and other transactional and legal advisory services.

**Tax:** Anderson Kill's Tax Practice provides domestic and international tax planning with clients' objectives at the forefront. The group also leverages experience in alternative risk transfer services such as offshore captive insurance company compliance and formation.

**Trusts & Estates:** Anderson Kill provides skilled advice to individuals concerning personal tax, financial planning, and trusts and estates. The firm's attorneys advise clients on methods of accumulating, managing, and preserving wealth, as well as its disposition during life and upon death. Anderson Kill assists clients in building their estates and planning for the transfer of property to family members and other beneficiaries in ways that minimize income, gift and estate taxes.

### CLIENTS

Clients include some of the nation's largest public and private entities, including companies in financial services, retail, oil/gas, technology, pharmaceutical and life sciences, utilities, municipalities and state governments, religious and not-for-profit organizations, small companies and individuals.