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In Memoriam

Eugene R. Anderson, Founder Of Anderson Kill & Olick, Dies At 83

Eugene R. Anderson, founder of the law firm Anderson Kill & Olick and a pioneer in insurance coverage litigation on behalf of policyholders, died on Friday, July 30 of complications from pneumonia. He was 83.

A child of the Great Depression who lived in foster homes, worked his way through college and hitchhiked across the country to attend Harvard Law School on scholarship, Mr. Anderson began his legal career at the white-shoe New York law firm Chadbourne & Parke, where he worked his way to partnership but chafed at the firm's hierarchical structure. Eventually he would create a far more egalitarian culture at Anderson Kill, which for many years was well known for according partner status to all working attorneys.

Mr. Anderson's next boss, U.S. attorney for the Southern District of New York Robert M. Morgenthau (later longtime Manhattan District Attorney), also became his father-in-law years later.

In 1969 Mr. Anderson founded his own law firm, where he was joined by several alumni of Mr. Morgenthau's office, including eventual name partners Lawrence Kill and Arthur Olick, who retired early this year. In the late 1970s, as American businesses grappled with mammoth new liabilities for asbestos contamination and environmental

cleanup in the wake of Superfund legislation, Mr. Anderson pursued insurance coverage litigation on behalf of Keene Corporation, which faced millions of dollars in personal injury claims. His landmark victory in that case, which established a key principle regarding the kinds of events that trigger insurance coverage, brought a flood of new business from corporations facing major liabilities stemming from asbestos and environmental claims.

In the wake of Keene, Mr. Anderson made it his life's mission to help policyholders of all kinds, individual as well as corporate, obtain the coverage promised to them in insurance contracts. Mr. Anderson's zeal on behalf of policyholders also drove him to take on a long succession of *pro bono* clients, many of them cancer patients who had been denied treatments deemed experimental. One *pro bono* matter, on behalf of the Fresh Air Fund, brought him into close contact with the Fund's executive director, Jenny Morgenthau, whom he married. "She's the best thing that ever happened to me," Mr. Anderson told *Best's Review* in 1998. "She really civilized me."

In addition to his *pro bono* work, Mr. Anderson formed a close union in the early 1990s with United Policyholders, a nonprofit advocacy group. Working closely with the group's executive direc-

tor, Amy Bach, Mr. Anderson became the prime mover of United Policyholder's amicus program, which filed briefs on behalf of policyholders in insurance coverage disputes across the nation.

Mr. Anderson himself co-authored. The firm's *amici* are frequently cited in judges' decisions, including the U.S. Supreme Court decision in *Humana v. Forsyth* (1999), which limited the insurance industry's McCarran-Ferguson defense, subjecting the insurance industry to liability under the federal Racketeer Influenced and Corrupt Organizations Act (RICO).

Mr. Anderson was also a tireless author, writing and co-writing over 800 articles on insurance-related matters, as well as a two-volume bible for insurance recovery attorneys, *Insurance Coverage Litigation* (Aspen Publishers; Second edition, 1999).

He was mentor and inspiration to two generations of policyholder's attorneys, including many of the nation's leading practitioners in insurance coverage litigation. These include the current co-chairs of the firm's Insurance Recovery Group, Robert M. Horkovich and William G. Passannante.

Mr. Anderson is survived by his wife, Jenny Morgenthau; by his son, Matthew R. Anderson, and by grandsons Javier, Andres and Miguel Anderson.