

## Rising Star: Anderson Kill's Carrie Maylor DiCanio

*Law360 (August 23, 2018, 2:18 PM EDT)* -- Anderson Kill PC shareholder Carrie Maylor DiCanio, who views exclusively representing insurance policyholders as a “social good,” recently secured a settlement for an environmental equipment company after its insurer intervened in underlying litigation and fought to recoup its defense costs, helping earn her a spot as one of five insurance attorneys under 40 honored by Law360 as Rising Stars.

### **HER BIGGEST CASE:**

DiCanio defended anti-pollution equipment manufacturer Fisher Klosterman after it was hit with a lawsuit by its insurer, Valley Forge Insurance Co., in an attempt to recoup what it had already paid to defend Fisher from an underlying lawsuit with oil refiner Valero.

Fisher Klosterman had prevailed on some claims against Valero over liability for an air pollution control device that used a defective liner supplied by another company. It settled on remaining claims following a partial summary judgment win. But Valley Forge did not want to get stuck with the \$3 million defense costs bill, DiCanio said, so it filed a new lawsuit against Fisher Klosterman after backing Valero as an intervenor against its insured.

“It’s unusual that an insurance company would intervene in the underlying litigation,” she said. “In this case, they did.”

The insurance case was settled on what DiCanio said was a favorable deal to Fisher Klosterman, prompting the parties to sign a deal to dismiss claims in January. DiCanio added that the terms of the settlement were confidential.

The issue of recoupment, she said, was an interesting issue in the insurance practice because it varies vastly between jurisdictions.

**RISING**  
 ★★★★★  
**STAR**



**Carrie Maylor  
 DiCanio  
 Anderson Kill**

**Age:** 38

**Home base:** New York

**Position:** Shareholder

**Law school:** Yeshiva University's Benjamin N. Cardozo School of Law

**First job after law school:** Associate at Anderson Kill

“As a policyholder counsel, it’s a really offensive idea that the insurance company can basically escape its duty to defend in this way,” DiCanio said. “Litigation is very expensive.”

#### ***OTHER NOTABLE CASES:***

DiCanio and the Anderson Kill team secured a settlement in March 2017 on behalf of Phibro Animal Health Corp. in a case brought by an American International Group unit against the animal nutrition company. Phibro was accused in an underlying suit of selling a feed additive meant for intestinal health that stunted chickens’ growth, lowering meat production and spiking production costs.

“The chickens had to be a specific size when they went to be processed,” she said. “When the chickens were not the right size, they caused a lot of issues.”

A New Jersey appeals court in 2016 reversed a prior win handed to AIG arm National Union Fire Insurance Co. that had freed it from coverage. The panel stopped short of issuing a ruling on whether a policy exclusion would halt coverage.

Ultimately, a deal was reached between the Anderson Kill team and the insurer’s attorneys before a judge could rule on the claims, DiCanio said.

“The case was completely resolved by the settlement,” she said. Terms of the deal were confidential.

#### ***WHY SHE’S AN INSURANCE ATTORNEY:***

DiCanio largely attributes her choice to practice insurance law to the late Eugene Anderson, the founding member of Anderson Kill with whom she worked as a summer associate in 2007. She credits Anderson for the stance that exclusively representing policyholders is a "social good."

“He was really a visionary in the insurance field, in addition to being a brilliant attorney and very generous person,” she said. “His passion for representing insurance policyholders as something of a social good was really infectious, and really inspired me to want to pursue the insurance coverage practice.”

#### ***HER PROUDEST MOMENT:***

DiCanio recalled her time as a summer associate at Anderson Kill, during which she drafted an amicus brief on behalf of United Policyholders in the New York Court of Appeals case Bi-Economy Market v. Harleysville Insurance Co. alongside Anderson.

The court ruled in 2008 that a policyholder may recover consequential damages exceeding policy limits, if it has been proven that the insurer breached the policy in bad faith. DiCanio said that this was a major win.

“That Bi-Economy ruling established a very favorable law for policyholders in New York,” she said. “That was really important, because if an insurance company delayed in paying a claim, it could put a

policyholder out of business.”

Speaking more broadly about her career, DiCanio said that she took pride in each win she nabbed for policyholders.

“My proudest moment is really every time I can get an insurance company to reverse a denial of coverage, without litigation,” she said.

#### **WHAT MOTIVATES HER:**

The 38-year-old shareholder was quick to point out her driving force: enabling more women to lead in the legal practice. She has promoted this at her own firm.

“Over the 10 years that I’ve been in practice, I’ve seen that women and diverse attorneys are underrepresented, particularly in law firm leadership,” she said. “This is something that really needs to be improved.”

DiCanio coaches Anderson Kill’s women’s network, which provides a support system to female attorneys looking to develop their client base.

“That is how one moves into a position of leadership at a law firm,” she said.

DiCanio said the network focuses on business development, networking and social support, based on her reasoning that women in the legal practice face overlapping challenges.

“It allows me to connect with women who have more experience than me, and to also connect with women who are just starting out in the legal practice,” she said, “and to help them in any way that I can.”

— *As told to Michelle Bocanegra*

*Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2018 Rising Stars winners after reviewing more than 1,200 submissions. This interview has been edited and condensed.*

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