

Deborah Greenspan | Partner
Mass Torts & Complex Disputes

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CO-CHAIR, ENERGY, ENVIRONMENT, AND MASS TORTS PRACTICE GROUP

Deborah Greenspan is a leading adviser on mass claims strategy and resolution. Her practice focuses on class actions, mass claims, dispute resolution, insurance recovery, and mass tort bankruptcy. She has extensive experience in mass products liability matters, analysis of damages and future liability exposure, alternative dispute resolution (“ADR”), claims evaluation and dispute analysis, settlement distribution design and implementation, claims management and risk analysis. She has counseled clients in significant mass claims litigation and writes and lectures frequently on these topics.

Deborah has been appointed by judges and government institutions to serve as a Special Master assisting in the management and resolution of mass litigation. She served as the court-appointed Special Master responsible for developing and implementing a settlement program to distribute funds to over 100,000 Vietnam veterans. She served as the Deputy Special Master for the September 11th Victim Compensation Fund of 2001, and she was responsible for conceiving the policies and for facilitating the distribution of over nine billion dollars to victims of the September 11 attacks. In July 2018, she was appointed Special Master in the *Flint Water Cases* litigation consolidated in federal court in Michigan.

Deborah represents and advises companies on strategic options and efficient resolution of pending or minimizing the risk of potential future mass claims. She advises clients on the analysis and management of risk, on options and procedures for limiting exposure, on development and design of resolution options, and on securing assets/insurance.

Special Master Appointments

- Special Master, *Shalom Goldstein, et al. v. Islamic Republic of Iran, et al.*, 1:16-cv-02507 (CRC) (D.D.C. Appointed Dec. 4, 2018)
- Special Master, *Noala Fritz, et al. v. Islamic Republic of Iran, et al.*, 1:15-cv-0456 (RDM) (D.D.C. Appointed Aug. 1, 2018)
- Special Master, *In re Flint Water Cases*, 5:16-cv-10444 (JEL) (U.S.D.C. E.D. Mich. Appointed July 31, 2018)
- Special Master, *Ora Cohen, et al. v. Islamic Republic of Iran*, 1:12-cv-01496 (CRC) (D.D.C. Appointed March 16, 2017)
- Special Master, 1998 American Embassy Bombings:
- *Wamai v. Republic of Sudan*, 08-1349 (JDB) (D.D.C. Appointed Aug. 8, 2005)
- *Amduso v. Republic of Sudan*, 08-1361 (JDB) (D.D.C. Appointed Aug. 8, 2005)
- *Mwila v. Islamic Republic of Iran*, 08-1377 (JDB) (D.D.C. Appointed Aug. 7, 2008)
- *Onsongo v. Republic of Sudan*, 08-1380 (JDB) (D.D.C. Appointed Aug. 7, 2008)
- Deputy Special Master, re-authorized September *11th Victim Compensation Fund (2011)*
- Deputy Special Master, *September 11th Victim Compensation Fund of 2001*
- Special Master, *In re "Agent Orange" Product Liability Litigation*
- Special Master, *In re Joint Eastern and Southern Districts Asbestos Litigation*

Illustrative Presentations

- Keynote Speaker, ABA Section of Environment, Energy, and Resources 37th Water Law Conference, March 26, 2019.
- Organizing Committee, ABA Tort Trial and Insurance Practice Section Conference: "Disasters the Emerging D&O, E&O and Corporate Risks: What you need to know, and how to manage, mitigate and resolve those risks;" February 5, 2019.
- Panel Moderator, "Special Mastering in MDLs and Mass Tort Cases," Academy of Court Appointed Masters Annual Meeting, 2018.
- Panel Moderator, "Alternative Dispute Resolution" – potential role and effect of ADR in matters involving public policy objectives or concerns; Class Action Money and Ethics Conference, Beard Group; 2018.
- Presenter, "Effective ADR that Saves Time, Money and Reputational Risk" (contractual arbitration), Association of Corporate Counsel, In-House Counsel Conference, 2018.
- Panel Moderator, "D&O Insurance Cyber Liability Forum," Tort Trial and Insurance Practice Section of the American Bar Association, 2018.
- Speaker, "Allocation of Settlement Proceeds & Lien Resolution," The Mass Tort Global Settlement Architecture Conference, Perrin Conferences, 2017.
- Speaker, "Disaster Claims Recovery: What Claimants and Their Lawyers Should Know," ABA-Tort Trial & Insurance Practice Section (TIPS) audio

webinar, 2017.

- Speaker, IntAP—International Alliance of Asbestos and Pollution Reinsurers e.V. June 2017 General/Technical Meeting, presentation on mass torts/asbestos and other mass claims in the United States.
- Speaker, “Unconventional Responses to Unique Catastrophes: Tailoring the Law to Meet the Challenges,” 2016 DRI (The Voice of the Defense Bar) Class Actions Conference.
- Panelist, “When the Levee Breaks – Resolving Complex Claims: Lessons of the Deepwater Horizon, Katrina, and More,” 2015 American Bar Association Section of Litigation Annual Conference.
- Panelist, “Preparing for Fraud Amidst Chaos,” 2013 National Law Journal Crisis Litigation Series: “Navigating Fallout from Catastrophic Events.”
- Panelist, Roundtable: “Who Uses Mediation?,” International Institute for Conflict Prevention and Resolution (CPR) 2013 Brazil Business Mediation Congress.
- Speaker, “Who Gets What?,” American Bar Association, 2013 Business Law Section Spring Meeting.
- Panelist, “Out of the Ashes: 9-11—A Cinematic Study of Mediation,” 18th Annual Alternative Dispute Resolution Institute and 2011 Neutrals’ Conference at the State Bar of Georgia.
- Panelist, “Sue or Settle? The Adequacy of Tort Law to Fairly and Expeditiously Compensate Victims of Mass Disasters,” Roger Williams University School of Law Conference: “Blowout: The Legal Legacy of the Deepwater Horizon Catastrophe.”
- Speaker, Personal Injury and Settlement Distributions, Duke University-Federal Judicial Center Class Action Settlements Workshop.
- Speaker, “Out of the Ashes: 9/11—a Model for Dispute Resolution,” 13th Annual American Bar Association Spring Conference.
- Faculty, Workshop: “When Disaster Strikes: The Role of ADR in Resolving Mass Claims,” International Institute for Conflict Prevention & Resolution (CPR) Annual Meeting.
- Workshop on Victims Compensation, Institute for National Security and Counterterrorism at Syracuse University.
- Bar Association (PA) 2012 Bench Bar Conference, *State of the Judiciary* session re: Compensation of Victims of the September 11 Attacks.
- Panel chair and speaker, IQPC Drug and Medical Device Litigation Conference regarding “Structuring and Administering Mass Torts Settlements.”
- Panelist and speaker, Federal Bar Association’s Indian Law Conference.
- Faculty and speaker, ALI-ABA conference “The Art and Science of Serving as Special Master in Federal and State Courts.”
- Speaker, U.S.-China Symposium on Tort Law in Beijing, China regarding the determination of damages under U.S. tort and product liability law co-sponsored by The China Law Center of Yale Law School and the Legislative Affairs Commission of the National People’s Congress.

Publications

- Co-Author, "Recent Developments in Alternative Dispute Resolution," *Tort Trial & Insurance Practice Law Journal*, Winter 2018 (53:2) of the ABA.
- Author, "CGL Coverage for Cyber Data Breaches: Court Finds No Coverage unless the Policyholder Itself Publishes the Private Information" (<https://policyholderinformer.com/2018/03/06/cgl-coverage-for-cyber-data-breaches-court-finds-no-coverage-unless-the-policyholder-itself-publishes-the-private-information/>); Blank Rome *Policyholder Informer* Blog, March 6, 2018.
- Co-Author, "Asbestos – the Never Ending Story: Recent Developments in U.S. Law on Scope of Exposure and Limitations on Jurisdiction," December 2017 issue of General Reinsurance (Gen Re) German liability magazine *PhilHaftpflicht – Recht & Versicherung*, Nr. 6/2017.
- Co-Author, "Recent Developments in Alternative Dispute Resolution," *Tort Trial & Insurance Practice Law Journal*, Winter 2017 (52:2) of the ABA.
- Co-Author, "A Lesson from the Third Circuit on Arbitration Clauses: Say What You Mean" (<https://blog.cpradr.org/2017/10/09/a-lesson-from-the-third-circuit-on-arbitration-clauses-say-what-you-mean/>); *CPR Speaks – the Blog of the CPR Institute*, October 9, 2017.
- Co-Author, "Recent Developments in Alternative Dispute Resolution," *Tort Trial & Insurance Practice Law Journal*, Winter 2016 (51:2) of the ABA.
- Author, "Helping Clients Determine Whether the Alternative Dispute Resolution Process is Appropriate and How to Reach a Fair Remedy," *Inside the Minds: Trends in Alternative Dispute Resolution*, published December 2012 by Aspatore Books (a "Thomson Reuters business").
- Co-author, "Settle or Sue? The Use and Structure of Alternative Compensation Programs in the Mass Claims Context," *Roger Williams University Law Review*, Winter 2012 issue (Volume Seventeen, Number One).
- Co-author, "Non-Debtor Injunctions Barring Future Asbestos Claims Under Bankruptcy Code § 524(g)," *The New York Law Journal*, July 16, 2012.
- Author, "Evolving Case Law Affecting Mass Tort Bankruptcy Cases and Reorganization Plans," *Aspatore Thought Leadership -- Bankruptcy and Financial Restructuring Law 2012: Top Lawyers on Trends and Key Strategies for the Upcoming Year*.
- Co-Chair/Author, Master Guide to Mass Claims Resolution Facilities, www.cpradr.org (2011).
- Author, "ADR Strategies and Their Benefits," *Financier Worldwide*, March 2011.
- Author, "Expect a Rise in U.S. Government Enforcement Action and Whistleblower Claims," *Financier Worldwide*, January 2011.
- Co-author, "Mediation: An Effective Tool in Multi-Party International Disputes," *Financier Worldwide*, December 2010.
- Panelist, "The Effective Dispute Resolution Roundtable," *Financier Worldwide*, August 2010.
- Author, "Recent Decisions Regarding Third-Party Releases and the Scope of Jurisdiction of Bankruptcy Courts," *Inside the Minds: Navigating Recent Bankruptcy Law Trends*, 2010.
- Co-author of the *Final Report of the Special Master for the September 11th Victim Compensation Fund of 2001* provided to the U.S. Department of

Justice.

- Rapporteur for the American Arbitration Association Task Force on Alternative Dispute Resolution and Mass Torts.

Outside The Firm

Deborah is the chair-elect of the Alternative Dispute Resolution Committee of the American Bar Association ("ABA") Tort Trial and Insurance Practice Section ("TIPS"), and previously served as its vice chair from 2016–2019. She also serves as the TIPS liaison to the ABA Section of Dispute Resolution Advisory Committee for 2019–2020.

Deborah is a member of the Board of Overseers for the Rand Institute of Civil Justice. She is also a board member of the National Law Center on Homelessness and Poverty as well as the Academy of Court Appointed Masters. Additionally, she has served as a rapporteur for the American Arbitration Association Task Force on Alternative Dispute Resolution and Mass Torts.

Deborah clerked for the Honorable Horace W. Gilmore, U.S. District Judge for the Eastern District of Michigan, from 1981 to 1983, and for the Honorable Edward Allen Tamm, U.S. Court of Appeals, District of Columbia Circuit, from 1983 to 1984. She joined the Washington, D.C., office of an Am Law 100 firm and in 1992, she helped form the law firm "Feinberg and Associates" (later called The Feinberg Group). In 2005 she joined an Am Law 200 firm and was the co-leader of the Complex Dispute Resolution practice group.

Select Engagements

Notable Successes

- Negotiated resolution securing over one billion dollars of insurance assets for a company with long tail products exposure.
- Guided a company through multiple and extended disputes over the implementation of a settlement involving over three billion dollars in potential funding obligations.
- Guided a company through the evaluation of strategic options for assessing, valuing, forecasting and resolving thousands of products claims – both pending and future.
- Provided strategic counsel to multiple companies in the resolution of mass tort claims, including through Chapter 11.
- Represented companies in resolution of complex class actions.
- Represented multiple companies in asbestos-related bankruptcies.
- Advised and designed options for a non-U.S. company regarding strategies for addressing long tail claims asserted against a U.S. subsidiary.
- Implemented settlement procedures for mass consolidations in New York state and federal courts; implemented claims resolution process resulting in the resolution of hundreds of thousands of claims involving insurance

products and thousands of claims related to antitrust disputes.

Expert Engagements

- *Kimata, et al. v. Al Shabaab, and Does 1-20*, Case No. BC 615963 (Cal Superior Court, Los Angeles County); Declaration of Deborah E. Greenspan in Support of Plaintiffs' Application for Default Judgment Against Defendant Al Shabaab Pursuant to California Code of Civil Procedure § 585, Dated July 16, 2018.

Admissions

- Supreme Court of the United States
- District of Columbia
- Michigan
- U.S. District Court - District of Columbia
- U.S. District Court - Eastern District of Michigan
- United States Court of Appeals for the District of Columbia Circuit
- United States Court of Appeals for the Sixth Circuit

Memberships

- American Bar Association
- Academy of Court Appointed Masters
- American Arbitration Association
- CPR International Institute for Conflict Prevention & Resolution
- National Association of Professional Women
- Litigation Counsel of America

Education

- University of Michigan, BS
- University of Michigan Law School, JD

Recognitions

- 2014–2020, List of Top-Rated Class Action & Mass Torts Attorneys in Washington, D.C., *Super Lawyers*
- 2014 and 2015, "Top Lawyers of Washington, DC," listed in *The Washington Post Magazine*
- 2014, District of Columbia Court of Appeals and the Superior Court of the District of Columbia Pro Bono Honor Roll