

Helen K. Michael | Partner
Insurance Recovery

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Helen Michael has nearly 30 years of experience representing policyholders in high-stakes insurance recovery disputes in all key coverage areas. These disputes include claims against companies and their corporate officers and directors involving alleged securities violations, breach of fiduciary duty and other corporate misconduct, professional liability claims, cyber liability claims, property damage and business interruption claims for losses arising out of hurricanes and other disasters, products liability, bodily injury and environmental claims arising from class action and other cases, claims involving violation of consumer protection statutes and other allegedly unfair trade practices, intellectual property claims, construction defect claims, employment practices liability claims, professional liability claims, and cyber liability claims.

Helen's work representing corporate policyholders has taken place in a variety of settings, including mediation, arbitration, trial, and appeal. *Chambers USA* reported that sources praise Helen as "a sensational litigator and an amazing brief writer," and as being "incredibly detail-oriented, tenacious and one of the hardest workers I've ever met." *Chambers USA* also notes that sources say "She's a fantastic strategist and can really see all sides of an issue and how the various components of a claim intersect."

Working closely with her clients to determine objectives, formulate effective strategies, and position disputes for the best outcomes, whether through negotiation, or at trial or on appeal, Helen has a proven track record of success. Among trial successes, Helen has secured jury verdicts awarding compensatory and exemplary damages to her policyholder clients in excess \$400M. Among successes on appeal, she has obtained a ruling on a question of first impression reconfirming the breadth of insurers' duty to defend class action cases. In total,

Helen has assisted her clients in recovering more than a billion dollars in insurance proceeds.

Helen also provides risk management advice to clients to help avoid or minimize coverage disputes and help ensure that they obtain insurance appropriate for the principal risks presented by their businesses.

She has substantial experience in class action defense and the formulation of effective strategies for defeating mass tort and other consumer claims, including theories governing the piercing of the corporate veil and the imposition of successor liability. Helen has counseled numerous clients on developing protocols and structuring transactions to guard against incurring vicarious liability for the obligations of corporate affiliates.

Select Engagements

- Obtained substantial insurance recovery for a hedge fund in an insurance coverage litigation seeking coverage for hundreds of millions of losses incurred in connection with criminal and other governmental investigations, and criminal and civil lawsuits alleging wrongful acts committed in the provision of investment and tax management services.
- Secured favorable settlements of high-stakes coverage litigation brought against a private equity company's professional liability insurers incurred in connection with several class actions and numerous other multi-party actions alleging errors and omissions in connection with the marketing and sale of annuities to senior citizens, which sought damages in excess of \$80 million.
- Secured favorable settlements of coverage disputes with a life insurance and annuity company's coverage dispute with professional liability insurers for losses incurred in connection with several class actions and numerous other multi-party cases involving insurance policies used to fund employee benefit plans, which sought damages in excess of \$50 million.
- Obtained substantial insurance recovery for a high-end fashion company resolving an insurance coverage dispute arising out of a high-stakes litigation a former director brought against the company and its current directors alleging breach of fiduciary duty and numerous other claims.
- Negotiated favorable settlement of a coverage dispute for a media company involving a nationwide, bet-the-company class action brought pursuant to the Telephone Consumer Protection Act.
- Serve as lead insurance coverage counsel in an ongoing bet-the-company coverage litigation between a food and flavoring company and 10 of its insurance carriers involving mass tort claims alleging bodily injuries caused by exposure to the butter flavoring, diacetyl, distributed by the client.
- Secured favorable settlement of a high-profile coverage litigation involving losses incurred in several class actions cases filed in California, New Jersey, and Massachusetts alleging that the client's collection and use of customers' zip codes violated their rights to privacy as established, among others, by California's Song-Beverly Act.

- Represent a financial institution in a high-stakes dispute against the senior management of a now-bankrupt firm involving a complex mix of securities fraud, insurance coverage, and bankruptcy issues, and secured notes issued to the firm in the total amount of \$150 million.

Admissions

- Supreme Court of the United States
- United States Court of Appeals for the Eleventh Circuit
- District of Columbia
- Maryland
- U.S. District Court - District of Columbia
- United States Court of Appeals for the Federal Circuit
- United States Court of Federal Claims

Memberships

- American Bar Association
- Litigation Counsel of America
- American College of Coverage Counsel

Education

- Hampshire College, BA, with honors
- University of North Carolina School of Law, JD, with honors
- George Washington University Law School, LLM, with highest honors

Recognitions

- 2011–2021, Washington, D.C., “Super Lawyer” in Insurance Coverage, listed in *Super Lawyers*
- 2016–2021, Insurance: Policyholder (D.C.), listed in *Chambers USA*
- 2021, Insurance: Dispute Resolution: Policyholder, listed in *Chambers USA*
- 2013–2021, Insurance Law, listed in *Best Lawyers in America®*
- 2020–2021, Litigation - Insurance, listed in *Best Lawyers in America®*
- 2014–2017, 2019, “Top 50 Women Super Lawyers,” listed in *Super Lawyers*
- 2014–2016, “Top 100 Washington Super Lawyers,” listed in *Super Lawyers*
- 2019–2021, listed in *Who’s Who Legal: Insurance & Reinsurance*
- 2020–2021, Global Leader in Insurance & Reinsurance, listed in *Who’s Who Legal*
- 2020, listed in *The Legal 500 United States*
- 2013–2020, listed in Euromoney’s *Insurance and Reinsurance Expert Guides*
- 2015–2020, listed in Euromoney’s *Women in Business Law Expert Guides*

Professional Activities

Helen has been a leader in numerous organizations and associations that promote excellence in the legal profession. She presently serves on the Board of Regents and Membership Committee for American College of Coverage Counsel, an invitation-only organization of preeminent lawyers representing the interests of both policyholders and insurers dedicated to improving the quality of the practice of insurance law and to increase civility and professionalism in the field. Helen's professional activities include:

- Co-Chair, Annual Law School Symposium Committee, American College of Coverage Counsel (2018)
- Past National Chair, and current Vice Chair, American Bar Association, Insurance Coverage Litigation Committee of Tort Trial & Insurance Section
- Past Website Managing Editor, American Bar Association, Insurance Coverage Litigation Committee of Litigation Section
- Past Co-Chair, American Bar Association, Employment Practices Insurance Liability Subcommittee of Insurance Coverage Litigation Committee of Litigation Section
- Past Executive Committee Member, Council for Appellate Lawyer
- Trustee, Washington Lawyer's Committee
- Fellow, Litigation Counsel of America
- Past Executive Editor, *CGL Reporter*
- Articles Editor, *North Carolina Journal of International Law & Commercial Regulation*

Helen is also dedicated to pro bono representation in matters involving education, election, asylum, and employment discrimination. She previously worked with a team of attorneys to develop a series of webinars with the D.C. Bar Pro Bono Program's Community Economic Development Project that focused on risk management issues and insurance matters faced by nonprofit organizations.