

Rising Star: Blank Rome's Kyle P. Brinkman

By Eli Flesch

Law360 (June 15, 2021, 3:02 PM EDT) -- Kyle P. Brinkman of Blank Rome LLP has taken a prominent role in several policyholder-side real estate disputes, including representing publicly traded real estate investment fund Urban Edge Properties in a \$40 million COVID-19 business interruption suit, earning him a spot among the top insurance litigators under 40 honored as Law360 Rising Stars.

WHY HE'S AN INSURANCE ATTORNEY:

Becoming an insurance attorney was never on Brinkman's radar.

In law school, he flirted with environmental law, reflecting a do-gooder mindset, he said. Generally speaking, he wasn't sure about a focus, but it certainly wasn't insurance.

Chalk it up to luck then: Dickstein Shapiro hired Brinkman as a summer associate out of law school, adding him to its insurance practice, which was in need of more manpower.

Many lawyers at the firm, which ceased operations in 2016, soon joined Blank Rome.

"If I talked to my high school or college or maybe even law school self, they would say, 'Wait, you turned into an insurance lawyer?' It doesn't sound that interesting. It actually probably sounds pretty boring. But it's not. It's actually quite interesting," he said.

HIS MOST INTERESTING RECENT CASE:

There have been plenty of COVID-19 business interruption cases, but Brinkman's work on behalf of Urban Edge Properties stands out as particularly notable.

Brinkman said that few policies are like Urban Edge's, a real estate investment trust that operates shopping centers nationally. Its environmental pollution liability policy provides express business



Kyle P. Brinkman
Blank Rome

Age: 36

Home base: Washington, D.C.

Position: Partner

Law school: University of Virginia School of Law

First job after law school:

Summer associate at Dickstein Shapiro

interruption coverage for viruses, and it doesn't require property loss or damage.

That type of broad coverage is very different from what Brinkman said he's seeing from other COVID-19 coverage cases, noting that coverage for Urban Edge is based on the presence of the virus alone.

"Almost none of them are on environmental forms. Most of them are on forms that have a requirement of physical loss or damage," he said. "Here, that issue simply does not exist."

HIS PROUDEST MOMENT AS AN ATTORNEY:

Brinkman's pro bono work stands out among his accomplishments.

He provides insurance coverage advice to the Latin American Montessori Bilingual Public Charter School in Washington, D.C., and volunteers for law projects at the Duke Ellington School for the Arts, also in D.C., according to Blank Rome.

He said he also used to run advance directive workshops while at Dickstein Shapiro, working with legal counsel for the elderly. Blank Rome is in the process of reopening those clinics as the pandemic begins to wind down.

"Even when you don't get the result your pro bono client wants, they think you have done the best work that anyone could do for them," Brinkman said. "You get the real sense that you've had some real impact on their lives."

But he also noted that he's most proud of some of the more forgettable moments as an attorney. For instance, he enjoys getting a first look at a policy and figuring out a unique argument for a case that the client eventually adopts, becoming the theory for the case years down the line.

WHAT MOTIVATES HIM:

Awards, recognition and external praise are all appreciated and all matter, Brinkman said, but what motivates him most is doing the best work he can for himself.

Plus, his teammates are of utmost importance.

And for Brinkman, that team has featured some consistent faces. After Dickstein Shapiro went under, Blank Rome hired many of his current colleagues.

"The thing that's kept me where I am is the people," he said. "If you don't like your team, why are you working with them at all? The friendships and the levels of trust and the understanding that we're all there to do our best for our clients are what drives me."

HOW HE THINKS HIS PRACTICE WILL CHANGE IN THE NEXT 10 YEARS:

Brinkman recalled something Jim Murray, the head of his practice group, likes to say. When Murray got his first case, Brinkman said, he thought insurance litigation was a short-term thing, soon to be extinguished, and was a bad career move for him.

That was in the '80s.

Brinkman forecasts no end to insurance litigation anytime soon, and if anything, the practice has gotten bigger, he said. If an insurance company sees any plausible reason it might deny a big claim, it often will,

he pointed out, adding that fields like cyber insurance are nonstandardized, making finding the best insurance product particularly important.

"We can't read a newspaper without seeing the insurance aspect of 75% of the headlines," he said. "Data breaches are constantly in the news. These sorts of things come up, and there is insurance out there that may pay some of these things, and I think we're going to see that for a long time as well."

— *As told to Eli Flesch*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2021 Rising Stars winners after reviewing more than 1,400 submissions. Attorneys had to be under 40 as of April 30, 2021, to be eligible for this year's award. This interview has been edited and condensed.