

Civil Justice Reform in the 21st Century – Reshaping the Future

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Introduction

An understanding of the progress and setbacks of civil justice reform over the past decade is essential to anticipating the direction of future reform. This overview provides a context to explore the plaintiff trial bar's strategies and tactics to erase hard-won gains and thwart defendants' attempts to level the litigation playing field.

During the latter part of the 20th century, the expansion of substantive grounds and easing of procedural rules for filing suit made it easier and more rewarding to sue and harder and more costly to defend against suit. Better opportunities to sue in product liability, employment law and many other areas, often under novel theories of recovery, produced a legal system burdened by runaway jury awards and systemic abuse. This, in turn, led to increased costs for litigation and in many areas, stifled innovation.

Civil justice reformers seek to restore predictability and fairness to the litigation process. Signature issues of the reform movement generally include eradication of joint and several liability, caps on non-economic and punitive damages, venue reform, limitations on class action filings, strict guidelines for expert witness testimony and prevention of frivolous lawsuits.

In the past decade, these issues formed the core of comprehensive reform legislation passed in Texas, Mississippi and Michigan. In 2005 alone, reform bills in Georgia, Missouri and South Carolina as well as the federal Class Action Fairness Act (CAFA) were approved. Yet despite these successes, and notwithstanding the need for additional reform, only one comprehensive reform bill has passed into law since 2005.

What changed?

Election Results

The outcomes of nationwide elections in 2004 demonstrated strong support for the civil justice reform agenda, notably in races for Congress and state Supreme Courts. Consequently, comprehensive as well as targeted reforms, including medical liability reform, establishment of asbestos and silica medical criteria and curtailing lawsuits against food purveyors ("cheeseburger" bills) were passed in many states. Concurrently, former President Bush, a strong proponent for civil justice reform, steadily advanced a pro-business agenda before Congress including support for passage of CAFA.

In hindsight, the 2004 election and legislative successes of 2005 appear to represent both the pinnacle and turning point for the reform movement. The 2006 midterm elections yielded a shift in the political landscape. On the federal level, the changeover in Congress to Democratic control derailed the prospect for tort and legal reform. On the state level, while some pro-reform candidates did prevail in races for Governor, Attorney General and key judgeships, the overall shift in party preference was undisputed. Democrats achieved a net gain of 10 state legislatures, giving them control of a majority of state legislatures. Emboldened by Democratic gains, the plaintiffs' trial bar—a major party supporter—increased efforts to rollback existing reforms and pursue new opportunities for recovery of damages.

Holding on to the Gains

Reformers saw limited opportunities resulting in only modest gains from 2005 through the first half of 2009. After years of political wrangling, Oklahoma was the sole state to pass a comprehensive reform bill (May 2009) during that time. If the earliest years of the new millennium found reformers on the offensive, the latter half of its first decade finds them just as clearly playing defense.

In the legislatures, although few bills were passed in 2008, numerous efforts to rollback existing reforms were attempted. Among them:

- In New Jersey, legislation was passed which would have amended the current wrongful death statute to vastly expand the kinds of non-economic loss that could be sought—including mental anguish and emotional pain. Fortunately, Governor Corzine vetoed the bill, although in a statement accompanying the veto, the Governor openly encouraged the Legislature to strike a better balance between the competing interests at play virtually ensuring introduction of revised legislation. Had the bill passed, New Jersey would have been one of only eight states that do not limit grief damages in wrongful death cases.

A current *cause celebre* for the trial bar, other states that considered the expansion of damages available in wrongful death cases in 2008 included Kentucky, Kansas, New York, Rhode Island and Washington.

- In Maryland, a variation of “market share” lead paint legislation which would have augured a radical departure from existing law was killed in committee. Current law provides that a product manufacturer cannot be liable absent proof that the manufacturer made the actual product that caused plaintiff’s harm. For imposition of liability, the new bill would have required only proof that the manufacturer made a similar product which reached the marketplace. The only state whose courts have permitted market share liability to be used in a lead pigment case is Wisconsin.
- In Colorado, Governor Ritter signed into law legislation providing that if a plaintiff rejects a defendant’s settlement offer and then recovers a final award which is less than the settlement offer, the plaintiff may nonetheless recover actual costs that accrued prior to the time the defendant made the settlement offer.

In 2008, most wins by reformers were achieved by repelling efforts to rollback existing reforms or through defeat of pro-plaintiff legislation. Prospects for reform at the statehouse level in 2009, Oklahoma notwithstanding, are unlikely to improve.

At the federal level, the Lilly Ledbetter Fair Pay Act, the first piece of legislation signed by President Obama which restarts the statute of limitations for unequal pay employment bias claims with each paycheck, suggests a move away from a pro-business agenda. On the legislative side, history certainly suggests that a Democrat-controlled Congress, especially one attempting to resolve issues surrounding the current financial crisis, is unlikely to view civil justice reform as a top priority.

Nonetheless, Congress and the administration will likely face a host of critical policy and legal issues, including challenges to the scope of federal preemption, the availability of attorney-client privilege and the appropriate response to recurring issues of fraud and abuse in the civil justice system.

New Avenues for Recovery

Attempts by the plaintiffs’ trial bar to expand avenues of liability are on the rise. Abuses of state consumer protection laws, novel assertions of traditional causes of action (e.g. public nuisance) and contingency fee arrangements by private attorneys for governmental work are but a few examples.

False Claims Act

The federal False Claims Act (FCA) under its *qui tam* provisions allows a private individual, often a company whistleblower with knowledge of past or present fraud committed against the U.S. government, to bring suit on its behalf. The private person, known as a relator, need not have been personally harmed by the defendant’s conduct. The FCA authorizes the Attorney General to recover treble damages and fines from anyone who submits or causes someone else to submit a false claim for payment to the U.S. government. Relators can recover their legal fees and expenses, and keep up to 30 percent of the government’s award. While the legislation dates back in various forms to the Civil War, the plaintiffs’ bar has both given it new life and supported its expansion, recognizing the Act as an area ripe for litigation fees and recovery.

In a positive development, in June 2008 the U.S. Supreme Court unanimously rejected an expansive interpretation of two provisions of the FCA that would have extended liability to almost any company in any industry. In *Allison Engine Co. v. United States ex rel. Sanders*, the relator-plaintiffs argued that under these two provisions a defendant is liable for false claims made to any private entity as long as the entity used government funds to pay the claim. As an example, under this interpretation, the act would apply to a company that submitted a false invoice to a university since almost all universities receive federal funding.

The U.S. Supreme Court disagreed with this position finding that under the FCA, a defendant must make a false statement that causes *the government* to pay a false claim. A defendant is not liable when a private entity merely pays a claim using money ostensibly obtained from the government.

Attempts to expand the reach of the FCA legislatively would minimize the impact of the *Allison Engine* decision by potentially creating a new breed of quasi-class action lawsuits by authorizing whistleblowers to sue for alleged harm to any non-government recipient of federal dollars, regardless of whether the transaction at issue involved federal funds. Other concerns with proposed expansion of the Act include provisions allowing government employees to file private

FCA lawsuits based on information they learn in the course of their jobs; extending the six-year statute of limitations to ten years and allowing a new cause of action for retention of overpayments.

In addition, because at least a dozen states and cities have their own version of the Act, the plaintiffs' bar is supporting the introduction of similar FCA amendments in those states.

The Consumer Product Safety Improvement Act of 2008

The Consumer Product Safety Improvement Act of 2008, signed into law on August 14, 2008, represented a major overhaul of consumer product safety law and brought significant reform to the Consumer Product Safety Commission (CPSC). Details include greater protection against substandard children's products, a strengthening of the screening process for noncompliant consumer products and overall improvements to product recall programs. Unfortunately, the legislation also contains additional provisions that may ultimately increase litigation more than product safety.

One provision allows the 50 state attorneys general to sue manufacturers and distributors for violation of consumer product safety rules and regulations. The Act also authorizes the creation of a searchable online "Consumer Product Safety Information Database" which will include information reported by consumers, government agencies, health and childcare providers. Concern exists that there will be lax oversight of the database allowing the posting of inaccurate information or exaggerated allegations. The bill also contains provisions protecting an employee from discharge, discrimination or other retaliatory conduct after providing information to the CPSC or other governmental agencies about an alleged product safety violation.

The Sunshine in Litigation Act

The Sunshine in Litigation Act, a bill considered in 2008 that may be resurrected in 2009, would prevent judges from sealing 1) court records; 2) information obtained through discovery; and 3) settlement details, unless public health or safety interests are outweighed by a specific and substantial interest in maintaining confidentiality. Enactment would have a negative impact, particularly on product liability litigation. The costs of discovery could also increase if there is a possibility that all disclosed evidence, including trade secrets, will be made public. Additionally, it is expected that trial lawyers would use the Act to bolster questionable cases by threatening confidential information disclosure, even if its relevance to public safety is minimal.

Solidifying the Reforms - the Judiciary's Stamp of Approval

Civil justice advocates, state coalitions and business interests have successfully lobbied a state legislature on the need for reform and a package of measures has passed both houses and is on its way to the pro-reform governor for signature. Congratulations all around for a mission accomplished? Not yet. There is a final hurdle to overcome in establishing the enacted legislation—judicial review.

Over the years, civil justice advocates have worked countless hours in the halls of statehouses across the country in an effort to bring more fairness to the court system. Many victories have been achieved—from abolishing joint and several liability to capping unlimited exposure to non-economic damages. In many cases, laws are written to withstand challenges to their constitutionality. However, the legislative record throughout the country is rife with examples of reform legislation that failed to pass constitutional muster. Worse, given the time, expense and shifting legislative priorities inherent in our political system, a law struck down may never be resurrected in future sessions, relegating the reform to the legislative scrapheap. Some examples from recent years:

- The Oklahoma Supreme Court overturned a 2003 medical malpractice reform that required plaintiffs to present expert opinion supporting their claims contemporaneous with filing suit. The Court held that mandating this requirement for medical malpractice claims and no other negligence claims is arbitrary and constitutes "an unconstitutional barrier to the access of the courts..."
- The Illinois Supreme Court held that defendants who settle prior to trial should not be named on jury forms for the purpose of apportioning fault. The obvious concern from this ruling is that defendants having deep pockets, but little or no fault will remain in litigation without the ability to place blame on more culpable, less well-heeled defendants. These defendants may well end up paying more than their fair share. Ironically, this decision accomplishes what the trial bar failed to do through legislative means in the Illinois legislature, in advancing a bill that would have the same effect.

- The Pennsylvania Supreme Court ruled unconstitutional the “Fair Share Act” that would have effectively eliminated joint and several liability in the state. The statute was found to conflict with the state constitution’s requirement that a bill be limited to a single subject. The Fair Share Act was part of a bill that included unrelated provisions. Notably, the decision came in the wake of Governor Rendell’s veto of a single subject bill that also would have eliminated joint and several liability.
- Louisiana’s \$500,000 cap on medical malpractice damages, in place since 1975, was ruled unconstitutional by the state’s 3rd Circuit Court of Appeal in 2006 because the Court opined that the cap no longer provides an adequate remedy in these cases.
- The Georgia Supreme Court struck down a provision of Georgia’s comprehensive tort reform law that allowed defendants in medical malpractice cases to decide in which county their cases would be heard. Under the state constitution, the Court found that choice of venue could be determined only by the courts.

In some instances, curative legislation never reaches a governor’s desk, even years after a court’s ruling. Caps on non-economic damages were ruled unconstitutional by the Oregon Supreme Court in 1999; non-economic damages remain open-ended in 2009. In Kentucky, the Supreme Court ruled in 1997 that a law requiring proof of “clear and convincing evidence” of oppression, fraud or malice before imposing punitive damages was unconstitutional; new legislation on the subject has yet to emerge from the Kentucky legislature.

The appointment or election of judges with a more balanced view of civil justice reform may be the only cure. In states where judges are elected, difficult and expensive races are often waged with the prospect of court majorities that are pro-business and pro-civil justice hanging in the balance.

For example, in last November’s elections, three of West Virginia’s five seats on the Supreme Court changed hands. Although it remains to be seen, there is some expectation that the current makeup will institute a more collegial, equitable bench that may improve the state’s current distinction as the American Tort Reform Association’s #1 “judicial hellhole”.

In Ohio, voters affirmed at least two more years of an all-Republican Supreme Court, reelecting two pro-civil justice reform judges. This represents a complete turnaround from the Court’s composition only a few years ago, when the so-called “gang of four” controlled the Ohio Supreme Court and rendered anti-business decisions overturning comprehensive tort reform legislation, rewriting the uninsured/underinsured motorist statute in order to find insurer liability where neither the parties nor the General Assembly intended coverage, and thwarting attempts to bring fairness to the workers’ compensation system by establishing a balanced definition for intentional torts.

In contrast, trial courts in the Texas counties of Harris and Dallas underwent a massive change, welcomed by the trial bar, as Democrats won 22 of 26 district court races in Harris County and all six district court races in Dallas County.

The views of judges, whether appointed or elected, will continue to shape the contours of civil justice reform in the United States.

Verdicts - the Province of the Jury

The attitudes and viewpoints of jurors also play a significant role in our civil justice system. What can we learn from a review of recent verdicts? According to Jury Verdict Research, in 2007, the latest year of available data, the median award for all personal injury verdicts collected was \$40,850. This figure is a 14% increase over the \$35,662 median in 2006 and a 63% increase from the \$25,000 median in 1999. Consistent with this, the mean or average award in 2007 was \$1,223,873—a 24% increase over the 2006 average of \$985,609 and a 90% increase over the 1999 average of \$644,152. These general trends clearly indicate that personal injury awards are on the rise.

Lawyers USA’s Top Ten Verdicts of 2008 is also useful in gauging trends. The publication lists the top verdicts received by individual or small groups of plaintiffs in single cases before one jury. After declining for the last few years, the size of the top ten verdicts rose dramatically in 2008. In 2007, the average award among the top ten was \$51 million; in 2008, the average was \$112 million. Five of the top ten verdicts were found in personal injury cases.

The Top Ten List

Nevada- \$388 million

In the state's largest verdict to a single individual, a jury awarded a 70 year old inventor \$388 million (\$138 million compensatory/\$250 million punitive damages) for among other allegations, fraud, intentional infliction of emotional distress and invasion of privacy after being hounded by California tax authorities for 15 years. [appeal pending - *Hyatt v. Franchise Tax Board of California*]

Georgia- \$316 million

Turner Broadcasting was ordered to pay a Houston businessman \$316 million in compensatory damages for breach of contract by renegeing on a deal to sell him two professional sports teams - the NBA Hawks and NHL Thrashers. [on appeal - *McDavid v. Turner*]

New York- \$188 million

Believed to be the largest defamation suit in U.S. history, a Brooklyn jury awarded \$188 million (\$38 million economic/\$150 million in mental anguish and damage to reputation) to a Mexican contractor claiming that the words of a U.S. businessman ruined his reputation and ability to conduct business. [on appeal - *Cantu v. Flanigan*]

Pennsylvania- \$85 million

In the largest premises liability verdict in Pennsylvania history, a medical student was awarded \$85 million in compensatory damages for falling into an uncovered manhole. [no appeal - \$22.9 million received under a pre-verdict high/low agreement - *Gustafsson v. Trigen- Philadelphia Energy Co.*]

Texas- \$84 million

A 74 year old man was awarded \$84 million (\$21 million compensatory/\$63 million punitive damages) after a truck rented from U-Haul rolled over him. The jury found U-Haul negligent for failure to properly maintain the truck. [on appeal - *Waldrope v. U-Haul International Inc.*]

Oklahoma- \$66 million

Shell Oil was ordered to pay \$66 million (\$13 million compensatory/\$53 million punitive damages) to five royalty owners for a lucrative oil well dug in the 1970s. [appeal pending - *Gardner v. Maynard Oil Co.*]

Nevada- \$60 million

\$60 million award, all in punitive damages (reduced by the court to \$50 million), to a man claiming that his disability insurance payments were unfairly terminated while he suffered from Lyme's disease. [on appeal - *Merrick v. Paul Revere Life Ins. Co.*]

California- \$55 million

A jury awarded \$55 million in compensatory damages to families of four Marines killed when the helicopter they were flying collided with a utility tower. The jury found that the owner of the tower, San Diego Gas & Electric was negligent in failing to outfit the 135 foot tower with warning lights or hazard markers. [appeal pending - *Harris v. San Diego Gas & Electric Co.*]

Georgia- \$54 million

A trucking company was found liable for \$54 million (\$10 million compensatory/\$44 million punitive damages), for the death of a passenger killed when a tractor-trailer rear-ended the car in which she was riding. [settled post-verdict - *Bloomfield v. Performance Food Group of Georgia*]

Indiana- \$48 million

\$48 million in compensatory damages was awarded to a steelworker paralyzed from the waist down after a fall from a ladder. Plaintiff sued the contractor hired to apply a bonding spray to various metals at his steel plant, claiming negligence when the ladder broke from its moorings, causing the fall. [on appeal - *Arciniega v. Minteq*]

The unpredictable nature of juries remains a significant factor in the civil justice system and underscores their ability to affect reform. What is the "verdict" from a review of jury awards? Juries often award large compensatory and punitive damages when the "right" set of facts is placed before them.

The Executive Branch and Civil Justice

Civil justice reformers are generally wary of the Obama administration. Although the Administration will not likely be in the forefront of efforts to expand liability and advocate pro-trial bar positions, a Democrat-controlled Congress with expanded majorities can be expected to send more such legislation to the president's desk. A presidential veto of trial bar-friendly legislation appears less likely than under the previous administration.

President Obama is also in position to appoint judges to the federal circuit courts of appeal as well as take advantage of any retirements from the U. S. Supreme Court, thus increasing the Democratic composition of these courts.

Although judicial appointments are subject to Congressional approval, a near filibuster-proof majority for Senate Democrats may pose little impediment to the appointment of these judges. The Administration's ability to influence the judicial philosophy of the federal bench beyond its own tenure, notably demonstrated by the confirmation of Justice Sonia Sotomayor to the U.S. Supreme Court, is evident. Equally evident is that the composition of the federal bench will begin to lean in a more liberal direction.

Also important is the ability of the executive branch of the federal government to promulgate regulations that impact civil justice. Government agencies, as part of the executive branch, have the ability to interpret laws and statutes and adopt necessary rules.

Under the Bush administration, the overall effect had been one in which trial lawyers, state regulators and state attorneys general were barred from applying more stringent standards due to federal regulations that preempt state-level authority. The Obama administration has already reversed that stance. On May 20, 2009, President Obama issued a Presidential Memorandum instructing federal agencies to cease the practice of regulatory preemption, advising that federal regulations should supplant state law only when there is a well-defined legal basis.

Another concern to civil justice reformers is state and federal executive branch's use of personal injury lawyers under contingency fee arrangements. Such use gained in notoriety and popularity in the mid-1990s when a number of state attorneys general ceded handling of their suits against the tobacco industry to private attorneys. That alliance, which yielded billions of dollars in windfalls to plaintiffs' attorneys, has led to an increase in both the frequency and scope of cases in which private attorneys have been retained on behalf of government agencies.

Since the tobacco settlements, state and local governments have increasingly hired contingency fee lawyers to pursue recovery against such diverse industries as gun manufacturers, paint manufacturers and insurers over Katrina-related losses. While results in these cases were modest when compared to tobacco recoveries, objections to these arrangements remain numerous and well-founded. Such engagements are fraught with ethical issues when attorneys general accept contributions from private attorneys later hired by the state and forgo transparency in the counsel selection process.

In defending their decision to employ private attorneys, some attorneys general have cited the insufficiency of funds to pay attorneys' hourly rates, which could run into the millions of dollars in complex litigation. Contingency fee arrangements, they argue, permit state interests to be pursued when fiscal constraints would not otherwise allow. Such arguments, however, may mask an unsettling truth: that the inspiration for initiating much of the litigation begins with private attorneys themselves rather than the attorneys general. Something is awry when contingency fee lawyers are allowed to determine what constitutes good public policy.

To combat this growing problem, several states have passed, or are considering "sunshine legislation" to ensure that the terms of the relationship between state attorneys general and private attorneys are open to public scrutiny. Some courts have gone further, including several that oversaw cases against former lead paint manufacturers premised on a public nuisance cause of action in California, Missouri and Illinois, disallowing the contingency fee arrangement entirely.

Can It Be Managed?

A carefully crafted and appropriately high tower of excess liability insurance remains the most effective way for companies to shield their assets and their shareholders against the potentially catastrophic financial impact of U.S. civil liability lawsuits. However, the insurance purchase itself can be risky business: insurers that have the expertise and financial strength to underwrite complex liability exposures consistently, year after year, are rare. History has shown how abruptly companies writing this line can fall victim to financial insolvency. Oftentimes, companies step into this line seeing the potential for quick profits, only to retreat after realizing the magnitude and complexity of its losses.

There is also widespread uncertainty over what level of coverage is enough to tame such an unpredictable tort system. What constitutes “reasonable” terms and conditions of coverage, is another question. Some of the most pressing issues to consider when buying excess liability insurance are examined here.

How much liability coverage is enough? The decision is more art than science. Requisite limits vary widely depending on a company’s circumstances. However, it is generally safe to say that even the most benign operations should purchase primary liability insurance, plus at least \$50 million in excess limits. Companies that perceive even a low level of liability risk should count upwards from there.

A buyer should consider the size of its company’s operations, its geographic spread, inherent industry hazards, and vulnerability to mass claims. It should also benchmark limits against peers in its industry and keep abreast of recent settlements and verdicts. Many buyers keep a close eye on the annual listing of the year’s *Top 10 Verdicts* as a barometer of worst case scenarios. Ask, could these happen to you?

In addition, buyers should be cognizant that coverage is not only needed to pay potentially catastrophic judgments or large settlements, but will also serve as the collateral required to post an appeal bond, which is typically the full value of a verdict or more. Many large awards are reduced or reversed on appeal. Without the ability to post bond, a company is powerless to mitigate a loss on appeal.

Is the insurer financially strong enough to take on the risk long term? High levels of insurer financial strength are a must at every level of a liability insurance program. Any coverage purchased at the upper and catastrophic levels should not, and most often legally cannot, “drop down” until lower-level carriers pay their share of the claim.

Consequently, a company’s whole tower of insurance could be rendered unable to respond because of a single insolvent carrier. In addition, payouts involving excess liability claims can span many years. In product liability lawsuits, cases can take more than a decade to reach resolution. Mass tort actions can take two decades or more. Each insurer participating in a corporation’s insurance program needs to be strong today and for many years to come. Companies must be ultra-conservative when assessing insurers’ overall financial condition and financial strength ratings.

What claim and litigation resources support the policy? An insurer that has extensive institutional expertise and resources to help insureds respond to liability crisis events and to handle large liability claims can contribute invaluablely to protecting the policyholder’s interests—from the immediate aftermath of an incident through claims and litigation. The importance of assessing these resources before signing on with a carrier cannot be overstated.

Are terms reasonable? If a carrier is overly generous with policy terms and conditions in the current U.S. liability environment, potential buyers should beware. Undisciplined underwriting cannot be sustained. Insurers that lack discipline will likely subject their insureds to an abrupt change in underwriting strategy and pricing and/or non-renewal not far down the road.

Can limits be eroded by third parties? A company’s tower of excess liability insurance is precious, finite and should be defended vigorously, lest it be depleted when it is needed most. Critical to defending the tower is anticipating indemnity agreements or transactions that might necessitate granting additional insured status to third parties. Losses arising from indemnity contracts will erode policy limits. Insureds have even seen unlimited indemnification agreements evaporate limits available to them—paying instead for liability arising out of the conduct of others. Extending coverage in this manner should be done cautiously and should be considered when assessing the limit to buy.

Summary

Changes to the executive, legislative and judicial branches from recent elections, attempts to rollback existing reform and impose new pro-plaintiff legislation, creation of new avenues of recovery, constitutional attacks on reform legislation and erratic jury awards, taken together, illustrate the need for a tall, strong tower of insurance to protect your business.

ABOUT THE AUTHORS

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Chris joined the organization in 2001 as a Business Development Manager, and has since held increasingly senior roles in underwriting and marketing, including Senior Vice President of Field Operations, Strategic Relationship Group; Senior Vice President of National Accounts, Chartis U.S.; and Executive Vice President of National Accounts, Risk Management Group. Most recently, he had responsibility for the Greater New York Region as Regional President.

Previously, Chris held senior management positions at Metcalf & Eddy, a prominent global environmental engineering firm and Zenon Environmental, a publicly-traded environmental equipment company, where he headed the Defense division.

Chris is a graduate of Purdue University where he earned Bachelor of Science degrees in Chemical Engineering and Chemistry.

Steven E. Lessick

Steven E. Lessick is Vice President of Issue Management, one of the resource groups comprising the domestic claims organization of Chartis. Issue Management provides technical expertise and support across all claim areas, including tracking emerging claims-related issues, legislative and tort reform efforts and coordination of appellate issues, amicus briefs and appellate counsel. The group also serves as a resource for technical bankruptcy claims issues, acts as a liaison to underwriting units and provides inter-departmental committee coordination, including Medicare reporting and e-discovery issues.

Steve has over 20 years of claims and legal experience. He joined the organization in 1990 in the Environmental Claims Department, and has since held a series of claims technical and management positions in Domestic Claims, Litigation Management and Product Development. Previously, Steve served for 3 years as Deputy Attorney General for the State of New Jersey.

Steve earned a bachelors degree from Temple University and a law degree from Rutgers School of Law. He is admitted to practice law in New Jersey.

Bruce D. Margolin

Bruce D. Margolin serves as Senior Vice President of Issue Management, one of the resource groups comprising the domestic claims organization of Chartis.

Bruce has over 20 years of claims technical and legal experience. He joined the organization in 1997 in the Toxic Tort Claims Department. Since that time he has held various claims technical and management positions of increasing responsibility in Litigation Management and Domestic Claims.

Prior, Bruce worked for 9 years as a defense attorney with a New York-based law firm and as a Senior Trial Attorney for Fireman's Fund Insurance Company.

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Prior to assuming that role, Rick was President of P&C Severity Claims, Chartis, a position he held from 2002 to 2008. He has also served as Senior Vice President of the Excess Casualty Claims Department.

Rick began his insurance career in 1988, holding various claims positions with Travelers, including Vice President of Strategic Claims. Prior, he was an attorney in private practice in Ohio.

Rick is a graduate of Cleveland State University John Marshall School of Law. He is admitted to the Ohio Bar and is a current member of the Claim Committee for American Nuclear Insurers.

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