



BARRY I. BUCHMAN

Partner

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PRACTICES: Insurance Recovery, Litigation

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EDUCATION AND CLERKSHIPS

- J.D., American University, Washington College of Law, 1997, *summa cum laude*
- B.A., Indiana University, 1994, *with distinction*, Phi Beta Kappa

ADMISSIONS

- District of Columbia
- Maryland
- Virginia

COURT ADMISSIONS

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

Barry Buchman, a partner in the Insurance Recovery practice group, has been recognized as a leading policyholder insurance lawyer by *Benchmark Litigation*, Euromoney Institutional Investor PLC (2019), *The Best Lawyers in America*, Woodward/White, Inc. (2016-2021), *Chambers USA*, Chambers & Partners (2012-2020), and *Washington, D.C. Super Lawyers*, Thomson Reuters (2013-2020). Barry represents policyholders in a wide variety of complex insurance coverage matters. He has handled disputes over general liability coverage for various toxic tort and environmental claims, including “medical monitoring” claims and claims by governmental entities related to public health; disputes over directors and officers (D&O) coverage for shareholder class actions and government investigations; disputes over errors and omissions (E&O) coverage for consumer class actions; disputes over coverage for sexual misconduct claims; and disputes over coverage for “first-party” losses such as business interruption and losses on leased and financed assets. Barry regularly publishes and speaks on insurance coverage issues, and he has been quoted in leading publications such as the *Wall Street Journal*, the *National Law Journal*, and *Business Insurance*.

Barry also handles matters involving highly-specialized insurance products. These products include corporate-owned life insurance (COLI), residual value insurance, and insurance products that are unique to automotive dealers.

Over the course of his 20-year career, Barry has successfully litigated significant and cutting-edge insurance coverage cases, both in federal and state trial and appellate courts and in the context of private arbitration. These successes include the first pro-policyholder appellate decision on the issue of whether a policyholder can sue a reinsurer in tort for interfering with the policyholder-insurance company relationship. They also include favorable decisions on issues of first-impression regarding coverage under D&O insurance policies for merger-and-acquisition claims; these decisions have related to both the scope of the so-called “bump-up” exclusion and the scope of so-called “control person capacity” endorsements. He also has negotiated and mediated numerous favorable settlements for his clients, sometimes without ever needing to file litigation. In total, Barry has helped to obtain over \$1 billion in insurance assets for his clients.

In addition to his insurance coverage practice, Barry also represents businesses in complex commercial disputes, such as those involving allegations of commercial disparagement and other business torts.

- Sixth Circuit
- U.S. District Court for the District of Columbia
 - U.S. District Court for the District of Maryland
 - U.S. District Court for the Eastern District of Virginia
 - U.S. District Court for the Eastern District of Michigan

Barry has developed a particular niche representing clients in the private equity and automotive spaces. His clients include one of the world's leading private equity firms and one of the largest diversified automotive companies in the world.

Barry maintains an active pro bono practice; he has handled several federal civil rights cases on behalf of the disabled and he serves on the board of directors of the Washington Lawyers' Committee for Civil Rights and Urban Affairs.

Professional and Community Activities

- The Risk and Insurance Management Society
- The National Association of Dealer Counsel
- The Washington Lawyers' Committee for Civil Rights and Urban Affairs, Board of Directors

Selected Client Representations

- Represented a Fortune 100 company in massive litigation, against nearly 60 insurance companies, over coverage for hundreds of thousands of asbestos-related and silica-related bodily injury claims. The case, which involved a dispute over hundreds of millions of dollars in coverage, resulted in numerous favorable rulings for the client.
- Represented a Fortune 500 company in litigation over coverage for numerous lead paint claims around the country. The case resulted in numerous favorable rulings for the client, including regarding coverage for "medical monitoring" claims and for claims brought by governmental entities.
- Represented one of the nation's largest automotive companies in a residual value insurance case, which involved pursuing coverage for nine-figure losses on a portfolio of several hundred thousand leased vehicles. The case culminated in a five-week arbitration hearing, and resulted in a nine-figure settlement just before the end of trial.
- Represented a large private equity firm on the insurance aspects of the diligence regarding the acquisition of a portfolio company.
- Represented an automotive industry company in pursuing E&O coverage for two class actions relating to the collection of deficiency balances on auto loans. The matters resolved successfully when the client's insurers agreed to fund most of the underlying class action settlements.
- Represented a large company in pursuing D&O coverage for several securities class actions arising from an Initial Public Offering. The matter resolved successfully when the client's insurers agreed to fund most of the global settlement of the underlying litigation.
- Represented a "start-up" business in placing its insurance coverage program.
- Represented a Fortune 100 company in addressing its rights under various COLI policies.

Professional Recognition

- Recognized in *The Best Lawyers in America*, Woodward/White, Inc., for Insurance

Law, 2016-2021

- Recognized in *Chambers USA*, Chambers & Partners, as a leading policyholder insurance lawyer in Washington, D.C., 2012-2020
- Recognized in *Washington, D.C. Super Lawyers*, Thomson Reuters, for Insurance, 2013-2020
- Named a "National Practice Area Star," and "Local Litigation Star," *Benchmark Litigation*, Euromoney Institutional Investor PLC, 2019

Selected Publications and Speeches

- "The Role of Insurance in Mass Tort Litigation," co-author, Chapter 13 of *Mass Torts in America*, 2020.
- "When Drafting a Pleading Against Your Insurer in New York, Consider Consequential Damages," co-author, *New York Law Journal*, June 25, 2019.
- "Opioid Litigation Outlook Over Lunch," speaker, Washington Analysis, LLC, May 8, 2019.
- "Opioid Panel – Litigation Matters," panelist, Barclays Credit Healthcare and Pharmaceutical Symposium, January 16, 2019.
- "Insurance Coverage for Opioid-Related Claims," presenter, Texas Bar Advanced Insurance Law Course, June 28, 2018.
- "Putting the Brakes on Losses: How Insurance Policies Can Protect Dealer Profitability," presenter, National Association of Dealer Counsel webinar, February 17, 2016.
- "Cutting Edge Issues in Asbestos Litigation," presenter, Perrin Conferences seminar, March 16, 2015.
- "There is No Need to be Alarmed by Alarmist Readings of New York's Most Recent Ruling on Waiver of Notice Defenses," author, *National Law Review*, June 19, 2014.
- "The Increasingly Visible Hand of the Reinsurer in Insurance Coverage Disputes," author, *National Law Review*, February 3, 2014.
- "Always on Your Mind: Why Insurance Should Be an Integral Part of a Company's Loss Prevention Strategy," author, *National Law Review*, November 13, 2013.
- "Trial Strategy: Harnessing the Power of Social Media," presenter, Sixth Annual Summit on Defending and Managing Automotive Product Liability Litigation, June 7, 2013.
- "Developments in Insurance Coverage Issues," presenter, American Coatings Association meeting, May 31, 2013.
- "How Insurance Can Help Auto Dealers Offset Losses From Superstorm Sandy," author, *Defender*, National Association of Dealer Counsel, December 18, 2012.
- "Recent Trends in Cybersecurity Scrutiny," author, *Law360*, October 22, 2012.
- "Employing Insurance: Coverage for Employee Wage-and-Hour Suits," author, *Westlaw Journal Insurance Coverage*, September 21, 2012.
- "Cloud Computing," presenter, American Conference Institute, June 6, 2012.
- "Staying Afloat Through the Flood: Contingent Business Interruption Insurance May Pay for Losses Caused by Supply-Chain Disruptions Resulting from the Mississippi River Flooding," author, *The Corporate Counselor*, July 1, 2011.
- Fourth Advanced Forum on Defending and Managing Automotive Product Liability

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- Litigation, American Conference Institute, June 22, 2011.
- “Covering the Ripple Effect: How Insurance Coverage Can Help Offset Auto Industry Losses from the Recent Earthquake and Tsunami in Japan,” author, *Advisen*, May 16, 2011.
 - “Plugging Profit Holes: Using Insurance Coverage to Protect Auto Lender Profitability,” author, *Westlaw Journal – Automotive*, Volume 30, Issue 21, April 12, 2011.
 - “Chinese Drywall Litigation and Coverage Conference,” presenter, HB Litigation Conferences, May 18, 2010.
 - “Clearing the Air: Why the ‘Absolute’ Pollution Exclusion Should Not Bar Coverage for Chinese Drywall Claims,” author, *HarrisMartin’s Chinese Drywall Litigation Report*, December 22, 2009.
 - “Corporate and Insurance Perspectives: Minimizing the Financial Impact of Benzene Litigation,” presenter, HB Benzene Litigation Conferences, July 24, 2009.
 - “Benzene-Related Litigation’s Increasing Impact on the Paint and Coatings Industry: Is Your Company Covered?,” author, *Coatings Today*, April 15, 2009.
 - “Putting the Brakes on Losses: Insurance Coverage for Auto Finance Companies Facing Stormy Market Conditions,” author, *ABA’s Professionals’, Officers’ and Directors’ Liability Committee*, March 1, 2009.
 - “Insurance Coverage for Lawsuits Seeking Funding for Medical Monitoring Programs,” author, *International Consumer Product Health and Safety Organization Newsletter*, March 1, 2008.
 - “Dig Deep to Win Pollution Claims Fights,” author, *Business Insurance*, February 18, 2008.
 - “Insurance Coverage for Product Recalls – Business Interruption, Recall Exposures and Insurance Coverage,” presenter, Mealey’s Teleconference, February 7, 2008.
 - “Insurance Coverage for Lead Paint Claims,” presenter, PACE 2007 Paint and Coatings Expo, February 12, 2007.