

**Ellen MacDonald Farrell**

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Practice Areas

- Insurance/Reinsurance
- Litigation
- Arbitration

Ellen MacDonald Farrell is a counsel in Crowell & Moring's Washington, D.C. office and a member of the Insurance/Reinsurance practice group. For fifteen years, Ellen has represented some of the nation's largest insurers in high-stakes insurance and reinsurance disputes. Ellen's achievements include:

- Successfully capping insurers' liabilities for claims made by installers of asbestos-containing materials;
- Successfully helping a Fortune 500 company obtain tens of millions of dollars from its reinsurer in connection with underlying pollution claims;
- Working with another large property and casualty insurer to develop and implement a strategy for recovering reinsurance on the company's largest asbestos exposures; and
- Negotiating a multi-million dollar recovery for her insurer client in connection with underlying mercury contamination claims.

Through her insurance practice, Ellen has helped insurers negotiate cost-share and buy-back agreements, and has advised insurers on issues including the classification and allocation of long-tail claims, number of occurrences, equitable contribution between insurers, missing policy and late notice issues. Ellen has also advised companies with respect to the structure of their captive insurance programs.

Through her reinsurance practice, Ellen has successfully represented ceding companies and reinsurers in numerous matters involving pollution, asbestos, cyber risk, mold, September 11, Hurricane Katrina, Enron, WorldComm, tax shelter, IPO laddering, securities litigation and construction defect claims. Through these matters, Ellen has addressed a wide range of reinsurance issues including follow the fortunes, rescission/misrepresentation, catastrophe clash sessions, aggregation, allocation, ECO/XPL, recovery of declaratory judgment expense and late notice.

Ellen has also represented an insurance agency; has represented insurers and reinsurers in connection with insurance company liquidations; and represented the liquidator of an insolvent Hawaii insurer.

Ellen is deeply committed to *pro bono* work. Most recently, she has acted as co-counsel to the Washington Legal Clinic for the Homeless in an effort to ensure that Washington, D.C. provided shelter to homeless individuals and families during the past winter. Ellen also contributed to the Constitution Project's November 2008 report "Liberty and Security: Recommendations for the Next Administration and Congress."

Ellen graduated from Yale University in 1991 *magna cum laude* and with distinction in the English major. Thereafter, in 1994, Ellen graduated from the University of North Carolina law school with High Honors and as a member of Order of the Coif; she was also a staff member of the North Carolina Law Review. She is admitted to the District of Columbia Bar. She is a member of the AIDA Reinsurance and Insurance Arbitration Society (ARIAS-US), the Women's Bar Association and the American Bar Association.

Education

- Yale University, B.A. (1991)
- University of North Carolina Law School, J.D. (1994)

Affiliations

Admitted to practice: District of Columbia

Publications

- "Key Principles and Concepts in Reinsurance," Mealey's Reinsurance Litigation & Arbitration Conference (2008). Co-Authors: Jennifer R. Devery and Ellen MacDonald Farrell.
- "Key 'Follow Fortunes'/'Follow Settlements' Allocation Cases," *presented at the ACI program Reinsurance Claims and Arbitration* (September 2007). Author: Ellen MacDonald Farrell.
- "Arbitration and the Insolvent Insurer," *Legal Times* (January 11, 1999). Co-Authors: David Raim and Ellen MacDonald.

Speaking Engagements

- National Cyber Liabilities Insurance ExecuSummit, Uncasville, CT (April 24-25, 2012). Attendee: Ellen Farrell.

- "The Rapidly-Evolving Landscape of Cyber Risk," RAA: Re Underwriting 2012: Building Professional Expertise Program, Hamilton, Bermuda (March 20-21, 2012). Participant: Ellen Farrell.
- "LexisNexis - 2011 Global Catastrophes-Market and Insurance Coverage Considerations for Claims Professionals," Webinar (September 21, 2011). Presenter and Moderator: Ellen Farrell.
- "The Rapidly Evolving Nature of Cyber Risk," RAA ReUnderwriting Conference, Helmsley Park Hotel, New York, NY (July 20, 2011). Presenter: Ellen Farrell.
- "Preparing Reinsurance Agreements for new Emerging Risks (Cyber Risk, Climate Change and Other Emerging Issues," presented at ACI's 6th Annual Advanced Forum on Reinsurance Agreements (April 2010). Presenter: Ellen MacDonald Farrell.
- "Cyber Risk: A Primer," presented to the Underwriting Committee of the Reinsurance Association of America (October 2009). Co-Presenters: Ellen MacDonald Farrell, Robin Campbell and Jared Hosid.
- "Security Breach: The Law; the Risks; the Coverage Ramifications," presented to the Emerging Issues Working Group and Claims Committee of the Reinsurance Association of America (May 2009). Co-Presenters: Ellen MacDonald Farrell, Robin Campbell and Jared Hosid.
- "Climate Change Litigation, Weather Events and Reinsurance Claim Handling," presented at ReClaims: Reinsurance Claims Management for Claims Professionals by Claims Professionals, New York, N.Y. (September 2008). Co-Speakers: Ellen MacDonald Farrell and Harry Cohen.
- ARIAS-U.S. Intensive Arbitrator Training Workshop, Tarrytown, N.Y. (2008). Faculty Members: Jennifer R. Devery, Ellen MacDonald Farrell, Lori T. Hildebrand, and Michelle A. Jones.
- "Contract Wording Pitfalls/Common Errors," presented at ReContracts: The Art of Designing Reinsurance Contracts and Programs, Chicago, IL (June 2007). Co-Speakers: Ellen MacDonald Farrell and Carey Child.
- "Grand Co. v. Super Re: a Reinsurance Claim Hypothetical," presented at ReClaims: Reinsurance Claims Management for Claims Professionals by Claims Professionals, Chicago, IL (March 2007). Co-Speakers: Ellen MacDonald Farrell and Joy Langford.