

**Kathryn A. Underhill**

Senior Counsel
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Washington

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Practice Areas

- Insurance/Reinsurance
- Litigation

Kathy Underhill is a commercial litigator with more than 25 years of experience representing insurance companies in relation to major claims of their corporate policyholders. She is counsel of record in almost twenty published opinions, and regularly represents clients in federal and state trial and appellate courts. Her coverage cases have addressed underlying claims involving asbestos, noise-induced hearing loss, DES and other pharmaceuticals, contaminated blood, dioxin, and environmental contaminants. She also counsels clients on insurance coverage matters.

Kathy's representations include the following:

- Successfully briefed and argued the frequently-cited Olin excess late notice case before the U.S. Court of Appeals for the Second Circuit, and also successfully briefed the pollution exclusion issue before that court;
- Successfully briefed and argued the pollution exclusion and late notice issues before the U.S. District Court for the Southern District of New York;
- Successfully briefed the clean-up costs and pollution exclusion issues before the U.S. District Court for the District of Columbia, and the pollution exclusion issue before the U.S. Court of Appeals for the DC Circuit;
- Successfully briefed and argued against a bad faith claim made against an insurance carrier in a state trial court, and also successfully briefed the pollution exclusion and clean-up costs issues before the same court;
- Successfully tried to a jury a case involving the "number of occurrences" issue;
- First-chaired the medical expert phase of two large asbestos coverage trials involving trigger/allocation and coverage defenses;
- Examined or defended at deposition and/or trial, almost twenty of the most prominent medical experts on asbestos-related disease and noise-induced hearing loss;

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- Successfully served as co-counsel in a multi-billion dollar asbestos mediation in connection with a pre-packaged bankruptcy;
- Successfully litigated numerous forum and discovery disputes;
- Involved in insurance coverage litigation relating to claims against Duke University brought by members of 2006 Duke lacrosse team;
- Successfully tried three *pro bono* child custody/neglect cases in D.C. Superior Court.

Kathy also has represented clients in cases involving government contracts, products liability and failure to warn, medical and legal malpractice defense, and eminent domain. She has received the highest rating given by Martindale-Hubbell for over 15 years. Kathy also has been a frequent speaker on work-life balance issues, and has addressed more than fifteen audiences in the U.S. and Europe.

Kathy was the recipient of the Crowell & Moring *Pro Bono* award. In addition to serving as *pro bono* counsel in child abuse/neglect cases, Kathy authored a section of a *pro bono* handbook to help Hurricane Katrina victims seeking assistance. She also successfully represented a Holocaust survivor in seeking reparations from the German government. She has been involved with Capital Area Immigrants Rights (CAIR). She was the firm coordinator for Project College Bound, which provides college supplies to students in the DC foster care system. She is a volunteer reading tutor with Innovations for Learning, which provides on-line tutoring for inner city children and others. She also has been involved in Project Prom & Graduation, which provides prom and graduation attire to needy teens. She has been involved in many community activities, including MS Walk, Special Olympics, and various sports and school programs.

Before joining Crowell & Moring in 1995, Kathy was a partner in another major law firm. Kathy graduated with High Honors from Duke University School of Law in 1984, where she was an Elvin R. Latty Scholar and recipient of the James S. Bidlake Award for Superior Achievement in Legal Writing and American Jurisprudence awards. She also attended Georgetown University, and received a BA, *magna cum laude*, from University of Miami in 1981.

Education

- University of Miami, B.A. (1981) *magna cum laude*
- Duke University School of Law, J.D. (1984) High Honors

Affiliations

Admitted to practice: District of Columbia