

**Michelle A. Jones**

Counsel
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Practice Areas

- Insurance/Reinsurance

Michelle A. Jones is a counsel in our Insurance/Reinsurance Group in Washington, D.C., where she focuses on litigating and arbitrating reinsurance disputes involving a broad spectrum of issues. Michelle has represented clients in domestic property/casualty, life, and health reinsurance disputes regarding issues such as policy and contract interpretation, rescission, fraud, misrepresentation, notice, follow the fortunes, declaratory judgment expenses, underwriting practices, claims management, allocation, fronting arrangements, allegations of misconduct by brokers and intermediaries, maximum any one life warranties, and sunset and commutation clauses. These disputes involve many types of underlying business including environmental and other long-term exposure claims, variable annuities, and workers' compensation.

Michelle's experience extends to a variety of international matters. For example, working in conjunction with members of Crowell's International Dispute Resolution group, she recently provided advice to a reinsurer in connection with a Latin American reinsurance dispute. She has also represented clients in international reinsurance arbitrations involving UK and Bermuda law, provided consultation on Latin American insurance regulatory requirements, and been involved in political risk insurance disputes involving international power projects.

Michelle's insurance practice includes counseling and representing insurance carriers in coverage litigation over asbestos, environmental, and other long-term exposure claims. For example, she has litigated insurance coverage disputes involving a wide variety of issues in connection with Hurricane Katrina losses and asbestos, silica, and breast implant claims. She is also currently representing an insurer in an arbitration involving late notice issues. Michelle's prior insurance experience includes reporting on D&O/E&O claims as well as advising and representing clients in insurance insolvency matters, insurance sales practices class actions, and mutual insurance company reorganizations.

Michelle's practice also includes significant work on a variety of issues for health care companies, with a particular emphasis on Medicare preemption issues.

Michelle joined Crowell & Moring in 2006. She has previously worked in the reinsurance/insurance groups of other law firms. Her prior experience also includes working on ethics, personnel, and other administrative law matters for the U.S. Department of Veterans Affairs.

Michelle is a Vice Chair of the Excess, Surplus Lines and Reinsurance Committee of the Tort Trial & Insurance Practice Section of the American Bar Association, and a member of the AIDA Reinsurance and Insurance Arbitration Society (ARIAS-U.S.), the American Health Lawyers Association, and the Hispanic Bar Association of D.C. Michelle graduated from Harvard Law School (1998) and Vanderbilt University (1995, B.A., Economics, *summa cum laude*). During law school she was the Editor-in-Chief of the *Harvard International Law Journal*. Michelle is a member of the District of Columbia, Virginia (inactive), and U.S. Supreme Court Bars.

Education

- Vanderbilt University, B.A. Economics (1995) *summa cum laude*
- Harvard Law School (1998)

Affiliations

Admitted to practice: District of Columbia, Virginia (inactive), U.S. Supreme Court Bars.

Publications

- "Legal: Climate change, nanotechnology and cyber-risk liabilities," *Reinsurance Magazine* (March 2010). Co-Authors: Nilam Sharma, Michelle A. Jones and Benjamin Folkinshteyn.
- "Claims for ECO/XPL and (Re)Insurability of Punitive Damages," ABA-TIPS Insurance Coverage Litigation Committee Mid-Year Meeting (February 2010). Co-Authors: Michelle A. Jones and Kirsten Addison-Smith.
- "Recent Developments in Excess, Surplus Lines, and Reinsurance," *ABA Tort Trial & Insurance Practice Law Journal* (Spring 2008). Co-Authors: William C. O'Neill, Michelle A. Jones and Lori T. Hildebrand.

- "Claims for ECO/XPL and (Re)Insurability of Punitive Damages," *Mealey's Reinsurance Litigation and Arbitration Conference* (2008). Author: Michelle A. Jones.
- "Key Principles and Concepts: Utmost Good Faith and Rescission," *Mealey's Fundamentals of Reinsurance Litigation and Arbitration* (2007). Co-Authors: William C. O'Neill and Michelle A. Jones.
- ARIAS-US Case Law Summary, *Certain Underwriters at Lloyd's, London v. Cravens Dargan & Co.*, Nos. 05-56154, 05-56269, 2006 WL 2337959 - 9th Cir. (August 14, 2006). Co-Authors: Jennifer R. Devery and Michelle A. Jones.

Alerts & Newsletters

- "Nevada Supreme Court Rules Common Law Doctrine of Unconscionability Preempted By Medicare Advantage Law," *Health Law 'In The News'* (October 31, 2011). Contact: Michelle A. Jones.
- "Seventh Circuit Permits Reinsurance Arbitration To Proceed, Rules Arbitrator Is Disinterested As Required By Contracts," *Reinsurance Alert* (February 2, 2011). Contacts: Jennifer R. Devery, Michelle A. Jones.
- "Third Circuit Court of Appeals Holds that Honorable Engagement Clause Does Not Permit Arbitrators to Fashion Relief Not Requested by the Parties or Rationally Derived from the Contract," *Reinsurance Alert* (November 11, 2010). Contacts: Jennifer R. Devery, Harry P. Cohen, Michelle A. Jones.
- "Ninth Circuit Addresses Medicare Preemption in New *Uhm v. Humana* Opinion," *Health Law 'In The News'* (September 1, 2010). Contacts: Arthur N. Lerner, Christopher Flynn, William C. O'Neill, Michael L. Cypers, Michelle A. Jones.
- "F-Cubed Securities Litigation Foiled by the U.S. Supreme Court," *Financial Lines/Directors & Officers/Management Liability Alert* (June 28, 2010). Contact: Michelle A. Jones.
- "U.S. Supreme Court Issues *Stolt-Nielsen* Decision on Class Arbitration," *Reinsurance Alert* (May 3, 2010). Contact: Michelle A. Jones.
- "*Gard Marine*: Another UK Decision Reiterates the Importance of Choice of Law," *Reinsurance Alert* (November 16, 2009). Contacts: William C. O'Neill, Deirdre G. Johnson, Michelle A. Jones.

Speaking Engagements

- "Medicare Preemption Issues," Clarion Legal CLE Webinar (April 2012). Co-Presenter: Michelle A. Jones.
- "Loss Ratios and the Role of Stop Loss Insurance in Health Coverage," ABA-TIPS Midwinter Symposium on Insurance and Employee Benefits - Emerging Issues and Litigation Relating to Life, Health & Disability

Insurance, Insurance Regulation, Employee Benefits and Reinsurance (2011). Panelist: Michelle A. Jones.

- "Beyond The 'Four Corners': Reinsurance For Extra-Contractual Liability," ABA-TIPS Insurance Coverage Litigation Conference (February 2010). Co-Panelist: Michelle A. Jones.
- "UK Schemes of Arrangement," In-house Presentation, Philadelphia (February 2, 2010). Co-Presenters: Nilam R. Sharma and Michelle A. Jones.
- "Is it Raining in the Garden of Financial Institutions?," Liability Academy 2009, hosted by Länsförsäkringar, Stockholm, Sweden (October 15, 2009). Co-Presenters: Nilam R. Sharma, Michelle A. Jones and Patricia Connally.
- "Reinsurance for Extra-Contractual Liability," ABA/TIPS Midwinter Meeting - Symposium on Issues and Litigation Relating to Life, Health & Disability Insurance, Insurance Regulation, Employee Benefits and Reinsurance (2009). Panelist: Michelle A. Jones.
- "Preemption – It's Not Just for ERISA Anymore: A Primer on MMA Preemption," Crowell & Moring's 2008 Healthcare Ounce Of Prevention Seminar (HOOPS) (October 2008). Co-Presenters: William C. O'Neill and Michelle A. Jones.
- "Claims for ECO/XPL and (Re)Insurability of Punitive Damages," Mealey's Reinsurance Litigation and Arbitration Conference (2008). Speaker: Michelle A. Jones.
- 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.
- "Extracontractual Obligations (ECO) and Losses in Excess of Policy Limits (XPL)," Reinsurance Association of America Reinsurance Claims Management Conference (2007). Panelist: Michelle A. Jones.
- ARIAS-U.S. Intensive Arbitrator Training Workshop, Washington, D.C. (2003). Faculty Members: William C. O'Neill, Jennifer R. Devery and Michelle A. Jones.