



Portfolio Media, Inc. | 860 Broadway, 6th Floor | New York, NY 10003 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@portfoliomedia.com

Q&A With Crowell & Moring's Paul Kalish

Law360, New York (August 04, 2009) -- Paul Kalish is co-chair of Crowell & Moring LLP's insurance/reinsurance group. He represents clients in both insurance and reinsurance disputes. He has represented reinsurers in the Midland Insurance liquidation proceedings, an insurer in an international arbitration arising out of Hurricane Katrina, among many others.

Kalish also represents defendants and insurers with regard to asbestos and other mass torts and serves as counsel for the Coalition for Litigation Justice.

Q: What is the most challenging case you've worked on, and why?

A: The most challenging case I've worked on was a 14-year long litigation among a policyholder and dozens of insurers regarding coverage issues in connection with thousands of breast implant claims.

The case was fiercely litigated, involved several trial and appellate phases — including a four-month jury trial that took place in the winter in St. Paul, Minnesota (during one week the temperature never got above 0° F) — hundreds of depositions, and thousands of pleadings and required the parties to address through either trial, motion practice or stipulation virtually every coverage issue that could arise in connection with a long tail tort.

The case was also personally challenging because I started the litigation as a mid-level associate and ended the case as a partner, which meant that my role and responsibilities changed over time even though many of the attorneys involved on both sides of the litigation stayed the same.

Q: What accomplishment as an attorney are you most proud of?

A: I am most proud of the growth in C&M's insurance practice that my co-chair Cliff Hendler and I, working with other partners in the group, have achieved.

Over the past few years we have seen significant growth in terms of client diversity and substantive expertise. For example, we did not even have a reinsurance practice three years ago and now we have more than 25 attorneys working on reinsurance matters. We also have successfully expanded the insurance practice to our London, New York and Orange County, California, offices.

Q: What aspects of law in your practice area are in need of reform, and why?

A: Courts and state legislatures need to implement changes in the way they handle mass tort claims such as asbestos litigation. Insurers and their policyholders continue to face new theories of causation as plaintiffs attempt to pursue defendants with little or no responsibility for asbestos-containing products.

For several years, many courts, with the best of intentions, adopted procedures aimed at streamlining their asbestos dockets. Unfortunately, those procedures tended to encourage the filing of meritless cases, resulted in the bankruptcies of dozens of companies and undermined traditional rules regarding causation requirements and summary judgment standards.

Courts and state legislatures need to restore traditional rules of law so that, for example, novel scientific theories about causation and speculative expert testimony are subjected to rigorous review before they are allowed to be presented to juries.

Q: Where do you see the next wave of cases in your practice area coming from?

A: I would not be surprised if at some point in the next few years we see both underlying litigation and coverage disputes involving nanotechnology.

Q: Outside your own firm, name one lawyer who's impressed you and tell us why.

A: My former partner, Victor Schwartz, has been a plaintiffs attorney; a law professor; and, for most of his career, a defense attorney counseling his clients in the torts and product liability fields, where he is a well-known expert.

He takes his job seriously but always with a great sense of humor, and he takes the time to develop friendships with those he works with.

Q: What advice would you give to a young lawyer interested in getting into your practice area?

A: Try to take advantage of the numerous opportunities for professional development and client service — writing articles, attending substantive conferences, serving on bar committees, preparing client alerts on key decisions — that exist in the insurance and reinsurance fields.