

## Kathy Underhill

Senior Counsel

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### OVERVIEW

Kathy Underhill is a Senior Counsel at White and Williams and a member of the Insurance Coverage and Bad Faith Practice. For 39 years, Kathy has provided highly efficient and effective litigation, ADR/mediation, and counseling services to insurance carriers and risk retention groups in relation to major claims involving their policyholders. Her representations have involved a wide variety of insurance policies, underlying matters, and applicable law, and have included cases at the trial and appellate levels of many federal and state courts.

Prior to joining the firm, Kathy was a Senior Counsel at an international AmLaw Top 100 firm, and before that, she was a partner at another national law firm. She has been AV<sup>+</sup> rated by Martindale-Hubbell for 28 years.

### REPRESENTATIVE MATTERS

Successfully briefed and argued the excess late notice issue in the frequently cited Olin case before the U.S. Court of Appeals for the Second Circuit, and successfully briefed the pollution exclusion issue before that Court

Successfully briefed and argued the notice and pollution exclusion issues before the U.S. District Court for Southern District of New York, and argued the expected/ intended issue before that Court

Successfully briefed the pollution exclusion and "as damages" 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 in state court, and successfully briefed the pollution exclusion and "as damages" issues before that Court

Successfully tried to a jury the "number of occurrences" and "caused by accident" issues

### PRACTICES

Commercial Litigation  
Insurance Coverage and Bad Faith

### BAR AND COURT ADMISSIONS

District of Columbia

### EDUCATION

Duke University School of Law, J.D., *High Honors*  
University of Miami, B.A., *magna cum laude*

First chaired the medical expert phase of two large asbestos coverage trials involving trigger/allocation and coverage defenses (including notice, nondisclosure and other issues)

Defended at deposition and/or trial over two dozen claims professionals of various carriers; deposed claims professionals and insurance directors of major corporations/policyholders, as well as brokers involved in claims and underwriting

Examined or defended at deposition and/or trial, many of the most prominent medical experts on asbestos-related disease and other medical conditions

Successfully litigated forum, choice-of-law, and discovery disputes; involved in insurance issues associated with several pre-packaged bankruptcy proceedings

Involved in insurance issues arising out of claims against educational institutions, including claims relating to: Title IX; sexual assault allegations against university athletes, faculty members, team doctors, and coaches (including the Sandusky matter at Penn State) as well as issues relating to university handling of false sexual assault allegations (including those relating to the 2006 Duke lacrosse team); other campus safety issues, including Clery Act issues and issues relating to campus shootings; athlete concussions and other issues relating to intercollegiate and club sports; alleged wrongful termination of faculty members; research agreements between universities and faculty members; medical services; and educational services relating to special needs students

Involved in insurance issues relating to sexual abuse and related allegations against religious institutions

Successfully resolved several pro bono child abuse/neglect cases (representing grandparents seeking custody); obtained asylum for Congolese family; obtained payments for Holocaust survivor under German reparations law; authored section of Hurricane Katrina victims manual; and received Crowell & Moring George Bailey pro bono award