

Lawdragon: Lawyer Limelight: Keith McKenna

As a founding partner of insurance litigation boutique Cohen Ziffer Frenchman & McKenna, primarily helps corporate policyholders obtain insurance coverage for large, complex and often bet-the-company cases. His team has recovered billions of dollars for clients and secured multiple landmark judicial rulings for Fortune 500 companies, hedge funds and private equity firms.

In his current practice, McKenna is advising clients in high-stakes matters involving all areas of insurance coverage, including coverage for securities claims, directors and officers liability, professional liability, criminal conduct, products liability, opioid-related liability, and property damage and business interruption losses, including losses stemming from the Covid-19 pandemic.

Lawdragon: Out of all the work you've done in your career, what would you say is the most interesting matter you've handled?

Keith McKenna: One of the most interesting cases I've handled was on behalf of a historic pump manufacturing firm, Warren Pumps. The company faced thousands of asbestos lawsuits across the country and needed to draw on its insurance coverage to defend against and settle those claims. The coverage at issue spanned decades. It belonged initially to a company that previously owned Warren's assets – the policies were assigned when the assets were sold. The same policies additionally covered another entity that also faced asbestos claims.

This history generated a range of complex issues involving the effect of anti-assignment provisions in the insurance policies, how claims should be allocated between the two corporate policyholders, and how liability for defense costs and settlement costs should be allocated among the dozens of insurance policies implicated by the asbestos claims. The case started in 2005 and the hard-fought litigation proceeded for more than 15 years, with a value at stake in excess of \$500M. After numerous precedent-

setting rulings, including decisions by the Delaware Supreme Court and the New York Court of Appeals holding insurers jointly and severally liable for Warren's defense and settlement costs, our client won on almost every issue. This was a highly satisfying outcome to what I will remember as one of the defining cases of my career.

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