

## Rising Star: McKool Smith's Marc Ladd

*Law360 (August 27, 2018, 1:36 PM EDT)* -- Marc Ladd of McKool Smith PC has racked up numerous victories for his firm's insurance recovery practice, including winning \$300 million in Superstorm Sandy coverage for New Jersey Transit Corp., earning him a spot as one of five insurance law practitioners under 40 honored by Law360 as Rising Stars.

### **THE BIGGEST CASE OF HIS CAREER:**

On his first day with McKool Smith's insurance group in 2011, Ladd said, he found himself assigned to the team representing Warren Pumps in its dispute with multiple carriers over coverage for asbestos liability. He was the sole junior attorney on the team, dealing with a case that had been in and out of New York and Delaware courts since 2005 and was just days away from trial in Delaware, he said.

"It was kind of a trial by fire," he said. "There were at least two dozen coverage defenses from a dozen insurance companies over 40 policies. It was just issue after issue after issue."

He and his team ultimately wound up successfully arguing Warren's case in both Delaware's and New York's top appeals courts.

"These ended up being landmark decisions for insurance law," he said.

### **HIS PROUDEST MOMENT AS AN ATTORNEY:**

Ladd said his top moment so far came while representing New Jersey Transit in August 2017, when he helped secure \$300 million in coverage from the agency's excess insurers for Superstorm Sandy claims.

**RISING**  
 ★★★★★★  
**STAR**



**Marc Ladd**  
**McKool Smith**

**Age:** 35

**Home base:** New York

**Position:** Principal

**Law school:** St. John's University School of Law

**First job after law school:** Associate at Anderson Kill PC

"This was a public agency that needs the money to rebuild their infrastructure after all that devastation," he said.

Where the transit authority had argued the damage was from a "named windstorm" with no coverage limits, the insurers argued a flooding sublimit applied. A New Jersey state judge "decisively" disagreed, shooting down all of the insurers' defenses in a summary judgment, including defenses that are rarely decided at that stage of the case, Ladd said.

"Honestly, it was pretty cool," he said.

***WHAT MOTIVATES HIM:***

"First and foremost is wins for the client, because I'm an insurance recovery attorney," he said. "In this practice area, we're already dealing with a client who has suffered a serious loss and needs this money and the insurance company is not making them whole."

The skills and intelligence of the other members of the insurance group and McKool Smith as a whole are another motivation to put his all into the job, he said.

"You want to be considered peers among them," he said.

***WHY HE'S AN INSURANCE ATTORNEY:***

"It's the anti-boilerplate," he said.

Ladd explained the sheer variety in the practice keeps it fresh and interesting, saying the facts in a given case can range from weather patterns to construction defects to securities law.

"Because everything is insured, I have to become an expert on every one of these underlying matters," he said.

He said policy language is always shifting as well, and that he's seen clients' policies change in response to cases he had won for similar clients a year or two before.

"You have to keep on your toes," he said.

***PREDICTIONS FOR THE INDUSTRY:***

Ladd said the future will see the continuation of a trend of insurers across the board taking a harder line with claims. He said it has partially been driven by consolidation in the industry and partially by a reluctance of courts in recent years to impose extra-contractual damages, meaning the worst risk the companies face in a court fight is paying the claim that they would have paid if they hadn't fought it.

"More and more insurance cases are actually going to trial," he said. "The industry every year has been more aggressive and I only see that continuing."

— *As told to Rick Archer*

*Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2018 Rising Stars winners after reviewing more than 1,200 submissions. This interview has been edited and condensed.*

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