

MVP: Cohen Ziffer's Robin Cohen

By Emily Enfinger

Law360 (October 16, 2023, 1:08 PM EDT) -- Robin Cohen of Cohen Ziffer Frenchman & McKenna LLP and her team representing an ex-Xerox unit overturned a jury verdict that favored a group of insurers concerning coverage of a \$236 million Medicaid fraud-related settlement, earning her a spot as one of Law360's 2023 Insurance MVPs.

Her proudest moment:

Having several big wins this past year, one high on the list is the overturned jury verdict Cohen and her team secured for Conduent State Healthcare LLC in a dispute against a group of insurers. The jury verdict favored the insurers over coverage of a \$236 million settlement stemming from a 2014 Texas Attorneys General investigation concerning Medicaid fraud.

This victory came in February, when Delaware Superior Court Judge Mary Johnston found, among other things, that one of the insurers inaccurately argued that it never had coverage obligations to Conduent in direct contradiction of a pretrial holding.

"It's not every day you get to overturn a jury verdict," Cohen said, adding that it was a significant accomplishment for her team. "Our team was really strong and everyone put in a lot of effort, and it definitely paid off."

Why she is an insurance attorney:

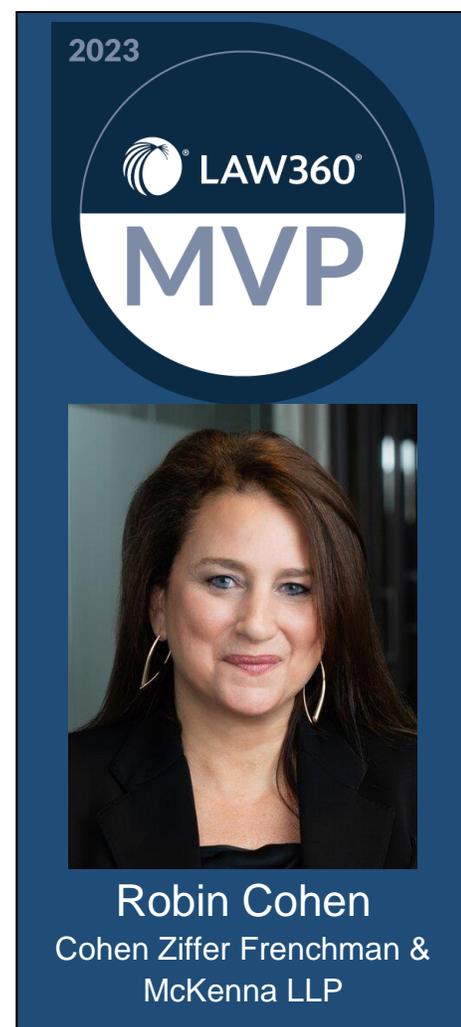
Her path into insurance was by accident, she says, a happenstance that began with her first assignment at Anderson Kill PC, a firm she practiced at soon after law school. The case involved insurance recovery for policyholders.

"I really just fell into it but fell in love with the practice," Cohen said.

What motivates her:

Among the things that motivate her, Cohen enjoys being a role model for young women who are entering the legal profession and helping shape them into great trial lawyers.

Another is that she is partnering with clients that she says tend to be "pretty amazing overall."



Advice she has for junior attorneys:

For attorneys who are looking to get into the insurance field and work on a trial team with more responsibility, Cohen said it's worth the effort for junior attorneys to reach out directly to a senior partner.

"Some of our best associates that we have gotten are junior associates who have reached out to me who are at big firms and aren't happy at the big firms either because they're just doing purely document production or they're part of a big team, and they really want to be part of a trial team where they'll be able to take real responsibility," Cohen said.

"So my advice is to be proactive, to really make an overture to a senior partner ... because we're always looking for the right talent," she said.

Another notable case:

Cohen was the lead counsel for the directors and officers of Clover Health Investments in a case that stemmed from a special purpose acquisition company, or SPAC, merger deal between Social Capital Hedosophia Holdings Corp. and Clover Health.

In a ruling filed in early February that was later made public, Judge Johnston said the directors and officers of Clover Health count as "insured persons" under the policy issued to Social Capital. The judge noted that the policy covered anyone who was or "shall become" a director or officer of Social Capital, as well as its "functional equivalents." That should include Clover Health, Judge Johnston said, since it was the health care company that came out of the merger.

Cohen said the case was an issue of first impression of whether there's coverage for directors and officers under mergers between SPACs and various companies.

--As told to Emily Enfinger.

Law360's MVPs of the Year are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals, and complex global matters. A team of Law360 editors selected the 2023 MVP winners after reviewing more than 900 submissions.