



Irene K. Yesowitch

Member

San Francisco

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Irene K. Yesowitch understands the challenging business aspects as well as the litigation environment faced by the insurance industry. Having spent more than 30 years representing insurers, including more than seven years in-house with Fireman's Fund Insurance Company, Irene has become a sought after lawyer for her excellent strategy skills for those seeking insurance coverage advice and litigation.

Beginning in the early days of bad faith litigation in California, and continuing to the present time, Irene has been able to develop a unique perspective, both in terms of depth and width. Representing directors and officers, lawyers, and accountants in myriad matters in the mid-1980s, Irene developed experience that is invaluable to her insurer clients. A trial lawyer at heart, she utilizes this experience and knowledge of business/corporate litigation and insurance to maximize the impact of her services to her clients.

Irene continues to provide insurers strategic analysis and advice attendant to bad faith litigation, e-commerce, marketing, product development, regulatory compliance, market conduct, agency relationships, loss control, risk management, reinsurance, the Fair Credit Reporting Act and the Office of Foreign Asset Control regulations. Additionally, she continues to emphasize a coverage and bad faith practice that includes litigation, coverage analysis, and other issues attendant to the business of insurance.

Irene is an avid speaker having presented numerous programs to claims and underwriting professionals, as well as lawyers, on such topics as fair settlement practices, insurance coverage analysis, evidence in a bad faith lawsuit, additional insureds and contractual indemnity coverage, the duty to defend, DOI regulations, reservation of rights, personal and advertising injury coverage, coverage for construction litigation exposures, and proper use of alternative dispute resolution mechanisms. The dozens of articles that she has published over the last more than 30 years further exemplify her place as one of the leading business and insurance coverage litigation attorneys in California.

Experience

Won summary judgment in a case in which the plaintiff sought to recover \$30 million as an additional insured under several policies issued to the plaintiff's construction industry contractor. At issue was an injury suffered by two of the contractor's workers, sustained in the course of remediating asbestos when one of them attempted to use a water hose to wash scaffolding, and both were severely burned when hydrocarbons were released instead of water. The plaintiff paid its self-insured retention of \$30 million under its tower of coverage to settle the claims. Rejecting the plaintiff's argument that the asbestos abatement exclusion in the policies at issue were ambiguous and required exposure to asbestos to be a causative factor, the court found that the injury "arose out of" asbestos abatement and therefore was excluded as a matter of law.

Secured a declaration on summary judgment that our client had no duty to defend or indemnify its insured, the owner of a truck driving training school, in an underlying case stemming from a fatal accident caused by a student at the school. We successfully argued that the commercial general liability policy at issue contained a broad auto exclusion that applied to training, barring coverage under the facts presented.

Practice Areas

- Bad Faith
- Insurance Coverage
- Casualty & Specialty Lines Coverage
- Professional Liability Insurance Coverage

Industry Sectors

- Insurance

Education

- University of California, Davis, J.D., 1983
- American University, M.S., 1975
- Cornell University, B.S., 1973

Bar Admissions

- California

Court Admissions

- U.S. Supreme Court

Affiliations

- Member: State Bar of California
- Association of Defense Counsel
- San Francisco Bar Association
- Defense Research Institute
- American Bar Association
- Property Loss Research Bureau
- Professional Liability Underwriting Society
- Claims and Litigation Underwriting Society
- Member: Claims and Litigation Management Alliance

Awards & Honors

- California Super Lawyers
- Bar Register of AV-Preeminent Women Lawyers

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Lead counsel in approximately 15 different litigated coverage matters involving multiple insurers regarding multiple years of coverage.

Represented two insurers in the first environmental coverage law suit to go to trial in California, spending over eight months in that multi-phased trial.

Secured defense judgments in a number of bad faith law suits at the summary judgment or duty to defend phase.

Retained by a national multi-line insurer to provide training to all claims adjusters and advice on specific claims involving responding to policy limit/time sensitive demands.

During different times of her career, and with different insurers, Irene provided, and still provides, coverage advice for extended periods of time concerning claims potentially triggering personal property, commercial property, commercial general liability, employment practices liability, management liability, directors & officers liability, professional liability, marine, and excess/umbrella insurances.

For many years, represented two national P&C insurers in market conduct examinations before several state Departments of Insurance.

Hired as national coordinating counsel for all bad faith litigation in California, Nevada, Washington and Arizona for a national P&C insurer, serving as trial counsel in a number of matters.

Served as Interim Chief Legal Officer for a national medical liability insurance mutual company while still working full-time at Cozen O'Connor.

Won summary judgment on behalf of an insurance company client sued in federal court in Alaska after it denied coverage under an E&O liability policy. In granting the motion, the court accepted our argument that coverage was properly denied under the claims-made policy because the claim was not made and reported during the same policy period. The district court's decision was affirmed by the U.S. Court of Appeals for the Ninth Circuit.