



Fulton M. Smith III

Member

San Francisco

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Practice Areas

- Insurance Coverage
- Bad Faith
- Complex Risk & Litigation
- Professional Liability Insurance Coverage

Education

- Southern Methodist University School of Law, J.D., 1984
- University of California at Los Angeles, B.A., 1980

Bar Admissions

- Texas
- California

Court Admissions

- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court -- Eastern District of California
- U.S. District Court -- Central District of California
- U.S. District Court -- Northern District of California
- U.S. District Court -- Southern District of California

Fulton M. Smith III focuses his practice on insurance-related issues and disputes. His 30 years of experience includes risk and strategic counseling of Fortune 500 companies, general liability and professional liability underwriting, regulatory compliance, claim investigation, large U.S. and international subrogation investigations, evaluations and recoveries, as well as first-party commercial, third-party, directors' and officers', professional liability, environmental coverage analysis and disputes, including evaluating likelihood of success and valuation of cases for legal financing companies.

He has represented clients in large loss international and North American arbitration and has been trial counsel in high-exposure coverage, subrogation and bad faith injury and bench trials in state and federal courts, as well as in appeals to the California Court of Appeals, and the U.S. Courts of Appeals for the 5th and 9th Circuits.

Fulton's diverse practice includes commercial tenancy jury trials, construction defect litigation, wrongful termination and employment disputes, software licensing disputes, and the defense of municipalities, police and fire chiefs, the California Department of Corrections, and the University of California.

He is an arbitrator for multiple counties in Northern California, and has served repeatedly as an arbitrator/chair for the National Futures Association. Fulton has authored numerous articles on insurance law, lectured on insurance coverage and bad faith issues, given seminars on successfully preparing and trying civil cases for the Stanford Bar Institute and the National Business Institute, and given claims handling and topical seminars to claims professionals.

Fulton received his J.D. degree from Southern Methodist University School of Law in 1984 and his Bachelor of Arts from University of California at Los Angeles in 1980.

Experience

Obtained a favorable result on behalf of an insurance company client in a binding arbitration concerning priority of coverage following settlement of the underlying action. The underlying action arose out of the collision between a truck driven by the common insured's employee and a snow blower. We successfully argued that the client's commercial general liability policy provided excess coverage over the other carrier's commercial auto policy, defeating the auto carrier's argument that its policy was excess because the accident arose out of the use of mobile equipment. As a result, we obtained full reimbursement of the client's contribution toward the underlying settlement.

Won a unanimous jury verdict on behalf of insurance broker/producer client, which was the last defendant in a long-running lawsuit filed by a software manufacturer pursuing claims for insurance-broker malpractice and concealment. Having succeeded in claims against the other defendants in the case, the plaintiff aggressively pursued claims against our client, including fraud and deceit and a claim for punitive damages. At the conclusion of a nearly three-week trial, the jury deliberated less than 30 minutes to return a favorable verdict on all counts of the plaintiff's complaint.

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