



Locke Lord Bissell & Liddell<sub>LLP</sub>

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## LOCKE LORD BISSELL & LIDDELL CHICAGO PARTNERS SUCCESSFULLY REPRESENT UNITED NATIONAL INSURANCE IN PRECEDENT-SETTING D&O REGULATORY EXCLUSION CASE

(CHICAGO) March 17, 2009 – Michael P. Comiskey and Hugh S. Balsam, Partners based in the Chicago office of Locke Lord Bissell & Liddell, have successfully represented Pennsylvania-based United National Insurance in a case of first impression in the Nebraska Supreme Court. The ruling is the first by any state Supreme Court upholding a regulatory exclusion as applied to insurance regulators. The Director of Nebraska’s Department of Insurance had asked the Court to invalidate a regulatory exclusion contained in a \$5 million directors and officers liability insurance policy that United National had issued to Amwest. The Director argued that the exclusion, which precluded coverage under the policy for a lawsuit he had brought against Amwest’s former directors and officers, did not apply to him when he was acting in the capacity as liquidator and that the exclusion was void as against public policy. The Nebraska Supreme Court affirmed the Lancaster County District Court’s ruling, finding that the exclusion applied to the liquidator and that it comported with public policy.

“This case is significant for United National and the insurance industry, both for its precedential value and because it was an all-or-nothing decision about whether the Insurance Director was entitled to the \$5 million policy limits,” said Comiskey, who handled the case in the trial court. Balsam wrote the appellate brief and argued the case before the Nebraska Supreme Court.

Comiskey has considerable experience handling a wide range of business litigation matters in many major industries, including manufacturing, insurance, health care and telecommunications. He has handled major disputes involving corporate takeovers, antitrust, consumer protection, employment relations, insurance coverage, and other contract and business tort litigation. Balsam handles appeals in many areas of the law, including commercial litigation, intellectual property law, insurance liability, bankruptcy law, property law, employment law, constitutional law, product liability, medical litigation, and state and federal procedural law.

Locke Lord Bissell & Liddell LLP is a full-service, national law firm of more than 700 attorneys with offices in Atlanta, Austin, Boston, Chicago, Dallas, Houston, London, Los Angeles, New Orleans, New York, Sacramento, San Francisco and Washington, D.C. With a vast geographic scope, and a national reputation in complex litigation, regulatory and transactional work, Locke Lord is focused on achieving client success as a team. Among Locke Lord’s many strong practice areas are appellate, aviation, corporate, class action litigation, employee benefits, energy, environmental, financial services, health care, insurance and reinsurance, intellectual property, labor and employment, public law, real estate, regulatory, REIT, tax and technology.