



Jill B. Berkeley

Partner

Jill Berkeley, Co-Chair of Howrey's Insurance Recovery practice, has extensive experience representing policyholders and claimants in coverage litigation involving toxic torts, environmental, construction, products liability, intellectual property, and excess liability matters. In addition to litigation, she counsels clients on issues of coverage and risk management under all forms of commercial policies including general liability, property and builder's risk, personal and advertising injury liability, directors and officers liability, and professional liability. She routinely assists clients in the review and drafting of policy forms and endorsements.

Jill B. Berkeley

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ADMISSIONS

Illinois

EDUCATION

Northwestern University School of Law (JD, 1975)

University of Michigan (BA, 1972),
Phi Beta Kappa, High Distinction, High Honors

Ms. Berkeley is known as "an attorney who is creative in her problem-solving and excellent in negotiating." She has been called the "coverage lawyer's coverage lawyer." She is the 2005 recipient of the Andrew Hecker Memorial Award presented by the American Bar Association. She has been listed in *Chambers USA* Policyholder Nationwide Rankings, 2008-2009; *Chambers USA* Insurance Coverage Litigation, Illinois Rankings, Leading Individuals 2005-2009; *Illinois Super Lawyers* "Top 100 Attorneys and Top 50 Female Attorneys," 2006-2009; *Leading Lawyers of Illinois* "Top 100 Attorneys and Top 50 Leading Women Business Lawyers in Illinois" 2006-2009; *International Who's Who of Business Lawyers*, National and Illinois listings, 2008-2009; and as a "Litigation Star" in *Benchmark Litigation*.

She was the author and is current editor of the *CGL Reporter*, *The Insurance Coverage Litigation Handbook* and was the editor of *The Policy*, the quarterly newsletter published by the Illinois State Bar Association (1986-1998). She created a computerized database that indexes all Illinois insurance cases summarized in *The Policy* since 1986, and maintains *The Policy* Internet Edition, currently housed on Howrey's Web site.

REPRESENTATIVE MATTERS

- *Aetna Cas. & Sur. Co. v. O'Rourke Brothers, Inc.* Obtained a ruling from the Illinois Appellate Court on application of estoppel, number of occurrences and the duty to defend misrepresentation claims.
- *American Economy Insurance Co. v. Holabird & Root*, 886 N.E. 2d 1166 (Ill. App. 2008). Obtained a ruling from the Illinois Appellate Court affirming additional insured coverage for architect in subcontractor's CGL policy.

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- *American States Ins. Co. v. Koloms*. Obtained an appellate court ruling and wrote the briefs in the precedent-setting Illinois Supreme Court decision rejecting application of the absolute pollution exclusion to a release of carbon monoxide from a landlord's furnace.
- *Country Life Ins. Co. vs. St. Paul Surplus Lines Ins. Co.* Obtained a trial court ruling that an insurer's coverage counsel's files had to be produced because counsel was acting as an adjuster.
- *Indemnity Insurance Company of North America v. Melton Truck Lines, Inc.* Obtained dismissal of declaratory judgment in favor of a prior pending policyholder complaint in another jurisdiction.
- *Utica Mutual Insurance Company v. The David Agency, et al.* Obtained a ruling from the Northern District of Illinois applying Illinois estoppel rules to a situation in which the insurer failed to disclose a conflict of interest.

COURTS & ADJUDICATIVE BODIES

- United States Court of Appeals for the Seventh Circuit
- United States District Court for the Northern District of Illinois
- United States District Court for the Central District of Illinois
- United States District Court for the Northern District of Indiana

PROFESSIONAL AFFILIATIONS

- Chair, American Bar Association, Tort Trial & Insurance Practice Section (2003–2005), Scope & Correlation Committee
- Chair, American Bar Association, Tort Trial & Insurance Practice Section (2000–2001), Communications Coordinating Committee
- Chair, American Bar Association, Tort Trial & Insurance Practice Section (2005–2006), Insurance Coverage Litigation Committee
- Chair, American Bar Association, Tort Trial & Insurance Practice Section (2001–2003), Insurance Programs Steering Committee
- Member, American Bar Association, Tort Trial & Insurance Practice Section (1997–2000), Governing Section Council
- Chair, American Bar Association, Tort Trial & Insurance Practice Section (1993–1995), Minority, Women & General Membership Involvement Committee
- Chair, American Bar Association, Tort Trial & Insurance Practice Section (1992–1993), Self-Insurers and Risk Managers Committee
- Member, Association of Professional Insurance Women (1996–present)
- Member, Defense Research Institute (1986–present)
- Member of Board of Directors, Illinois Association of Defense Trial

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Counsel (1989–1997)

- Chair, Illinois Association of Defense Trial Counsel (1990–1994), Insurance Coverage Committee
- Co-Chair, Illinois Association of Defense Trial Counsel (1990–1996), Membership Committee
- Illinois Captive and Alternative Risk Funding Insurance Association (1994–2002), Director and Vice President
- Regent, Illinois State Bar Association (1999–2002), Academy of Illinois Lawyers
- Chair, Illinois State Bar Association (1992–1993), Insurance Law Section Council
- Illinois State Bar Association (1986–1998), Editor, *The Policy*, Insurance Law Section Council
- Member, National Risk Retention Association (1996–1999), Board of Directors
- Vice Chairman, National Risk Retention Association (1997–1998)

PUBLICATIONS & SPEAKING ENGAGEMENTS

ARTICLES

"When Economic Loss Is Claimed: Is There Coverage?" *Risk* (Fall 2009).

"Duty to Defend." *Illinois Insurance Law 2009* (2009). Illinois Institute of Continuing Legal Education.

"Policyholder Settlements Without Insurer Consent: How to End Run the Aerojet Breach." *Risk* (Fall 2008).

"A Practical Guide for Defense Counsel of the TriPartite Relationship." *Ethics and the Legal Profession, Illinois Association of Defense Trial Counsel* (May 2008).

SPEECHES

"Duty to Defend and the TriPartite Relationship." Mentor CLE (January 2009).

"Conflicts in the TriPartite Relationship." Illinois Association of Defense Trial Counsel, Chicago, IL (June 2008).

"From 40 to 1: Unified Defense on Wrap Project." Mealey's Wrap Insurance Conference, Las Vegas, NV (June 2008).

"Life of an Insurance Case." Illinois State Bar Association Law Ed Hot Topics for Your Civil Practice, Chicago, IL (June 2008).

"Insurance Specifications in Third Party Contracts." Educational &

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Institutional Insurance Administrators, 2008 EIIA Conference on Risk Management and Insurance in Higher Education, Chicago, IL (April 2008).

"Additional Insured Coverage and the Duty to Defend." 28th Annual Construction Risk Conference, International Management Institute, Las Vegas, NV (2008).