



Stephen D. Palley

Senior Associate

Stephen D. Palley

1299 Pennsylvania Ave NW
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PalleyS@howrey.com

ADMISSIONS

District of Columbia
 Illinois
 Missouri
 New York

EDUCATION

Tufts University (BA, English and History), *cum laude*

University of Delaware (MA, English and American Literature)

Washington University in St. Louis School of Law (JD). Teaching Assistant, Legal Research and Writing; Lewis F. Powell Medal for Excellence in Advocacy, American College of Trial Lawyers; Milton F. Napier Award for Excellence in Trial Advocacy; William M. Pomerantz Trial Prize

Washington University Journal of Urban and Contemporary Law, Associate Editor

Stephen Palley is a trial lawyer and commercial litigator based in Howrey's Washington, DC office. Mr. Palley's practice focuses on insurance coverage and construction disputes. In addition to these areas, Mr. Palley also has first-chair litigation, trial and appellate experience in connection with a wide range of matters, including contract disputes governed by the Uniform Commercial Code, business torts, invasion of privacy claims, defamation claims, and serious bodily injury and wrongful death claims. Mr. Palley also advises clients on the development and negotiation of proper insurance and risk-transfer programs for some of the largest construction projects in the United States, and regularly speaks and writes on insurance-related topics.

In addition to his trial and litigation practice, Mr. Palley has taught trial skills as an adjunct professor at the Washington University School of Law as Assistant Coach for its nationally recognized trial advocacy team. After moving to Washington, DC, Mr. Palley also served as an adjunct professor at American University's Washington College of Law, where he coached one of the law school's trial advocacy teams. While attending law school, Mr. Palley was a member of Washington University's nationally recognized trial team and collected numerous accolades, including placing second in the United States in the American College of Trial Lawyers prestigious National Trial Competition.

REPRESENTATIVE MATTERS

- *Multi-Jurisdictional Construction Defect Litigation Regarding Alleged Commercial Window Defect.* Coordinating counsel and trial counsel in nationwide multi-jurisdictional product defect case involving alleged defects in windows installed in commercial buildings throughout the United States. Responsible for depositions, pre-trial and trial pleadings and motion and trial practice. Working with coverage counsel, assisted in negotiating favorable resolution of matter for client, including dismissal of dozens of individual lawsuits, funded entirely by insurance assets.
- *Multi-Jurisdictional Construction Defect Litigation Regarding Structural Insulated Panels.* Lead outside coverage counsel and coordinating counsel for manufacturer of structural panels installed in commercial and residential buildings throughout the United States. Secured insurance coverage for client, including engagement of Cumis counsel, and negotiated insurance funded settlements of claims and lawsuits across the United States, including putative class action

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in Alaska.

- *Insurance Coverage Dispute Regarding Coverage To Medical Practice Under Medical Practice's Policy.* Lead coverage counsel for medical practice in catastrophic medical malpractice case in which exposure exceeded \$10,000,000. Secured dismissal of declaratory judgment action filed by carrier and after discovery revealed improper use of panel insurance defense counsel by insurance adjuster, insurance carrier paid its policy limits although the insured was not named as an insured under the policy.
- *Large Scale Infrastructure Projects and Landmark Construction Projects.* In connection with transactions, claims, and litigation, provide insurance coverage advice and analysis to Construction Managers, Owners and Developers with respect to construction of sports arenas and stadiums, museums, hospitals, power plants, and other significant construction projects, including review of builders risk, CGL, umbrella and excess, professional liability, pollution and other project policies.
- *Hunt Constr. Group, Inc. v. Allianz Global Risks U.S. Ins. Co.* Litigation and appellate counsel in case of first impression under Michigan law. Secured reversal of District Court's summary judgment ruling that a manuscripted inland marine builders risk policy should be subject to Michigan law regarding limitations periods for standard fire policies.

COURTS & ADJUDICATIVE BODIES

- United States Court of Appeals for the Seventh Circuit
- United States District Court for the District of Columbia
- United States District Court for the Southern District of Illinois
- United States District Court for the District of Maryland
- United States District Court for the Eastern District of Missouri
- United States District Court for the Southern District of New York

PROFESSIONAL AFFILIATIONS

- American Bar Association

PUBLICATIONS & SPEAKING ENGAGEMENTS

ARTICLES

"CGL Coverage for Construction Contractor Design Exposures." *Risk* (Fall 2009). Co-authored with Jeffrey R. Gans.

"Broker Held Liable for Failing to Obtain Insurance for Sub Under Wrap-Up Policy." *www.ConstructionWebLinks.com* (May 4, 2009).

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"The Expansion of Insurance Coverage for Defective Construction."
The Construction Lawyer (Fall 2008).

BOOKS

Recent Developments in Insurance Coverage Litigation. American Bar Association, Torts and Insurance Practice Section (2007). Contributing author.

Missouri Evidence. The Missouri Bar (2006). Fifth edition, Chapter 10: Credibility and Impeachment of Witnesses. Co-authored with Johnathan Barton.

SPEECHES

"Damage to Adjacent Property and Structures." Lorman Webinar (February 18, 2010).

"Construction Insurance 101." Howrey Webinar (November 17, 2009).

"Risk-Management for the Construction Business: Recent Developments and New Trends for 2010 and Beyond." Women in Construction Conference (October 7, 2009). Panel moderator.

"Basic Principles of Construction Insurance." Lorman Webinar (October 2, 2009).

"Conflicts with Additional Insured Coverage." Lorman Webinar (July 22, 2009).