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Q&A With Hunton & Williams' Walter Andrews

Walter Andrews is the head of Hunton & Williams LLP's insurance litigation and recovery practice. He litigates insurance coverage and bad faith disputes involving business interruption, product liability, construction defect, reinsurance matters, e-commerce issues and other emerging claims. These matters involve a variety of insurance contracts, including professional liability, first-party property, general liability insurance policies and various reinsurance agreements.

Q: What is the most challenging case you have worked on and what made it challenging?

A: After the attacks of Sept. 11, 2001, I worked on the litigation over the insurance coverage available for the rebuilding of the World Trade Center. It was challenging to navigate these cases because the litigation was full of many emotions, particularly grief and sorrow, mixed together with local and national politics. In the end, I found that what was important in resolving the case was not the emotions but to remember the case was simply a contract action, nothing more. Insurance cases are just that — cases about contracts: in particular, what the contracts state and what rights and obligations the parties have because of them.

Q: What aspects of your practice area are in need of reform and why?

A: Right now, arbitration provisions are part of most reinsurance contracts but are proving to be way too expensive and slow. The original intent was to make the process less costly and more efficient by relying on the expertise of seasoned industry experts. Instead, the process has become like regular, commercial litigation, except there is no real right to appeal and summary disposition is almost rarely granted.

Also, arbitration panels are loathe to place any limits on discovery, thereby increasing the cost and delay of proceeding. The result is that it is almost financially impossible to pursue relatively small reinsurance billings that are disputed, which gives reinsurers an opportunity to try to insist on cutting the amounts due since they cannot be sought in litigation. It also makes the disputes over larger billings very costly, which is then used by recalcitrant reinsurers to try to coerce concessions in legitimate reinsurance billings. The process is broken and needs to be fixed.

Q: What is an important issue or case relevant to your practice area and why?

A: Electronic discovery has resulted in higher costs for civil litigation, making it more difficult for parties to bring smaller (or even medium-sized) cases into court. The ability to pursue claims in the appropriate venue is a cornerstone of our legal system, and the proliferation of electronic data — emails, text messages, instant messages in addition to standard work product — creates significant challenges. While some firms, Hunton & Williams included, have developed

strategies for streamlining the electronic discovery process, the fact remains that many potential litigants are being priced out of the court system.

Q: Outside your own firm, name an attorney in your field who has impressed you and explain why.

A: The late Gene Anderson, founder of the law firm Anderson Kill & Olick PC, was a genuine pioneer in the insurance coverage field. Throughout my time knowing Gene, I was impressed with him for three reasons, among many more: he always was a gentleman, even when on the other side of a case; he believed passionately in his clients' cases and acted accordingly, litigating all of his cases with great zeal; and he was compassionate about everyone's need for insurance, donating a significant portion of his time and efforts to attempt to recover insurance coverage for those in need, such as women in need of care for breast cancer treatments.

Q: What is a mistake you made early in your career and what did you learn from it?

A: During the early years of my career, I was obsessed with not asking for extensions of time and believing I could get it all done in the time allowed, so it would appear as though I was a tough litigator. Also, I did not grant extensions of time for the same reason. I quickly came to realize that even litigators sometimes need extensions, whether it be opposing counsel or my colleagues or even me. We all have other, unrelated obstacles or challenges pop up in other cases and in our outside lives that require attention, and it does not mean that one is compromising one's litigation position. Life happens!