



**BULLIVANT  
HOUSER**



## **ANDREW B. DOWNS**

Shareholder

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Andy Downs has been defending clients in complex insurance coverage litigation and commercial disputes for more than 35 years. He is a go-to advocate for national and international insurance companies, representing them in connection with coverage and bad faith claims under first-party property and fidelity policies and under specialized third-party Directors & Officers and Errors & Omissions policies. He offers a vast understanding of state and federal procedures and the mechanics of the insurance industry when advising clients on their rights and responsibilities.

In each case, Andy takes a big-picture approach with the client's overall business needs at the forefront. Clients count on his timely, accurate, and practical advice and guidance. As a skilled negotiator, he brings a well-honed perspective and economical mindset to each matter. His strong intuition and ability to see the human dynamics of an issue help him prepare clients for what may happen next and lay out likely scenarios to avoid surprises down the road.

Andy is licensed to practice in both California and Nevada having appeared in over 30 different courts. He appears regularly in the federal district courts in both California and Nevada, as well as the federal Ninth Circuit Court of Appeals and the Judicial Panel on Multi-District Litigation. He has also handled matters pro hac vice in Hawaii, Washington, Oregon, New Mexico, Utah and Guam, and has experience defending class actions.

Andy came to Bullivant from the preeminent maritime law firm Derby, Cook, Quinby & Tweedt, where he was a partner, when the firms merged in 2000. He's handled lawsuits involving inland marine and ocean marine policies, maritime lien and ship arrest actions, claims against maritime businesses, and suits involving the navigation of both pleasure and commercial vessels.

### **PRACTICE AREAS**

Admiralty & Maritime  
COVID-19 Response  
D&O Liability  
Fidelity & Surety  
Insurance Coverage

### **EDUCATION**

- University of California, Los Angeles, School of Law – J.D., 1983
- The Johns Hopkins University – B.A., 1980

## ANDREW B. DOWNS

### BAR ADMISSIONS

- California, 1983
- Nevada, 2002

### COURT ADMISSIONS

- U.S. Supreme Court
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, District of Nevada

### PROFESSIONAL AND CIVIC INVOLVEMENT

- Federation of Defense & Corporate Counsel (Member, Board of Directors, 2012-2015; Program Chair, 2015 Annual Meeting; Chair, Social Media Committee, 2013-2015; Co-Chair, Insurance Industry Committee, 2012-2014; Vice Chair, Admissions Committee, 2018 -; Faculty Member, Litigation Management College, 2007-2009 & 2013; Faculty Member, Litigation Management College Graduate Program, 2014; Co-Chair, Insurance Industry Institute, 2011; Chair, Property Insurance Section, 2005-2007; Recipient Joseph R. Olshan Award for outstanding Committee Chair, 2014)
- American College of Coverage Counsel (Fellow); (Member, Board of Regents (2018 - ), Co-Chair, 2017 Insurance Law Symposium, Co-Chair, Cyber Insurance and Computer Crime Committee, 2017-2018)
- Bullivant Firm Representative to Insuralex, Global Insurance Lawyers Group
- American Bar Association (Member; Tort Trial and Insurance Practice Section, Chair, Property Insurance Law Committee, 2002-2003)
- Defense Research Institute (Member, Commercial Litigation Committee; Member, Fidelity and Surety Committee; Member, Insurance Law Committee)
- Property Loss Research Bureau (Member, Claims Conference Committee, 2009-2011)
- AIDA-US (Association Internationale de Droit des Assurances - US Chapter) (Member)
- Association of Marine Underwriters of San Francisco (Member)
- West Publishing (Member, Editorial Board, Insurance Litigation Reporter, 2001-Present)

### AWARDS AND HONORS

- AV® Preeminent™, Peer Review Rated by Martindale-Hubbell
- Named one of California's top insurance lawyers by Chambers USA (2010-2022) — Insurance: Insurer
- Selected for inclusion in Northern California Super Lawyers (2006-2022) — Insurance Coverage
- Selected for inclusion in The Best Lawyers in America© (2021— Commercial Litigation, Insurance Law; 2020 — Commercial Litigation)
- Fellow, American College of Coverage Counsel

### PUBLICATIONS AND PRESENTATIONS

- Speaker, "Property Case Law Developments: Personal Lines," Property Loss Research Bureau Claims Conference (PLRB) (2022)
- Panelist, "Business Development in a Post-COVID World," Masters in Marketing, Federation of Defense & Corporate Counsel (FDCC) (2022)

**PUBLICATIONS AND  
PRESENTATIONS**  
(CONTINUED)

- Co-Executive Editor, "Property Insurance Litigator's Handbook, Third Edition," American Bar Association, Tort, Trial & Insurance Practice Section (TIPS) (2022)
- Panelist, "COVID-19: Challenges for Litigators and Underwriters," Property Insurance Law Committee, Tort, Trial & Insurance Practice Section, American Bar Association (2021)
- Speaker, "We're Here to Help: The Influence of Insurance Regulators on Coverage Disputes," Federation of Defense & Corporate Counsel (FDCC) (2021)
- Panelist, "COVID-19 and the Global (Re)Insurance Industry: Thinking Ahead," Insuralex Global Insurance Lawyers Group, Annual General Meeting (2020)
- Author, "Wildfire Insurance Problems are Economic, not Legal," The Daily Journal (January 7, 2020).
- Speaker, "Just Over the Horizon: Emerging Threats from the Policyholder Bar," Insuralex Global Insurance Lawyers Group (2019)
- Speaker, "When Disaster Strikes: Coverage for Natural Disasters," American College of Coverage Counsel (2019)
- Speaker, "Hidden in Plain Sight - Bad Faith in ERISA Actions," Federation of Defense & Corporate Counsel (FDCC) (2019)
- Speaker, "Claimants Who Play By Different Rules: Bankruptcy Trustees and Court-Appointed Receivers in Post-Ponzi Scheme Fidelity Claims," Fidelity & Surety Law Committee, Tort Trial & Insurance Practice Section, American Bar Association (2019)
- Speaker, "Lessons Learned from California Wildfires and Other Disasters," Defense Research Institute, Insurance Coverage and Practice Symposium (2018)
- Chapter Author (Nevada), "Claims Professional Desk Reference," Federation of Defense & Corporate Counsel (FDCC) (2018)
- Co-Author, "Artificial Intelligence: Implications for Insurers, Policyholders & Lawyers," FDCC Insights (2018)
- Speaker, "Withering Leaves: Acting Ethically When You Fear Your Client Has Not," Kentucky Defense Counsel (2018)
- Speaker, "Is It Flood? Is It Wind? No, It's A Hurricane!" Property Insurance Law Committee, Tort, Trial & Insurance Practice Section, American Bar Association (2018)
- Speaker, "Artificial Intelligence: Implications for Insurers, Policyholders, and Lawyers," Federation of Defense & Corporate Counsel (FDCC) Insurance Industry Institute (2017)
- Speaker, "Can We Talk? The Importance of Communication When Dealing With Excess and Reinsurers," Federation of Defense & Corporate Counsel (FDCC) (2017)
- Speaker, "Website Update - Does Yours Measure Up? Everything you always wanted to hear but were afraid to ask about your website," Federation of Defense & Corporate Counsel (FDCC) (2017)
- Speaker, "I Hate It When That Happens: Avoiding Unforced Errors in Good Faith Claims Handling," Association of Marine Underwriters of San Francisco (2017)
- Speaker, "Challenges with Business Income and Inventory Loss Documentation," Property Claims Association of the Pacific (2017)
- Speaker, "Covering the Soft Underbelly of American Business: Hot Topics in Coverage for Cyber Liabilities" American College of Coverage and Extracontractual Counsel (2017)

**PUBLICATIONS AND  
PRESENTATIONS**  
(CONTINUED)

- Speaker, “Stop, Look, and Listen: Strategies for Addressing the Unusual Claim” Claims Conference of Northern California (2016)
- Speaker, “Insurance Litigation: Admissibility of Social Media, Internet and E-Mail Evidence” (2016)
- Speaker, “Your Client Doesn’t Have to be Homer Simpson: Strategies for Avoiding Preventable Bad Faith,” Federation of Defense & Corporate Counsel (FDCC) (2016)
- Speaker, “The Changing World of Intellectual Property Disputes – Can Insurers Keep Up?, American College of Coverage and Extracontractual Counsel (2016)
- Speaker, “Claim Litigation, Bad Faith Assertions and Jury Issues: How to Present Your Case,” American Bar Association, Tort Trial & Insurance Practice Section (TIPS), Fidelity & Surety Law Committee (2015)
- Program Chair, Federation of Defense & Corporate Counsel 2015 Annual Meeting
- Faculty Member/Speaker, Litigation Management College Graduate Program, Federation of Defense & Corporate Counsel (FDCC) (2014)
- Speaker, “Insurance Litigation: Admissibility of Social Media, Internet and E-Mail Evidence” (2014)
- Speaker, “Tweeting on Twitter,” Federation of Defense & Corporate Counsel (FDCC) (2014)
- Co-Executive Editor, “Property Insurance Litigator’s Handbook, Second Edition,” American Bar Association, Tort Trial and Insurance Practice Section (TIPS) (2013)
- Speaker, “Property Insurance Primer,” Bar Association of San Francisco (2013)
- Speaker, “Turning New Guns on Old Targets: Class Actions against Insurance Companies,” Federation of Defense & Corporate Counsel (FDCC) (2013)
- Speaker, “Coverage Triggers for Business Interruption,” American Bar Association, Tort Trial and Insurance Practice Section (TIPS), Property Insurance Law Committee (2012)
- Chapter Author, “Professional Liability Insurance: A Compendium of State Law,” Defense Research Institute (DRI) (2012)
- Speaker, “What Happens in Vegas Doesn’t Always Stay in Vegas – Anatomy of a Conspiracy and Its Implications for Defendants, Insurers, and Their Attorneys,” Federation of Defense & Corporate Counsel (FDCC) (2012)
- Author, “What’s In A Claim? A Lot, Depending On Policy Language,” Law360 (2012)
- Coordinating Editor, “The Tripartite Relationship: Guidebook for Defense Lawyers,” Federation of Defense & Corporate Counsel (FDCC) (2011 Revision)
- Chapter Co-Author, “California Property Insurance: Law and Litigation,” Continuing Education of the Bar – California 2011)
- Speaker, “Enforcing Policy Conditions and Warranties in a Hostile Environment,” Federation of Defense & Corporate Counsel (FDCC) (2011)
- Speaker, “CAFA Notice Requirements for Class Action Settlements,” Federation of Defense & Corporate Counsel (FDCC) (2010)
- Speaker, “Post-Meltdown Property Insurance Claims by Financial Institutions,” Property & Liability Resource Bureau (PLRB) & Federation of Defense & Corporate Counsel (FDCC) (2010)
- Speaker, “The Lawyer Game: Responding to Unethical Conduct,” Federation of Defense & Corporate Counsel (FDCC) (2010)
- Speaker & Author, “Withering Leaves—Acting Ethically When You Fear Your Client Has Not,” Defense Research Institute (DRI) Insurance Coverage and Practice Symposium (2010)
- Speaker, “Managing the Case of a Lifetime,” Federation of Defense & Corporate Counsel (FDCC) (2009)

## ANDREW B. DOWNS

### PUBLICATIONS AND PRESENTATIONS (CONTINUED)

- Testimony, "Proposed Amendments to Rule 56, Federal Rules of Civil Procedure," Advisory Committee on Civil Rules Standing Committee on Rules of Practice and Procedure of the Judicial Conference of the United States (2009)
- Speaker, "Effective Management of the Complex Multi-Jurisdictional First Party Coverage Matter: Class Actions and Multi-District Litigation," Property & Liability Resource Bureau (PLRB) & Federation of Defense & Corporate Counsel (FDCC) Critical Issues Seminar (2008)
- Speaker, "Practical Issues in Property Insurance Litigation," American Bar Association, Tort Trial and Insurance Practice Section (TIPS), Property Insurance Law Committee (2008)
- Speaker, "Property Case Law Update," Property & Liability Resource Bureau (PLRB) (2008)
- Speaker, "Thorny Issues with Commercial Property Forms," Property & Liability Resource Bureau (PLRB) (2008)
- Faculty Member/Speaker, Litigation Management College, Federation of Defense & Corporate Counsel (FDCC) (2007-2009, 2013)
- Speaker, "Lender Involvement: Avoiding Sub-Prime Claims Handling," Property & Liability Resource Bureau (PLRB) (2007)
- Moderator, "Litigating Mass Disasters in the Public Eye," Federation of Defense & Corporate Counsel (FDCC) (2007)
- Co-Executive Editor, "Property Insurance Litigator's Handbook," American Bar Association, Tort Trial and Insurance Practice Section (TIPS) (2007)
- Speaker, "Mortgagee Claims: Rights and Responsibilities," Property & Liability Resource Bureau (PLRB) (2006)
- Speaker, "Thorny Issues in Commercial Property Claims," Property & Liability Resource Bureau (PLRB) (2006)
- Speaker, "Insurance Litigation: Katrina-Related Claims," Law.Com and the Recorder (2005)
- Speaker, "Mortgagee Claims," Property & Liability Resource Bureau (PLRB) (2005)
- Author, "Now What Do We Do? Time Element Claims following a Megaloss," American Bar Association, Tort Trial and Insurance Practice Section (TIPS), The Brief (2005)
- Speaker, "The Direct Physical Loss Requirement," Defense Research Institute (DRI) Insurance Coverage & Claims Institute (2005)
- Author, "Business Interruption Coverage: A Primer on the Physical Loss Requirements," Nevada Lawyer (2004)
- Speaker, "From Here to Infinity: A Brief Overview of the Connection between Physical Damage and Business Interruption Coverage," Federation of Defense & Corporate Counsel (FDCC) (2004)
- Speaker, "Mortgagee Claims," Property & Liability Resource Bureau (PLRB) (2004)
- Speaker, "Now What Do We Do? Time Element Claims following a Mega Loss: Partial Suspensions of Operations and the Period of Restoration," American Bar Association, Tort Trial and Insurance Practice Section (TIPS), Property Insurance Law Committee (2004)
- Speaker, "Rescission in a Changed World," Property & Liability Resource Bureau (PLRB) & Federation of Defense & Corporate Counsel (FDCC) Critical Issues Seminar (2004)
- Author, "The Connection between Physical Damage and Business Interruption Coverage," 54 FDCC Quarterly 307 (2004)
- Speaker, "Can Mold Be Managed?" (2003)



## ANDREW B. DOWNS

### PUBLICATIONS AND PRESENTATIONS (CONTINUED)

- Speaker, "Supplementary Payments," Liability Insurance Research Bureau (LIRB) (2003)
- Speaker, "The Mortgage Clause," Property Loss Research Bureau (PLRB) (2003)
- Panelist, "Fraud Investigation: Non-Arson Fraud," Property & Liability Resource Bureau (PLRB) (2002 & 2001)
- Contributing Editor, "Bad Faith Law Report" (2001)
- Speaker, "Coping with Excessive, Unduly, Burdensome or Abusive Discovery," Mealey's™ Bad Faith Litigation Conference (2001)
- Program Chair, "Earth, Wind, Fire & Water: Cutting Edge Issues in Property Insurance Claims following a Natural or Man Made Disaster," American Bar Association, Tort Trial and Insurance Practice Section (TIPS), Property Insurance Law Committee (2001)
- Panelist, "Fraud Investigation: Non-Arson Fraud," Property & Liability Resource Bureau (PLRB) (2001)
- Speaker, "All Hell Breaks Loose: Conflicts of Interest in Subrogation Claims," American Bar Association, Tort Trial and Insurance Practice Section (TIPS), Property Insurance Law Committee (2000)
- Speaker, "Avoiding Ambiguity," American Institute of Marine Underwriters & Marine Underwriters of Southern California (2000)
- Chapter Author, "Causation Issues in Property and Casualty Insurance Law and Practice of Insurance Coverage Litigation," West Group (2000)
- Panelist, "Mortgagee Clause and Adjusting Claims by Financial Institutions," Property & Liability Resource Bureau (PLRB) (2000)
- Co-Author, "Recent Developments in Property Insurance Law," 35 Tort & Insurance Law Journal 581 (2000)