

Most Admired Attorneys: Kasowitz Benson's Randy Paar

By **Abigail Rubenstein**

Law360, New York (September 10, 2010) -- While large-scale insurance litigation might be intimidating to some, Kasowitz Benson Torres & Friedman LLP's Randy Paar is known for crafting creative and aggressive strategies for policyholders embroiled in complex, multiparty insurance litigation, making her one of Law360's 10 Most Admired Insurance Attorneys.

Paar, who leaped to Kasowitz Benson in January after more than a decade at Dickstein Shapiro LLP, impresses colleagues and clients alike with both the breadth and the depth of her understanding of the hurdles policyholders face when seeking coverage from recalcitrant insurers.

She has also honed a particular expertise in handling cases involving asbestos, environmental property damage and product liability.

"Randy has an encyclopedic knowledge of the industry," said Adam Ziffer, who made the jump from Dickstein Shapiro to Kasowitz Benson alongside Paar. "She's a tremendous resource for someone more up-and-coming like me. When I'm seeing something for the first time, she has inevitably seen it before."

Bill Denver, who also took part in the January move, recalled a time when he received a call from an anxious in-house attorney with no experience whatsoever with insurance law who wanted advice on a sensitive issue concerning the company's directors and officers policy — and wanted it within two hours.

Denver and Paar got to work, finding out everything they could about the policy and the situation at hand, and they were ultimately able to lay out the major points clearly for the company within the circumscribed time frame.

"It was as if there was a collective sigh of relief on other side of the call, and there were five attorneys on the other end who had no experience with these kinds of issues. They were very relaxed and laughing by the end of the phone call because she was able to put their minds at ease and tell them what they needed to know to protect themselves," Denver recalled.

"Without someone like Randy — without someone with such tremendous experience and confidence — I don't think that call would have been possible," Denver said.

Paar focuses her practice on representing policyholders, most of them major companies, in litigation over a host of different insurance issues, including general liability directors and officers, errors and omissions, fidelity, and first-party property policies.



Randy Paar

She also calls on her general litigation background to advise clients on insurance issues in conjunction with the underlying liability claims they face.

Early in her career, as an attorney at Anderson Kill & Olick PC, Paar dove into the deep end of insurance litigation, representing firm client W.R. Grace & Co. in a slew of asbestos liability coverage cases.

And she didn't think twice about jumping into the complex maze of insurance cases the company's situation presented.

"It was an opportunity to take over a big client and run with it for a long period of time," Paar explained.

As it turned out, it was also an opportunity to learn how to manage major insurance cases. "Insurance lawyers often don't agree, and they fight among themselves, but if you're the main attorney for a policyholder, and you know what you want, you can get it done," Paar said.

Since learning that valuable lesson, Paar has dedicated her career to helping policyholders score coverage, even in the toughest circumstances.

She has even managed the remarkable feat of getting coverage for a Ponzi scheme. The court-appointed receiver responsible for recovering funds for investors in Credit Bancorp, Morrison & Foerster LLP's Carl H. Loewenson Jr., brought Paar on board to help secure funds under a a fidelity and banker's blanket bond.

Paar got coverage, even though the insurance policies had all the customary exemptions and the signatory to the insurance policy applications had been arrested for the fraud. According to Loewenson, Paar helped secure about \$58 million worth of insurance coverage, which was critical to helping the victims of the Ponzi scheme get most of their money back.

"I am one very satisfied client. And there's a lot of victims of the Credit Bancorp fraud who are also very satisfied with her work," Loewenson said. "It's a real challenge to get insurance coverage for intentional wrongdoing by the bad guys."

Paar scored another major victory on behalf Appleton Papers Inc. in its lawsuit against its comprehensive liability insurance companies for coverage for environmental liabilities stemming from contamination of the Fox River in Wisconsin.

The U.S. Environmental Protection Agency had ordered Appleton and several other companies to dredge the waterways to remove polychlorinated biphenyl, and the overall cleanup costs for the contamination at issue in the suit were estimated to run in the hundreds of millions of dollars, with the costs associated with the Appleton site alone expected to top \$100 million.

Paar represented API at trial in Wisconsin state court, and the jury returned a unanimous verdict in favor of her client. The verdict was later affirmed on appeal.

"It made good law," Paar said, noting that part of the appeal of being able to work on insurance cases with such high stakes is that they can be litigated comprehensively and aggressively and end up putting in place good precedents for the next policyholders to come along.

Another large-scale case to which Paar was able to bring the full force of her litigation prowess was the representation of The Port Authority of New York and New Jersey in connection with insurance coverage claims connected to alleged liabilities arising from the Sept. 11 attacks on the World Trade Center.

Despite reluctance on the part of the insurers to hand over documents relating to how the policies at issue in the case were drafted, Paar doggedly pursued the documents her client needed to see.

As a result, not only did an earlier version of the policy that was more favorable to the Port Authority ultimately turn up, the court awarded the Port Authority more than \$1 million in sanctions against opposing counsel for withholding the critical information.

"It really showed that you can get the documents if you keep plugging away. We found the documents, and they were very helpful," Paar said.

Paar has also succeeded in winning coverage for a number of companies affected by Hurricane Katrina both for property damage and for business interruption.

She recently pursued a case in Delaware in which a major purveyor of frozen chicken legs sought coverage for business interruption claims after it was forced to sell of its perishable poultry legs at low prices after its cold storage warehouses were damaged by the storm.

The case was resolved through a settlement moments before opening arguments were scheduled to commence in the trial.

"I got all dressed up in my best court suit and put my makeup on, and I was ready with my opening statement," Paar said.

"The client was happy, but it was letdown from a lawyer's standpoint," she joked.

And although Paar's zeal for litigating has earned her an impressive track record of getting judges and juries to see things her way, the likelihood of success isn't the rubric she uses to decide whether to take on a case.

"Part of my analysis of a case is, one, does it have interesting issues, two, do you have a good judge who can understand those issues and, three, my relationship with the client and whether they trust me. If it has those three things, then it's a great job," Paar said.

Methodology: From May 25 through June 11, Law360 invited readers to nominate attorneys they admire to be profiled for the "Most Admired" series. Readers were asked: "Is there an attorney you've argued against in court who you respect — or whose briefs you fear? What about a lawyer whose views on the latest hot-button issues you eagerly seek out? Or a former classmate who is practicing the law in novel ways?" Survey participants were not permitted to nominate attorneys from their own firms and submissions from public relations and marketing professionals were not considered.

Separately, Law360 sought out nominations from practice group heads at the 100 largest law firms in the United States. In total, 1,016 nominations were received.

Nominations were reviewed by a board comprising experienced lawyers and Law360 editorial staff. Sixty-five attorneys covering seven practice areas of the law were then selected to be profiled for the "Most Admired" series.

