Jennifer Mathis

Partner

San Francisco Orange County

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OVERVIEW

Jennifer has distinguished herself as a go-to adviser for her clients on complex professional liability insurance coverage disputes in California and nationwide. She has achieved numerous victories at the trial and appellate level in state and federal courts in high stakes coverage and bad faith litigation. She also assists her insurance clients with resolving and managing complex professional liability claims arising under public and private directors and officers and corporate liability policies, employment practices liability policies, health care and human services liability policies, lawyers liability policies, and a wide spectrum of other miscellaneous professional liability policies, media, technology, and cyber liability, including advising clients on the unique issues faced when insureds are in bankruptcy. She also strategizes on policy drafting issues and assessing ongoing risks. In addition to her insurance coverage practice, Jennifer maintains a general civil and commercial litigation practice. Her clients have included large corporations, not-for-profit entities, wholesale and retail insurance brokers, small business owners, and individuals.

Jennifer has collaborated on pro bono matters with the Orange County Public Law Center, the American Civil Liberties Union of Southern California, Human Options (an Orange County shelter for victims of domestic abuse), KIND (Kids in Need of Defense), and the Washington, D.C.-based Bazelon Center for Mental Health Law. These pro bono matters include cases involving free speech and free exercise of religion, preparing attorneys' fee petitions for prevailing parties in civil rights litigation, assisting unaccompanied minors in navigating their way through the U.S. immigration system, and obtaining protective orders for victims of domestic violence. She also has represented clients in step-parent adoption cases.

REPRESENTATIVE MATTERS

- In *Zale v. Berkley, et al*. (Texas District Court, 2019), Jennifer prevailed on (and argued) summary judgment in a coverage case arising out of whether there is coverage for a Delaware statutory appraisal action arising from an M&A transaction under a public company D&O policy. Prevailed on appeal through the Texas Supreme Court.
- In *AHSL v. Greenwich Ins. Co.*, (California Court of Appeal, 2020), prevailed on dismissal of a breach of contract and bad faith lawsuit against her client under an employment practices liability policy on a claims made and late notice issue. *AHSL Enters. v. Greenwich Ins. Co.*, No. B292484, 2020 WL 897259 (Cal. Ct. App. Feb. 25, 2020).
- In *Cardiovascular Consultants v. NORCAL Mutual Ins. Co.* (Fresno County Superior Court, 2019) Jennifer secured summary judgment for her client on a breach of contract and bad faith claim under a medical

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malpractice policy for a False Claims Act investigation. Prevailed on appeal to the California Court of Appeal.

- In *Morden v. XL Specialty Insurance*, 903 F.3d 1145 (10th Circuit 2018), Jennifer obtained summary judgment for her client under a financial services liability policy on a related claims issue arising out of an SEC investigation and subsequent securities lawsuit.
- In *Health Net v. RLI*, 206 Cal. App. 4th 232 (2012), Jennifer argued twice before the California Court of Appeal on behalf of a managed care excess E&O insurer, resulting in favorable rulings for her client (in 2012 and 2016) on issues regarding whether a contractual claim is a covered "wrongful act" and whether an insured can assert breach of contract claims against an excess insurer.
- In *United Westlabs, Inc. v. Greenwich Ins. Co*., Case No. 337,2011 (Delaware Supreme Court, February 8, 2012), prevailed on summary judgment in both the trial court and before the Delaware Supreme Court (including arguing the appeal) in securing judgment on issues of inter-related claims and misrepresentations in the application in connection with underlying claims for breach of contract and copyright infringement under a private company D&O policy.
- *In WFS Financial, Inc. v. Progressive Cas. Ins. Co., Inc.*, 232 Fed.Appx. 624 (9th Cir. 2007), successfully represented client in securing dismissal (affirmed by the Ninth Circuit) of a case brought by an insured who attempted to seek coverage under two separate policy periods for virtually identical lawsuits alleging discriminatory lending practices.
- In *Medill v. Westport Ins. Corp.*, 143 Cal. App. 4th 819 (2006), successfully defended through appeal (including arguing before the California Court of Appeal) a bad faith, breach of contract and declaratory relief case brought against client in connection with several insureds' attempts to seek coverage for an alleged "ponzi" scheme that resulted in the collapse of more than $130 million in bond issuances. The reported California Court of Appeal opinion is oft-cited in connection with numerous insurance coverage issues.
- In *University of Utah Hospital v. American Casualty Co.*, 90 P.3d 654 (Utah Ct. App. 2004), successfully defended through appeal client's position that a professional liability insurance policy issued to a hospital nurse did not obligate insurer to contribute on the nurse's behalf toward the hospital's settlement of a malpractice claim against the hospital, where no claim was made against the nurse.
- Defended wholesale/surplus lines insurance brokerage against professional liability claim in California state court arising out of dispute under private company D&O policy.
- Defended retail insurance brokerage against professional liability claim in California state court arising out of dispute under commercial general liability policy.
- Represented franchisee in defending against breach of contract lawsuit and temporary restraining order in connection with dispute filed by large, national franchisor in federal court in California.
- Successfully secured dismissal of fraud, bad faith and breach of contract lawsuit seeking $15 million from client (an excess insurer) in connection with insured corporation's attempt to seek coverage for securities fraud lawsuit, where the insured had not exhausted all of the primary insurance available to it.
- Successfully prosecuted through appeal (affirmed by the Ninth Circuit) a declaratory relief case brought by client in connection with whether client was required to indemnify attorneys for sanctions awarded against them in connection with a claim that was not made and reported during the policy period.
- Represented inventor of the accordion-folded car shade against Lanham Act/trademark infringement/patent lawsuit; counterclaim brought by client resulted in favorable settlement.
- Drafted successful motion for attorneys' fees in connection with civil rights litigation pending for years in federal district court challenging deficiencies in Alabama's mental health care system.
- Prevailed on summary judgment on breach of contract claim against client in California state court regarding insurance coverage for underlying securities fraud judgment; had earlier secured dismissal of bad faith and fraud causes of action in same case.
- Prevailed on summary judgment in bad faith and breach of contract case brought against client in California state court regarding dispute over whether malpractice policy provided coverage for lawsuit arising out of dispute over amount of fees charged by insured.
- Successfully negotiated numerous settlements on behalf of insurance clients and defendants in employment cases.

AWARDS

- *Legal 500 United States*: Insurance: Advice to Insurers (2026)
- *Chambers USA:* California, Insurance: Insurer (2025-2026)
- *Best Lawyers in America*®: “Lawyer of the Year” in Insurance Law (2023)
- *Best Lawyers in America*®: Insurance Law (2018-2027)
- Pro Bono Advocacy Award, American Civil Liberties Union of Southern California (2009)
- Recognized in the Rising Stars Edition of Southern California Super Lawyers, published by the *Los Angeles Magazine* (2005-2007)

TOP AREAS OF FOCUS

- Bad Faith
- Directors + Officers Insurance
- Employment Practices Liability
- Insurance + Reinsurance
- Media, Technology + Cyber Liability Insurance
- Professional Liability

ALL AREAS OF FOCUS

- Bad Faith
- Directors + Officers Insurance
- Employment Practices Liability
- Insurance + Reinsurance
- Litigation + Trial
- Media, Technology + Cyber Liability Insurance
- Professional Liability

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Board, Women In Law Empowerment Forum
- Co-chair, Professional Liability Committee, American College of Coverage Counsel (2020-2021)
- Fellow, American College of Coverage Counsel
- Professional Liability Underwriting Society (PLUS), Northern California Chapter Steering Committee
- California Bar Association
- Utah Bar Association

EDUCATION AND CERTIFICATIONS

EDUCATION

- Georgetown University Law Center, J.D., *cum laude*, 1996, associate editor, *American Criminal Law Review*; member, Georgetown University Law School National Moot Court Team; First Place, Annual Beaudry Appellate Moot Court Competition
- The University of Utah, B.A., *cum laude, Phi Beta Kappa*, 1989

BAR ADMISSIONS

- California
- Utah

COURT ADMISSIONS

- 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 Utah
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Tenth Circuit
- Supreme Court of the United States

LANGUAGES

- American Sign Language (ASL) (conversational)

SPEAKING ENGAGEMENTS

- Co-speaker, "Notable Professional Liability Insurance Decisions of 2025," On24 Webinar, February 25, 2026.
- Speaker, "D&O Download: A Discussion on the Current State of D&O Litigation and Coverage Disputes," ABA's 34th Annual Insurance Coverage Litigation Conference, February 19, 2026.
- Speaker, "Notable Professional Liability Insurance Decisions of Last Year," Troutman Pepper, February 8, 2024.
- Presenter, "U.S. Sexual Abuse Revival Statutes and Insurance/Reinsurance Considerations," Troutman Pepper, 2023.
- Presenter, "U.S. Revival Statutes and Insurance/Reinsurance Considerations," Brokers & Reinsurance Markets Association, BRMA Lunch and Learn, March 22, 2023.
- Presenter, "Outlining Negotiation Types and Processes," Practicing Law Institute, Negotiation Skills Essentials 2023, March 7, 2023.
- Speaker, "Notable Professional Liability Insurance Decisions of Last Year," Troutman Pepper, February 9, 2023.
- Speaker, "Notable Professional Liability Insurance Decisions of Last Year," Troutman Pepper, March 16, 2022.
- Speaker, "Insurer Bad Faith 2021 and Beyond: A Survey of Extra Contractual Law and Where Things Stand," American College of Coverage Counsel Annual Meeting, September 24, 2021.
- Speaker, "Hot Topic: A Year Later: Trends in COVID-19 Liability Claims," Re Basics: Demystifying Reinsurance, Reinsurance Association of America, May 19, 2021.
- Speaker, "Notable Professional Liability Insurance Decisions of Last Year," Troutman Pepper, April 6, 2021.
- Speaker, "Notable Professional Liability Insurance Decisions of Last Year," Troutman Sanders LLP, April 2, 2020.
- "Latest Trends in Directors' & Officers' Liability Insurance," The Bar Association of San Francisco, December 7, 2016.
- "Hot Spots: Handling Complex Claims in California, Florida, Illinois, and New York (Part 2)," Troutman Sanders Insurance Webinar Series, September 20, 2016.

- “Hot Spots: Handling Complex Claims in California, Florida, Illinois, and New York (Part 1),” Troutman Sanders Insurance Webinar Series, May 25, 2016.
- “The Women of the Section of Litigation Conference,” American Bar Association, November 7, 2014.

PUBLICATIONS

- Co-author, “2025 Professional Liability Year in Review,” *Troutman Pepper Locke*, February 24, 2026.
- Co-author, “2024 D&O and Professional Liability Year in Review,” *Troutman Pepper Locke*, February 12, 2025.
- Co-author, “D&O and Professional Liability – 2023: A Year in Review,” *Troutman Pepper*, February 28, 2024.
- Co-author, “Recent Tort Reforms Expected to Have Major Impact on Insurance Litigation in Florida,” *Troutman Pepper*, June 5, 2023.
- Co-author, “D&O and Professional Liability 2022 | A Year in Review,” *Troutman Pepper*, February 6, 2023.
- Co-author, “California Law Creates Statutory Safe Harbor for Certain Insurers Receiving Time-Limited Pre-Litigation Settlement Demands,” *Troutman Pepper*, January 6, 2023.
- Co-author, “California Court of Appeal Affirms No Coverage for False Claims Act Investigation Under Medical Professional Liability Policy,” *Troutman Pepper*, March 24, 2022.
- Co-author, “D&O and Professional Liability 2021 | A Year in Review,” *Troutman Pepper*, February 22, 2022.
- Co-author, “*Pinto v. Farmers Insurance Exchange*: California Appellate Court Confirms Juries Must Specifically Find Insurer Acted Unreasonably in Bad Faith Failure to Settle Cases,” *Troutman Pepper*, March 22, 2021.
- Co-author, “D&O and Professional Liability 2020 | A Year in Review,” *Troutman Pepper*, March 1, 2021.
- Co-author, “D&O Claims Grow Amidst the Coronavirus,” *Claims Magazine*, July/August 2020.
- Co-author, “D&O Liability Coverage for COVID-19 Issues,” *Mealey’s® Emerging Insurance Disputes*, LexisNexis, May 7, 2020.
- Co-author, “The Key Coverage Issues Regarding Business Interruption From COVID-19,” *Mealey’s® Litigation Report,* LexisNexis, April 15, 2020.
- Co-author, “California Court of Appeal Upholds Strict Compliance with Reporting Requirements in Claims-Made Policies,” *Troutman Sanders*, February 28, 2020.
- Co-author, “D&O and Professional Liability Update 2019: A Year in Review,” *Troutman Sanders*, March 3, 2020.
- Co-author, “Nevada Supreme Court Imposes Excess-Limits Liability on Insurer for Breach of Duty to Defend Despite No Bad Faith,” *Troutman Sanders*, December 20, 2018.
- Co-author, “Professional Liability Update 2007: A Year in Review,” February 29, 2008.
- “Defending Professionals in California?” October 1, 2003.

MEDIA COMMENTARY

- Quoted, “High Court’s Regulatory Rulings Unsettle Coverage Risks,” *Law360*, July 3, 2024.
- Quoted, “Del. Solar Ruling Warns Insureds Against Overconfidence,” *Law360*, April 1, 2022.
- Quoted, “The Biggest D&O Liability Insurance Rulings of 2021,” *Law360*, December 17, 2021.