

## Terrence R. McInnis

Partner

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For more than 30 years, Terry has counseled and represented insurers on multimillion-dollar claims in virtually every jurisdiction in the U.S. He brings his wealth of experience with many lines of insurance and diverse claims to help his clients navigate coverage disputes and obtain successful results.

### OVERVIEW

Terry counsels insurers on complex and high-exposure claims. He is often called on to provide advice on insurance law, policy interpretation, and claims-handling issues, and to evaluate and respond to coverage disputes and allegations of bad faith. Where possible, he works with clients to resolve such disputes before coverage litigation ensues. However, when litigation is necessary or appropriate, Terry brings his years of experience representing insurers in arbitrations and trials and in appellate courts throughout the U.S. to achieve successful outcomes for his clients.

He regularly defends insurers in bad faith suits, and defends and prosecutes declaratory relief actions on behalf of his clients. He represents insurers in actions against insureds and others for breach of contract, misrepresentation, rescission, insurance fraud, recoupment, contribution, and indemnity, and has recovered millions for his clients. A client reported to *Chambers USA* that Terry “has a deep understanding of insurance coverage issues and how best to navigate those issues in litigation, both substantively and procedurally.”

While Terry has advised insurers on virtually every type of insurance, he most frequently advises clients on professional liability (including accountants, attorneys, architects and engineers, real estate agents, insurance agents, seedsmen, and others); employment practices liability; private company D&O; health care management; general liability; environmental and pollution liability; product liability; product contamination; construction defect; educators liability; and umbrella, excess, and media policies. Terry has also assisted clients in policy drafting and in responding to investigations by regulators.

### REPRESENTATIVE MATTERS

- Represented an insurer in coverage litigation against an insured and other insurers concerning coverage for a consumer class action involving alleged damages in excess of \$1 billion. Obtained summary judgment that another insurer was primarily liable for defense of the insured and obtained a contribution award of more than \$1 million in defense costs from the other insurer.
- Represented a medical malpractice insurer in breach of contract and bad faith claims against it arising from its refusal to pay unreasonable and unnecessary expenses incurred in defense of a malpractice action. Obtained

summary judgment in favor of the insurer in the trial court, and successfully argued on appeal to the California Court of Appeal that the judgment be upheld.

- Represented an insurer in responding to a demand that the client tender its \$2 million policy limits to settle an \$85 million claim against the insured. Following an extensive investigation of the underlying claim and potential defenses, negotiated a settlement of the entire matter for less than 25% of the policy limits.
- Obtained rescission of an attorney's professional liability policy, based on material misrepresentations contained in the policy application.
- Represented a primary directors and officers insurer as coverage counsel in connection with a securities fraud claim asserted against its insured. The suit claimed damages of more than \$200 million against the insured. The case was successfully settled within the policy limits and with a contribution from the insured.
- Represented a professional liability insurer in an arbitration against a personal umbrella insurer that had denied coverage for a defamation suit against a mutual insured. Won an arbitration award against the umbrella insurer requiring it to pay a substantial portion of the defense costs incurred on behalf of the insured.
- Represented an insurer in a breach of contract and bad faith action in which the insureds claimed the insurer wrongfully denied coverage for six related lawsuits, including several consumer class actions, resulting in total claimed damages in excess of \$10 million. Obtained a favorable settlement well within the policy limits.
- Represented an insurer that had denied coverage based on late notice of the claim. Obtained summary judgment on behalf of the client in the bad faith lawsuit brought by the insured when the court found that the insurer's policy language imposed a valid and enforceable reporting requirement.

## AWARDS

- *Legal 500 United States: Insurance: Advice to Insurers (2023-2026)*
- *Best Lawyers in America®: Insurance Law (2018-2026)*
- *Best Lawyers in America®: Litigation – Insurance (2026)*
- *Chambers USA: Insurance: Insurer, California (2007-2026)*
- *Best Lawyers in America®: "Lawyer of the Year" in Insurance Law (2019, 2022, 2024)*
- *Orange Coast Magazine: "Super Lawyer" in Orange County (2017)*
- *Super Lawyers®: California (2009-2024)*
- Achieved an AV® Preeminent Peer Review Rating from Martindale-Hubbell

## TOP AREAS OF FOCUS

- Bad Faith
- Directors + Officers Insurance
- Employment Practices Liability
- Environmental Insurance Coverage
- Insurance + Reinsurance

## ALL AREAS OF FOCUS

- Bad Faith
- Directors + Officers Insurance
- Employment Practices Liability
- Environmental Insurance Coverage
- Insurance + Reinsurance
- Litigation + Trial

- Media, Technology + Cyber Liability Insurance
- Professional Liability

## **PROFESSIONAL/COMMUNITY INVOLVEMENT**

- American Bar Association, Professionals, Officers and Directors Liability Committee of the Tort Trial and Insurance Practice Section, chair (2002-2003), vice chair (1997-2002); Insurance Coverage Litigation Committee of the Tort Trial and Insurance Practice Section, vice chair (2002-2006)
- Orange County Bar Association, Arbitrator, OCBA Mandatory Fee Arbitration Committee (2004-2022)
- California State Bar Committee on Professional Liability Insurance (2001-2004)
- Defense Research Institute, Insurance Law Columnist, Commercial Litigation Committee's *The Business Suit* newsletter
- Professional Liability Underwriting Society
- Editorial Board, West's *Insurance Litigation Reporter* (2002-2004)
- *Bad Faith Law Reporter*, Editorial Board (Stratton Press) (2000-2002)
- Editorial Board, *CGL Reporter* (Insurance Risk Management Institute) (2010-2016)

## **EDUCATION AND CERTIFICATIONS**

### **EDUCATION**

- Columbia Law School, J.D., *Harlan Fiske Stone Scholar*, 1991, managing editor, *Columbia Journal of Law and Social Problems*
- Whitman College, B.A., *with honors*, 1988

### **BAR ADMISSIONS**

- California

### **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 Columbia
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Eighth Circuit

### **CLERKSHIPS**

- Hon. John T. Nixon, U.S. District Court, Middle District of Tennessee, 1991-1992

## **SPEAKING ENGAGEMENTS**

- Speaker, “The Insurer’s Duty to Settle, Bad Faith and Verdicts in Excess of Policy Limits,” Strafford, January 7, 2015.
- Speaker, “Does My Client Need Professional and Cyber Liability?,” PLUS Cyber Symposium, Atlanta, GA, April 24, 2014.
- Guest Lecturer, “D&O and Professional Liability: Risks and Coverages,” University of California, Irvine, April 12, 2010.
- Speaker, “New Regulations Affecting Liability Insurers: What Insurers, Plaintiff’s Counsel and Defense Counsel Need to Know About the New Medicare Reporting Requirements,” Orange County Bar Association, Insurance Law Section Meeting, Costa Mesa, CA, March 26, 2010.
- Speaker, “Recent Developments, Emerging Issues and Ethical Considerations Affecting Environmental, Products and Insurance Litigation,” The Insurance Society of Philadelphia, Exton, PA, April 2, 2009.
- Speaker, “Settling Complex Claims While Avoiding Bad Faith Liability to Everyone,” 17th Annual Insurance Coverage Litigation Committee Midyear Program, ABA’s Tort Trial and Insurance Practice Section, Los Angeles, CA, Feb. 27, 2009.
- Speaker, “Choosing the Best Forum for Your Case,” 17th National Advanced Forum on Bad Faith Litigation, American Conference Institute, San Francisco, CA, May 15, 2008.
- Speaker, “Hot Topics in EPL,” Professional Liability Underwriting Society International Conference, Chicago, IL, November 9, 2006.
- Speaker, “Insurance Bad Faith Claims in California,” Lorman Education Services, Costa Mesa, CA, October 5, 2005.
- Speaker, “Securities Litigation and Liability in the New Era,” Program Chair, ABA Annual Meeting, San Francisco, CA, August 9, 2003.
- Speaker, “Legal Ethics and Professional Responsibility for Corporate and Insurance Staff Counsel,” ABA Annual Meeting, Washington, D.C., August 11, 2002.
- Speaker, “Professional Liability in the New Millennium,” Moderator, ABA/TIPS Professionals, Officers and Directors Liability Committee National Program, New York, NY, March 18, 1999.

## **PUBLICATIONS**

- “Draft Restatement of the Law of Liability Insurance Proposes Significant Changes to Insurance Law,” *PLUS Journal*, July 2015.
- “A Trend of Coverage Denials Under D&O and Professional Liability Policies for Contractual Liability Claims,” *Westlaw Journal Insurance Coverage*, October 12, 2012.
- “Choosing the Best Forum for Your Insurance Coverage Case,” *CGL Reporter*, April 2010.
- “New Regulations Affecting Liability Insurers: What Insurers and Counsel Need to Know About the New Medicare Reporting Requirements,” *The Business Suit*, DRI Commercial Litigation Committee, April 9, 2010.
- “Insolvent Insureds and the Challenges of Large SIRs and Deductibles,” *The Business Suit*, DRI Commercial Litigation Committee, February 24, 2010.