

MVP: Covington's Christine Haskett

By Jack Queen

Law360 (December 10, 2019, 3:40 PM EST) -- Christine Haskett of Covington & Burling LLP's San Francisco office won a \$35.5 million jury verdict for an aluminum company and unlocked insurance proceeds for the former owners of a talc mining company caught in a high-stakes bankruptcy, earning her a spot among Law360's 2019 Insurance MVPs.

HER BIGGEST ACCOMPLISHMENT THIS YEAR:

In July, Haskett scored a near-total trial victory for defunct aluminum company Noranda, securing \$35.5 million in business interruption coverage for a pair of accidents at an aluminum smelter in Missouri that happened amid a trough in the metals market.

There was no question that the accidents were covered, Haskett told Law360. But insurers including Factory Mutual Insurance, XL Insurance America and Liberty Mutual Fire Insurance argued that the smelter was struggling and headed for the auction block anyway.

"In essence they were saying there was no lost business because the company was going to go out of business regardless," Haskett said. "We argued that, no, the company would not have gone out of business regardless, it went out of business because of the accident and therefore there should be insurance coverage. And we were able to show the jury that was the case."

The jury in Delaware awarded Noranda nearly \$14.8 million for losses tied to a 2015 explosion at the plant and more than \$20.7 million for losses stemming from a 2016 equipment breakdown. Covington said the \$35.5 million total was 95% of what the company had asked for.

HER PROUDEST MOMENT THIS YEAR:

The critical issue heading into the Noranda trial boiled down to how much of the company's losses could be attributed to the two accidents rather than simply a downturn in business. The insurers enlisted a forensic accountant who was prepared to give an expert opinion that the plant would have been underwater regardless.

The MVP logo consists of the letters 'MVP' in a bold, blue, sans-serif font. The letter 'V' is partially enclosed by a red circle with an arrow pointing upwards and to the right, suggesting a 'V' for victory or a 'V' that is being highlighted.

Christine Haskett
Covington

"He essentially said this plant was losing money, and then you had this accident, so you didn't really lose anything," Haskett said. "He put in an expert opinion that was based on a methodology that we did not think made any sense and we thought was pretty illogical."

Haskett cross-examined the expert before a judge, dismantling his methodology and forcing him to submit a new opinion based on a different accounting paradigm. While the expert still concluded Noranda wasn't entitled to recover, Haskett said the new opinion was less favorable to the insurers.

"That was a personal point of pride for me," she said. "I was able to wade into a very specialized, technical area that is not my area of expertise and was able to get up to speed, learn the material, understand the way this was all working and explain to the judge why the expert's methodology should not go to the jury."

HER BIGGEST CHALLENGE THIS YEAR:

Haskett is representing Cyprus Mines Corp., the former owner of defunct Johnson & Johnson talc supplier Imerys Talc America, amid Imerys' Chapter 11 bankruptcy proceedings in Delaware. In the fight over who is entitled to former Cyprus insurance policies covering asbestos litigation, Haskett has had to learn the ropes in a unique venue.

"I had a crash course of sorts on bankruptcy laws and procedures," she said. "I am sort of in the center of it all because it revolves around insurance issues, but it's in a forum that's less familiar to me ... It's been a fantastic learning experience, and I've really enjoyed learning how these proceedings work."

Decades of insurance policies were on the line as Cyprus asked the court to grant it emergency access to the funds, which it needs to fend off mesothelioma litigation while Imerys' bankruptcy grinds on. In late March, a federal judge granted Cyprus access to the policies.

WHY SHE IS AN INSURANCE ATTORNEY:

Haskett worked as a process engineer for Shell Oil before taking up law. She said insurance allows her to tap that experience and her background in chemical engineering, adding another layer of intellectual stimulation to the law.

"I do a lot of first-party insurance cases that involve explosions and rebuilds of manufacturing facilities and those types of things, and having a technical background — a chemistry background, an engineering background — is incredibly useful in those kinds of cases," she said. "I really enjoy those cases where I'm working with engineers on technical concepts and drawing on my past experience."

Insurance law also gives Haskett plenty of opportunities to argue cases before juries, judges and arbitrators. Litigating big-money disputes is something that has kept her coming back.

"The cases I work on are high stakes," said Haskett. "There's a lot of money involved, and a lot of times the insurance companies are really wedded to their positions. But our clients are right, and they know they are right, so we take it to trial."

HER ADVICE FOR JUNIOR ATTORNEYS:

When she started out as an attorney, Haskett said, she didn't fit what she thought was the profile of a trial attorney. Since then, she's carved out a courtroom style that has served her well, and she encourages young attorneys to do the same.

"I think it's really important for junior lawyers to find something they enjoy, that they are passionate about and that they're good at, and just pursue it even if they think that they don't quite fit the traditional profile for someone who ought to be doing that kind of work," she said. "They should still chase after it because they will find a way to make it work for them."

— *As told to Jack Queen*

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2019 MVP winners after reviewing nearly 900 submissions.