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Q&A With Foley & Lardner's Gordon Davenport III

Law360, New York (June 02, 2009) -- Gordon Davenport III is a partner in the Madison, Wis., office of Foley & Lardner LLP and chair of the firm's insurance and reinsurance litigation practice. He is also a member of the general commercial litigation practice and insurance industry team.

Davenport has represented clients in commercial litigation and insurance matters including national class actions, insurance coverage disputes, broker liability cases and insurance distribution and sales practices matters.

Q: What is the most challenging case you've worked on, and why?

A: I find class actions particularly challenging, because of the high stakes and complex strategies they involve. There is great pressure to achieve the best possible result for the client, because the consequences of a bad result can be devastating.

Devising a winning strategy requires creative thinking and difficult judgment calls, both of which I enjoy.

Q: What accomplishment as an attorney are you most proud of?

A: The case of which I am most proud has nothing to do with insurance. Working with the Wisconsin Innocence Project, we freed a man who had been imprisoned for 12 years after being wrongfully convicted of a murder he did not commit.

We used newly discovered DNA evidence to secure his release. Having that man walk out of the prison into the arms of his family was one of the most gratifying events of my career.

Q: What aspects of law in your practice area are in need of reform, and why?

A: We need a faster and more cost-effective way to resolve insurance disputes. Traditional litigation takes too long and costs too much, and in many courts it is difficult to get a timely ruling.

This creates hardships for both insurers and insureds, particularly where there is an underlying lawsuit as to which a determination of coverage is needed.

Arbitration is not the answer, in my view, for a variety of reasons. I prefer court litigation, but we need streamlined procedures that require prompt completion of discovery, followed by a timely ruling.

Q: Where do you see the next wave of cases in your practice area coming from?

A: Without question, we will see a surge in insurance disputes relating to the credit crisis and economic downturn. This will affect both traditional insurance and reinsurance, particularly with respect to executive risk coverages.

Q: Outside your own firm, name one lawyer who's impressed you and tell us why.

A: I handled a major class action before a state court judge in a tiny town in Idaho. It took multiple flights plus a long drive through the mountains to get to his courthouse. But once there, I was privileged to encounter some of the finest judging I have ever experienced.

This small-town judge had a tremendously sharp legal mind and a real talent for recognizing the key issues. My impressions of this judge may be colored by the fact that he ruled my way on most of the issues, but I am confident I would feel the same even if it had gone the other way.

It just goes to show, the best judges are not always found in the big cities or on the most prominent courts.

Q: What advice would you give to a young lawyer interested in getting into your practice area?

A: Learn to be a trial lawyer before you attempt to become an insurance litigator.

Try some cases, any cases. Only by doing that will you be able to understand how all the pieces of a case come together, and how the judgments you make before trial affect the outcome.

Once you know how to take a case all the way through trial, then you can learn about insurance and apply your trial skills to insurance cases.

You must know insurance to be an insurance litigator, but if you aren't a trial lawyer first, you will never be a lawyer that clients trust to go the distance with their insurance disputes.