

Rising Star: Simpson Thacher's Bryce Friedman

By **Martin Bricketto**

Law360, New York (March 28, 2011) -- Bryce Friedman of Simpson Thacher & Bartlett LLP won a dismissal for The Standard Fire Insurance Co. in whistleblower litigation following Hurricane Katrina and secured a favorable settlement for several Chartis insurers over diacetyl claims, earning him a place among Law360's list of five insurance lawyers under 40 to watch.

Friedman, 38, says he is drawn to complex litigation, as evidenced by his wide-ranging work on behalf of major casualty insurers, auto insurers, life insurers and others.

"I like opportunities to figure out new solutions to new problems or even a new solution to a very old problem," said Friedman, who works out of the firm's New York office. He joined Simpson Thacher in 1999 and became a partner in 2006.

Barry R. Ostrager, a senior litigation partner at the firm, said it was apparent from the start that Friedman "would be a star," describing him as analytically gifted and a superb strategist.

"Happily, Bryce took an interest in the firm's insurance practice and he has been a committed and effective mainstay of our insurance practice, obtaining consistently excellent results and becoming a trusted counselor to many of our most important clients," Ostrager said.

Friedman jokes that being a younger partner has gotten easier since he developed some gray hairs, but he credits his success to the guidance of people who have practiced in insurance for decades and helped form what has become modern insurance law.

Friedman added that the initial instinct for companies involved in high stakes litigation in which jobs and livelihoods are on the line may be to go with more senior people, but that can be overcome by really knowing their business.

“I think that once you develop or demonstrate a knowledge of the business and give them a reason to trust you, age no longer becomes important,” Friedman said, adding that he enjoys the pressure, scrutiny and time demands of working under a client's senior management.

Friedman was lead trial counsel for The Standard Fire Insurance Co. in a False Claims Act case in the U.S. District Court for the Eastern District of Louisiana, in which it and other insurers battled fraud claims related to the federal government's National Flood Insurance Program.

The plaintiff, purported whistleblower Branch Consultants LLC, had accused the companies of overstating the amount of flood damage covered by NFIP policies following Hurricane Katrina. Judge Sarah S. Vance in January granted summary judgment to Standard Fire and other defendants in the case following years of litigation.

Friedman drafted the winning dispositive motion on behalf of all defendants and was also tapped to argue it, the firm said.

Friedman, who also argued on behalf of all the defendants in the U.S. Court of Appeals for the Fifth Circuit during an earlier stage of the dispute, said the case was a great example of the ups and downs of litigation.

He added that the case underscored the importance of “winning the judge.”

“Judges can become skeptical of the big guy,” Friedman said. “You have to win the judge or win the fact finder and put the white hat on your client. You need to show the court your client has done the right thing.”

Friedman also represented National Union Fire Insurance Co. and other Chartis Insurers in a coverage dispute with Chemtura Corp. over respiratory disease claims involving the buttered popcorn flavoring component diacetyl.

Chemtura, which filed for bankruptcy in 2009, had been demanding hundreds of millions of dollars from National Union and affiliated companies over such claims.

After Friedman was tapped as counsel in January 2010, the insurers went after a foreign affiliate of Chemtura in New York Supreme Court and then proceeded to work toward a resolution through fast track litigation in state, federal and bankruptcy court.

The insurers eventually reached a favorable settlement with Chemtura at a fraction of the initial claim, and the deal was approved in U.S. Bankruptcy Court for the Southern District of New York in September.

And big cases continue make their way to Friedman. For example, the City of New York tapped him as lead trial counsel in January to defend it against the U.S. Attorney for the Southern District of New York's claims that it overcharged Medicaid through improper home health care services.

Mary Beth Forshaw, a partner in the firm's litigation department, said Friedman is “different than the average insurance lawyer you run across.”

“He knows the industry, he's not merely a coverage lawyer,” Forshaw said. “He has represented the industry in every manner of dispute, from regulatory disputes, to doing internal investigations, to handling litigation related to claims-handling practices, plus coverage.”

Friedman said younger attorneys should work to build relationships inside and outside the firm.

“You want to work hard and always see the forest from the trees. Those are the things that clients are paying for,” Friedman said.

--Editing by Eydie Cubarrubia.

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