

MVP: Gibson Dunn's Deborah Stein

By Hope Patti

Law360 (September 13, 2022, 2:02 PM EDT) -- Deborah Stein of Gibson Dunn & Crutcher LLP successfully defended Mutual of Enumclaw in a closely watched COVID-19 coverage dispute before the Washington Supreme Court while also litigating numerous other important insurance disputes, earning her a spot among Law360's 2022 Insurance MVPs.

HER PROUDEST ACCOMPLISHMENT IN THE PAST YEAR:

The Washington Supreme Court unanimously held in August that Mutual of Enumclaw Insurance Co. was not obligated to provide coverage to a pediatric dental practice for its pandemic-related losses.

Securing a win for the insurer in a putative class action brought by Hill and Stout PLLC is among Stein's greatest achievements this year.

"The case attracted interest from all over the country," Stein said. "The Ninth Circuit stayed its Washington COVID-19 insurance cases to see what the Washington Supreme Court was going to say, so there was a lot on the line there."

After granting a request for direct review — which Stein said is very uncommon — the justices affirmed a lower court's summary judgment against Hill and Stout, finding its slowdown in operations due to government shutdown orders didn't constitute direct physical loss to trigger coverage under the Mutual of Enumclaw policy.

"For me, it was very gratifying because it really wasn't just my accomplishment," she said. "It was the result of the great work of a very collaborative and talented team."

Working as a team and being able to collaborate with colleagues is one of the things that Stein loves most about her practice. It's also the reason the Washington high court win stands out, she said, adding that she's very proud when a team can come together and deliver good results for a client.

HER BIGGEST CHALLENGE IN THE PAST YEAR:

While Stein's victory at the Washington Supreme Court was her biggest accomplishment, the case was



also her biggest challenge this year.

Prior to Mutual of Enumclaw's summary judgment win, Stein said a different judge incorrectly issued an order on a motion to dismiss.

"We came into the case with a negative decision there already and had to turn it around," Stein said, which she and the team were able to do with the right strategy and evidence.

"That was certainly a meaningful challenge that I faced this year and probably one of the reasons why the outcome at the [Washington] Supreme Court felt extra sweet," she added.

OTHER NOTABLE CASES SHE'S WORKED ON:

A privacy action brought against Berkshire Hathaway Homestate Insurance Co. and Cypress Insurance Co. was another significant case for Stein this year.

Plaintiffs in a putative class action alleged the insurers unlawfully accessed a database of litigation files concerning workers' compensation claims and attempted to use trespass to chattels as a privacy cause of action, according to Stein.

"The California Court of Appeal issued a published decision that basically regrounded trespass to chattels in property law and said that it's not a privacy cause of action," Stein said. "That was a really important decision that was issued ... and I think is going to be frequently cited in that space."

WHY SHE'S AN INSURANCE ATTORNEY:

Stein, who has been representing insurers for over two decades, said her interest in insurance law happened organically when she was just starting out in her career.

"I ended up working on a lot of insurance-related cases, and I found them really interesting," she said. "There were so many different aspects of law that came into play. I also really just liked the partners I was working with. They were really great litigators and I learned so much from them."

The best part about being an insurance attorney, according to Stein, is that she is able to represent insurance companies in different types of cases.

Her experience extends beyond coverage disputes with policyholders and includes representing carriers in class actions, privacy actions, commercial disputes and more.

The diversity of practice keeps things interesting, Stein said, and it has also allowed her to better understand the insurance industry as a whole.

"Insurance companies get sued for more than just coverage," she said. "When you know your clients well and you know the industry well, you get called in to help them in a variety of different types of litigation. That's one of the reasons why it always keeps things interesting."

HER ADVICE FOR JUNIOR ATTORNEYS:

Stein encourages attorneys who are early in their career to dig into the details of everything they work on and learn as much as possible.

"The most important thing is to learn the facts of the case because you make yourself invaluable when

you master the facts," she said.

It is also important for younger attorneys to participate in discussions and lend a helping hand.

"I think when associates do that they find that they get more responsibility and they figure out what drives them," Stein said. "And it really just makes the job a lot more fun."

— *As told to Hope Patti.*

Law360's MVPs of the Year 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 2022 MVP winners after reviewing more than 900 submissions.

All Content © 2003-2022, Portfolio Media, Inc.