

BIRMINGHAM

## Michael D. Mulvaney

SHAREHOLDER



### Michael's Profile

Michael is a Shareholder and member of Maynard Cooper's Litigation Section and its Insurance and Financial Services Practice group. Attorney, speaker, and storyteller, Michael has been called on as lead trial counsel since he was a senior associate – hired at the outset of cases – or developing his niche – parachuting into cases in every tort hell jurisdiction in the United States for his clients since the early 1990s. He has been involved in litigation in such jurisdictions including New York, California, Alaska, Florida, Texas, West Virginia, and 14 other states.

Michael's reputation as a litigator extends nationwide and has earned him top recognition among his peers and clients. He has been consistently distinguished as a Leading Litigator by Chambers USA: America's Leading Lawyers for Business every year since 2009, and he is also recognized in The Best Lawyers in America® and Mid-South Super Lawyers in numerous litigation fields including Insurance Law and Class Actions/Mass Torts. Corporate Counsel named him "One of America's Top Lawyers."

"Michael is a go-to...has a terrific trial presence and great skills in the courtroom. " - Client Testimonial

### Michael's Experience

Michael's courtroom experience is significant and diverse.

- Michael has obtained complete defense verdicts in fraud and bad faith cases in bet-the-company cases for a dozen companies in literally the most dangerous punitive damage jurisdictions in the United States, including Southern California state court, West Virginia state court, Mississippi state court, Alabama state court and Texas state court, and others. In 2017, after a 3-week jury trial in San Diego California, Michael obtained a complete defense verdict in a bet the company bad faith insurance case with huge potential impact on one of the most contested issues in the industry.
- In 2018 Michael defended a state court bad faith case in a 2-week

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trial that resulted in a jury verdict refusing to find bad faith and awarding zero damages after the plaintiff company requested consequential and punitive damages for bad faith exceeding nine figures. The jury returned a verdict finding no bad faith and refusing any consequential or punitive damages.

- Michael is lead counsel handling claims brought by over 50 plaintiffs in California courts against insurers resulting from California Wildfires.
- In 2017, after a 3-week jury trial in San Diego California, Michael obtained a complete defense verdict in a bet the company bad faith insurance case with huge potential impact on one of the most contested issues in the industry.
- In 2017, Michael secured a summary judgment in a multi-million dollar tower/excess layer liability case pending in the usually plaintiff-friendly venue of Dallas Texas state court.
- In 2016, he argued before the Second Circuit Court of Appeals in New York and secured affirmance of a groundbreaking dismissal of a putative class action defeating allegations of exposure in excess of \$100 million.
- In 2016, Michael successfully defended a high exposure D&O coverage case before Judge David Carter in the Southern District of California.
- In 2015, obtained a complete defense victory in a multi-week jury trial on bad faith claims involving issues of employee theft coverage in a \$50 million damages claim in California Superior Court – Orange County.
- When on the other side of the "V," as a commercial plaintiff's counsel, Michael has had record-setting verdicts and resolutions for his corporate clients, including:
  - Lead trial counsel in securing a settlement in excess of \$125 million in a commercial fraud dispute for one of the firms longstanding clients.
  - Recently obtained \$13 million verdict after a three-week trial, argued and secured the verdict on appeal to the state Supreme Court, in a precedent-setting commercial dispute.
  - Obtained eight figure resolution for the law firm's longest-standing commercial client resulting from fraud in the sale and acquisition of emerging technology companies.
- Obtained summary judgment for insurer in Fidelity/Crime coverage and bad faith case defending claimed damages of \$60 million. Affirmed by Eleventh Circuit Court of Appeals in 2011.
- In 2011, Michael obtained summary judgment in a \$10 million suicide case in Nevada.
- He and his firm serve as national trial counsel and national class action counsel for several companies in their IRS §412 [i] and §419 (A) (F) (6), and VEBA litigation.
- He was also in the forefront of industry-changing litigation involving Stranger Owned Life Insurance and premium finance cases. He has obtained summary judgments in STOLI cases in Colorado, Georgia, and California.
- He served as lead counsel in securing the global resolution of over 10,000 class action opt-out claims over a three year period for

several different Fortune 100 insurers and financial service companies relating to pending and threatened opt-out litigation in jurisdictions throughout the United States.

- Michael is routinely engaged as lead counsel in the trial of high profile insurance, bad faith and coverage cases relating to Life Insurance, P&C, Reinsurance, D&O and Fidelity in dangerous punitive damage verdict venues regionally and nationally. He serves as the National Trial Counsel for several of the largest insurance companies and financial service companies in the United States. He has served as lead trial counsel for AIG/American General domestic life insurance companies, AXA Equitable Life Insurance Company, US Life Insurance Company, Hartford Life and Fire Insurance, USAA, CNA, Old Line Insurance Company, West Coast Life Insurance Company, FIC Insurance Group, One America Securities, Investors Life Insurance Company, American United Life Insurance Company, New York Life Insurance Company and the Principal Life Insurance Company.

## Michael's Awards

- Chambers USA, Leading Practitioner in Litigation: General Commercial (2009-present)
- Super Lawyers "Top 50 Lawyers in Alabama" (2018)
- The Best Lawyers in America® for Insurance Law (2007 - present)
- Mid-South Super Lawyers for Insurance Coverage (2016-present)
- Alabama Super Lawyers for Insurance Coverage, Personal Injury Defense: Products, Class Action/Mass Torts (2008-2015)
- Named "Top Insurance Lawyer" by Birmingham Magazine (2011)
- Named "One of America's Top Lawyers®" by Corporate Counsel
- Martindale-Hubbell AV® Preeminent Rating
- American College of Trial Lawyers Award



## Bar Admissions

State Bar: Alabama, Mississippi, Tennessee

U.S. District Court: Alabama (Northern, Middle, Southern), Mississippi (Northern, Southern)

U.S. Court of Appeals: Second Circuit, Fifth Circuit, Eleventh Circuit

## Education

- University of Alabama School of Law
  - (J.D., Alabama Law Review, Senior Editor; American College of Trial Lawyers Award; Association of Trial Lawyers Trial

Advocacy National Champion)

- Auburn University
  - (B.A.)