



## Emily S. Hart

Of Counsel



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Emily represents insurers in litigation involving professional liability, director and officer liability, and transactional liability insurance issues before state and federal courts and arbitration tribunals nationwide. Emily also advises and serves as monitoring counsel for insurers in connection with directors and officers and other professional liability policies.

### Representative Matters

- Obtained judgment on the pleadings for professional liability insurer that no coverage was available for a lawsuit filed against an insured law firm under a claims made policy because the lawsuit was served on the law firm's registered agent prior to the effective date of the policy and therefore did not constitute a claim first made during the policy period under the plain language of the policy. *DC Capital Law Firm, LLP v. The Hanover Ins. Co.*, 9:22-cv-80512 (S.D. Fla. Nov. 15, 2022).
- Obtained an arbitration award following a five-day evidentiary hearing in November 2019 determining that a major corporation was not entitled to coverage under a directors and officers liability policy.
- Obtained affirmance by the Second Circuit that no coverage was available under a lawyers professional liability policy for a lawsuit seeking recovery of disputed legal fees because the relief sought did not constitute covered "damages" and the insured was not performing "legal services." *Continental Cas. Co. v. Parnoff*, 2019 WL 6999867 (2d Cir. Dec. 20, 2019).
- Successfully represented cyber insurer before state insurance regulatory agency concerning prior knowledge exclusion,

### Practice Areas

Insurance

Litigation

D&O and Financial Institution Liability

E&O for Lawyers, Accountants and Other Professionals

Technology & Media E&O

### Credentials

#### Education

J.D., with honors, The George Washington University Law School

B.S.F.S., *cum laude*, Georgetown University

#### Law Journals

Managing Editor, *The George Washington Law Review*

#### Bar and Court Memberships

California Bar

District of Columbia Bar

Virginia Bar

U.S. Courts of Appeals for the First and Second Circuits

U.S. District Courts for the District of Columbia, Northern District of California, Central District of California, and Southern District of Indiana

#### Certifications

Legal Lean Sigma Institute (LLSI) White Belt

obtaining rulings in insurer's favor on claims for breach of contract and bad faith.

- Represents insurers at all levels of complex coverage disputes, including mediation, trial, and appellate levels.
- Advises insurers on coverage in civil litigation matters, including securities and derivative actions, corporate litigation, lawsuits by government agencies, and bankruptcy and receivership actions.
- Filed several *amicus curiae* briefs on behalf of a *pro bono* client before the Supreme Court of the United States concerning Tenth Amendment, federalism, and Commerce Clause issues.

## Professional Experience

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- E-Discovery Legal Intern, U.S. Department of Justice, Civil Division, Office of FOIA, Records, and E-Discovery (2014)
- Judicial Intern, The Honorable Marvin J. Garbis, U.S. District Court for the District of Maryland (2013)
- Public Policy Intern, The Constitution Project (2009-2010)

## Affiliations

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- Diversity Vice Chair, Professional Liability Insurance Committee, Tort Trial & Insurance Practice Section, American Bar Association (ABA)
- Professional Liability Underwriting Society (PLUS)

## Recognitions

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- Included in *The Best Lawyers of America* directory of "Ones to Watch" for Insurance Law (2024-2025)