

## Jill B. Berkeley

Of Counsel | Insurance Policyholder

### OVERVIEW

Jill formerly chaired the firm's Insurance Policyholder practice group, and remains an active member of the group. She represents policyholders and claimants in insurance coverage disputes involving toxic torts and hazardous wastes, environmental pollution, construction, products liability, intellectual property, first-party property, business interruption and excess liability matters.

In addition to her robust litigation practice, Jill provides counsel on clients' development of proactive risk management strategies, and she frequently serves as an arbitrator, mediator, and expert witness in a variety of disputes involving insurance coverage. She has served on the American Arbitration Association's Commercial Arbitration panel for over ten years. She also counsels businesses and professionals in connection with all types of insurance policies, including directors' and officers' and professional liability, commercial general liability, first-party property and builder's risk, and personal and advertising injury liability.

Jill represents a diverse group of clients all over the country that face complex insurance coverage challenges as part of their everyday risk management strategy, including utility and energy providers, general contractors, manufacturers, professional service providers, financial institutions, transportation companies, real estate developers and many more. She frequently collaborates with plaintiff and defense attorneys who value her exceptional experience in communicating with insurance providers and resolving tort and commercial litigation matters involving sophisticated coverage issues.



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### EDUCATION

Northwestern Pritzker School of Law  
(J.D., 1975)

University of Michigan (B.A., 1972),  
with honors and high distinction, Phi  
Beta Kappa

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### ADMISSIONS

Illinois

A creative problem solver and effective negotiator who excels at incentivizing insurance providers to implement her clients' objectives, Jill prides herself on being a trusted advisor no matter what needs and challenges her clients face with respect to the shifting insurance coverage landscape.

## EXPERIENCE

Jill's representative experience includes:

- *Sentry Insurance v. Continental Cas. Co., et al.*, 2017 IL App (1st) 161785, affirming *Sentry Insurance v. Northwestern Medical Faculty Foundation, et al.*, 2016 WL 3566332 (Ill.Cir.Ct. 5/19/2016) Court granted motion to stay insurer's attempt to extinguish duty to defend through use of extrinsic evidence.
- *Sentry Insurance v. Northwestern Medical Faculty Foundation, et al.*, 2016 WL 3566332 (Ill.Cir.Ct. 5/19/2016) Court granted motion to stay insurer's attempt to extinguish duty to defend through use of extrinsic evidence.
- *Cincinnati Ins. Co. v. Blue Cab Taxi Co.*, 2015 U.S. Dist. LEXIS 408955 (N.D. Ill. 3/31/15) Court found settlement between plaintiff and insured was covered, but held reasonableness was a question of fact.
- *Union Elec. Co. v. Energy Ins. Mut., Ltd.*, 689 F.3d 968 (8th Cir. (Mo.) 2012) Court reversed dismissal of suit seeking reimbursement of \$30 million payment to State of Missouri for environmental remediation holding Missouri public policy may void arbitration clause.
- *Union Elec. Co. v. Aegis Energy Syndicate 1225*, 713 F.3d 366 (8th Cir. (Mo.) 2013), affirming 2012 U.S. Dist. LEXIS 119584 (E.D. of Mo. 8/23/12) Court denied motion to compel arbitration on basis of policy provision agreeing to submit to Missouri courts.
- *Fox v. Will County, et al.*, 2012 U.S. Dist. LEXIS 115255 (N.D. Ill. 8/15/12) Obtained ruling that Section 1983 attorney award constitutes damages in excess following form policy.
- *Omegaflex v. Pacific Employers Insurance Company*, Mass.App. No. 09-P-628 (11/16/10) Developed the strategy for obtaining recovery for defense costs incurred by product manufacturer in class action, in which threat of property damage was alleged.
- *American Economy Insurance Co. v. Holabird & Root*, 886 N.E. 2d 1166 (Ill. App. 2008) Obtained a ruling from the Illinois Appellate Court affirming additional insured coverage for an architect in a subcontractor's CGL policy.
- *Country Life Ins. Co. v. St. Paul Surplus Lines Ins. Co.*, 422 F. Supp. 2d 977 (C.D. Ill. 2006) Obtained a trial court ruling that an insurer's coverage counsel's files had to be produced because its counsel was acting as an adjuster.

- *Indemnity Insurance Company of North America v. Melton Truck Lines, Inc.*, 2004 WL 2034074 (N.D. Ill., 9/7/04) Obtained dismissal of declaratory judgment in favor of a prior pending policyholder complaint in another jurisdiction.
- *Utica Mutual Insurance Company v. The David Agency, et al.*, 327 F. Supp. 2d 922 (N.D. Ill. 2004) Obtained a ruling from the Northern District of Illinois applying Illinois estoppel rules to a situation in which the insurer failed to disclose a conflict of interest.
- *Aetna Cas. & Sur. Co. v. O'Rourke Brothers, Inc.*, 776 N.E.2d 588 (Ill. App. 2002) Obtained a ruling from the Illinois Appellate Court on application of estoppel, number of occurrences and the duty to defend misrepresentation claims.
- *American States Ins. Co. v. Koloms*, 177 Ill. 2d 473, 479 N.E.2d 80 (1997) Obtained an appellate court ruling and wrote the briefs in the precedent-setting Illinois Supreme Court decision rejecting application of the absolute pollution exclusion to a release of carbon monoxide from a landlord's furnace.

In addition to the above reported cases, Jill is involved in the following matters.

- Representing professional service firms sued by Bankruptcy Trustees and others to secure funding from E&O insurers for settlements within policy limits of claims alleging breach of fiduciary duty, dishonest acts, fraud, and statutory violations in Chicago, downstate Illinois, Louisiana, Delaware, and Florida.
- Representing landowners, developers, and manufacturers to secure coverage as additional insureds or indemnitors for liability arising out of contractors' and subcontractors' work for personal injury and property damage suits brought by injured workers or third parties.
- Representing health care providers in securing coverage under E&O and Managed Care Liability policies for alleged class action suits arising from privacy claims, civil rights violations, and other statutory violations in Chicago, downstate Illinois, California, Florida, and Colorado.

## RECOGNITIONS

Year after year, leading industry publications and legal directories recognize Jill as a top attorney in her field. She is routinely recognized in *Chambers USA* in the top level in Illinois and nationally and currently has the status of Senior Statesperson. She is consistently ranked in *Lawdragon 3000*, *International Who's Who of Business Lawyers*, *International Who's Who of Insurance and Reinsurance Lawyers* (2008-present), *Best Lawyers of America* (2006-present), *Leading Lawyers of Illinois* (Top 100 Attorneys and Top 50 Leading Women Business Lawyers in Illinois), and *Illinois Super Lawyers* (Top 100 Attorneys and Top 50 Female Attorneys). She was also awarded Lawyer of the Year by *Best Lawyers* in the 2017, 2019 and 2021 editions. Jill has been named a "litigation star" for the state of Illinois in the 2014 edition of *Benchmark Litigation, The Guide to America's Leading Litigation Firms and Attorneys*.



In 2017, the ABA's Tort Trial & Insurance Practice Section (TIPS) Insurance Coverage Litigation Committee honored her with its first Lifetime Achievement Award in recognition of her contributions to the Committee and the Section.

In 2012, Jill was elected a Fellow of the newly-formed American College of Coverage Counsel (ACCC) in acknowledgment of achieving "the highest standards of creativity, ethics, efficiency and scholarship" in the profession. In 2014, she was invited to serve on the Board of Regents. In 2016, she received the *Thomas F. Segalla Service Award* in recognition of her dedication and service to ACCC.

In addition, *Business Insurance* named Jill to its list of the Top 80 Women to Watch in 2006 and she received the ABA's Andrew Hecker Memorial Award in 2005. She was featured in *Profiles in Diversity Journal's* annual "Company and Executive Women Worth Watching – 2012" edition. In 2012, she was named Top 25 U.S. Insurance and Reinsurance Attorneys in Expert Guide's *Guide to the World's Leading Women in Business Law*, the *Chicago Law Bulletin's* 2012 list of "Chicago Women in Law: Women Making an Impact. She was named in *Benchmark Litigation's* 250 Women in Litigation in 2012, 2013 and 2014.

## NEWS & INSIGHTS

### August 15, 2024 Firm News

60 Neal Gerber Eisenberg Attorneys Included in 2025 *Best Lawyers In America*

### June 6, 2024 Firm News

Neal Gerber Eisenberg Secures Nine Ranked Practice Groups and 23 Recognized Attorneys in *Chambers USA* 2024

### August 17, 2023 Firm News

55 Neal Gerber Eisenberg Attorneys Included in 2024 *Best Lawyers In America*

### June 1, 2023 Firm News

Neal Gerber Eisenberg Secures 10 Ranked Practice Groups and 25 Recognized Attorneys in *Chambers USA* 2023

### August 18, 2022 Firm News

60 Neal Gerber Eisenberg Attorneys Included in 2023 *Best Lawyers*

### August 9, 2022 Firm News

NGE Wins Insurance Coverage Victory for Client Sterigenics on Duty to Defend

### June 1, 2022 Firm News

Neal Gerber Eisenberg Secures 11 Ranked Practice Groups and 25 Recognized Attorneys in *Chambers USA* 2022

### March 2, 2022 Firm News

Jill Berkeley Recognized as a Global Elite Thought Leader by Who's Who Legal



**August 18, 2021 Firm News**

52 Neal Gerber Eisenberg Attorneys Included in 2022 Best Lawyers

**May 20, 2021 Firm News**

Neal Gerber Eisenberg Secures 11 Ranked Practice Groups and 20 Recognized Attorneys in Chambers USA 2021

**March 15, 2021 Video**

Insurance Case Law Index

**March 11, 2021 Firm News**

NGE Insurance Policyholder Group Shortlisted for *Chambers USA* Law Firm of the Year Award

**August 19, 2020 Firm News**

46 Neal Gerber Eisenberg Attorneys Included in 2021 Best Lawyers

**April 23, 2020 Firm News**

Neal Gerber Eisenberg Secures 10 Ranked Practice Groups and 16 Ranked Attorneys in Chambers USA 2020

**April 3, 2020 In The Media**

Jill Berkeley Guest Stars on NBA Podcast "Dunc'd On" with Nate Duncan to Discuss Insurance Coverage for Business Owners During COVID-19

**April 3, 2020 Publication**

Client Alert: Maximizing D&O Insurance for Coronavirus Shareholder Claims

**February 3, 2020 Firm News**

Illinois Super Lawyers 2020 Recognizes 39 Neal Gerber Eisenberg Attorneys

**November 26, 2019 Firm News**

Three Neal Gerber Eisenberg Women Litigators Selected for ABA 100 Women Who Inspire Us

**August 15, 2019 Firm News**

45 Neal Gerber Eisenberg Attorneys Included in 2020 Best Lawyers

**June 21, 2019 Publication**

Commercial and Professional Liability Insurance: Duty to Defend

**June 11, 2019 Firm News**

The Legal 500 USA Recommends Five Neal Gerber Eisenberg Practices and 19 Attorneys in the 2019 Edition

**April 25, 2019 Firm News**

Neal Gerber Eisenberg Secures 11 Ranked Practice Groups and 20 Recognized Attorneys in the Chambers USA 2019 Edition

**September 18, 2018 Event**

The Importance of Mentorship in the Legal Industry

**September 18, 2018 Event**

Defective Construction Claims: Why Do Illinois Courts Treat Construction Companies Like Criminals?



**September 18, 2018 Event**

Bad Faith Liability

**September 18, 2018 Event**

Coverage B: Personal Injury and Advertising Injury Liability Trend

**September 18, 2018 Event**

Bad Faith Cases and Mediation: How to Succeed, How to Fail

**September 18, 2018 Event**

Changes in Latitudes, Changes in Attitudes

**September 18, 2018 Event**

Extra Contractual Insurance Claims: When Good Faith Handling Misses the Mark or Implodes

**August 15, 2018 Firm News**

45 Neal Gerber Eisenberg Attorneys Included in 2019 Best Lawyers

**August 1, 2018 Publication**

To the Policy Limits and Beyond

**July 26, 2018 Publication**

Products Liability Consumer Class Action Claims: When Are They Covered by Insurance?

**July 26, 2018 Publication**

Coverage for Indemnity Claims in Illinois—Is That Indemnity Agreement You Just Drafted Really an “Insured Contract”?

**July 9, 2018 Firm News**

46 Neal Gerber Eisenberg Attorneys Included in 2016 Best Lawyers

**July 9, 2018 Firm News**

41 Neal Gerber Eisenberg Attorneys Listed in 2016 Illinois Super Lawyers

**July 9, 2018 Firm News**

Chambers USA Ranks 11 Neal Gerber Eisenberg Practice Groups and 20 Attorneys in the 2016 Edition

**July 9, 2018 Firm News**

45 Neal Gerber Eisenberg Attorneys Included in 2017 Best Lawyers

**July 6, 2018 Firm News**

American Bar Association’s Insurance Coverage Litigation Committee Honors Jill Berkeley with Lifetime Achievement Award

**July 6, 2018 Firm News**

Neal Gerber Eisenberg Secures Victory for Northwestern Medical Faculty Foundation Before Illinois Appellate Court

**July 6, 2018 Firm News**

Chambers USA Ranks 11 Neal Gerber Eisenberg Practice Groups and 21 Attorneys in the 2017 Edition



**July 6, 2018 Firm News**

44 Neal Gerber Eisenberg Attorneys Included in 2018 Best Lawyers

**June 26, 2018 Firm News**

The Legal 500 USA Recommends Four Neal Gerber Eisenberg Practices and 16 Attorneys in the 2018 Edition

**June 26, 2018 Firm News**

Neal Gerber Eisenberg Secures 11 Ranked Practice Groups and 26 Recognized Attorneys in the Chambers USA 2018 Edition

**June 26, 2018 Publication**

To the Policy Limits and Beyond