



## E. Ford Stephens

### *Partner*

Insurance  
Trials/Appeals/Alternative Dispute Resolution

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Ford Stephens is a partner in the firm's Litigation department. His practice focuses on insurance law, appeals and commercial litigation. Mr. Stephens has engaged in a wide spectrum of insurance litigation, including coverage disputes, individual and group benefit claims, bad faith, life and disability claims, accidental death, policy rescission and cancellation, agent conduct, and ERISA. He represents clients from both the private and public sectors in a diverse range of commercial disputes, has handled appeals in federal and state courts in Virginia, and has appellate experience in other jurisdictions as well.

Mr. Stephens is a member of the firm's Executive Committee, and has been active in bar leadership, formerly serving on the board of the Virginia Law Foundation as chair of its committee on Continuing Legal Education. He is a frequent lecturer on insurance and other topics at both national and statewide seminars, and is a contributing author to American Bar Association publications on ERISA and misrepresentations in the life, health and disability insurance application process, and several DRI publications.

### **Representative Insurance Litigation and Insurance Coverage Matters**

- Representation of insurers in coverage litigation involving CGL policies, homeowners' policies, surplus lines policies, auto and UM/UIM policies, umbrella policies, workers' compensation and classification endorsements.
- Advice on environmental liability insurance and D&O coverage issues.
- Defense of insurers and claims fiduciaries in ERISA litigation involving life, health and disability coverages.
- Representation of insurers in various types of accidental death claims, including deaths involving DUIs and acute alcoholism, in both state and federal court.
- Asserted misrepresentation as grounds for rescission of several types of insurance policies and in a variety of fact situations.
- Defense of insurers on claims involving allegations of bad faith.
- Representation of insurers relating to agent conduct in federal and state courts.

### **Representative Virginia Appellate Litigation**

- Oral arguments in more than a half dozen appeals before the U.S. Court of Appeals for the Fourth Circuit, and briefed more.
- Argument before the Fourth Circuit on UM/UIM coverage in a commercial policy.
- Argument before the Supreme Court of Virginia on a trial court's finding of no coverage under an all-risk policy.
- Argued to uphold a district court's finding that a life insurance policy was void because of material misrepresentations in the application.
- Argument before both the Fourth Circuit and the Supreme Court of Virginia on an appeal regarding whether an insured had applied for, or consented to the issuance of, a policy.
- Presentation of oral arguments in products liability cases on appeal.
- Argued appeals involving a public nursing home, privileges at a public hospital and Medicaid reimbursements.

### **Representative Commercial Litigation**

- Assertion of claims on behalf of an EMT agency for unpaid fees.
- Representation of clients in various contract claims.
- Representation of the Commonwealth in mandamus proceedings involving courthouses.

### **EDUCATION**

**University of Virginia, J.D.**, 1986

**University of Virginia, B.A.**, 1983, with distinction

### **ADMISSIONS**

Virginia

Supreme Court of Virginia

U.S. District Court for the Eastern District of Virginia

U.S. District Court for the Western District of Virginia

U.S. Court of Appeals for the Fourth Circuit

U.S. Supreme Court

### **RECOGNITIONS**

#### **• Martindale-Hubbell**

AV Preeminent<sup>®</sup> Peer Review Rated

#### **• The Fellows of the American Bar Foundation**

Life Fellow

#### **• The Fellows of the Virginia Law Foundation**

Class of 2011

#### **• *The Best Lawyers in America*<sup>®</sup>**

Insurance Law, Litigation-Insurance, 2015-2022

#### **• Virginia Super Lawyers**

Insurance Coverage, 2013-2022

Business Litigation, 2010-2012

#### **• Legal Elite (*Virginia Business*)**

Legal Services/Pro Bono, 2006, 2008, 2013

Alternative Dispute Resolution, 2011

## PUBLICATIONS/PRESENTATIONS

- Contributing author, American Bar Association's publication, *ERISA Survey of Federal Circuits*, 2020 (also 2005, 2007, 2010, 2012, 2014 and 2018)
- Seminar co-presenter, DRI's Boot Camp for New Life, Health and Disability Lawyers, 2019
- Contributing author, DRI's *Insurance Policy Rescission Compendium*, 2018
- Seminar co-presenter, DRI's Boot Camp for New Life, Health and Disability Lawyers, 2017
- Seminar co-presenter, "Accidental Death and Dismemberment Update," DRI's Life, Health, Disability and ERISA Claims Seminar, 2017
- Seminar co-presenter, Eastern Claims Conference, 2017
- Seminar co-presenter, Eastern Claims Conference, 2016
- Contributing author, American Bar Association's publication, *Misrepresentation in the Life, Health and Disability Insurance Application Process: A National Survey*, 2009 and 2015
- Seminar presenter, DRI's Boot Camp for New Life, Health and Disability Lawyers, 2015
- Seminar co-presenter, Eastern Claims Conference, 2015
- Seminar co-presenter, "Protecting the Attorney-Client Privilege," DRI's Life, Health, Disability and ERISA Claims Seminar, 2014
- Regional editor and contributing author, DRI's *Writing a Reservation of Rights: A North American Compendium*, 2014
- Seminar co-presenter, Eastern Claims Conference, 2014
- "Statutory Interpleader in Federal Court—A Cure for Conflicting Claims," *IADC Insurance and Reinsurance Newsletter*, January 2014
- Co-author, "Avoiding the Pitfalls of Writing a Reservation of Rights in an Unfamiliar State," *The Voice*, November 2013
- Seminar co-presenter, "Life Insurance Basics," DRI's Boot Camp for New Life, Health and Disability Lawyers, 2013
- Seminar co-presenter, Eastern Claims Conference, 2013
- Seminar co-presenter, "Current Procedural Strategies and Issues in Coverage Litigation," DRI's Insurance Coverage and Practice Symposium, 2012
- "The Vexation of Conflicting Claims: Rule and Statutory Interpleaders in Federal Court," *For the Defense*, October 2012
- Seminar co-presenter, Eastern Claims Conference, 2012
- Seminar co-presenter, 38<sup>th</sup> Annual TIPS Midwinter Symposium on Insurance and Employee Benefits, 2012
- Contributing author, DRI's *Excess and Umbrella Insurance State-by-State Compendium*, 2011
- Contributing author, *DRI Removal Deskbook—Getting Your Case to Federal Court*, 2011
- Seminar co-presenter, "Accidental Death Claims: Illness vs. Accident, Medical Mishaps and Drug Overdose," Eastern Claims Conference, 2011
- Seminar co-presenter, "Murder, Mayhem and Misery," 37<sup>th</sup> Annual TIPS Midwinter Symposium on Insurance and Employee Benefits, 2011
- Seminar co-presenter, "Insurance: Coverage, Claims and Contracts," Virginia Bar Association's 12<sup>th</sup> Annual Corporate Counsel Fall Forum, 2010
- Seminar co-presenter, "An Insured's Death or Injury in a DUI—Is it an Accident for Purposes of Insurance Coverage?" Eastern Claims Conference, 2010
- Seminar co-presenter, "Taking it up on Appeal – Litigating in the Fourth Circuit," Virginia CLE, 2009
- E. Ford Stephens and Noelle M. James, "Coverage Within the Ivy Walls: Select Insurance Issues Involving College Students," *For The Defense*, May 2009

- Seminar paper and presentation, DRI's Life, Health, Disability and ERISA Claims Seminar, 2009
- Seminar co-presenter, "Myth or Reality – Drunk Driving Fatalities are 'Accidental' for Accidental Death Insurance," West LegalWorks, 2009
- Seminar paper and presentation, DRI's Life, Health, Disability and ERISA Claims Seminar, 2006
- Seminar faculty, The 24<sup>th</sup> National Regulatory Conference, 2006
- Seminar paper and presentation, Annual Meeting of the Virginia Association of Defense Attorneys, 2004
- Seminar faculty, 34<sup>th</sup> Annual Advanced Business Law Seminar, Virginia CLE, 2003
- Facilitator, ALPS/VSB Risk Management Seminars; 2002–2005, 2007

#### PROFESSIONAL AFFILIATIONS

- **American College of Coverage Counsel**

Fellow

- **Defense Research Institute**

National Director, Board of Directors, 2019-present

Membership Committee, 2017-present

Insurance Roundtable Steering Committee, 2016-present; Chair, 2021-present; Vice Chair, 2019-2021

Life, Health and Disability Committee, Chair, 2014-2016; Vice Chair, 2012-2014; Program Chair, 2011

Insurance Law Committee

Appellate Advocacy Committee

- **American Bar Association**

Tort Trial and Insurance Practice Section

- **Association of Life Insurance Counsel**

- **International Association of Defense Counsel**

- **Virginia State Bar**

Appellate Practice Committee of the Litigation Section

Special Committee on Lawyer Malpractice Insurance, Former Member

Litigation Section, Young Lawyer's Committee, Former Member

- **Virginia Law Foundation**

Former Chair, Committee on Continuing Legal Education, which oversees the non-profit educational division of the Virginia Law Foundation, 2007–2011

- **Attorney's Liability Assurance Society**

Former Claims Counsel and Loss Prevention Partner for the Firm

- **John Marshall Inn of Court**

Executive Committee, 2010-2013

- **The Bar Association of the City of Richmond**

#### COMMUNITY INVOLVEMENT

- **Leadership Metro Richmond**

Class of 2010

- **Central Virginia Legal Aid**

Volunteer, 1989–2011, 2013–2014

- **United Way of Greater Richmond**

Volunteer, 1992–1995

- **River Road Hills Association**

President, 2001–2003

- **Lower Ralston Court Homeowners Association**

President, 2003–2006