

Scott Seaman Discusses Significant General Liability Rulings Favoring Insurers From the End of 2024



Via *Law360 Insurance Authority*

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In a recent *Law360 Insurance Authority* article, Scott Seaman, Co-Chair of Hinshaw's Insurance Services Group in Chicago, reviewed some of the top commercial general liability rulings from the second half of 2024.

Seaman first highlighted a significant ruling from the Ninth Circuit. The court determined that actress Amber Heard did not have the right to independent counsel funded by the insurer in the defamation lawsuit filed against her by her ex-husband, Johnny Depp. See the *Law360 Insurance Authority* excerpt:

"Some may find it ironic that a fundamental ethics rule would have any place in a dispute between Hollywood elite or in an insurance coverage dispute," Scott Seaman of Hinshaw & Culbertson LLP told Law360.

The attorneys that litigated the underlying defamation case in Virginia were members of the Virginia bar and thus bound by Virginia's ethics rules, not California's, Seaman said.

Virginia isn't a tripartite jurisdiction, he explained, meaning that unlike California, Virginia's ethics rules provide that a lawyer appointed by an insurer owes a duty only to the insured. That being said, New York Marine fulfilled its duty to defend by appointing counsel and the Ninth Circuit was correct in upholding the dismissal of Heard's bad faith claim, Seaman said.

Seaman also provided insights on a major Hawaii Supreme Court ruling, which found that an insurer was not required to cover a Honolulu-based Sunoco entity in climate change litigation, determining that a pollution exclusion in the policy applies to greenhouse gas emissions. See the *Law360 Insurance Authority* excerpt:

Still, despite the court applying policyholder-friendly standards such as the "traditionally environmental" limitation on pollution exclusions and the "legal uncertainty rule" and addressing the duty to defend,

Seaman of Hinshaw [&] Culbert[son] noted that what is significant about the decision is the court’s ultimate determination that greenhouse gases constitute a “pollutant” for which coverage is barred.

“Despite all the press, governmental action, private and public expenditures, and underlying litigation involving climate changes, the Hawaii Supreme Court decision represents only the second substantive decision on coverage for climate change claims and marks the first ruling specifically addressing the application of any pollution exclusion,” Seaman said.

[Read the full article](#) (subscription may be required).

- “[Top General Liability Rulings From The Second Half Of 2024](#)” was published by *Law360 Insurance Authority* on January 2, 2025.

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