

Kristin A. Shepard

Counsel

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With nearly two decades of experience, Kristin concentrates her practice on defending insurance companies and financial institutions in complex, high-stakes litigation. She has defended insurers in policyholder class actions, mass actions, and market conduct litigation, including underlying claims of consumer fraud, unfair insurance practices, RICO, and various common-law torts. Kristin also assists clients responding to insurance market conduct exams and regulatory investigations involving life insurance, annuities, and property and casualty insurance.

Kristin's experience includes defending corporate-owned life insurance (COLI) carriers in litigation by policyholders and insureds. Kristin counsels clients on how to minimize class action risk, and is a frequent writer and speaker on class action defense.

Representative Experience

- Defeated certification of a nationwide class action of index annuity policyholders due to variations in state law governing insurance contract interpretation.
- Won dismissal of a class action by annuity beneficiaries due to lack of standing and for failure to state a claim under RICO and various common-law torts.
- Obtained multidistrict litigation consolidation of copycat annuity sales practices class actions alleging claims under RICO and state law. Settled classwide on favorable terms, and enforced the settlement to bar action by the state attorney general on behalf of consumers.
- Secured dismissal of property-casualty insurance class actions based on the filed rate doctrine.
- Obtained an order vacating certification of a national class action alleging breach of the cash value provision of life insurance contracts.
- Secured an order affirming a denial of certification of a class of life insurance purchasers on appeal where the statute of limitations defense raised individualized issues that could not be resolved classwide.

Publications & Presentations

Publications

- "Strategies for Defending Data Breach Class Actions," *In-House Defense Quarterly*, Defense Research Institute, Fall 2019.
- "Consent, Not Coercion: Supreme Court Rejects Contractual Ambiguity as a Basis for Class Arbitration," *The National Law Review*, Vol. 9, No. 114, April 24, 2019.
- "U.S. Supreme Court Declines to Hear Zappos Data Breach Case," *The National Law Review*, Vol. 9, No. 86, March 27, 2019.

- “Standing to Settle? Supreme Court Remands Privacy Class Settlement for Scrutiny of Named Plaintiffs’ Standing,” *The National Law Review*, Vol. 9, No. 79, March 20, 2019.

Presentations

- “Don’t Bet the Company! Strategies for Reducing Class Action Exposure,” Association of Corporate Counsel, Chicago, IL, November 6, 2019.
- “Current Trends in Data Breach Litigation,” DRI Business Litigation Super Conference, Austin, TX, May 8-10, 2019.
- “Insurer Cyber Risk: Guarding Your Galaxy,” PCI General Counsel Seminar, Cambridge, MA, September 24, 2018.
- “Current Trends in Data Breach Class Action Litigation,” DRI Cybersecurity and Data Privacy Seminar, Chicago, IL, September 7, 2018.
- “Hot Topics in Life Litigation,” American Council of Life Insurers’ Compliance and Legal Sections Annual Meeting, White Sulphur Springs, WV, July 2018.
- “Emerging Issues in Life Insurance and Annuity Litigation and Class Actions,” 43rd Annual TIPS Mid-Winter Symposium on Insurance and Employee Benefits, Coral Gables, FL, January 13, 2017.
- “Enforcement and Litigation Update,” IRI Cybersecurity Forum 2016, Washington, District of Columbia, July 19, 2016.

Professional & Community Engagement

- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. District Court for the Western District of Michigan
- Children’s Law Center
- DC Volunteer Lawyers Project

Education

- Washington University in St. Louis (J.D., 2000)
- Washington University in St. Louis (B.A., 1997)

Admitted to Practice

- District of Columbia
- Missouri

Related Services

Class Action & Multidistrict Litigation | Litigation | Insurance | Privacy, Cyber & Data Strategy | Financial Services Litigation | Insurance Litigation & Regulation | ERISA Litigation