



## William H. Higgins

Senior Counsel

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### *Related Services*

Class Action & Multidistrict Litigation ■ Insurance Litigation & Regulation ■ Commercial ■ Insurance ■ Policyholder Class Action Defense ■ High Exposure Claims, Coverage & Bad Faith Defense ■ Insurance Regulatory Guidance ■ Insurance-Related Antitrust Defense ■ Policy Drafting and Product Development

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Bill Higgins has defended state and national class actions for more than 20 years. He has worked extensively with complex financial models and economic analysis, and the related testimony of actuaries and economists, that have been at issue in these cases.

As a member of Alston & Bird's Litigation & Trial Practice Group with a distinct focus on the marketing, design, and administration of life insurance and annuity products, Bill's experience gives him a basis for understanding the challenges insurance companies commonly face and for working together with in-house counsel and business personnel of each client to develop strategies and solutions tailored to their particular situations. His background also extends to general business litigation, including trade regulation, and counseling on risk mitigation. Bill's career began in North Carolina, where for 12 years he advised businesses and major regional banks on mergers and acquisitions, public and private financings, and federal securities regulation. He then served in-house for both McCaw Cellular Communications and AT&T, with varied management responsibilities for litigation and non-litigation matters arising out of wireless, cable, and broadband operations.

### *Representative Experience*

- Represented a defendant insurance company in a national class action involving the construction of contract provisions regarding calculation of index credits on fixed indexed annuities.
- Represented a defendant insurance company in a national class action involving the construction of a market value adjustment provision in fixed indexed annuities.
- Represented the defendant life insurance companies in five different national class actions involving changes in cost of insurance rate or alleged failures to change cost of insurance rate.
- Represented a defendant insurance company in a national class action involving premium notices. Involved the administration of a court-approved survey.
- Represented a defendant insurance company in a national class action involving the sales of equity index annuities with premium bonuses.
- Represented a defendant insurance company in a national multidistrict class action involving annuity sales to seniors. Involved extensive discovery practice with experts for both sides and a court-appointed neutral expert on the valuation of insurance products.
- Represented a defendant insurance company in a national class action involving sales to seniors.

- Represented a defendant insurance company in a California class action alleging the use of illustrations in the sale of universal life policies to depict unrealistic future performance or vanishing premiums. The plaintiffs asserted claims, among others, for fraud and violation of the California Unfair Competition Law.
- Represented a defendant insurance company in a California class action alleging fraud, breach of contract and California Business and Professions Code Section 17200 claims in connection with sales of annuities.
- Represented a defendant cable television company and negotiated the settlement of a class action involving past-due notices for cable services and reactivation fees.
- Represented a defendant telecommunications company in a class action seeking injunction, restitution and damages for the enforcement of an arbitration clause.

## *Education*

- Vanderbilt University (M.B.A., 1991)
- University of North Carolina (J.D., 1977)
- Davidson College (B.S., 1974)

## *Admitted to Practice*

- California
- Florida
- North Carolina