

Partner

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**Practice Areas**

Appellate Litigation

Business & Commercial Litigation

Class Action Defense & Multi-District Litigation

Disaster Preparedness & Recovery

Environmental & Toxic Torts

Insurance Coverage

Products Liability

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**Bar Admissions**

Louisiana, 1975

Texas, 1992

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**Education**

Tulane University Law School, J.D., 1975; Articles Editor, *Tulane Law Review*

Harvard University, A.B., 1972, *cum laude*

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Admitted to practice in both Louisiana and Texas, Madeleine Fischer has represented clients in litigation for more than 30 years and has extensive trial experience in state and federal courts, most recently focusing her practice on insurance coverage and claims handling disputes. She is Board-Certified in Civil Trial Advocacy by the National Board of Trial Advocacy (NBTA). Within the past several years, Ms. Fischer has represented a variety of both policyholders and insurance companies in insurance coverage and bad faith litigation. Much of the most recent coverage litigation arises out of Hurricane Katrina. Besides insurance coverage and bad faith litigation, her practice also extends to appellate practice, class actions, toxic torts, and products liability.

Ms. Fischer is the chair of the Insurance Law Committee of the New Orleans Bar Association, the past president of the New Orleans Association of Defense Counsel, a past board member of the Louisiana Association of Defense Counsel, and a past member of the Civil Justice Reform Act Advisory Committee for the Eastern District of Louisiana. She is a vice chair of the Insurance Coverage Litigation Committee of the American Bar Association's Section of Tort Trial and Insurance Practice. She is currently a member of the Editorial Board of the *CGL Reporter*, a publication of the Insurance Risk Management Institute. Ms. Fischer contributes articles on insurance coverage to the *CGL Reporter* and other publications. She served as the newsletter co-editor for the Toxic Tort & Environmental Law Subcommittee (American Bar Association Section of Tort Trial and Insurance Practice, 2003–2005), authored the products liability chapter of the *Biannual Survey of Louisiana Law* (Louisiana State Bar Association, 2003 and 2005), and edited the monthly Jones Walker Products Liability E-Bulletin from January 2001–October 2009. Additionally, she has spoken on insurance coverage law to victims of Hurricane Katrina and in other fora.

Ms. Fischer received her undergraduate degree from Harvard University, *cum*

*laude*, and her juris doctor degree from Tulane University Law School, where she was a member and Articles Editor of the *Tulane Law Review*.

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#### Noteworthy

- Listed in *The Best Lawyers in America*® 2012 (Copyright 2011 by Woodward/White, Inc., Aiken, SC) in the areas of Commercial Litigation and Insurance Law (listed annually since 2010)
  - Listed in the 2012 edition of *Louisiana Super Lawyers* in the area of Insurance Coverage (listed annually since 2008), and in the area of Appellate (2007)
  - **AV® Peer Review Rating in Martindale-Hubbell**
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#### Presentations

- "The Use of Experts in Insurance Bad Faith Litigation"  
New Orleans, Louisiana, June 14, 2011
  - "Scaling the Great (Dry) Wall: Developments in Coverage for Chinese Drywall Claims"  
February 25, 2011
  - "Trying the Coverage Case to a Jury: A Mock Trial Experience"  
February 24, 2011
  - "Current Insurance Coverage Issues in Chinese Drywall Litigation"  
New Orleans, Louisiana, December 29, 2010
  - "The Use of Experts in Bad Faith Litigation"  
Phoenix, Arizona, February 26, 2010
  - "A Detailed Look at Standard of Review"  
Appellate Practice for Trial Lawyers; Paul M. Hebert Law Center, Louisiana State University; Baton Rouge, Louisiana, April 11, 2008
  - "Examining the Tripartite Relationship Connecting the Policyholder, Carrier, and Defense Counsel"  
American Bar Association Convention, San Francisco, California, August 11, 2007
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#### Publications

- "Anti-Concurrent Cause Clauses: Are They Enforcable?"  
American Bar Association Section of Tort Trial & Insurance Practice, Committee Newsletter, Winter 2012

- Chinese Drywall Litigation: A Primer and Guide to the Basic Insurance Coverage Issues  
Presented at TIPS Annual Spring CLE and Leadership Forum, May 2011
- "The Reference Handbook on the Comprehensive General Liability Policy"  
The Reference Handbook on the Comprehensive General Liability Policy (American Bar Association 2010) Insurance Coverage Litigation Committee, American Bar Association (Ms. Fischer served as Assistant Editor), 2010
- Chapters on Class Definition, Adequacy Requirements and Medical Monitoring Classes (co-author) in Marcy Hogan Greer (ed.), *A Practitioner's Guide to Class Actions* (American Bar Association 2010, 1353 pp.)  
Ms. Fischer also served on the editorial board for this treatise, 2010
- "The Use of Experts in Insurance Bad Faith Litigation"  
American Bar Association Insurance Coverage Litigation Committee Newsletter, Summer 2009
- "Navigating the Discovery Maze in Insurance Bad Faith Litigation"  
*CGL Reporter*, 2009
- "Recent Developments in Insurance Coverage Litigation"  
*ABA Tort Trial & Insurance Practice Law Journal* (44:2), Winter 2009
- "Cumis Counsel Made Easy: An Overview of a Policyholder's Right to Independent Counsel at the Expense of the Insurer"  
American Bar Association Section on Tort Trial & Insurance Practice, 2007 Annual Meeting, August 11, 2007
- "A Look at Flood Insurance and Successful Negotiating"  
*Inside the Minds: Insurance Dispute Resolution Proceedings*, Aspatore Books, 2007
- "Can Insurers Recoup Defense Costs for Noncovered Claims?"  
*CGL Reporter*, 2007
- "Intangible Damages for Unimpaired Asbestos Claimants"  
*Asbestos*, HarrisMartin Publishing, March 2003

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### Memberships

- American Bar Association (Vice-Chair, Insurance Coverage Litigation Committee, 2008–2011; Member, Section of Tort Trial and Insurance Practice)

- *CGL Reporter* (Editorial Board, 2007 to date)
- Louisiana Association of Defense Counsel (Past Board Member)
- Louisiana State Bar Association
- New Orleans Association of Defense Counsel (Past President, 1996–1997)
- New Orleans Bar Association (Chair, Insurance Law Committee)
- State Bar of Texas

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### **Court Admissions**

5th Cir., 1980

E.D. La., 1978

M.D. La., 1983

W.D. La., 1994

N.D. Tex., 2006