



## Michelle R. Bernard

### PARTNER

San Diego

619.230.7769

[mbernard@grsm.com](mailto:mbernard@grsm.com)

---

### RELATED SERVICES

- Insurance
- Life, Health, Disability & ERISA
- Commercial Litigation
- Professional Liability Coverage
- Bad Faith
- Professional Liability Defense
- General Liability Coverage
- Property Insurance

### OFFICES

- San Diego
- Irvine
- Los Angeles
- San Francisco

### OVERVIEW

Michelle Bernard is the Co-Chair of the Insurance group for GRSM's Southern California region (San Diego/Orange County/Los Angeles). She specializes in insurance coverage advice and bad faith litigation and also has extensive experience in the area of professional liability defense (insurance broker/agent).

The primary focus of Michelle's insurance practice is handling complex coverage matters and bad faith litigation on behalf of insurers. Her experience is broad-based and ranges from handling all aspects of property and casualty insurance coverage litigation (including related bad faith actions) to professional liability (D&O, E&O, EPLI), commercial trucking coverage, UIM/UM coverage, and life, health and disability matters.

## REPRESENTATIVE EXPERIENCE

### Representative Experience

- Serves as national coverage counsel for a domestic insurer for COVID-19 business interruption claims (coverage advice and related bad faith litigation).
- Serves as national coverage counsel for domestic insurers for commercial trucking insurance programs with focus on high exposure claims (including MCS-90 Endorsement issues).
- Obtained summary judgment in favor of insurer in first-party coverage dispute arising from an alleged \$5 million fire loss at an electric plant in Los Angeles, California.
- Obtained summary judgment in favor of insurer in a Blue/Blue Ridge reimbursement action arising from an underlying advertising injury claim (Coverage B) which resulted in \$800,000 recovery for the insurer; summary judgment affirmed by the Ninth Circuit.
- Obtained summary judgment in favor of insurer in commercial property coverage dispute involving fire and vandalism losses at insured's car wash/oil change business.
- Obtained summary judgment in favor of insurer in first-party coverage dispute involving alleged water intrusion and vandalism damage to commercial rental property owned by insured landlord.
- Obtained summary judgment in favor of insurer in third-party bad faith dispute regarding duty to defend and indemnify agribusiness company against tendered underlying e. coli contamination lawsuits.
- Served as national coverage counsel in defending liability insurers in complex, multi-party coverage disputes relating to chlorinated solvent contamination claims arising out of dry cleaning operations at sites located throughout the United States.
- Defended insurance brokers in litigation involving first-party property losses involving multi-million dollar business interruption claims arising from underlying property damage to commercial business structures.
- Defended life insurer in bad faith litigation arising from rescission of critical illness benefit policy.
- Defended insurers in complex, multi-party coverage litigation relating to environmental contamination claims asserted against government contractor insureds arising out of historical rocket manufacturing and test operations throughout the United States.
- Defended insurers in bad faith litigation arising out of the handling of first-party property claims (commercial and personal lines insurance policies) relating to the 2003, 2007 and 2017 wild fires in Southern California.
- Represented insurers in connection with multi-million dollar first-party losses arising from 2018 Thomas fire and mudslides in Southern California.
- Represented insurer in connection with first-party losses involving cannabis industry insureds.
- Represented insurers in bad faith litigation and arbitration proceedings regarding claims for coverage under D&O, E&O and EPL insurance policies.

- Defended life insurer in multi-party bad faith litigation involving claims for violation of California Business and Professions Code section 17200 for alleged discriminatory underwriting practices based on insured's history of overseas travel to countries on State Department's travel advisory list.
- Appointed preferred California counsel to defend insurer in coverage disputes involving first-party and third-party claims seeking damages for alleged toxic mold exposure.
- Served as monitoring counsel for insurer with respect to large exposure claims tendered under CGL, D&O, E&O and EPL insurance policies (primary and excess).

## PUBLICATIONS

### Publications & Presentations

- Exploring Policy Provisions for Cannabis, CLM 2021 Webinar (March 2021)
- Insuring Doomsday: Insurance Implications Arising from Catastrophic Events, DRI Insurance Coverage and Claims Institute (April 2017)
- Beyond Bad Faith – Upping The Ante With Class Action And Unfair Business Practices Claims, Defense Research Institute (February/March 2004)
- Ms. Bernard has lectured extensively regarding bad faith litigation, including litigation involving first and third party mold claims.
- Handling Mold Litigation in California, CEB Action Guide (October 2009)
- Handling Mold Litigation in California, CEB Action Guide (October 2005)
- Handling Mold Litigation in California, CEB Action Guide (Summer 2003)

## CREDENTIALS

### Admissions

- California

### Memberships

- National Institute for Trial Advocacy (NITA), member and Regional Instructor for NITA's intensive trial skills program and deposition workshops
- Defense Research Institute
- National Association of Insurance Women (NAIW), Southern California Chapter

### Education

- J.D., Santa Clara University School of Law, 1989
- B.A., Economics and Communication, Stanford University, 1986

### Honors

- *Best Lawyers in America*® distinction in Insurance Law (2018-2025)

- *Super Lawyers*® distinction in the fields of Insurance Coverage and Business Litigation (2007-2013, *Law & Politics*)
- Top 10 Attorneys for Insurance, *The Daily Transcript*