



Thierry V. Barkley

PARTNER

Reno

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RELATED SERVICES

- Commercial Litigation
- Life, Health, Disability & ERISA
- Bad Faith
- Insurance
- Tribal & Native American

OFFICES

- Reno

OVERVIEW

Thierry V. Barkley concentrates his practice in insurance work including coverage opinions, declaratory relief, interpleaders, defense of bad faith litigation, and life, health, disability, and ERISA litigation.

Thierry was with his prior firm for more than 22 years after completing two years as lead counsel for Bristol Meyers Squibb defense team in Reno handling the defense and settlement of over 150 individual plaintiff cases. Over the years, he has tried to verdict premise liability slip and falls; personal injury auto; professional legal malpractice cases; environmental class actions; commercial contract claims; and first party bad faith and first party disability insurance cases.

Thierry is licensed to practice law before the Nevada Supreme Court, the Nevada Federal District Court, the 9th Circuit Court of Appeals, and the U.S. Supreme. He is also an active member of the Defense Research Institute as a Regional Editor for Covered Events, acts a state liaison for the DRI Insurance Law

subcommittee and the newly formed Lawyers & Professionalism committee. He is a frequent lecturer on handling coverage and bad faith litigation.

Thierry attended UCLA, graduating in 1976 with a Bachelor of Arts in Political Science. He attended UCLA on a full four-year scholarship as a California State Scholar. At graduation he was honored as one of 50 Chancellor's Marshalls (Blue & Gold).

Thierry obtained his Juris Doctor from California Western School of Law, in San Diego in 1979. During this time, he worked with then Prof. Houston Lay who was the director of the International Law Program. He was both a member and director of the School's Phillip C. Jessup Moot Court Team as well as an associate editor with the International Law Journal. He interned his last year with the 4th District Court of Appeals as law clerk to Justices Cologne and Staniforth.

In 1979, Thierry moved to Nevada clerking with the Hon. Merlyn Hoyt for the 7th Judicial District Court. He stayed on for a second term and set roots in Nevada. After a stint as a City prosecutor and general practice, Thierry and his wife decided to move to Reno where he started his career in insurance defense litigation in 1983.

REPRESENTATIVE EXPERIENCE

Thierry obtained summary judgment authoring the economic loss doctrine for the City of Reno that was eventually adopted by the Court on rehearing in *Calloway v. City of Reno*, 116 Nev. 250, 993 P.2d 1259 (2000). He has defended several difficult bad faith cases including trying a first party bad faith disability insurance case where summary judgment was granted by the Nevada Fed. Dist. Court and affirmed by the Ninth Circuit (dismissal of bad faith and punitive damages) in *McCalla v. Royal Maccabbees Life Ins. Co.*, 2001 WL 791721 (9 Cir. Nev. 2001); Defense verdict in a four-week bad faith case in Clark County [Nov. 2019] in *Grammar v. CHA-Trust et al.* and a \$400K verdict against the TPA CHASSI settled out of court after Appeal.

Besides authoring hundreds of coverage opinions, Thierry has successfully handled declaratory relief actions. In *Foremost Ins. v. Bowden*, 2006 WL 1966745 (D. Nev. 2006) the Fed. Dist. Court granted summary judgment on statutory rescission in a first party fire loss action. In *Federal Ins. Co. v. American Hardware Mut. Ins. Co.* 184 P.3d 390 (Nev. 2008) the Nevada Supreme Court en banc decided a certified question from the Nev. Fed. Court and clarified the test for additional insurance endorsements and rejected the vicarious liability minority doctrine. Thierry has argued complex punitive damage cases before the Nevada Supreme Court including *Granite Const. Co. v. Ryne*, 107 Nev. 651, 817 P.2d 711 (1991). The Court in *Countrywide v. Thitchener*, 192 P.3d 242 (2008) eventually adopted Thierry's earlier arguments that implied malice in law as a matter of common law punitive damages should be rejected and reversed Granite's decisional implied malice in law standard.

CREDENTIALS

Admissions

- Nevada
- U.S. District Court, District of Nevada
- U.S. Court of Appeals, Ninth Circuit
- U.S. Supreme Court

Memberships

- State Bar of Nevada
- Washoe County Bar Association
- Defense Research Institute
 - Regional Editor for Covered Events
 - State Liaison for the DRI Insurance Law subcommittee and the Lawyers & Professionalism committee

Community Involvement

- Resident of the Jaycees(Ely), Esteem Lecturing Knight for the Elks, and Past Grand Knight (2006) and Trustee for the Ponderosa Council 4928 Holy Cross Parish
- Sparks (2007) and District Secretary (2007-2008) for the Master of the Fourth Degree Nevada Dist. Junipero Serra Province.
- Knights of Columbus

Education

- J.D., California Western School of Law, 1979
 - Associate Editor, California Western International Law Journal
 - Director & Member, Phillip C. Jessup Moot Court Team
- B.A., University of California Los Angeles, 1976

Clerkships

- California 4th District Court of Appeals, 1979
- Nevada Seventh Judicial District Court, 1979-1981

Honors

- Top Rated Lawyer-AV® Preeminent™, Martindale-Hubbell
- Lawyers of Distinction Awardee, 2023
- Marquis Who's Who, 2024

Languages

- French