WALKER WILCOX
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OVERVIEW

As an accomplished attorney who has defended and counseled insureds and insurance company clients on hundreds of complex P&C, E&O, PL, D&O and EPL claims, Joyce has broad experience in developing and executing effective case resolution strategies, claim handling recommendations, and loss exposure analysis for claims pending in state and federal courts nationwide. She has significant experience litigating and arbitrating cases around the country, at both the trial and appellate level, including the defense of insureds. Joyce has represented both domestic and foreign insurers and reinsurers in complex insurance coverage and bad faith litigation and arbitration in jurisdictions across the United States, and regularly counsels insurers and reinsurers in connection with significant and novel claims and insurance policy coverage issues.

Joyce routinely advises and counsels senior management, of policyholders and insurance company clients, regarding claim evaluation, exposure potential, risk mitigation, coverage analyses and resolution strategy. She effectively implements budget and litigation expense efficiencies.

Joyce has also served as and directed outside insurance defense counsel on a wide spectrum of claims and issues to resolve cases within budget and below set loss reserves, to the great satisfaction of her clients and their policyholders. Her law practice has focused on the areas of professional liability, general liability, public entity liability, construction defect, employment practices liability, first party property, insurance coverage and reinsurance. Her professional liability practice emphasizes representing lawyers, agents, brokers, accountants, judges and other professionals, and their insurers, and encompasses individual risks as well as liability programs across the United States.

Through her experience, Joyce has developed a comprehensive arsenal of litigation and negotiation tools and strategies to resolve claims.

In addition, she has drafted and refined insurance policy forms, wordings and endorsements across various insurance product lines and has counseled her clients on a variety of wordings issues. Joyce is well-versed in a wide range of insurance wordings and regularly counsels clients on developing new forms and endorsements. She routinely advises underwriters, producers and business segments on insurance policy wordings and endorsements, manuscript changes and market issues.

Prior to law school, Joyce earned a Bachelor of Science degree in Engineering from Northwestern University and worked as an Industrial Engineer with Eaton Corporation where she designed and implemented a multi-million dollar material handling system for an automotive parts plant. Upon graduation from law school, Joyce served a Judicial Clerkship with the Honorable William C. Lee of the United States District Court for the Northern District of Indiana.

FOCUS AREAS

- Appellate
- Bad Faith Litigation
- Bankruptcy and Reorganization
- First Party Property
- Insurance and Reinsurance
- Litigation
- Professional Liability/Errors & Omissions

CREDENTIALS

ADMISSIONS

- Illinois
- U.S. District Court, N.D. Illinois
- U.S. District Court, D. Colorado
- U.S. District Court, N.D. Indiana
- U.S. Court of Appeals for the 2nd Circuit
- U.S. Court of Appeals for the 6th Circuit
- U.S. Court of Appeals for the 7th Circuit

EDUCATION

- DePaul University, J.D., *with Honors*
  - Order of the Coif
  - Law Review
- Northwestern University, B.S.I.E.

EXPERIENCE

NOTABLE DECISIONS

Representative cases include:

- In April 2019, Joyce succeeded in obtaining a complete dismissal of a third-party complaint filed against her insurance broker client. The court found that the insurance company client failed to plead facts supporting either its breach of contract or tort claims. *City of South Sioux City, Nebraska v. The Charter Oak Fire Ins. Co., et al,* Case No. 17-cv-03108, (D. Ne. April 24, 2019).
- In May 2016, Joyce succeeded in obtaining a complete dismissal of a negligence/breach of fiduciary duty lawsuit against her insurance broker client in the United States District Court for the Northern District of Illinois on the basis that, under Illinois law, an insurance broker has no duty to report a claim to the carrier. *Landmark Am. Ins. Co. v. Deerfield Const. Inc.*, 2016 WL 2977274 (N.D. Ill. May 19, 2016).
- In February 2016, Joyce secured significant rulings from an Illinois state court in an insurance coverage breach of contract and bad faith lawsuit involving a construction defect claim arising out of water intrusion from a leaking HVAC system in a high rise in Chicago. The court held, as a matter of law, that the policyholder's statutory bad faith claims against Joyce's insurance company client failed because the coverage denial presented a bona fide dispute. The court also held that Joyce's client had no liability for costs to inspect and repair the HVAC system. *F.E. Moran, Inc. v. Illinois Union Insurance Company*, Case No. 13L13317 (Ill. Cir. Ct., Cook Cty. Feb. 9, 2016).
- In September 2014, Joyce succeeding in obtaining a dismissal of a policyholder's statutory bad faith claims against her insurance company client in a coverage action filed in Illinois state court involving a legal malpractice claim. *Westchester Fire Insurance Co. v. Purcell & Wardrope, Ltd.* , Case No. 13CH 21311 (Ill. Cir. Ct., Cook Cty. Sept. 19, 2014).
- In July 2014, the United States District Court for the District of Nebraska ruled in favor of Joyce's insurance company client in defeating a policyholder's attempt to bring bad faith claims against Joyce's client in a coverage action involving an E&O claim. *Metropolitan Property and Casualty Insurance Co. v. Westport Insurance Corp.*, 13-cv-00078-RGK-CRZ (D. Ne. July 30, 2014).
- In June 2013, Joyce successfully moved to dismiss counts alleging violations of the Illinois Consumer Fraud and Deceptive Business Practices Act, breach of fiduciary duty, civil conspiracy and unjust enrichment against her money manager client in Illinois state court. *Ferdman v. Friedman, Froman and Let Me Get The Bill, Inc.*, Case No. 12CH12837 (Ill. Cir. Ct., Cook Cty. June 12, 2013).
- Joyce prevailed in the dismissal of a declaratory judgment action against her insurance company client involving claims for noise-induced hearing losses. The court dismissed Plaintiff's complaint finding that the declaratory judgment exception to res judicata did not apply. *Bridgestone Americas Tire Operations, LLC v. Pacific Employers Ins. Co.*, 2013 WL 774565 (N.D. Ohio Feb. 27, 2013).
- In May 2012, Joyce successfully defended an insurance company in defeating Plaintiff's belated attempt to add bad faith allegations to a coverage action. *National Union Fire Ins. Co. v. Westport Ins. Corp.*, 2012 WL 1866370 (N.D. Ill. May 22, 2012).
- Joyce obtained summary judgment on behalf of an employment practices insurance carrier, securing a declaration that the carrier had no duty to defend or indemnify an insured in connection with an

employment discrimination claim, because the insured failed to provide adequate notice of the pendency of the claim as required by the terms of the policy. *Cellular Advantage, Inc. v. ACE Westchester Company and Arthur J. Gallagher and Co.*, No. CL112099 (Iowa Dist. Ct., Polk Cty., May 4, 2010).

- Joyce prevailed before the New York Court of Appeals (New York's highest level state court) on behalf of her client, the primary professional liability carrier for a large law firm. The New York Court of Appeals decided that an insurer was not obligated to provide coverage to a law firm where the firm knew it could be held liable for fraudulent activities of a client but did not disclose this information prior to the inception of the policy. The Court ruled that two of its insurers can invoke "prior knowledge" exclusions in the policies in place during the year the notice of claim was provided. *Executive Risk Indem., Inc. v. Pepper Hamilton*, LLP, 919 N.E.2d 172 (N.Y. Oct. 2009).
- Joyce successfully defended an insurance broker in an action in the District of Columbia alleging failure of the agency to obtain a bond covering a Profit Sharing Plan for the theft by outside entities, in this case, Bernard L. Madoff Investment Securities LLP.
- Joyce successfully defended a law firm in a legal malpractice action in Illinois involving immigration issues.
- Joyce defended and prosecuted declaratory judgment actions on behalf of professional liability insurers in Illinois, Indiana, Iowa, Mississippi, Nebraska, New Jersey, New York, Pennsylvania, Puerto Rico and Wisconsin involving issues under claims-made policies such as the application of the prior knowledge exclusion, rescission, number of claims, scope of coverage and late notice.
- Joyce served as coverage counsel with respect to hundreds of professional liability claims throughout the United States, analyzing coverage, supervising defense counsel and monitoring and resolving claims through settlement, motion practice and mediation.
- Joyce represented a major U.S. reinsurer in two arbitrations involving reinsurance of complex HMO medical insurance claims. Joyce's work on this matter resulted in settlement of both arbitrations under terms viewed very favorably by the client.
- Joyce represented Underwriters at Lloyd's, London and other London-based reinsurance companies in two California arbitrations involving coverage for extracontractual obligations and excess of policy limits "bad faith" judgments relating to millions of dollars in underlying environmental pollution claims. The panel's confidential award was a fraction of the cedant insurer's claim.
- Joyce defended and prosecuted declaratory judgment actions on behalf of various insurers in Ohio, Louisiana, Connecticut, Illinois, New York and Indiana regarding environmental contamination at industrial manufacturing sites across the U.S. and asbestos liabilities involving such insurance coverage issues as expected/intended, number of occurrences, late notice, application of the pollution exclusion and allocation. Joyce was instrumental in resolving many of these complex cases with favorable settlements.

ACCOLADES

- AV Preeminent® 5.0 out of 5 Peer Review Rating™ by Martindale-Hubbell®
- Martindale-Hubbell® Bar Register of Preeminent Women Lawyers™

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AFFILIATIONS

- American Bar Association
- Chicago Bar Association
- Professional Liability Underwriting Society
- Defense Research Institute
- Joyce is also a volunteer attorney for the National Immigrant Justice Center in Chicago and has volunteered with Chicago Volunteer Legal Services (CVLS).

NEWS

- Walker Wilcox Achieves Seventh Circuit Victory for Insurance Broker
- Walker Wilcox Wins Motion to Dismiss in Action Against Insurance Broker
- Illinois Appellate Court Holds That A Lawyer Need Not Inform Her Prospective Professional Liability Insurer About Every Client Who Has Expressed Dissatisfaction With The Lawyer's Professional Services
- Joyce Noyes Spoke On The Duty to Settle in Good Faith at the Chicago Bar Association
- IL Appellate Court Finds No Controversy Over Duty To Defend When Defending Under ROR
- WWM Wins Dismissal of Hearing Loss Coverage Suit in Federal District Court
- WWM Case Alert: MN Supreme Court Restricts Scope Of AI Coverage