



SCOTT STIRLING

PARTNER

One North Franklin Street sstirling@walkerwilcox.com
Suite 3200 Phone: 312.244.6754
Chicago, Illinois 60606

Legal Assistant | Linda Felau
lfelau@walkerwilcox.com | 312.244.6714

Paralegal | Kristin Duewerth
kduewerth@walkerwilcox.com | 312.244.6768

OVERVIEW

Scott Stirling litigates insurance coverage and bad faith disputes, aviation and transportation injury cases, class actions, catastrophic injury claims, and professional liability lawsuits at the trial and appellate levels with great success. Since 2019, Scott obtained four wins in the federal Courts of Appeals, as he briefed appeals in the Third Circuit, Fifth Circuit, and Seventh Circuit (twice), and orally argued appeals in the Fifth and Seventh Circuits. His clients were victorious in all four appeals, which included high-stakes wins for insurers in two insurance coverage cases, dismissal of a putative class action against a property management company, and dismissal of an insurance broker in an alleged malpractice action. These appellate victories all follow wins Scott obtained for these clients in the trial court.

He represents insurers, airlines, airline contractors, and other entities in high-stakes litigation and alternative dispute resolution proceedings throughout the country. He also advises domestic, London, and international insurers regarding difficult coverage issues outside of litigation. Excess insurers utilize Scott to monitor trials and pre-trial proceedings in high-exposure cases to continuously evaluate exposure, communicate with primary insurers and defense counsel, participate in mediations, and assume settlement negotiations as appropriate. Scott's comprehensive understanding of the London insurance market and claims apparatuses of Lloyd's syndicates enables him to efficiently advocate for Underwriters and their insureds in courts throughout the United States. In addition to a robust local practice in Chicago and throughout Illinois, Scott is also licensed and routinely litigates in Arkansas state and federal courts, and often secures temporary admission to argue and appear in state and federal courts nationwide to aggressively protect and pursue his clients' positions.

In addition to numerous early resolutions and advantageous settlements procured on behalf of his clients, some of Scott's successes for his clients include:

- Secured victory for a professional liability insurer on appeal, including presentation of oral argument before the Fifth Circuit, in a coverage action brought by an insured involving a \$10 million False Claims Act insurance coverage dispute. *IberiaBank Corp. v. Illinois Union Ins. Co.*, 953 F.3d 339 (5th Cir. 2020).
- Briefed and argued a case in the Seventh Circuit where the court affirmed a dismissal with prejudice on a motion to dismiss for an insurance brokerage, by securing a novel ruling that under Illinois common law, an insurance broker has no duty to report the claims of its clients. *Landmark Am. Ins. Co. v. Deerfield Constr., Inc.*, 933 F.3d 806, 815 (7th Cir. 2019).
- Led the briefing in the Seventh Circuit following a trial court victory securing dismissal with prejudice on a motion to dismiss in a putative class action suit against a property management company in a case where condominium sellers alleged the management company's fees for providing disclosure documents violated the Illinois Consumer Fraud Act and the Illinois Condominium Act. *Horist v. Sudler & Co.*, 941 F.3d 274 (7th Cir. 2019).
- In the Third Circuit, secured affirmance of a trial court win on summary judgment for an insurer in a coverage and bad faith action on the issue that it had no duty to defend based on the application of an "outside business exclusion." *Westport Ins. Corp. v. Hippo Fleming & Pertile Law Offices*, 791 F. App'x 321 (3d Cir. 2019).
- Obtained dismissal for an insurer of a bad faith and insurance coverage case asserting an insurer breached the duty to defend by failing to pay attorneys' fees in an affirmative arbitration filed by the insured. *Marquis Energy LLC v. Federal Ins. Co.*, No. 19-CV-1089-JES-JEH, 2020 WL 853503 (C.D. Ill. Feb. 20, 2020).
- Secured dismissal for a surplus lines insurance broker sued in connection with a rescission of a property insurance policy, on the grounds that the broker owed no duty to the insured and was not a party to the insurance contract. *Hiscox Dedicated Corp. Member Ltd. v. Taylor*, No. 6:18-CV-06100, 2020 WL 1933639, at *1 (W.D. Ark. Apr. 21, 2020).
- Won summary judgment for the defense in a catastrophic injury case asserting premises liability and construction negligence in the Circuit Court of Cook County. The court agreed with the briefs Scott drafted arguing that the defendant owed no legal duty to the plaintiff based on the evidence developed in depositions. *Venegas v. Iron Mountain Inc.*, 2015 L 1659 (Cir. Ct. Cook County, Ill., Oct. 22, 2018).

FOCUS AREAS

- Appellate
- Aviation
- Bad Faith Litigation
- Complex Tort Litigation
- First Party Property
- Insurance and Reinsurance
- Litigation
- Professional Liability/Errors & Omissions

CREDENTIALS

ADMISSIONS

- Illinois
- Arkansas
- U.S. District Court, C.D. Illinois
- U.S. District Court, N.D. Illinois, Trial Bar
- U.S. District Court, S.D. Illinois
- U.S. District Court, E.D. Arkansas
- U.S. District Court, W.D. Arkansas
- U.S. District Court, W.D. Wisconsin
- U.S. Court of Appeals for the 3rd Circuit
- U.S. Court of Appeals for the 5th Circuit
- U.S. Court of Appeals for the 7th Circuit
- Pro hac vice in many courts across U.S.

EDUCATION

- Washington University in St. Louis, J.D., *cum laude*
 - CALI Award for Top Performer in Appellate Advocacy
 - Associate Editor, *Washington University Global Studies Law Review*
- University of Central Arkansas, , B.A.

EXPERIENCE

ACCOLADES

- *Super Lawyers*® Illinois Rising Stars 2020
- *Super Lawyers*® Illinois Rising Stars 2019
- *Super Lawyers*® Illinois Rising Stars 2018
- *Super Lawyers*® Illinois Rising Stars 2017
- *Super Lawyers*® Illinois Rising Stars 2016
- *Emerging Lawyers*SM (Chicago Daily Law Bulletin) 2018-Current

AFFILIATIONS

- Chicago Bar Association, Judicial Evaluation Committee
- Defense Research Institute
- American Bar Association, Litigation Section
- Volunteer, Big Brothers Big Sisters of Metropolitan Chicago

NEWS

- Walker Wilcox Achieves Seventh Circuit Victory for Insurance Broker
- Defense Research Institute's Insurance Bad Faith and Extra-Contractual Liability Seminar
- Walker Wilcox Wins Dismissal of Putative Class Action Against Property Management Company