

SUSAN N. K. GUMMOW

A partner in the firm, Susan N. K. Gummow concentrates her practice in general commercial matters including bankruptcy, insurance coverage and commercial litigation. This combination of experience has resulted in a unique practice area representing insurance companies confronted with a full array of bankruptcy issues.

Ms. Gummow's experience includes environmental, asbestos, mass tort, general liability, first-party property (complex mortgage and loss payee issues, business interruption), financial lines, cyber/technology liability, professional liability and Director & Officer liability (including serving as monitoring counsel). She also advises insurers on deductibles and self-insured retentions; the rights of co-insureds and additional insureds; various settlement and release issues, successor liability and the impact of bankruptcy.



Ms. Gummow has extensive experience in general commercial litigation, including financial institution and consumer fraud disputes, meditation, the defense of cases involving commercial and professional liability claims and contractor disputes. She has represented creditor and third party interests in bankruptcy proceedings including the defense of preference actions. Ms. Gummow also served as corporate in-house counsel providing her with experience in various corporate issues including negotiating and drafting commercial contracts.

Ms. Gummow is the author of the Bankruptcy and Insurance Law Manual published by the American Bankruptcy Institute, currently in its Third Edition. The Manual provides the basics of insurance law for the bankruptcy practitioner and the basics of the bankruptcy law for the insurance practitioner. A copy of the Manual is available through the ABI web site at www.abiworld.org.

EDUCATION

Ms. Gummow earned her B.B.A. degree from Baylor University and her J.D. degree from Louisiana State University. She completed the comprehensive Mediation Skills Training Program at Northwestern University and trained at prestigious Straus Institute for Dispute Resolution at the Pepperdine University School of Law. She also attended the Universite de Provence Aix-Marseilles in Aix-en-Provence, France where she studied international law and constitutional law under the late Chief Justice William Rehnquist. Ms. Gummow served as a Judicial Law Clerk for Judge Henley A. Hunter in the United States Bankruptcy Court.

Mediation / Arbitration

Ms. Gummow is an experienced mediator and arbitrator. She completed the comprehensive Mediation Skills Training Program at Northwestern University and trained at prestigious Straus Institute for Dispute Resolution at the Pepperdine University School of Law.

She also completed Arbitration Training sponsored by Cook County and DuPage County arbitration centers.

BAR ADMISSIONS

Ms. Gummow is authorized to practice law in Illinois and in the U.S. District Court for the Northern District of Illinois and in the U.S. Court of Appeals for the Second Circuit.

PROFESSIONAL ASSOCIATIONS

Ms. Gummow is a member of the Association for Conflict Resolution, American Bankruptcy Institute, the Claims and Litigation Management Alliance, Professional Liability Underwriting Society and The Lawyers Club of Chicago – Board of Directors, 2006–2010 (President 2008–2009; Vice President 2007–2008; Secretary Treasurer 2006–2007).

PUBLICATIONS

BOOK/TREATISE

- Chapter 107, *Bankruptcy and Insurance*, New Appleman on Insurance Law Library Edition (Jeffrey E. Thomas ed.)
- Chapter 108, *Insurance as an Asset in the Estate*, New Appleman on Insurance Law Library Edition (Jeffrey E. Thomas ed.)
- Chapter 109, *Impact of Bankruptcy in Insurance Matters*, New Appleman on Insurance Law Library Edition (Jeffrey E. Thomas ed.)
- *Bankruptcy and Insurance Law Manual 3rd Edition*, the Basics of Insurance Law for the Bankruptcy Professional and the Basics of Bankruptcy Law for the Insurance Professional, published by the American Bankruptcy Institute, 2009. (First Edition 2004, Second Edition 2007). Available at www.abiworld.org

ARTICLES

- New Appleman on Insurance: Current Critical Issues in Insurance Law, Summer 2017: *Cyber Risk Exposures–Insurers Claims Counsel Disqualify–Insurance Coverage Issues*, by Susan N.K. Gummow and Brian E. Devilling
- New Appleman on Insurance: Current Critical Issues in Insurance Law, Fall 2016: *Allocation: All Sums Versus Pro Rata Allocation: An Analysis of In re Viking Pump, Inc.*, by Susan N.K. Gummow
- *Back to the Future: FDIC Litigation Has Returned*, Rutgers Business Law Review, Vol. 8, No. 1, Spring 2011.
- *First-party Insurance and Bankruptcy*, the American Bar Association, Committee News, Property Insurance Law Committee, Fall 2010.
- *Suing the Debtor: Examining Post-Discharge Suits Against the Debtor*, the American Bankruptcy Law Journal, Volume 83, Issue 3, 2009.
- *Insurance Companies Need To Be Vigilant When An Insured Files Bankruptcy*, Insurance Settlements and Negotiations: Leading Lawyers on Structuring Insurance Contracts, Negotiating Policy Disputes and Formulating Litigation Strategies, Aspatore Books, October 2006.
- *Director and Officer Liability Insurance: How Bankruptcy Transforms the Rights of the Various Parties*, Journal of Bankruptcy Law and Practice, Thompson West Publications, January 2006 (Vol. 14, No. 6).
- *What is the Difference Between and SIR and a Deductible and What is the Impact of Bankruptcy?* The Federal Bar Association Newsletter, Chicago Chapter, Volume 2, 2005.
- *Deductible v. SIR: Who Gets Stuck Paying When Insureds File for Bankruptcy*, American Bankruptcy Institute Journal, Vol. XXIV, No. 3, April 2005.
- *D & O Insurer Beware: Payment Of Defense Costs May Be Required Pending the Stay of Claims For Rescission and Determination of Exclusion.* American Bankruptcy Institute Journal, November 2004

(Vol. 23, No. 9).

- *Credit Card Debt: The Creditors Burden of Providing Nondischargeability Under 11 U.S.C. § 523 (a)(2)(A)*. Journal of Bankruptcy Law and Practice, West Publications, September/October 1999 (Vol. 8, No. 6).
- *Earnings Exception*, Commercial Law Journal, Commercial Law League of America, Fall 1993 (Vol. 98, No. 3).

Ms. Gummow is frequently asked to speak on the topic of bankruptcy related insurance issues at national and regional conferences in both the insurance and insolvency industry. She also presents in-house conferences to insurance companies in areas such as Director & Officer liability, asbestos and mass tort, environmental, general liability and property.

- *U.S. Legal Minefield: From Direct Actions to All Sums, the Nightmare Continues*, London Reinsurance Group, London, England, June 21, 2016.
- *Insurance Coverage – Bankruptcy Issues Affecting D & O Coverage*, CLM 2015 Annual Conference, Palm Desert, California, March 25-27, 2015.
- *Bankruptcy Issues for the Insurer: Understanding How an Insured's Bankruptcy Affects the Insurance Policy*, Western Loss Association, Spring Seminar, Lombard, Illinois, April 5, 2013.
- *Bankruptcy Law Meets Insurance Law: How Does An Insured's Bankruptcy Impact A First-party Policy?*, L.E.A. 80th Spring Meeting & Educational Conference, Newport, Rhode Island, June 8-10, 2011.
- *Back To The Future: A New Wave of FDIC Litigation*, Professional Liability Underwriting Society Annual International Conference, San Antonio, Texas, November 10-12, 2010.
- *First-party Claims When An Insured Is In Bankruptcy*, American Bar Association, Property Insurance Law Committee Annual Spring CLE Meeting, Half Moon Bay, California, April 29-May 1, 2010.
- *Broke, Busted and Bankrupt-A Claims View*, Excess/Surplus Lines Claims Association, New York, New York, June 4, 2009.
- *Impact of Bankruptcy on Environmental Insurance Claims*, New Jersey State Bar Association, New Brunswick, New Jersey, March 12, 2009.
- *Insurance Issues in Bankruptcy: Policy Proceeds in Consumer Cases*, 2007 Mississippi Bankruptcy Conference, December 6-7, 2007.
- *Bankruptcy and Insurance Law Seminar / Mass Tort and Asbestos Bankruptcies*, New York, New York, September 15, 2006.
- *Director and Officer Insurance Issues in Bankruptcy*, American Bankruptcy Institute, Southeast Conference, Kiawah Island, South Carolina, July 27-30, 2005.
- *The Impact of Bankruptcy on Insurance Companies*, Current Issues Impacting Insurance Defense Practice in Illinois-National Business Institute Seminar, Oak Brook, Illinois, June 28, 2005.
- *Whose Money Is It Anyway? The Battle Over D & O Insurance Proceeds*. American Bankruptcy Institute, Winter Leadership Conference, Scottsdale, Arizona, December 3, 2004.
- *Bankruptcy and Insurance Law Seminar*. Chicago, Illinois November 5, 2004; New York, New York, November 12, 2004.
- *Illinois Foreclosure and Related Bankruptcy and Title Issues*, National Business Institute Seminar. Chicago, Illinois, February 18, 2004.
- *Emerging Issues In Toxic Tort Coverage Litigation*. New York, New York, October 29, 2003.

CITED CASES

Granite State Ins. Co. v. General Motors, LLC 2012 WL 3998616 (C.D. Cal.); *Raymond Professional Group, Inc. v. William A. Pope Co.*, 2010 WL 2036371 (Bankr. N.D. Ill. 2010); *Raymond Professional Group, Inc. v. William A. Pope Co.*, 2010 WL 2026704 (Bankr. N.D. Ill. 2010); *In re Heating Oil Partners*, 2010 WL 465977 (D. Conn. 2010); *In re Heating Oil Partners*, 2009 WL 5110838 (D. Conn. 2009); *In re marchFIRST, Inc.*, 378 B.R. 563, 566-67 (Bankr. N.D. Ill. 2007), *aff'd* 2008 WL 4287634 (N.D. Ill. Sept. 12, 2008), *aff'd sub nom. In re marchFIRST Inc.*, 589 F.3d 901 (7th Cir. 2009); *St. Paul v. Home Depot*, 2004 WL 2075129 (N.D. Ill. 2004); *Comdisco v. Federal Insurance Company*, 2004 WL 1375353 (N.D. Ill. 2004). *In re Powell*, 187 B.R. 642 (Bankr. D. MN 1995).

Cited As Authority

In re DVR, LLC, 582 B.R. 507 (Bankr. D. Colo. 2018) (jurisdiction of bankruptcy court over insurance proceeds); *Walsh Const. Co. v. Zurich American Ins. Co.*, 72 N.E. 3d 957 (Ind. Ct. App. 2017) (SIR issues); *In re Caesars Entertainment Operating Co., Inc., et al*, 533 B.R. 714 (Bank. N.D. Ill 2015) (rights of additional insured); *In re Sportstuff, Inc.*, 430 B.R. 170 (B.A.P. 8th Cir. 2010) (n. 15.); *Ohio Central Railroad Sys. v. Mason Law Firm Co. L.P.A.*, 182 Ohio App. 3d 814 (2009) (SIR versus deductible); *In re Powell*, 187 B.R. 642 (Bankr. D. MN 1995).

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