

ROBERT R. POHLS

Litigator · Mediator · Arbitrator

925.951.6500

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linkedin.com/in/robpohls

www.califehealth.com

www.pohlsmediation.com

Nationally recognized for defending complex litigation involving the sale and administration of employee benefit plans and life, health, and disability insurance policies, compliance with financial services regulations, consumer privacy issues, claims against insurance agents and producers, allegations of unfair competition and other business torts.

Trusted advisor and trial counsel in employment matters ranging from individual cases of wrongful termination, discrimination and/or harassment to multi-party wage and hour cases involving FLSA claims and allegations of worker misclassification.

Veteran business litigator with substantial experience in cases involving breach of contract, commercial disputes, construction, consumer claims, product liability, real estate, securities, trade practices, unfair competition and other business torts.

CURRENT EMPLOYMENT

Founder and Principal

Pohls & Associates, San Ramon, CA, April 1999–Present

Leader of California's only boutique law firm for the defense of bad faith, ERISA and other litigation involving employee benefits, life insurance and annuities, accident and health insurance, disability insurance, long term care insurance, pensions and retirement plans, and SIU/MCIU matters.

- Statewide litigation and trial practice in state and federal courts throughout California
- Frequently retained by a major life insurance company to litigate cases and/or manage litigation in other states (*e.g.*, Idaho, Michigan, Nevada and Utah)
- Frequent interaction with regulatory authorities concerning consumer complaints and compliance issues
- Eliminated all litigation against a major long-term care insurance company by providing claim-related legal advice on a national basis
- Assigned as Project Counsel to identify fraudulent activities and evaluate potential affirmative litigation for a major property and casualty insurance company's California multi-claim investigation unit

Founder and Mediator

Pohls Mediation, Walnut Creek, CA, July 2007–Present

Provider of private mediation services, principally in civil litigation involving life, health and disability insurance, ERISA and employee benefits, consumer lending and financial services, business disputes, labor and employment issues, and civil rights matters.

HIGHLIGHTS

7-time Northern California **"Super Lawyer"** (2014, 2015, 2016, 2017, 2018, 2019 and 2019)

Founder and Principal of a firm the *Fortune 500* named a **"Go-To Firm"** for Litigation (2008)

San Francisco Area **"Top-Rated Lawyer"** in Insurance Law and in Labor & Employment

Defense Research Institute's National Spokesperson on Health Care Reform

Martindale-Hubbell Rating: **AV-Preeminent**

SKILLS

First-chair responsibility for all phases of civil litigation, including trials and appeals

Multi-jurisdictional experience in state and federal courts throughout California and the Western U.S.

Formally-trained mediator and arbitrator who actively serves on ADR panels of 3 federal courts and several state courts in California

Collaboration with business clients in highly regulated industries to devise and implement strategies for regulatory compliance, risk management and litigation avoidance

Training and direct supervision of attorneys, paralegals and administrative staff

EDUCATION

Doctorate of Jurisprudence (1987)
University of California, Davis, School of Law

Bachelor of Arts, Political Science (1984)
Bucknell University, Lewisburg, PA

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PROFESSIONAL EXPERIENCE

Senior Litigation Associate

Archer, McComas, et al., Walnut Creek, CA, May 1997–April 1999

First-chair responsibility for the defense of business, commercial, construction defect, employment, insurance, personal injury, product liability and real estate litigation. Substantial experience representing life insurers, health insurers, and other members of the financial services industry in bad faith, ERISA and other forms of litigation.

Senior Litigation Associate

Fleming & Associates, San Francisco, CA, March 1996–May 1997

First-chair responsibility for the defense of insurers, managed care organizations and third party administrators in life, health and disability insurance litigation. Substantial experience counseling clients about regulatory matters, managing high-profile litigation and working with industry trade associations on legislative and lobbying efforts.

Senior Litigation Associate

Bowles & Verna, Walnut Creek, CA, March 1989–March 1996

First-chair responsibility for representing life, health and disability insurers in bad faith, ERISA and other litigation, as well as counseling insurance companies about disputes with sales agents, regulatory matters and litigation management. Substantial experience representing *Fortune 500* companies in all forms of business, commercial, employment, personal injury, product liability, real estate and tort litigation, including the defense of class actions. Significant experience with counseling financial services companies about product development, regulatory issues, and risk management.

Litigation Associate

Ropers, Majeski, et al., Redwood City, CA, August 1987–March 1989

Part of a two-person litigation team defending doctors, hospitals and nurses in medical malpractice lawsuits and arbitrations. Practice also involved handling various types of business and commercial litigation, insurance coverage disputes, personal injury and product liability cases, and real estate litigation. Significant experience with coverage disputes arising under comprehensive general liability insurance policies.

ADR SERVICE

- Mediator, U.S. District Court, N.D. California and C.D. California
- Early Neutral Evaluator, U.S. District Court, N.D. California
- Voluntary Dispute Resolution Neutral, U.S. District Court, E.D. California
- Mediator, Alameda, Contra Costa, Napa and Solano County Superior Courts

BAR ADMISSIONS

California State Bar (#131021)

U.S. District Court, N.D. California

U.S. District Court, E.D. California

U.S. District Court, C.D. California

U.S. District Court, S.D. California

U.S. Court of Appeals, Ninth Circuit

U.S. District Court, E.D. Michigan

PUBLISHED DECISIONS

Keller v. Albertson's Inc.

589 F.Supp.2d 1205 (C.D.Cal. 2008)

Mhadbi v. Jefferson Pilot Financial

255 F.Supp.2d 1109 (N.D.Cal. 2003)

Davenport v. Blue Cross of California

52 Cal.App.4th 435 (1997)

AMEX Life Assurance Co. v. Superior Court

14 Cal.4th 1231 (1997)

Damascus v. Provident Life & Acc. Ins. Co.

933 F.Supp. 885 (N.D. Cal. 1996)

Tool v. Nat'l Employee Benefit Services, Inc.

957 F.Supp. 1114 (N.D. Cal. 1996)

Kentucky Central Life Ins. Co. v. Marin Bay

Park Trust, 958 F.2d 377 (9th Cir. 1992)

Kentucky Central Life Ins. Co. v. LeDuc

814 F.Supp. 832 (N.D. Cal. 1992)

LeDuc v. Kentucky Central Life Ins. Co.

814 F.Supp. 820 (N.D.Cal. 1992)

Johnson v. Minnesota Mutual Life Ins. Co.

799 F.Supp. 75 (N.D. Cal. 1992)

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RECENT ARTICLES AND SPEECHES

Litigation and Long Term Care (ICA Annual Meeting, Sept. 2015); *Complex Life Insurance Claims* (ICA Annual Meeting, Sept. 2014); *Utilizing the Two-Year Contestable Period* (ACI 2nd National Advanced Forum on Life Insurance and AD&D Claims and Litigation, July 2013); *Preparing for Changes in the Health Insurance Marketplace* (DRI, *Life, Health and Disability News*, June 2013); *Health Insurance Law Update* (DRI ERISA/Life, Health & Disability Claims Seminar, April 2013); *Is Fee-Based Planning in Your Future?* (CAHU Health Care Summit, Oct. 2012); *Long Term Care: Beyond the Nursing Home* (ICA Annual Meeting, Oct. 2012); *Four Things Agents Need to Know About Health Care Reform* (*Broker World*, Oct. 2012); *Health Insurance Regulation and Litigation After NFIB v. Sebelius* (ICA Roundtable, Sept. 2012); *The Supreme Court's Decision on the Affordable Care Act* (DRI, *Life, Health & Disability News*, Aug. 2012); *The Affordable Care Act Upheld: Now What For Our Clients?* (DRI Webcast, July 2012); *The Interplay Between Securities Law/Broker-Dealer Rules and Insurance Statutory Requirements in Connection With the Sale of Variable Life and Annuity Products* (ACI 1st National Advanced Forum on Litigating Life Insurance and Annuity Claims, July 2012); *Constitutional Arguments About the Affordable Care Act* (DRI, Webcast, March 2012); *What Do Health Insurance Litigators Face in 2012 and Beyond?* (DRI Webcast, Dec. 2011); *LTC Mind Control: What Makes a Good Claims Examiner?* (ICA Annual Meeting, Oct. 2011); *Proving Insurance Fraud* (Western Claim Conference, Sept. 2011); *Health Care Reform: The Grand Design* (Eastern Claim Conference, March 2011); *Health Care Reform: What is it and What Does it Mean to You?* (DRI Annual Meeting, Oct. 2010); *Mediating Disputed Health Insurance Claims* (ICA Annual Meeting, Oct. 2010); *LTC Overview: Where It's Been and Where It's Going* (ICA Annual Meeting, Oct. 2010); *Rescission is Not a Four-Letter Word* (ICA Annual Meeting, Oct. 2010); *Proving Insurance Fraud* (ICA Annual Meeting, Oct. 2010); *Health Care Reform: What Does it Mean?* (ICA Annual Meeting, Oct. 2010); *Legal Considerations for Life Underwriters* (NCLIA Quarterly Meeting, Sept. 2010); *How to Effectively Manage Competing Death Benefit Claims* (*ICA News*, Summer 2010); *An Introduction to Long Term Care Insurance* (Western Claim Conference, 2009); *National Survey of Life Insurance Case Law* (ICA Annual Meeting, 2009); *Effective Use of the Advice of Counsel Defense* (DRI, *The Voice*, 2008); *Litigating Subjective Disability Claims* (ALI-ABA, *The Practical Litigator*, 2008); *The Anatomy of a Bad Faith Case* (ABA Annual Meeting, 2007)

ASSOCIATIONS

American Bar Association

- Health & Disability Insurance Law Committee, Chair (2001-2002)
- Life Insurance Law Committee, Vice Chair (1996-1999)

American Health Lawyers Association

Association of Life Insurance Counsel

Defense Research Institute

- National Spokesperson on Health Care Reform (2012-2017)
- Life, Health & Disability Law Committee, Annual Meeting Program Chair (2010-2013)

Federal Bar Association

International Association of Privacy Professionals

International Claim Association

Northern California Life Insurance Association