

Robert T. Horst

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You're either in or you're out. There's no in between. - Pat Riley



Robert T. Horst ("Bob") is the Chair of the firm's Insurance Industry Group. He focuses on insurance coverage disputes, advice, and the defense of extracontractual suits against insurers. Bob has particular expertise and interest in the handling of matters involving property insurance, fine art insurance, business income, agent/broker litigation, trade credit, and class actions. His experience includes insurance cases in jurisdictions throughout the U.S., including national class action cases and high stakes "bad faith" litigation. Born and raised in Philadelphia, Bob and his team litigate frequently in the state and federal courts there as well, along with the counties in the 5-county metropolitan area. He brings 25 years of insurance litigation experience to the firm and has tried numerous jury trials to verdict, along with multiple bench trials, domestic/international arbitrations, and class certification hearings.

A frequent lecturer and author, he has addressed insurance law, claims practices, bad faith, trial tactics, law firm management, the constitutionality of punitive damages, and legal ethics. He also co-authored and edited the book *Extracontractual Litigation Against Insurers* published by American Lawyer Media (2010-2014) and served for over 6 years as General Counsel to the International Association of Special Investigative Units ("IASIU"), with over 4,000 members worldwide. Bob also proudly served on the National Committee for the Claims and Litigation Management Alliance ("CLM"). He is presently Counsel to the local chapter of the IASIU.

Areas of Practice

- Insurance Industry Law

Bar Admissions

- Pennsylvania, 1991
- New Jersey, 1991
- New York, 2007
- U.S. District Court for the Eastern District of Pennsylvania, 1992
- U.S. District Court for the District of New Jersey, 1991
- 3rd Circuit Court, 1995
- 11th Circuit Court, 2003

Education

- Villanova University School of Law, Villanova, PA, J.D., 1991
- Pennsylvania State University, State College, PA, B.S., 1988

Bob has been named among America's Top 100 Civil Defense Litigators® for 2018. Selection to America's Top 100 Civil Defense Litigators® is by invitation only and is reserved to identify most exceptional Civil Defense Litigators in throughout the nation. Only the top 100 qualifying defense litigators in each state will receive this honor and be selected for membership among America's Top 100 Civil Defense Litigators®. With these extremely high standards for selection to America's Top 100 Civil Defense Litigators®, less than one-half percent (0.5%) of active attorneys in the United States will receive this honor — truly the most exclusive and elite level of litigators in the community.

Bob has been recognized as a Super Lawyer® each year since 2006 and is rated 10/10 by the national website Avvo.com. He was also profiled in the cover article of *Claims Advisor* magazine, "Ready to Rumble," in June 2011, and has also been quoted in The New York Times, The Legal Intelligencer, PropertyCasualty360, Law360, National Underwriter magazine, *Student Lawyer* magazine, www.examiner.com, *The Jackson Clarion Ledger* (Mississippi), and www.lawcrossing.com.



Published Works

- Article, "Sixty Days to Being Stronger With the Federal Rules of Evidence," *Trials and Tribulations Newsletter for DRI* (co-author, Brian O. Phillips), March 2017
- Article, "The Five Most Effective Motions in Limine in Any Coverage Dispute," *For the Defense* magazine (co-author, Daniel L. Petrilli), October 2015
- Book, *Extra-Contractual Litigation Against Insurers*, Law Journal Press (2009 – present)
- Article, "Measuring What Can't be Counted - The Financial Impact of Fraud Prevention," with co-author Susane Scott, *Litigation Management Magazine*, Fall 2013
- Article, "Insurance Fraud and Perceptions of the Truth: What Do You See?" *Claims Management Magazine*, April 2013
- Article (co-author), "Fighting Back: How Detection and Prevention Can Avoid the High Cost of Insurance Fraud," *Litigation Management* magazine, Summer 2011

- Featured in Article, "Ready to Rumble", Claims Advisor Magazine, Summer 2011 Edition
- Article, "U.S. Supreme Court: FRCP 23 Trumps State Law Limits on Class Action Practice," New York State Bar Association Newsletter, Spring/Summer 2010
- Article, "The Cadmium Crisis and its Impact on Liability Insurers," with co-author Mark Rosenberg, Claims Magazine, March 2010
- Article, "Using Crimen Falsi," Defense Research Institute (DRI), Trial Tactics Committee Newsletter, October 2009
- Article, "The Psychology of Voir Dire," Defense Research Institute (DRI) Trial Tactics Committee Newsletter, July 2009
- Article, "Property Case Law Update," Claims Advisor Magazine, July 2009 ed.
- Article, "Demonstrative Aids in the Courtroom," For the Defense magazine, Defense Research Institute, 2009
- Article, "The Growing Wave of Data Breach Litigation," with co-authors John F. Mullen, Sr. and Mark H. Rosenberg, Risk Management Magazine, 2009
- Article, "Short Circuited: 3rd Circuit Reduces Punitive Damage Award to Bad Faith Plaintiffs," with co-author Bill Krekstein, The Legal Intelligencer, March 9, 2009
- Article, "When the Honeymoon Ends: How Firms Can Focus on Retaining Lateral Partners," The Legal Intelligencer, February 9, 2009
- Article, "The Fifth Amendment Privilege in Civil Litigation: What is the Practical Effect of an Adverse Inference?" The Voice, Defense Research Institute, July 2008
- Article (co-author), "Fraud in the Application: When Can a Carrier Void the Policy All Together," Claims Advisor magazine, July 2008
- Article (co-author), "The Deposition Testimony," Claims magazine, November 2007
- Article, "The Illinois Supreme Court Enters the Class Action Debate in Avery v. State Farm," American Bar Ass'n, Class Actions and Derivative Suits Newsletter, Fall 2005
- Article, (co-author), "Pre-exemption of Bad Faith Claims by ERISA," For the Defense magazine, Defense Research Institute, May 2004
- Article, "The Impact of "Prohibitive Costs" of Arbitration Upon the Defense of Class Actions," with co-author Mark Rosenberg, The Metropolitan Corporate Counsel, March 2004
- Commentary, "State Farm v. Campbell: The United States Supreme Court Reinforces Constitutional Limits on Punitive Damage Awards, Mealey's Litigation Report, August 2003
- Article, (co-author), "Erosion of the Antitrust Exemption for Insurers," For the Defense magazine, Defense Research Institute, May 2003

- Analysis, Avoiding Class Action Exposure Through Due Diligence in Vendor Selection: Insurance Carrier Utilization of Third Party Vendors," FDCC Quarterly, Winter 2003
- Article, "Animation Evidence in the New Millennium Courtroom," For the Defense magazine, March 2002
- Contributing Reporter, "Protecting the Privilege: State by State Survey," Defense Research Institute, Ad Hoc Privilege Task Force, September 2001
- Article, "Using Fire Cause & Origin Experts at Trial," For the Defense magazine, March 2001
- Commentary, "How to Diagnose and Avoid the Bad Faith Set-Up in the First Party Property Insurance Context," Mealey's Litigation Report, November 2000

Classes/Seminars Taught

- Speaker, "Minimizing Bad Faith Insurance Risks in First Party Property Claims", Strafford Publications, Live Webinar (December 2017)
- Speaker, Ethics & the Insurance Investigator, New Jersey Special Investigators Association, Annual Conference, Atlantic City, NJ (October 2017)
- Speaker, "Depreciation of Labor: Yes or No?," Property Insurance Plan Services Organization ("PIPSO") Annual Conference, Naples Florida (November 2016)
- Presenter, "Emerging Issues for the Insurance Investigator," Pennsylvania Insurance Fraud Prevention Authority, Annual Conference, Hershey, PA, April 2016
- Presenter, "Appraisal and Business Interruption Claims," Pennsylvania Association of Mutual Insurance Companies, Annual Meeting, April 2016
- Presenter, "Litigating the Insurance Bad Faith Case," Pennsylvania Bar Institute, December 2015
- Presenter, "Ethics and Decision Making for the Insurance Lawyer and the Claims Professional," New Jersey Special Investigators Association, Annual Meeting, October 2015
- Presenter, "Case Law Update for the Insurance Investigator," Pennsylvania Insurance Fraud Prevention Authority, Annual Conference, Hershey, PA, April 2015
- Keynote Speaker, "Ethics and Decision Making for the Insurance Investigator," Annual Conference for the Pennsylvania Insurance Fraud Protection Authority, Hershey, PA, April 2014
- Presenter, "Ethics for the Litigator," New Jersey Special Investigators Association, Annual Meeting, Atlantic City, NJ, October 2014

- Presenter, "Bad Faith in the Absence of Coverage" - American Conference Institute's 27th National Advanced Forum on Bad Faith Litigation, March 31, 2014
- Keynote Speaker, "The Psychology of Fraud and Decision Making" - New Jersey Special Investigators Association, Annual Meeting, October 2013
- Speaker, "Is it Insurance Fraud, Bankruptcy Fraud...or Both?" - Delaware Valley Chapter of IASIU, Quarterly Meeting, September 2013
- Speaker/Panelist, "The Present and Future of Concussion Litigation" - Pennsylvania Defense Institute 45th Annual Conference, July 2013
- Presenter, "Emerging Tort Issues in 2013: Punitive Damages" - Philadelphia Association of Defense Counsel, May 2013
- Speaker, "Data Security and Privacy Concerns with New Technology" - Property Loss Research Bureau Annual Meeting, March 2013
- Speaker, "Dealing with Public Adjusters" - Central Pennsylvania Claims Association, Monthly Meeting, March 2013
- Speaker/Panel Chair, "Identifying and Combating Fraud in First Party Property Claims" - Loss Executives Association, Winter Meeting, January 2013
- Speaker, "Recent Changes in Pennsylvania Public Adjuster Law" - Philadelphia Loss Conference, Monthly Meeting, January 2013
- Panelist and Course Planner, "Identifying and Combating Fraud in First Party Property Claims," Loss Executives Association, 82nd Annual Meeting, Tampa, FL, January 2013
- Speaker, "Ethics, Morality and the Special Investigator" - International Association of Special Investigative Units, Annual Seminar, September 2012
- Speaker, "Dealing with Public Adjusters" - Pennsylvania Insurance Fraud Prevention Authority, Annual Meeting, May 2012
- Speaker, "Everyday Ethical Issues for the Litigator" - Insurance Society of Philadelphia, December 2011
- Presenter, "Balancing Act: Dealing with Allegations of Bad Faith when Coverage is Disputed" - Claims and Litigation Management Alliance, Annual Conference, March 2011
- Panelist and Course Planner, "Appraising the Appraisal Process: Deconstruction Appraisal Myths and Debunking Appraisal Avoidance," Loss Executives Association Annual Meeting, Tampa, FL, January 2011
- Speaker, "Preventing and Defending Bad Faith Claims: Current, Trends and Strategies" - Council on Litigation Management, Annual Conference, March 2010

- Presenter, "Bad Faith Claims for the Insurance Professional," American Bar Association – Insurance Law Committee, Section Meeting for Construction Industry, Philadelphia, PA October 2009
- Presenter, "Ethics and the Claims Professional," Delaware Claims Association, Annual Meeting, Newark, DE, October 2009
- Panelist and Course Planner, "Ethics and the Large Loss Property Adjuster," Loss Executives Association, Summer Conference, Portland, ME, June 2009
- Panelist and Course Planner, "Insurance Issues and Swine Flu Pandemic," HB Litigation Co