



Marvin L. Karp

PARTNER

Chair Emeritus, Litigation Department

CONTACT INFORMATION

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PRACTICES / INDUSTRIES

Litigation

Banking & Commercial Litigation
Class Actions
Complex Business
Governance Disputes & D&O Litigation
Insurance Coverage
Professional Liability
Subrogation

Financial Services

Banking & Commercial Litigation
Securities Litigation

AREAS OF CONCENTRATION

Litigation

Commercial Law
Securities Law

Insurance Litigation

Bad Faith and Punitive Damages
Professional Liability

EDUCATION

Yale University (B.A., *summa cum laude*,
1955) Phi Beta Kappa
Yale University Law School (J.D., 1958)

AT A GLANCE

With more than 45 years of trial and appellate experience in business, corporate and insurance litigation, Marvin has been listed in every edition of *The Best Lawyers in America* since 1983. As a result of surveys taken of Ohio lawyers, he was named as one of the "Top 10 Super Lawyers" in 2004, 2005 and 2006. Marvin was named a "Top 100 Super Lawyer" in the state of Ohio and a "Top 50 Super Lawyer" in Cleveland in 2007 and 2008. He received the American ORT Jurisprudence Award in 2004 for his many contributions to the legal profession and the community. In 2007, he received The Ohio Bar Medal for "unusually meritorious service to the legal profession and the community."

REPRESENTATIVE EXPERIENCE

Extensive trial and appellate experience since 1958 in business and commercial litigation throughout Ohio and in other jurisdictions.

Noteworthy cases include:

Served as special counsel to the Ohio Attorney General, Betty Montgomery, in her efforts to block the sale of non-profit Cleveland-based Blue Cross and Blue Shield of Northeast Ohio to for-profit Columbia HCA, Inc. unless a portion of the sales proceeds was allocated for the benefit of the public.

Representation of Lloyds of London, Ohio Edison Company, Duquesne Light Company and Pennsylvania Power Company in suit against General Electric Company for supplying defective circuit breakers to a power plant. This case was tried to a jury twice. After the first trial, the jury awarded our clients \$5,000,000; after the second trial, the jury awarded our clients \$23,000,000.

Representation of minority shareholder of the Cleveland Browns Football Company, Inc. against majority shareholder Arthur B. Modell and the corporation in two cases involving minority shareholders' rights under Delaware law. Our client won at trial each time, had the decisions reversed by the Ohio

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REPRESENTATIVE EXPERIENCE (Continued)

Court of Appeals, but ultimately prevailed in both cases at the Ohio Supreme Court.

Representation of German merchant bank in suit against Cyrus Eaton, Jr. to recover fees owed by Eaton as a result of work performed by our client to provide financing for the construction by a Finnish consortium of a hotel in Leningrad. We obtained a judgment in favor of our client of approximately \$2,000,000.

Obtained judgment in excess of \$1,600,000 for our client in a breach of stock purchase agreement case.

Obtained judgment in excess of \$4,000,000 for our client in action against former officer for embezzlement.

Obtained directed verdict for our clients in defending claims for money allegedly due under series of complex agreements for purchase of stock and assets of businesses and claims alleging ongoing breaches of contract.

Obtained a jury verdict in favor of our client, a former officer of Revco, in a suit filed by the SEC for alleged insider trading. Negotiated favorable settlement on behalf of another former officer of Revco in similar action by the SEC.

Obtained injunction in U.S. District Court to halt hostile takeover of local bank.

Obtained judgment in excess of \$1,500,000.

Obtained judgment in excess of \$3,000,000 on behalf of a corporate client under an employee dishonesty insurance policy.

Obtained judgment for \$6,830,000 on behalf of a small business that was put out of business by a principal supplier's breach of contract.

HONORS & DISTINCTIONS

American Bar Association's 2010 Michael Franck Professional Responsibility Award, Recipient
AV Rated - Martindale-Hubbell

Appointed to the Task Force on the Code of Judicial Conduct by Chief Justice Thomas J. Moyer to serve on a Supreme Court of Ohio panel that will revise and improve the rules governing the conduct of Ohio judges (August 2007)

Recipient of the Ohio State Bar Association's highest honor, The Ohio Bar Medal (2007)

From letter from a Common Pleas Court Judge following a jury trial (October 1994): The jury... made an unusual request. They requested that I convey to you their sincere respect for you personally and their appreciation for the professional manner in which you conducted yourself at trial. I fully agree with the jury's evaluation of your performance. It is a pleasure as a judge to witness a skilled trial lawyer present a thoroughly investigated, prepared case. I was impressed by your ability to capture the jury's interest for three weeks on complex issues in what most juries would regard as a very dry subject matter. Your jury, however, was fascinated by the problems of insurance contract clauses. The jury truly enjoyed the experience. That is quite an accomplishment.

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HONORS & DISTINCTIONS (Continued)

Listed in every annual edition of *The Best Lawyers in America*, Business Litigation; Bet-the-Company Litigation; Commercial Litigation
Named a "Top 10 Ohio Super Lawyer" in a survey of Ohio Lawyers by *Law & Politics* and *Cincinnati* magazines (January 2004, 2005 and 2006)
Named a "Top 100 Super Lawyer" in the state of Ohio (January 2007) and a "Top 50 Super Lawyer" in Cleveland in a survey of Ohio Lawyers by *Law & Politics* and *Cincinnati* magazines (January 2007 and 2008)
Named an "Ohio Super Lawyer" in a survey of Ohio lawyers by *Law & Politics* magazine (2008-2011)
Ranked as one of Ohio's leading General Commercial Litigation lawyers by *Chambers USA: America's Leading Business Lawyers* (2003-2011); *Chambers USA: Client Guide 2004*
Selected as a "Leading Lawyer" in Northeast Ohio in a survey of lawyers by *Inside Business Magazine* (December 2001-2011)
Recipient of the American ORT Jurisprudence Award for his many contributions to the community and to the legal profession (2004)
Named a "Top Lawyer" by *Northern Ohio Live* magazine (August 2003)
First recipient of the William K. Thomas Professionalism Award presented by The Cleveland Bar Association (2001)
Named by *The National Law Journal* as one of the 25 best insurance defense attorneys in the United States (September 1999)
Andrew M. Hecker Memorial Award for Professionalism (Tort and Insurance Practice Section, American Bar Association) (1998)
Named by *Cleveland Magazine* as one of the six best trial lawyers in Northeastern Ohio (August 1994)

PUBLICATIONS & PRESENTATIONS

Publications

"Storming the Barricade: The Attack on the Attorney-Client Privilege in First Party Insurance Cases," *54 FDCC Quarterly No. 1* (2003)
"Jury Selection in Catastrophe Cases," *31 The Brief* (American Bar Association) No. 4
"Professionalism: A Call for Action," *Cleveland Bar Journal* (March 1996)
"Some Reflections on Change – And Professionalism," *24 The Brief* (American Bar Association) No. 4 (1995)
"Arson and the Innocent Co-Insured," *22 The Brief* (American Bar Association) No. 3 (1993)
"Some Thoughts on Professionalism," *18 The Brief* (American Bar Association) No. 3 (1989)
"Avoiding Punitive Damages in Property Insurance Cases: Are We Being Intimidated by Windmills?" *36 FICC Quarterly* (1986)
"The All-Risk Policy and The Faulty Workmanship and Design Exclusions;" "The All Risk Policy: Its Problems, Perils and Practical Applications," *American Bar Association* (1986)
"Extra-Contractual Damages in Property Insurance Cases: A Defense Lawyer's View," *Extracontractual Damages* (American Bar Association) (1982)
"The Wishbone Offense – A Two Pronged Attack Against Arson," *XIV ABA Forum* (1978)
"Preparation for Trial of an Arson Case," *XI ABA Forum* (1975)

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PUBLICATIONS & PRESENTATIONS (Continued)

Presentations – Professionalism

“The 2009 Code of Judicial Conduct: The Old, The New and the Interesting,” The Judicial Conference of the Eighth Judicial District (April 2009)
Property Case Law Update, PLRB/LIRB Claims Conference (March 2009)
Ohio State Bar Association Ethics and Professionalism Seminar (December, 2002)
“Current Ethical Issues for Insurance Practitioners,” Association of the Bar of the City of New York (November 2001)
“The Ethical Pitfalls of Multi-Disciplinary Practice and Multi-Jurisdictional Practice,” FDCC Annual Meeting, London (July 2001)
“Litigation and Professionalism: They Can Co-Exist,” Northern Ohio Employment & Labor Law Conference (May 2001)
American Bar Association Torts and Insurance Practice Section Trial Academy (May 2001)
Cleveland Marshall Law Alumni Association/Cleveland Marshall College of Law (April 2001)
Ohio State Bar Association Ethics and Professionalism Seminar (December 2000)
Judicial Conference of the Eighth Judicial District (April 2000)
Ohio State Bar Association Ethics and Professionalism Seminar (December 1999)
Cleveland Bar Association Health Law Section (December 1999)
Maritime Law Association of the United States (October 1999)
NMIC Defense Counsel Seminar (October 1999)
University of Denver Law School (October 1998)
“High Road v. Low Road: Professionalism on Trial,” American Bar Association Annual Meeting (1998)
Federation of Insurance and Corporate Counsel (February 1998)
Vanderbilt University Law School (February 1998)
Long & Levit Law Firm Retreat (September 1998)
Cleveland Marshall School of Law (November 1997)
Defense Research Institute Annual Meeting (November 1997)
Defense Research Institute Annual Meeting (October 1996)
“Professionalism - A Time for Action,” American Bar Association Young Lawyers Division (February 1996)
Judicial Conference of U.S. Court of Appeals for the Sixth Circuit (June 1995)
TIPS Spring Meeting (May 1995)
Federation of Insurance and Corporate Counsel (1992)
“Beyond Legal Ethics,” Life, Health, Public Regulation of Insurance Law and Employee Benefits Committees Seminar (January 1992)
South Carolina Defense Trial Attorneys Association Annual Meeting (October 1991)
Lake County Bar Association (March 1990)
Houston Bar Association Inaugural Dinner (May 1989)

Presentations - Insurance Law and Trial Practice

“May It Please the Court,” Cleveland Bar Association (June 2008)
“Property Case Law Update,” PLRB/LIRB Claims Conference (April 2008)
“Out of Whose Pocket? Defending Medical Damage Expense Claims After *Robinson v. Bates*,” OACTA Winter Conference (December 2007)
“Winning at Trial: Lessons from 49 Years of Trying Cases,” PriceWaterhouseCoopers General Counsel Forum (August 2007)
“The Attorney-Client Privilege in First Party Insurance Cases,” FDCC Annual Meeting (August 2003)

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PUBLICATIONS & PRESENTATIONS (Continued)

Presentations - Insurance Law and Trial Practice (Continued)

- "Jury Selection," American Bar Association Property Insurance Meeting (2001)
- "Direct and Cross-Examination of Experts," National Institute for Trial Advocates (May 2000)
- "Combating Insurance Fraud," FDCC Annual Meeting (July 1997)
- "Communicating with the Jury in the Wake of Current Legal Trends and Publicity," Cleveland Bar Association Trial Superstars Seminar (October 1996)
- "The All Risk Policy and the Faulty Workmanship and Design Exclusions," American Bar Association Property Insurance Meeting (March 1996)
- "Presenting the Defense's Case at Trial and In Closing Argument," American Bar Association National Institute (March 1995)
- "Must We Shoot the Messenger? – The Advice of Counsel Defense and The First Party Lawyer as a Witness or Party Defendant," DRI Seminar (October 1989)
- "Discovery Problems: How To (And When Not To) Protect the Claims File and The Attorney's File," DRI Seminar (April 1988)
- "A New Head Under the Apple – The Advice of Counsel Defense and The First Party Lawyer as a Witness or Party Defendant," DRI Seminar (November 1987)
- "Discovery Problems – How To and When Not To Protect the Claims File and The Attorney's File," DRI Seminar (October 1986)
- "Beyond Policy Limits: Preventing and Defending Extra-Contractual Insurance Claims," American Bar Association Satellite Seminar (1986)
- "The Advice of Counsel Defense and the First Party Lawyer as a Witness or Party Defendant," DRI Seminar (December 1985)
- "Defending Fraudulent Claims While Avoiding Tort Damage Exposure," American Bar Association National Institute (March 1985)
- "Opening Statements: What to Say and What to Avoid Saying," DRI Seminar (June 1984)
- "Defending Against the Fraudulent Fire Claim," DRI Seminar (May 1983)
- "The Trial of An Extracontractual Damages Case," American Bar Association Video Law Seminar (1983)
- "The Examination Under Oath," Defense Research Institute ("DRI") Seminar (February 1983)
- "Extracontractual Damages in Property Insurance Cases – A Defense Lawyer's View," American Bar Association National Institute (April 1982)
- "Arson for Profit: The Insurer's Defense," American Bar Association National Institute (March 1981)

PROFESSIONAL AFFILIATIONS

American Bar Association (*Chair, Tort and Insurance Practice Section, 1990-91; Member, House of Delegates, 1992-present; Chair, Standing Committee on Ethics and Professional Responsibility, 2001-2004; Task Force on Implementation of Section 307 of the Sarbanes-Oxley Act, 2002-2003; Advisor, Joint Commission on Revising Model Codes of Judicial Conduct, 2003-present; Former Chair, President's Task Force on Membership, 1995-96; Member, Standing Committee on Ethics and Professional Responsibility, 1993-1996; Member, Working Group on Lawyers' Representation of Regulated Clients, 1992-1993; Former Chair, Tort and Insurance Practice Section ("TIPS"), 1990-1991; Former Chair, Tort and Insurance Practice Section Committee on Professionalism, 1987-1988*)

ALI-ABA Professional Responsibility Advisory Panel
Ohio State Bar Association

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PROFESSIONAL AFFILIATIONS (Continued)

Cleveland Metropolitan Bar Association (*Board of Trustees; Former President, 1988-89; Former Chair, Special Committee on Professionalism, 1987-1988; Former Chair, Ad Hoc Commission on ABA Proposed Model Rules of Professional Conduct, 1980-1982; Former Chair, Professional Responsibility Committee, 1978-1979*)
American College of Trial Lawyers Fellow
International Academy of Trial Lawyers Fellow
American Bar Foundation Fellow
Judicial Conference of the U.S. Court of Appeals for the Sixth Circuit (*Life Member*)
Harold Burton Chapter of the American Inns of Court, Cleveland (*Founder and First President*)
Joint Project on Professionalism of four national defense organizations (Defense Research Institute, Association of Defense Trial Attorneys, Federation of Insurance and Defense Counsel, and International Association of Defense Counsel) (*Chair, 1996-1997*)
Federation of Insurance and Corporate Counsel (*President, 1994-95; Chairman of the Board, 1995-96*)
Supreme Court of Ohio Special Committee on Creeds of Professionalism (*Member, 1989-90*)

COMMUNITY INVOLVEMENT

The Park Synagogue (*Executive Committee; Former President, 1986-1990*)

ADMISSIONS

State of Ohio
U.S. Supreme Court
U.S. Court of Appeals, Third Circuit
U.S. Court of Appeals, Sixth Circuit
U.S. District Court, Northern District of Ohio
U.S. District Court, Southern District of Ohio