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# Walter E. Brock, Jr.

SHAREHOLDER

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Walter Brock's practice is focused on civil litigation and insurance law, with special experience and interest in the following areas of practice: professional liability law and litigation, professional liability insurance, first party and third party insurance coverage and bad faith litigation, property and casualty insurance, product liability litigation, construction defect litigation, trade secret, non-compete, and non-solicitation litigation, business and commercial litigation, breach of contract and unfair trade practice litigation, catastrophic personal injury and wrongful death litigation.

Walter routinely litigates cases in the Superior Courts throughout North Carolina, including the North Carolina Business Court, and in each of the three Federal District Courts in North Carolina. He frequently represents parties in appeals before the Court of Appeals of North Carolina, the North Carolina Supreme Court, and the United States Court of Appeals for the Fourth Circuit. He is admitted to practice before the United States Supreme Court. He also appears before administrative agencies, including the North Carolina Department of Insurance.

Walter is author of the book chapter on professional liability insurance in the LexisNexis Practice Guide: North Carolina Insurance Litigation. He has organized and presented at seminars, authored articles, lectured, moderated panel discussions and given trial demonstrations on civil litigation, civil procedure and evidence, ADR and mediation, deposition preparation, products liability, insurance bad faith litigation, and insurance coverage.

Walter has also assisted professional liability insurers in drafting and updating their professional liability policies and endorsements.

Walter has served the Bar as President of the Wake County and Tenth Judicial District Bars, as a hearing officer on the North Carolina State Bar Disciplinary Hearing Commission, and as a current State Bar Councilor representing the Tenth Judicial District on the Grievance Committee and the Authorized Practice of Law Committee.

Walter has been recognized by his peers for excellence in the practice of law as an elected member of the Eastern North Carolina Chapter of the American Board of Trial Advocates and the Litigation Counsel of America™, The Best Lawyers

in America©, North Carolina Super Lawyers®, and Business North Carolina's Legal Elite.

Walter has been with the firm since 1979 and is the Litigation I Team Leader. He was law clerk to former Chief Judge Naomi Morris of the North Carolina Court of Appeals before joining the firm.

## Education & Bar Admissions

- J.D., University of North Carolina School of Law, 1978
- B.A., University of North Carolina at Chapel Hill, 1975

## Admitted in

- North Carolina, 1978
- U.S. District Courts for North Carolina
- U.S. Court of Appeals for the 4th Circuit
- U.S. Supreme Court

## Focus Areas

- Appellate Practice
- Business Litigation
- Employment Litigation
- Insurance Coverage & Bad Faith Litigation
- Product Liability
- Professional Liability

## Achievements

- American Board of Trial Advocates (ABOTA) – Past President and National Board Member
- Fellow, Litigation Counsel of America™
- Listed in *The Best Lawyers in America*© in the field of Insurance Law (2007, 2009, 2012, 2014, & 2015-2020)
- Listed in *North Carolina Super Lawyers*®(2006-2019), Business Edition (2011, 2013, & 2016)
- Listed in *Business North Carolina's Legal Elite* (2014)
- Associate justice of the Holderness moot court bench, UNC Chapel Hill
- Law clerk, Chief Judge Naomi E. Morris of the North Carolina Court of Appeals (1978-1979)

## Activities

- American Board of Trial Advocates, Eastern North Carolina Chapter
  - Associate (current)
  - Board of Directors, President (previous)
- Litigation Counsel of America™, Fellow
- Wake County Bar Association,
  - President (1998)
  - Public Service Committee, Chair
- Tenth Judicial Bar Association
  - Councilor (2015-present)
  - Fee Dispute Resolution Committee, Mediator and Arbitrator
  - President (1998)
- North Carolina State Bar, Disciplinary Hearing Commission (previous)
- North Carolina Bar Association
- North Carolina Association of Defense Attorneys
- Defense Research Institute
- N.C. Supreme Court Historical Society
- N.C. Court of Appeals 50th Anniversary Celebration, Committee Member and Speaker
- Fairmont United Methodist Church
  - Lay Leader
  - Church Council Chair (previous)
  - Staff-Parish Relations Chair (previous)

## Publications & Presentations

- “E&O and Professional Liability Insurance,” speaker and author, North Carolina Bar Association, Insurance Law Section Annual Meeting, February 2019
- “Expert Witnesses in Insurance Coverage Disputes,” speaker and author, North Carolina Bar Association, Insurance Law Section Annual Meeting, January 2018
- “Errors and Omissions Insurance (Malpractice Insurance),” Chapter 7 of LexisNexis Practice Guide: North Carolina Insurance Litigation, 2018 Edition

- “Judicial Independence,” speaker and author, NCBA/ABOTA Foundation Teacher Law School; August 2015
- “Excess/Umbrella Insurance Bad Faith Claims and Avoidance,” speaker and author, North Carolina Bar Association; April 2013
- “Physical and Mental Examinations of Persons in the State and Federal Courts,” speaker and panel discussion participant, Fall Seminar for Insurance Claims Managers and Defense Counsel, Greensboro, NC; September 2012
- “Deposition Preparation,” course speaker for the Southeastern Claims Executive Association, Williamsburg, Va.; October 2009
- “Insurance Bad Faith Claims,” course speaker & author; March 2008
- “Remarks of Walter E. Brock, Jr. at the North Carolina Court of Appeals 40th Anniversary celebration,” Raleigh, NC, January 31, 2008.
- “Issues Relating to ‘Claims Made’ Coverages,” ALFA Insurance Law Roundtable, New York City, June, 2003
- “Spoliation of Evidence,” ALFA Product Liability Seminar, May, 2000
- “Coverage Issues: Sexual Misconduct,” Recurring Policy Issues; (speaker), June, 1996.
- “Insurance Law: A Practical Guide to North Carolina Insurance Law,” Bad Faith Claims and Bad Faith Avoidance, speaker and author, April, 1996.
- “Ethical Considerations in the Litigation Process and Bad Faith,”; Conflicts of Interest and Bad Faith Avoidance; speaker and author, July, 1995.
- “A Practical Approach to North Carolina Insurance Law,” A Practical Guide to Commercial General Liability Insurance Disputes in North Carolina, organizer and author, June, 1995.
- “Insuring Environmental Risks,”; After the Fact, Are You Covered Under Your Old Policy?; course coordinator, speaker and author November, 1992.
- “Hazardous Substances Litigation Workshop”; “Trial Issues,” speaker September, 1992.
- “Mastering the Admissibility of Evidence,” PESI-North Carolina Evidence Workshop, speaker, August, 1991.
- “Statutes of Limitation and Repose,” North Carolina Association of Defense Attorneys Fall Seminar; speaker and co-author, October, 1991.
- “Tactics & Mechanics,” PESI-North Carolina Depositions: Strategies, speaker, September, 1990.
- “A Practical Introduction to Environmental Law,” North Carolina Bar Association, course planner, February, 1989.
- “Liability Insurance Coverage for Environmental Pollution,” National Association of Independent Insurance Adjusters, October, 1988.

## Milestones

- *North Carolina Farm Bureau Mutual Insurance Company, Inc. v Phillips* \_\_\_N.C. App.\_\_\_\_, 805 S.E.2d 362 (2017).
- *Morris v. Scenera Research, LLC*, (N.C. Business Court, Wake Co., 09 CVS 19678, May 31, 2017) WL 2380230.

- *Morris v. Scenera Research, LLC*, 368 N.C. 857, 788 S.E.2d 154 (2016).
- *North Carolina Farm Bureau Mut. Ins. Co. v. Clear Technology, Inc.*, 601 Fed. Appx. 181, (4<sup>th</sup> Cir., 2015).
- *Estate of Bridges v. N. C. Farm Bureau*, No. COA12-566 (N.C. App., Feb. 5, 2013, unpublished) (Insurance coverage; unfair trade practices)
- *Williams v. United Community Bank*, 218 N.C. App. 361, 724 S.E.2d 543 (2012) (Real estate appraisal reports; trade practices)
- *Estate of Bridges v. N. C. Farm Bureau*, No. COA12-566 (Feb. 5, 2013) (Insurance coverage; unfair trade practices)
- *Williams v. United Community Bank*, 724 S.E.2d 543 (2012) (Real estate appraisal reports; trade practices)
- *North Carolina Farm Bureau Mutual Insurance Company, Inc. v. Sadler*, 365 N.C. 178, 711 S.E.2d 114 (2011) (Insurance appraisal)
- *Goodman v. Holmes & McLaurin*, 192 N.C. App. 467, 665 S.E. 2d 526 (2008) (professional malpractice)
- *Luther v. Seawell and N.C. Farm Bureau Mut. Ins. Co.*, 191 N.C.App. 139, 662 S.E.2d 1 ( 2008) (insurance misrepresentation)
- *North Carolina Farm Bureau Mut. Ins. Co., Inc., v. T-N-T Carports, Inc.*, 185 N.C. App. 686, 649 S.E. 2d 420 (2007) (insurance premiums due)
- *Auto-Owners Ins. Co. v. Potter*, Nos. 06-1232, 06-1298. 2007 WL 2046832 (4th Cir., July 13, 2007) (environmental coverage)
- *Taylor v. North Carolina Farm Bureau Mut. Ins. Co., Inc*, 181 N.C. App. 343, 638 S.E. 2d 636 (2007) (insurance bad faith)
- *C & H Partnership v. Shaw Industries Group, Inc.*, Slip Copy, 2006 WL 1229001 (M.D.N.C., May 4, 2006) (commercial lease)
- *Auto-Owners Ins. Co. v. Potter*, 105 Fed. Appx. 484 (4th Cir., 2004) (environmental coverage)
- *Studio Frames Ltd. v. Standard Fire Ins. Co.*, 369 F. 3d 376 (4th Cir., 2004) (flood loss)
- *Rivenbark v. North Carolina Farm bur. Mut. Ins. Co., Inc.*, 155 N.C. App. 777, 574 S.E. 2d 715 (2003) (insurance bad faith)
- *Crawford v. Commercial Union Midwest Ins. Co.*, 356 N.C. 609, 571 S.E. 2d 781 (2002) (insurance misrepresentation)
- *Home American Credit, Inc. v. Investors Title Ins. Co.*, 199 F.R.D. 563 (E.D.N.C., 2001) (title insurance/fraud)
- *Harrison v. Ford*, 210 F. 3d 361 (table, text in Westlaw, 4th Cir., 2000)
- *Wm. C. Vick Const. Co. v. Pennsylvania Nat. Mut. Cas. Ins. Co.*, 52 F.Supp.2d 569 (E.D.N.C., 1999), affirmed, 213 F. 3d 634 (table, text in Westlaw, 4th Cir., 2000) (CGL coverage; construction defects)
- *Price v. Federal Paper Bd. Co.*, 145 F.3d 1325 (Table, Text in Westlaw), (4th Cir., 1998) (chemical exposure)
- *Pennsylvania Nat. Mut. Cas. Ins. Co. v. Triangle Paving, Inc.*, 973 F.Supp. 560 (E.D.N.C., 1996), 121 F.3d 699 (Table, Text in Westlaw., 4th Cir., 1997) (CGL coverage for sedimentation pollution)

- *Universal Leaf Tobacco Co., Inc. v. Oldham*, 113 N.C. App. 490, 439 S.E.2d (1994)
- *Ryles v. Durham County Hosp. Corp., Inc.*, 107 N.C. App. 455, 420 S.E.2d 487 (1992)
- *Daniels v. Hertz Corp.*, 104 N.C. App. 700, 411 S.E.2d 394 (1991)
- *Pierson v. Buyher*, 330 N.C. 182, 409 S.E.2d 903 (1991)
- *U.S. Fire Ins. Co. v. Nationwide Mut. Ins. Co.*, 735 F.Supp. 1320 (E.D.N.C., 1990)
- *Peerless Ins. Co. v. Strother and Carolina Transformer*, 765 F. Supp. 866, 33 ERC 1627 (E.D.N.C., 1990) (CGL coverage for PCB contaminated transformer facility)
- *D. Spangler Construction v. Industrial Crankshaft and Engineering Co., Inc.*, 326 N. C. 133, 388 S.E.2d 557 (1990) (CGL coverage for pollution and State enforcement action)
- *Hartford Acc. & Indem. Co. v. U.S. Fire Ins. Co.*, 710 F.Supp. 164 (E.D.N.C., 1989)
- *Stevens v. Lawyers Mut. Liability Ins. Co. of North Carolina*, 789 F.2d 1056, 4 Fed.R.Serv.3d 1151 (4th Cir., 1986)
- *Waste Management of Carolinas, Inc. v. Peerless Ins. Co.*, 315 N. C. 688, 340 S.E.2d 374 (1986) (CGL coverage for Superfund landfill cleanup)
- *Smith v. Intermedics, Inc.*, 767 F.2d 82 (4th Cir., 1985)
- *U.S. v. Ward*, 618 F.Supp. 884, 23 ERC 1391, 16 Env'tl. L.Rep. 20,127 (E.D.N.C., 1985)
- *Fried v. North River Ins. Co.*, 710 F.2d 1022 (4th Cir., 1983)
- *Wysong and Miles Co. v. Employers of Wausau*, 4 F.Supp.2d 421 (M.D.N.C., 1998)
- *American Multimedia, Inc. v. Commercial Union Insurance*, U.S.D.C., Middle District of North Carolina (CGL coverage for unfair trade/anti-trust class action)
- *Jackson v. Credit General Insurance Company*, U.S.D.C., Middle District of North Carolina (CGL coverage for trucking-related accident)

*Disclaimer: The above information may not necessarily reflect the attorney's entire record, and the outcome of any particular future matter cannot be predicated on the attorney's or law firm's past results.*

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