








Jodi Green

Special Counsel

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“I take a collaborative and holistic approach to client service by understanding the importance of exceptional attention to detail as well as a client’s big-picture business concerns. Overall, my aim is to help companies maximize their bottom line and effectively manage their risks and liabilities in a cost-effective manner.”

Jodi Green is a member of the firm’s cannabis and insurance recovery teams and represents clients in a range of non-litigated and litigated business matters.

With over ten years of experience in insurance coverage, Jodi is familiar with a vast range of first-party and third-party insurance policies, including among others: Bermuda Form, builder’s risk, cannabis and hemp, commercial general liability and excess, crime, cyber, directors and officers and management liability (D&O), employment practices (EPLI), homeowners; pollution; property and business interruption, and representations and warranties. Jodi has also evaluated coverage for disputes arising in a variety of contexts, including: advertising injury; cannabis and hemp; construction; employment and wage disputes; ESG and environmental; healthcare, life sciences, and pharmaceutical claims; sexual abuse; and mass tort and products liability, many of which implicated hundreds of millions of dollars or more, such as the Las Vegas Harvest Festival lawsuits and the opioid multi-district litigation matters.

Jodi’s insurance coverage background encompasses disputes arising in numerous jurisdictions, including Alabama, Arizona, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Michigan, Minnesota, Missouri, New York, North Carolina, Oregon, Pennsylvania, Tennessee, Texas, Vermont, Washington, West Virginia, and Wisconsin, as well as international disputes arising under Bermuda, Canada, and English law. Jodi has also evaluated and litigated insurance coverage issues in bankruptcy and has litigated motions to withdraw the reference and motions to compel arbitration.

By working with insurance brokers and clients at the policy procurement stage—including in mergers, acquisitions, and other corporate transactions—Jodi helps clients evaluate and understand how insurance policies work together to avoid coverage gaps and duplicative coverage. She also negotiates broader policy provisions and advises on complementary insurance and indemnity provisions

Education

J.D., DePaul University
College of Law, *magna cum laude*, 2010

- Order of the Coif
- Associate Editor of Articles, Notes and Comments, *DePaul Law Review*

B.A., The Ohio State University, English, 2004

Mediating Disputes Certificate, Program on Negotiation at Harvard Law School, 2021

Bar Admissions

California, 2017
Illinois, 2010

Court Admissions

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. District Court, Northern District of Illinois

U.S. District Court, Northern District of Indiana

in contracts. At the claims stage, Jodi assists with tender and collection on insurance and indemnity claims, and litigates and negotiates insurance and indemnity disputes.

Jodi also has experience evaluating and litigating international law issues, including complex jurisdictional issues implicating constitutional due process, forum-selection and arbitration clauses, The Federal Arbitration Act, the New York Convention on arbitration, the Hague Convention on service of process, as well as anti-suit injunctions in the United States and abroad.

Complementing her law practice, Jodi is a prolific writer who is regularly called upon by the media to provide commentary on cannabis and insurance issues for outlets such as Law360, Property and Casualty360, and Insurance Journal. Jodi is also a dynamic public speaker for in-house events, as well as national and international seminars hosted by organizations such as the American Bar Association, Defense Research Institute, Claims & Litigation Management Alliance, and Insurance Business America. She has also testified before the National Association of Insurance Commissioners (NAIC) on cannabis and insurance issues and authored an online course on “Managing the Risks of Cannabis-Related Businesses” for ALM Media/National Underwriter.

Professional Activities

- Los Angeles Bar Association, Member, 2019-present
- American Bar Association, Member, 2019-present
- Appellate Lawyers Association, Member, 2016-present
- Chicago Bar Association
 - Insurance Law Committee, Chair, 2015-2016
 - Insurance Law Committee, Vice-Chair, 2014-2015
 - YLS Insurance Coverage Committee, Co-Chair, 2013-2014
- International Cannabis Bar Association, Member, 2021-present
- Risk and Insurance Management Society (RIMS), Member, 2022-present
- Psychedelic Bar Association, Member, 2022-present

Civic Activities

- National Cannabis Industry Association
 - Risk Management & Insurance Committee, Member, 2021-present
- Chief (connecting and supporting women executive leaders), Member, 2021-present
- Insurance Industry Charitable Foundation
 - Western Division Associate Board, 2016-present
- Defense Research Institute
 - Writer’s Corner, Chair, 2017-present
- Claims and Litigation Management Alliance, Member, 2019-present

Representative Experience

Insurance Recovery

- Evaluated insurance coverage for thousands of opioid liability claims totaling trillions of dollars
- Evaluated insurance coverage for thousands of sexual abuse claims in excess of a billion dollars
- Evaluated insurance coverage for construction defect disputes at numerous commercial and residential facilities
- Assisted in insurance coverage evaluation and resolution of mass shooting claims in relation to Las Vegas Harvest Festival shooting
- Obtained recovery of proceeds under cyber insurance policy for claim arising from ransomware event

Litigation

- Obtained summary judgment in favor of lending institution in \$4 million breach of note action
- Obtained summary judgment in favor of creditor construction firm in preference and fraudulent transfer action in Northern District of Illinois Bankruptcy Court
- Prevailed in California arbitration seeking indemnity for criminal penalties and fees arising from the death of an employee. The arbitration panel found that the intentional conduct of the claimant's employees barred indemnity.

Appellate

- Obtained affirmance of trial court judgment on appeal of issue of first impression in California on behalf of subcontractor regarding right to equitable subrogation as to defense costs incurred by insurance company on behalf of general contractor (*Carter v. Pulte Home Corp.*, 52 Cal. App. 5th 571 (Cal. App. 1st Dist. 2020))
- Obtained affirmance of trial court judgment finding that subcontractor was entitled to jury trial in equitable subrogation claim arising under indemnity contract and that subcontractor was not jointly and severally liable for defense costs incurred by insurer on behalf of general contractor (*Berg v. Pulte Home Corp.*, 67 Cal. App. 5th 277 (Cal. App. 3d Dist. 2021))
- Obtained affirmance of summary judgment in the Illinois Appellate Court, First District, in favor of a public entity based on tort immunity (*Dempe v. Metropolitan Pier & Expos. Authority*, 2016 Ill App. (1st) 142535-U (Ill. App. Ct. 2016))
- Obtained affirmance of summary judgment in the Seventh Circuit Court of Appeals in a matter involving misrepresentation under an insurance policy
- Prepared amicus briefs in Ninth Circuit Court of Appeals in cases involving business interruption losses under property insurance policies arising from novel coronavirus and COVID-19

Publications

- "Biggest General Liability Rulings In The First Half of 2022," *Law360*, quoted (June 2022)
- "Forum Battles Lie Ahead For Opioid Coverage Disputes," *Law360*, quoted (June 2022)
- "The Ninth Circuit Leaves Open the Delta-8 THC Legal Loophole in an Intellectual Property Dispute," Miller Nash, *IP & Technology Law Trends*, coauthor (May 2022)
- "An Alaska Court Goes Fishing for Insurance, Hooking Another Policyholder Win in a Phishing Scam Case," Miller Nash, *The Northwest Policyholder* (May 2022)
- "2 Calif. Insurance Decisions Question Boundaries Of Fortuity," *Law360*, coauthor (May 2022)
- "Insurers Up Scrutiny Of Companies' ESG Strategies," *Law360*, quoted (May 2022)
- "Legal Experts Say Opioid Coverage Disputes Far From Over," *Law360*, quoted (Apr. 2022)
- "The Ninth Circuit Hooks a California Policyholder Win Under a Commercial Crime Policy in a Phishing Scam Case," Miller Nash, *The Northwest Policyholder* (Mar. 2022)
- "Policyholder Attys Hail Wash. Justices' Entry Into Virus Fight," *Law360*, quoted (Jan. 2022)
- "What To Know As Vermont Justices Hear Virus Coverage Row," *Law360*, quoted (Jan. 2022)
- "Managing the Risks of Cannabis-touching Entities," ALM/National Underwriter, Online Course (2022)
- "Insurance Coverage Vet Joins Miller Nash Cannabis Team," *Law360*, featured (Oct. 2021)
- "Cannabis Coverage Alert: Oregon Court Distills the Science of Cannabis to Find Insurance for a CBD Claim," Miller Nash, *The Northwest Policyholder* (Oct. 2021)
- "Many Insurers Remain Hesitant On Cannabis Biz Coverage," *Law360*, quoted (Oct. 2021)
- "NY Gun Law May Create Opioidlike Litigation For Insurers," *Law360*, quoted (July 2021)
- "Ohio Ruling Adds to Insurance Uncertainty For Opioid Suits," *Law360*, coauthor (July 2020)
- "COVID-19 Will Have Biggest Impact on Cannabis Space," *Insurance Journal*, quoted (Apr. 2020)

- “2020 Predictions from Cannabis Industry Experts,” *Insurance Journal*, quoted (Jan. 2020)
- “Marijuana Insurance Thaw Hinges On ‘Safe Harbor’ Bills,” *Law360*, quoted (Oct. 2019)
- “Vaping Crisis Raises New Liability And Insurance Issues,” *Law360*, coauthor (Oct. 2019)
- “Insuring the Ever-Growing Cannabis Industry: Part 2” *Law360*, coauthor (June 2019)
- “High Risk or High Reward? Navigating the Emerging Insurance Market for the Cannabis Industry,” American Bar Association, Coverage, author (Spring 2019)
- “Insuring the Ever-Growing Cannabis Industry: Part 1” *Law360*, coauthor (Jan. 2019)
- “Fortuity Rules May Incite Coverage Row Over Opioid Lawsuits,” *Law360*, coauthor (Aug. 2018)
- “The Six-Minute Effect: Lifestyle Design While Billing Time – Part I: ‘Busy’ Is a Four-Letter Word,” Defense Research Institute, author (July 2018)
- “A Breath of Fresh Air ... or Spring Is In the Air: Breathe New Life Into Your Legal Writing,” Defense Research Institute, author (April 2018)
- “New Year’s Resolutions We Can All Keep The ‘Goldilocks Dose’: Finding the Perfect Balance of Advocacy,” Defense Research Institute, author (Jan. 2018)
- “The Next Generation of Opioid Lawsuits: Insurance Issues Surrounding Securities Litigation,” Defense Research Institute Insurance Law Committee, Covered Events (Issue 4, 2018)

Presentations

- “How to Turn Cannabis Insurance Into a Profit Center for your Cannabis Operation,” National Association of Cannabis Accounting and Tax Professionals (June 2022)
- “Compliance, Risk Management, and Insurance Essentials for the Cannabis Industry,” Los Angeles County Bar Association, copresenter (May 2022)
- “Opioid Insurance Coverage Issues,” International Institute for Conflict Prevention & Resolution, Insurance Committee Meeting (Apr. 2022)
- “Cannabis, Insurance, and Risk Management: Tools to Prevent Loss and Make Insurance a Profit Center,” Miller Nash, Insurance Webinar Series (Mar. 2022)
- “The Next Wave in Public Nuisance Claims: What Does It Mean for Insurance?” American Bar Association, Annual ABA Insurance Coverage Litigation Committee CLE Seminar (Mar. 2022)
- “Cannabis Insurance: State of the Union,” National Association of Insurance Commissioners, NAIC Spring National Meeting (Mar. 2022)
- “New Year, New Rules? What HR and Risk Management Professionals Should Know About Key Employment, Compliance, and Insurance Issues Impacting the Cannabis Industry in 2022,” Careers in Cannabis HR Community Webinar, copresenter (Jan. 2022)
- “There’s Opportunity, but Also Risk in Rare and Minor Cannabinoids,” *Insuring Cannabis Podcast*, episode 38 (Dec. 2021)
- “Key Insurance Issues for the Business Lawyer,” Oregon State Bar, Recent Developments in Business Law 2021 CLE, copresenter (Dec. 2021)
- “Insurance Speak Podcast, Jodi Green on Managing the Risks of Cannabis-touching Entities,” *PropertyCasualty360* (Nov. 2021)
- “Choosing Resilience,” *Insurance Business America*, Women in Insurance Texas event, moderator (Oct. 2021)
- “Legal Spotlight,” *Insurance Journal*, Insuring Cannabis Summit, panelist (Oct. 2021)
- “Cannabis Coverage Issues,” *Business Insurance*, Virtual Cannabis & Hemp Conference, panelist (Oct. 2021)
- “To Opioids, COVID, and Beyond: How to Abate the Nuisance Driving Social Inflation,” 2021 Claims and Litigation Management Alliance (CLM) Annual Conference, presenter (Aug. 2021)
- “Product Liability Lawsuits Worth Watching in Cannabis,” *Insuring Cannabis Podcast*, episode 30 (Aug. 2021)
- “Current Issues and Recent Decisions in Opioid Coverage Litigation,” The Insurance Section of the Bar

- Association of San Francisco, presenter (June 2021)
- “Legal Matters: Lawsuits and Regulations in Cannabis You Should Know About,” Insurance Journal, Insuring Cannabis Summit (Nov. 2020)
 - “Product and Liability Issues Facing the Growing Cannabis Industry,” 2020 CLM Focus: Cannabis, Environmental, Insurance Fraud, Property, Subrogation, Claims & Litigation, presenter (Nov. 2020)
 - “Insurance Coverage Issues arising from Opioid Litigation,” Perrin Conferences, Opioid Litigation Conference (Oct. 2020)
 - “The Vaping Injury Crisis: Products Liability & Insurance Coverage Issues for Nicotine and Cannabis Industries,” American Bar Association, webinar panelist (Jan. 2020)
 - “Insuring Cannabis: From the Mechanics to Seeing Through The Weeds,” Insurance Journal Research, webinar panelist (Apr. 2020)
 - “Strategies for Effective Claims Handling,” Insurance Business America, Cannabis Cover masterclass (Mar. 2020)
 - “Into the Weeds: Evolving Risks and Coverage Issues Involving Cannabis,” American Bar Association, 2020 Insurance Coverage Litigation Committee CLE Seminar, copresenter (Mar. 2020)
 - “Social Inflation 2.0,” AMWINS Retail Broker Academy, presenter (Feb. 2020)
 - “Into the Weeds: The Complexities of Risk and Insurance for Medical Cannabis,” Cayman Captive Forum, copresenter (Dec. 2019)
 - “Come at Me, Sub-Bro!” West Coast Casualty Construction Defect Seminar, copresenter (May 2019)
 - “What Every Coverage Lawyer Should Know About Preserving Error at Trial and on Appeal,” American Bar Association, Annual Insurance Coverage Litigation Committee CLE Seminar, panelist (Feb. 2019)
 - “Insurance Coverage Issues in the Opioid Litigation,” The Opioid Litigation Conference, copresenter (June 2018)
 - “Navigating the Insurance Coverage Case from Inception to Appeal,” Chicago Bar Association, moderator (May 2016)

Recognition & Honors

- Selected for inclusion as an Illinois Super Lawyers—Rising Star, 2016-2020

Personal Activities

In her spare time, Jodi is an avid runner and hiker, having completed 15 marathons across ten states, a counterpoint to her love of food and wine. A native Wisconsinite who traded snow for the sun, Jodi can often be found enjoying the ocean breeze at Venice Beach with her husband Ryan.