

Founder of Anderson Kill Law Firm, Who Built Career Suing Insurance Companies, Dead at 82

Insurance News Net

The founder of the national law firm Anderson Kill & Olick — who built a career based on suing insurance companies — died July 30 after complications from pneumonia. Eugene R. Anderson was 82.

Dubbed

“the dean of policyholder’s attorneys” by BusinessWeek, he pioneered influential approaches to insurance coverage litigation on behalf of policyholders — corporate and individual, according to Anderson Kill.

He

founded the New York-based firm in 1969. Perhaps one of his most notable cases was the landmark victory in 1981 on behalf of Keene Corp., which sought insurance coverage for millions of dollars in asbestos liabilities.

Anderson started “the modern era” of insurance coverage litigation by bringing the Keene case, said Thomas W. Brunner, chairman emeritus of the insurance practice at Wiley Rein LLP, Washington, D.C., which represents insurance companies. Brunner told BestWire that Anderson was “a stalwart and aggressive advocate for policyholders for several decades.”

Others “gradually moved to the

forefront” on the side of policyholders, but Anderson was the pioneer in bringing policyholder litigation, he said. Anderson was known primarily for asbestos and environmental cases, Brunner said.

But

he also pegged Anderson “as a bit extreme in many of the positions” he

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Source: <https://uphelp.org/founder-of-anderson-kill-law-firm-who-built-career-suing-insurance-companies-dead-at-82/> Date:

April 12, 2025

took. “I was always struck by how he was able to say outrageous things about my clients, and then immediately turn around and be gracious to me and my colleagues,” Brunner said.

Anderson began his career in insurance-coverage law in 1981 in *Keene v. Insurance Co. of North America*, then a member of the Cigna Group Best’s Review, March 1998). He won a verdict that forced the corporation’s insurers to cover millions of dollars in losses due to personal-injury claims from asbestos production.

“Gene was the champion of the victim against the powerful, the individual policyholder against the well-financed insurance industry,” wrote Robert M. Horkovich, managing partner of Anderson Kill, in a letter to the firm’s employees.

Insurance companies, at the very least, wished Anderson — and others like him — would just go away Best’s Review, March 1998).

“We extend our sympathy and condolences to the Anderson family for their loss,” said the Property Casualty Insurers Association of America, in a statement.

Anderson took on many clients pro-bono, or without compensation.

Working with United Policyholders, a nonprofit advocacy group, Anderson led the firm to file more than 250 “friend of the court” briefs for policyholders in key insurance coverage cases, the firm said. Among them was a brief cited in the 1999 U.S. Supreme Court decision, *Humana v. Forsyth*, which subjected the insurance industry to liability under the federal Racketeer Influenced and Corrupt Organizations Act and had been the largest class-action lawsuit ever filed in Nevada. In the 1989 lawsuit, Nevada patients alleged a subsidiary of health insurer Humana Inc. secretly negotiated a rebate with a hospital then failed to pass the discount on to members. The plaintiffs sued under federal RICO,

which triples the damages that could be awarded in a case BestWire, Jan. 20, 1999).

At that time, a spokesman for Humana said the company “committed no wrongdoing.”

“When insurance companies denied treatment to women diagnosed with advanced breast cancer, he fought the issue state by state to prove it was not ‘experimental’ as the insurance industry alleged — just expensive,” wrote Horkovich. “Now those medical benefits are being provided throughout the country.”

Attempts to get

comment from America’s Health Insurance Plans were unsuccessful.

Anderson

authored many articles on insurance-coverage matters, and a two-volume reference for insurance-recovery attorneys, “Insurance Coverage Litigation.”

He was a member of the New York City Mayor’s Task

Force on Automobile Insurance, chairman of the Amicus Committee of United Policyholders and director of Citizens Against Unfair Insurance Practices.

He is survived by his wife, Jenny Morgenthau; his son, Matthew R. Anderson; and three grandsons.

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