

DHO

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CURRICULUM VITAE

SUMMARY

David Oken is a 25 year attorney with extensive experience in insurance coverage analysis and insurance coverage litigation. For 17 years, Mr. Oken represented national insurance companies in insurance coverage disputes pertaining to numerous insurance claim issues. His cases usually involved a carrier's decision to deny coverage or agree to defend the insured under a reservation of rights. This is the genesis of Mr. Oken's expertise in attorney fee auditing. In many of his cases, the insurance carrier was required to permit the insured to hire its own defense counsel but such counsel could not charge the carrier for defense fees unless they were "reasonable and necessary." As a result, Mr. Oken gained 17 years of experience reviewing, auditing, negotiating, mediating and arbitrating independent counsel defense fees to determine reasonableness of the submitted fees and costs. Mr. Oken's fee auditing experience pertained to fee issues arising from large complex lawsuits but also included auditing of numerous types of smaller lawsuits involving various litigation issues. In many cases, his analysis and litigation of "reasonable and necessary" attorney fee billings spanned multiple years for each case and often involved attorney fees totaling in the millions of dollars. Since many of Mr. Oken's cases involved multiple insurers defending a single claim, Mr. Oken often conducted fee auditing on behalf of more than one insurance company for the insurance coverage claims he was handling. At the same time, Mr. Oken continued as an active insurance coverage attorney and coverage litigator for cases ranging from high-profile pollution liability property damage and personal injury claims to professional liability cases for attorneys and insurance brokers. Mr. Oken has reviewed thousands of pages of attorney fee billings for many different types of litigation matters and he has a unique understanding of what makes fees reasonable and necessary because of his vast litigation and fee auditing experience.

LEGAL EXPERIENCE

2011 – Current Law Offices of David H. Oken – Attorney

Mr. Oken is a qualified trial expert for determinations of reasonable and necessary attorney fees. Mr. Oken's firm also advises attorneys and clients on reasonable and necessary attorney fee billing issues. He also maintains a legal practice specializing in insurance coverage analysis and litigation on behalf of policyholders. Cases primarily relate to commercial insurance claims but Mr. Oken's firm also represents parties in buy/sell contract disputes, business law litigation, real estate transactions including commercial lease negotiations and drafting.

2004-2011 Musick, Peeler & Garrett - Attorney

Legal practice including: Complex litigation including general liability insurance coverage and bad faith defense litigation in State and Federal courts as well as business liability defense, errors and omissions liability defense and construction defect defense; Advise insurer clients regarding payment of reasonable and necessary attorney fees and costs including auditing of same; Manage and coordinate defense counsel on behalf of insurers; Represent insurer clients in attorney fee arbitrations and mediations. Draft/argue law and motion including summary judgment motions, pre-trial motions, discovery motions and numerous other motions; Trial (second chair) Legal Issue phase of insurer contribution litigation; Draft appellate briefs; Represent insurer clients in all facets of insurance coverage litigation with an emphasis on business general liability, environmental and toxic tort bodily injury/property damage claims, construction defect claims and professional liability claims; Draft coverage opinions for commercial/personal lines insurance claims;

1993 - 2004 Selman Breitman - Attorney

Legal practice including: Analysis and litigation of reasonableness and necessity of defense attorney fees/costs invoices including auditing of same; Represent clients in attorney fee arbitrations and mediations; Specializing in construction defect, environmental, toxic tort and general liability insurance coverage issues, contract issues, insurance defense and coverage litigation and analysis; Liability, professional liability and bad faith defense; Advise insurance carrier clients on strategies and insurance coverage contractual obligations; Draft/argue insurance coverage motions including summary judgment motions; Trial attorney for policy interpretation phase of complex environmental insurance litigation; Draft appellate briefs; Represent defense and carrier clients in mediations; Negotiations and recommendations concerning defense and indemnity costs allocations among carriers; Indemnity coverage analysis for construction defect and large environmental and toxic tort liability claims. Extensive document analysis, coding categorizing and review in cases involving up to a million documents in nationwide document reviews; Law Clerk 1993-1994.

SEMINARS/CLASSES

Reasonable and Necessary Attorney Fees - Westlake Lawyers Group, ProVisors
Insurance Coverage and Employment Law – Lewitt, Hackman, Shapiro, Marshall and Harlan
Reasonable and Necessary Attorney Fees – Calif. State Univ. Northridge Attorney Alumni

LICENSES

California State Bar: 1994 - current

EDUCATION

1990 - 1994 Southwestern University School of Law, Juris Doctor
1984 - 1987 California State University, Northridge. B.S. - Business Administration/Marketing