

Brian S. Scarbrough

Partner

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He / Him

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Areas of Focus

Aerospace and Defense

Data Privacy and
Cybersecurity

ESG: Environmental, Social,
and Governance

Fintech and Crypto Assets

Insurance Recovery and
Counseling



Overview

Brian Scarbrough has recovered more than \$1 billion in insurance proceeds for policyholders. He is *Chambers*-ranked for his exclusively policyholder insurance coverage practice. Brian also is a Fellow of the American College of Coverage Counsel, an invitation-only group of senior insurance coverage counsel nationwide.

While based in Washington, DC, Brian's nationwide practice focuses on mitigating insurance risk and maximizing insurance coverage for policyholders under a wide variety of insurance policies. If a coverage dispute arises, he advocates for his clients' insurance rights, including through coverage litigation. He counsels policyholders on their insurance programs, analyzing insurance issues arising from commercial contracts and corporate transactions, and advising on and litigating disputed coverage claims. Brian also helps policyholders avoid or minimize coverage disputes through proactive risk management and policy analysis and by negotiating favorable policy language that will position policyholders well for coverage when the need arises.

Brian has tried insurance cases from inception through to summary judgment or jury verdict in state and federal courts nationwide at the trial and appellate levels. He also has tried domestic and international insurance coverage disputes in arbitration. In addition, Brian is proficient at reviewing existing or proposed policy language to help policyholders maximize coverage, including presenting to corporate boards. He believes that risk mitigation, including insurance, is a critical ingredient to getting deals done, settling commercial disputes, and resolving litigation.



I strive to put insurance coverage at or near the top of every policyholder's to do list — it is a crucial source of risk protection, materially altering a client's bottom line and facilitating legal resolutions.”

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- Aerospace and Defense
- Data Privacy and Cybersecurity
- ESG: Environmental, Social, and Governance
- Fintech and Crypto Assets
- Insurance Recovery and Counseling
- Hedge, Investment, and Private Equity Funds

Representative Matters

- Represented a large commercial airline in obtaining D&O liability insurance coverage for defense costs and protection for underlying investigations and lawsuits.
- For a leading chemical company, litigated complex issues arising out of underlying environmental and toxic tort liabilities, including issues of insurance contribution, offset, settlement credits, and all sums versus pro rata allocation. This led to a substantial settlement during trial.
- Represented large commercial shipbuilders in obtaining insurance coverage for (i) underlying environmental litigations and (ii) a commercial property program for property damage and business interruption loss arising out of shipyard-related damage.
- Represented a major aerospace and defense company in connection with D&O liability insurance coverage claims related to underlying shareholder class actions.
- Represented an aircraft engine and auxiliary power unit manufacturer regarding the availability of insurance coverage following an accident involving an engine.
- Represented a high-tech product manufacturer in connection with a nine-figure first party property loss suffered by a joint venture between the company and another entity.
- Represented a large clinical laboratory network in obtaining a \$14 million stop loss insurance recovery involving complex negotiations with the treating hospital, the health care system administrator, and the Stop Loss insurer.
- Represented a personal information and social networking search service in obtaining professional liability/cyber liability insurance coverage for underlying class action litigations.

Credentials

Admissions

- District of Columbia, 2008
- Illinois, 2004

Education

- Harvard Law School, JD, 2004
- Duke University, BA, *magna cum laude*, Phi Beta Kappa, 2001

Service / Recognition

Awards

- Capital Pro Bono Honor Roll, 2022-2025
- *Chambers USA*, Insurance: Policyholder, 2023-2026
- *Lawdragon 500 Leading Litigators in America*, 2026
- *Legal 500 US*, Industry Focus, Insurance, Advice to Policyholders, 2018-2021
- *The Best Lawyers in America*, Litigation - Insurance, 2026
- *Washington, D.C. Super Lawyers*, Rising Star, Insurance, 2013-2019

Service to the Bar

- American Bar Association, Member, Section of Litigation, 2008-present, Member, Insurance Coverage Litigation Committee, 2008-present
- The District of Columbia Bar, Member, Litigation Section, 2008-present

Industry

- American College of Coverage Counsel, Fellow