

# Daily Journal

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## TOP PLAINTIFF LAWYERS IN CALIFORNIA 2016

In this second annual supplement devote to California's plaintiff bar, the Daily Journal sought to highlight attorneys making a difference far beyond the lives of their clients. Don't get us wrong. Making whole clients physically injured or the victims of corporate malfeasance are noted accomplishments. But the lawyers profiled in this edition didn't stop there. They used their legal skills to forge real and lasting change. Fighting for the little guy is all in a day's work for these lawyers — and often at great personal risk. They put millions of dollars on the line and spend countless hours over many years bringing cases. As you read through this supplement, we think you'll agree that they exemplify the positive force the legal industry can have on people's lives and on society.

— The Editors

### Steven G. Sklaver

**Susman Godfrey LLP**

Los Angeles

**Practice:**

Antitrust litigation, class action  
litigation



In an important class action on behalf of policyholders, Sklaver alleged that Phoenix Life Insurance Co. wrongly raised rates nationwide. Sklaver, the court-appointed sole lead counsel heading his firm's team, said that although insurers may raise rates, "there are conditions — you can't discriminate against a class of insureds. But this defendant targeted people they wanted to punish, including customers who paid on time."

Sklaver said the case involved an unusual strategy. "The judge suggested bifurcation, so that we were looking at holding a jury trial first on the issue of liability. That eliminated a lot of defense arguments and would answer whether the increases breached the contract. The judge said

we could deal with the defense arguments if there were a damages phase."

Not long after, in April 2015, the case settled on the day of the final pretrial conference, less than two months before trial. The settlement, valued at more than \$134 million, included a \$48.5 million cash fund to reimburse policyholders. The defendant agreed to freeze rates through 2020 and not to challenge the policies, worth \$9 billion in face value, when the insured dies. *Fleisher v. Phoenix Life Insurance Co.*, 11-CV-8405 (S.D. N.Y., filed Nov. 10, 2011)

U.S. District Judge Colleen McMahon, who oversaw the case, described the outcome as "the best settlement pound for pound for the class that I've ever seen."

"Phoenix had been challenging policies post-death," Sklaver said. "We eliminated that problem, and we got checks mailed — some of them up to six figures — to every affected class member."

He said other insurers have taken notice. "There is evidence that other companies have started raising their rates now," Sklaver said. "But we have protected the policyholders in our class."

Sklaver said he began his career working on the defense side, but he's found plaintiffs work rewarding. "You bet your time and money for four years, then you are able to craft a successful case against very excellent opposing counsel. That is satisfying."

— John Roemer