

# Zupkus & Angell, P.C.

Summer Newsletter



Dear Friends and Colleagues,  
Our second newsletter of the year comes at the peak of summer. We here at Z&A hope you are getting outside to enjoy your summer—without getting a sunburn. In planning for your next summer adventure, be sure to ask for some of our new Z&A sunscreen SWAG! In fact, the lucky winner of our "Two Truths and a Lie Contest" will also receive some Z&A sunscreen. As for the Firm's "summer fun," our work travels have taken us both near and far. We have traveled locally to present educational information to our clients, coast to coast, and even to Vienna for an IADC conference in which Bob Zupkus played a key organizational role. Other Firm planned summer events include Civic Center Eats lunches, including next Thursday, July 24th, and a Firm BBQ. All are welcome to join, so please let us know if you have an interest. Our number one priority is to provide value to our clients through exceptional representation. As we embark on the second half of 2014, we invite you to provide us with feedback to ensure your needs are being met. Thank you all for your continued support and reliance on us to consistently produce incredible results!  
Sincerely,

**Zupkus & Angell, P.C.**  
**(303) 894-8948**

## Congratulations to Muliha Khan

On May 24, 2014, Partner [Muliha Khan](#) gave birth to her second beautiful son, Imad Reza Hassan. Imad weighed 7 lbs, 4 ozs and was 20.25" long! He is pictured below with his proud big brother, Ayat. Congratulations to Muliha and her family!



## Congratulations to Rick Angell

## **Great Expectations**

By: [Dina Bernardelli](#)

**“Take nothing on its looks; take everything on evidence. There's no better rule.”**

— Charles Dickens, *Great Expectations*

In *Transport Ins. Co. v. Superior Court*, the California District Court of Appeal held that because the additional insured was the party seeking coverage, ambiguities found in the insurance policy had to be resolved in a manner consistent with the objectively reasonable expectations of the additional insured—rather than the objectively reasonable expectations of the named insured. 222 Cal.App.4th 1216 (2014).

This case marks the retention of important rights of policy interpretation for insureds who were not party to negotiation of the contract of insurance. The effects, especially if adopted in other jurisdictions, are a warning to carriers to craft their policies with care, and will be valuable to frequent additional insureds such as construction professionals and landlords in dry-cleaning pollution cases.

Transport issued an umbrella policy to named insured Vulcan Materials Company which was to provide coverage above “underlying insurance.” The policy contained a provision naming R.R. Street & Co., Inc. (“Street”) as an additional insured. Street was being defended in an underlying environmental pollution case for contamination related to Perchloroethylene (“PCE”), a chemical with dry cleaning application, through CGL policies that were not scheduled on the Transport policy. Street tendered to Transport for defense and indemnification because all of the scheduled policies underlying the Transport policy had been used up. The trial court found that the term “underling insurance” in the Transport policy was ambiguous. While the named insured who negotiated the policy would have a reasonable expectation that the excess policy only applied over CGL policies issued to the named insured which were scheduled therein, the appellate court found that this was not necessary so of the additional insured, State. The appellate court reversed, holding that it was error for the trial court not to have taken into consideration the independent reasonable expectation of State, even though State did not negotiate the Transport Policy.

Click [here](#) to read full article.



On June 24, 2014, Partner [Rick Angell](#) welcomed his first grandchild, Sinclair Suzanne Collins. Sinclair weighed 7 lbs, 2 ozs and was 19.5" long. She is pictured below. Congratulations to Rick and his family!



## **Z&A Happenings Across the Pond**

This month Z&A Partner Bob Zupkus took his talents to Vienna, Austria, to participate in the Annual Meeting of the International Association of Defense Counsel (“IADC”). The meeting featured a panel on international security and implications for the insurance industry, featuring CIA intelligence, an in-house privacy expert, and a judicial expert on privacy. We are proud to note that this distinguished panel and cutting edge subject matter was produced by Bob Zupkus. Other highlights included presentations on civil justice reform in the U.S. and Europe, and international updates on hydraulic fracturing litigation. The IADC is a selective, invitation-only organization of experienced insurance and corporate defense



***The winds that blow through the wide sky in these mounts, the winds that sweep from Canada to Mexico, from the Pacific to the Atlantic - have always blown on free men. ~Franklin D. Roosevelt***

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**Congratulations to Rick Angell on 22 Years with Zupkus & Angell, P.C.!**

This summer marks Rick Angell's 22nd anniversary with Zupkus & Angell, P.C. Of course, his storied career dates back more than a decade before the formation of Z&A. In a pet project this year, Rick has begun a retrospective on a topic near and dear to his heart: ethics over the past 40 years. We asked him to share a top five list of highlights of this topic in development, which provides food for thought to attorneys both seasoned and new to the profession:

attorneys from around the world. IADC is credited with creating the Defense Research Institute ("DRI") as a widely accessible education tool for the defense bar. To learn more about the IADC and its members, or for more information on the Annual Conference, please visit <http://www.iadcclaw.org/>, or contact Bob Zupkus at [rzupkus@zalaw.com](mailto:rzupkus@zalaw.com).

**Presentations!**

On June 25, 2014, partners Kristi Lush, Muliha Khan, and Bob Zupkus were invited by a client to provide training at an in-house event on a variety of client-selected topics including: WRAP policies, economic and non-economic damages in the auto accident context, the sudden emergency doctrine, and the seat belt rule. It was a great opportunity for us to learn more about our clients' needs and interests. We would welcome an opportunity to provide a presentation on a topic of your choice at your office. Contact [Kristi Lush](#) for more information!

**Contest!**

[Aaron Bakken](#) is one of our associates at Zupkus & Angell. Can you guess which of these factoids about Aaron are two truths and which is a lie?

Click [here](#) to read his biography for hints.

1. A distant relative of Aaron's was instrumental in the naming of the Bakken formation, one of the most important oil

- *It is important to understand that ethical standards do not generate moral behavior.*
- *There has been a growing trend of the use of claims of breach of ethics as a litigation tactic, which has influenced the development of ethical practices and the perception of lawyers as ethically constrained actors.*
- *A change in the legal industry over the last 40 years has resulted in increased tension between ethical aspirations and making an appropriate living.*
- *The legal culture has developed an increased responsibility for, and reliance upon, non-attorneys in the maintenance of ethical practices. At the same time, there is an increased responsibility for the conduct of attorneys sharing your practice.*
- *These trends, among others, have contributed to our common sense of ethical malaise compared to the aspirational thinking of 40 years ago. A return of aspirational thinking on ethics, and a change of how we educate young lawyers about ethics, may be the order of the day to save the integrity of the legal industry.*

Thank you to [Rick](#) for his insights on ethics, and for his years of service to Z&A. We look forward to the great years yet to come!

sources for the United States.

2. Aaron spent his childhood summers working on a Minnesota dairy farm.

3. Aaron has visited every state east of the Mississippi River.

Click [here](#) to complete the survey and win a \$25 gift card to either Starbucks or Home Depot and some of our new SWAG sunscreen!

(winner will be chosen by random drawing in the event of multiple correct guesses)

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