



*Professionals in action.  
Partners in service.*



ROLFES HENRY

# THE FIRM

Passionate representation.

Proven results.

Rolfes Henry attorneys deliver elevated expertise, efficient results, and seamless service.

Our clients always come first, and nothing comes cookie cutter. Not the way we approach a case, or all the ways we go beyond, dig deep and do more than any normal counsel would.

Here, we're not just attorneys, we're advocates. We do what's best for each individual client – efficiently, effectively and aggressively. And we do it with integrity, quality and the level of legal acumen you should expect from a firm with unwavering values, national reach and a history of proven results.

From our six Midwestern offices (Cincinnati, Columbus, Detroit, Louisville, Lexington, and Indianapolis) to our five Southern offices (Biloxi, Jackson, Orlando, Ft. Lauderdale, and Sarasota), and now even to New England (Hartford), we provide a full range of legal services, including investigations and representation in litigation, for clients throughout the United States.

Inside this packet, you will find detailed descriptions of some of our practice areas, our expertise, our attorneys, and how we can be an asset to you. If you wish to receive more information, please contact one of our Shareholders identified in the materials, call our office at **800.720.0613**, or visit our website at [rolfeshenry.com](http://rolfeshenry.com).

On behalf of all of us at Rolfes Henry, we look forward to working with you and your team.

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# Bodily Injury Defense Litigation

For more than a quarter century, the attorneys at **Rolfes Henry** have aggressively and successfully litigated and defended literally thousands of bodily injury claims in Ohio, Kentucky, Indiana, Michigan, Florida and elsewhere for the benefit of dozens of insurance carrier clients and their insureds.

Rolfes Henry attorneys have enormous experience, including individual attorneys with completion of more than forty (40) first-chair jury trials, and hundreds of successful decisions obtaining summary judgment or other disposition of bodily injury cases in the areas of automobile loss, uninsured/underinsured motorist claims, and premises liability claims.

Our attorneys have also successfully argued and completed scores of appeals of such cases with solid results throughout our core states, including multiple significant and beneficial decisions in the Supreme Court of Ohio and elsewhere, on various insurance and related litigation matters.

We combine our vast experience with a strong focus and emphasis upon defining an appropriate “exit strategy” for all cases for our clients to expedite resolution of each case at the earliest possible time and at the least cost through early settlement/mediation, dispositive motion practice, and/or ultimately a jury trial. Proper focus upon an applicable and well-planned exit strategy avoids unnecessary legal fees and costs which might be incurred in what was formerly or historically “traditional” and routine litigating of bodily injury claims where sometimes unnecessary discovery activities were often undertaken.

At Rolfes Henry, we are strongly committed to aggressively and efficiently moving a case forward through the defined exit strategy toward its ultimate and swift conclusion for the benefit of you, your company, and your insured.



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## Insurance “Bad Faith” Litigation

Rolfes Henry has had the privilege of successfully defending many of our Nation’s largest and most respected insurance carriers in “bad faith” litigation. We understand the importance of upholding your Company’s reputation while defending these cases, of proper reporting, and of providing prompt and timely responses and advice to your inquiries regarding these high-risk claims. It is our goal to move each case forward aggressively and efficiently.

In consultation with our clients, we also develop an early Exit Strategy in “bad faith” matters by identifying all the risks involved in each case and then moving deliberately toward the approved Exit Strategy. We will work with you to help you navigate the myriad of decisions involved in the proper defense of extra-contractual claims, such as whether to remove a case to federal court, what defenses to assert, whether to file a dispositive motion, how to protect company guidelines and trade secrets through the use of protective orders, how to advance the defense through use of experts and consultants, and the many other considerations needed for successfully defending bad faith cases.

Over our many years working in this field, we have obtained scores of summary judgments in favor of insurers on “bad faith” claims. For example, in a recent “bad faith” case arising from a fire claim, the Western District of Kentucky upheld our client’s Motion for Judgment on the Pleadings, finding the plaintiff had failed to state a plausible claim against an insurance adjuster and that the adjuster was fraudulently joined in the action to defeat diversity jurisdiction.

Our Firm’s President, Brian P. Henry, is a member of the CLM Bad Faith Committee, and our attorneys are frequent speakers regarding claim handling and investigation matters at conferences through the United States. Our Firm also provides training opportunities for claim managers, adjusters, and SIU personnel on insurance “bad faith” issues.



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# Insurance Coverage

We take a team approach at **Rolfes Henry** in analyzing insurance coverage issues, due to the extensive training and experience our Coverage Team has in the field.

Our Coverage Team brings a unique perspective to the analysis of insurance coverage issues, allowing us to better serve our clients by looking beyond the insurance contract itself. We consider the coverage issues from more than just a claim perspective, taking into account the corporate interests of our clients and the field of insurance coverage law in its totality. Drawing upon this depth of perspective is especially important when the time comes for our clients to render claim decisions.

In coverage opinion matters, our work product includes a concise summary of our opinion, a thorough analysis of the coverage issues, and recommendations where appropriate to facilitate the resolution of the claim. This team approach has led to Rolfes Henry being selected by various carriers as national insurance counsel, helping to guide and shape the insurance coverage positions for our clients across the United States.

Additionally, Rolfes Henry has advocated to insurers all over the country the need for “data banks” of policy interpretations; coverage opinions; and research on “repeat” issues facing insurers with respect to their policies. In a world driven by data-metrics, Rolfes Henry is able to offer its clients these types of efficient and economical methods for the development and preservation of information for many different lines of insurance and many different types of policies, so the proverbial “wheel” does not need to be created – and paid for – over and over.

Finally, when coverage litigation becomes necessary, we are well-equipped to advance or defend coverage positions in declaratory judgment actions. We rely heavily on the litigation experience of our Team members to achieve the desired result in those cases, and we have established a very strong track record of successful decisions at both the trial court and appellate court levels on coverage matters of all varieties.



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## SIU. Fraud. Claim Investigations.

According to the Coalition Against Insurance Fraud, acts of fraud result in a loss of \$80 billion per year across all lines of insurance. The Insurance Information Institute estimates that property and casualty fraud alone equates to approximately \$32 billion dollars in yearly losses. Yet research suggests more than two-thirds of consumers believe insurance fraud occurs *because people feel they can get away with it!*

At **Rolfes Henry**, our team of investigative attorneys successfully fight insurance fraud every day by utilizing both traditional and innovative techniques. Our attorneys know how to implement the investigative tools available within most policies of insurance to require full and complete cooperation from a policyholder, such as the Sworn Statement in Proof of Loss and Examination Under Oath requirements. Since 1989, Rolfes Henry attorneys have worked side-by-side with insurance investigators to fight fraud in nearly all 50 states, as well as in Puerto Rico and Canada.

Our team of investigative attorneys has been at the forefront of innovation within the insurance fraud-fighting industry. Whether petitioning courts for pre-litigation orders requiring cellular providers to produce pertinent cell tower data to evaluate call activity locations; utilizing public forums and social media to uncover evidence; or enlisting forensic and scientific experts to extract and interpret relevant data; all of our attorneys are trained to go the “extra mile” to discover the truth in advancing our clients’ interests.

As a multi-discipline law firm providing comprehensive legal services to clients across the U.S., we have a valuable resource in our Firm’s Coverage Team, boasting multiple attorneys with their Chartered Property Casualty Underwriter (“CPCU”) designation. We also have substantial trial experience in our Firm, allowing our investigative attorneys to not only assess a particular claim, but also to provide insight on how the claim’s nuances may impact a future jury. From a \$2,000 theft loss to a \$20 million residential house fire, the attorneys at Rolfes Henry have seen it all. Let us bring that experience to work for your company to fight insurance fraud.



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# Workers' Compensation

In the shifting landscape of Workers' Compensation law, are you comfortable your company is where it needs to be? Fraudulent and over-valued claims may exclude state-funded employers from group ratings and increase Workers' Compensation premiums. For self-insured employers, a permanent disability claim could easily exceed \$1,000,000.00!

**Rolfes Henry** is a proven leader in combating insurance fraud and investigating claims. Our Firm utilizes its extensive investigatory experience to fight against Workers' Compensation fraud. Our substantial experience allows us to assess a claim quickly and provide our clients with the most efficient and effective Exit Strategy.

We provide a prompt analysis and an aggressive defense for each claim. Too often, Workers' Compensation claims are accepted without proper investigation, or permitted to drag on without a prompt or efficient resolution. A prompt and thorough analysis of a claim can make the difference between an effective defense and having a claim that lingers, only to result in overpayment or payment of a false claim.

Our Workers' Compensation practice serves employers in the Midwest from our offices located in Cincinnati and Columbus, Ohio and in Louisville and Lexington, Kentucky; and from our three offices in Florida. Rolfes Henry partners with employers through all facets of the Workers' Compensation system to establish clear defense parameters and formulate cost effective processes. Contact us to find out how our Workers' Compensation defense team can optimize results for your company.



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# Commercial Litigation

General commercial litigation involves virtually every type of dispute that can arise in the business context. When addressing such disputes, our attorneys strive to effectively assess the merits of the dispute, and tailor the prosecution or defense of a commercial claim in a way that fits the legal and business needs of our clients.

Our firm recognizes that efficiency, creativity, and sound judgment are critical for intelligently positioning these disputes and reaching favorable outcomes.

While litigating commercial matters through trial is always possible, the seasoned commercial litigators at **Rolfes Henry** develop a desirable “exit strategy” early in the case, established in concert with the client, to maximize the client’s gains and minimize the client’s costs.

Litigating commercial claims is never “routine.” Commercial litigation matters should only be assigned to attorneys who are thoroughly familiar with the practice. Understanding the motivations and goals of the parties to the commercial dispute is a fundamental tool in achieving a successful commercial dispute resolution. Attorneys lacking the appropriate background and “hands-on” experience in resolving commercial litigation matters can harm the client’s interests. Our attorneys understand the importance of the nuances of the client’s business interests in resolving conflicts. Listening to the client is the most important attribute of a commercial litigator.

Over the last twenty years, Rolfes Henry attorneys have handled many notable commercial litigation cases, including contract disputes, construction claims, professional negligence claims, property damage claims, agricultural claims, and business loss claims. Our background and “deep bench” of experience in commercial litigation allows us to efficiently and effectively handle any commercial litigation matter that may arise, at a depth of expertise seldom found in other law firms.



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# Construction Litigation

**Rolfes Henry** has extensive experience handling construction litigation throughout the country. Whether in the form of construction defect, breach of warranty, negligence, delay damage, personal injury, product liability, or any number of State statute or administrative code violations, our construction litigators can assist you.

Our insurance coverage team is also well-versed in actions for declaratory judgments and the myriad of Commercial General Liability policy coverage issues that routinely arise due to worksite mishaps or contractor / subcontractor disputes.

Our Firm has handled numerous multi-million-dollar construction cases representing general contractors, subcontractors, and other types of defendants, including in one instance the largest construction company on the Eastern seaboard. Rolfes Henry also played a key role in major construction defect litigation involving the twin condominium towers known as Adams Landing in Cincinnati, Ohio, through our representation of one of the primary defendants in that dispute.

We also have unique experience pursuing residential construction cases for homeowners. Members of our Firm regularly contribute to construction law committees of various state and national organizations, speak regularly at construction law conferences, and author articles on cutting-edge construction issues and legal updates in the realm of construction law.

We look forward to using this background and expertise for your benefit.



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## Appellate Advocacy

When faced with challenging or complicated matters, the clients of **Rolfes Henry** can be assured that not only will they receive excellent representation at the trial level, but also that the Firm is well-equipped to direct a case through the appellate process. This ability reflects the experience and competency of the attorneys handling our property and casualty insurance matters.

While relatively few cases are appealed, our Firm has a proven track record in cases proceeding to the appellate level. Our attorneys have successfully advanced or defended petitions and appeals in both state courts and federal courts, including the United States Supreme Court.

In fact, Rolfes Henry is often called upon solely for its appellate expertise, and we work closely with trial counsel to ensure that the best-preserved arguments from the underlying case are properly advanced through the eventual appeal.

For example, in 2016 the United States Court of Appeals for the Tenth Circuit, in a unanimous opinion written by Judge Neil M. Gorsuch (later appointed Associate Justice of the United States Supreme Court), ruled in favor of our client in a significant co-insurance case, vacating a jury verdict and setting aside a judgment of more than \$6,000,000.00. In 2022, the Eighth Circuit ruled in our client's favor, establishing that fraud committed by an insured in a property claim submission voided the entire policy. Our substantial depth and experience in the fields of insurance and appellate practice were crucial to those results.

On behalf of Rolfes Henry, we look forward to employing that experience on your behalf.



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## Professional Liability

Any action seeking money damages devolving from the exercise of professional judgment is an action for “professional negligence” or “malpractice.” To prevail against a licensed professional, the party bringing the suit is generally required to prove the case through the introduction of expert testimony with respect to the professional standard of care to be applied in the case, the breach of that standard of care, and the causal relationship between the claimed breach, and the resulting injury to persons or property.

Several attorneys at **Rolfes Henry** enjoy a well-deserved reputation in the field of professional negligence defense. Over the years, our attorneys have defended medical professionals, hospitals, judges, architects, engineers, lawyers, and dentists. Currently, the firm represents Ohio’s veterinarians almost exclusively throughout the State. More recently, the defense of veterinary professionals had become a large part of our Florida practice as well.

Our attorneys understand how to win professional negligence actions. More importantly, we understand the sensitive nature of these cases, and the importance of protecting the professional’s reputation in the community during, and even after, the litigation. We aggressively defend these cases, not only to protect the good name of the client, but to send the message that we will do everything necessary to protect the professional’s reputation.

Our professional negligence attorneys have enjoyed a phenomenal success rate. Our excellent results have the added benefit of discouraging the filing of professional negligence actions in the first place. In addition to representing professionals in the courtroom, our attorneys also represent individual professionals before the State licensing boards in professional disciplinary matters. Whether a lawsuit or a disciplinary proceeding, Rolfes Henry attorneys have the expertise to represent professionals in many fields.



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## Fire Science Litigation

**Rolfes Henry** is a national leader in the field of fire science, handling claims and cases where the origin and cause of a fire, fire protection considerations, and/or fire code and guideline compliance, are of primary concern. Rolfes Henry's work in this field has been extensive, with its attorneys handling many major catastrophic burn cases; dozens of multi-million dollar property loss fires and explosions; and scores of civil arson matters.

In our view, fire cases should only be assigned to attorneys who are thoroughly familiar with the subject matter; who understand the terminology and concepts related to fire science; and who have actual, hands-on experience in the fire investigation process. Without that kind of background and training, attorneys involving themselves in fire science matters often do more harm than good, and fail to properly evaluate the nature and extent of a fire science loss.

Over the last twenty years, Rolfes Henry attorneys have handled many of the most notable large fire cases in the United States and abroad, including "The Station" Nightclub fire in Rhode Island; the Air Liquide chemical plant explosion in Arkansas; the NAMCO chemical explosion in Connecticut; and the Parco dei Principi hotel fire in Rome, Italy. Additionally, Rolfes Henry attorneys have been extensively involved with the *NFPA 921* Technical Committee, drafting key portions of that standard. Our Firm President is also a Certified Fire & Explosion Investigator, and serves as General Counsel to the National Association of Fire Investigators.

Many attorneys will claim to have "handled" fire science cases. But in all reality, few understand the science underlying fire cases and claims, and fewer still understand the nuances well enough to properly evaluate opinions offered by fire science experts. At Rolfes Henry, our background, training, and experience allows us to bring a level of expertise to fire science claims and litigation unparalleled by any firm in the United States.



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## Education and Non-Profit Services

**Rolfes Henry** brings legal acumen and real-world experience to its representation of schools, non-profit organizations, and home school groups. The economic pressures that effect schools and non-profits are taken into consideration from the moment we begin representation. Our Firm works with clients to prepare individualized plans that provide cost-effective service and high-quality results.

Our goal is to provide legal advice to schools that is practical, useful, and reduces litigation exposure, including in the following areas:

- Student safety and disciplinary incidences.
- Constitutional issues and concerns.
- Disciplinary and conduct policies.
- School safety and management plans.
- Student records and confidentiality.

We also partner with schools regarding employment issues, and assist in developing personnel policies, employment contracts, sexual harassment policies, and reporting requirements for faculty and staff. Our Firm's extensive litigation experience includes the defense of discrimination claims and 42 U.S.C § 1983 actions.

Our attorneys also bring education and construction law experience to work on behalf of schools. We provide advice regarding facility construction contracts, specifications, and plans. When disputes arise, our practical counsel helps avoid litigation and solve difficulties related to construction delays.

Non-profit organizations do not consist solely of schools, and we work with private foundations, public charities, community clubs, and religious organizations. Our practice includes forming non-profit entities, obtaining tax exempt status from the IRS, and providing counsel on topics pertinent to non-profit organizations.

Rolfes Henry's education and non-profit attorneys draw upon hands-on experience and legal expertise to assist schools and non-profits in operating efficiently and legally.



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