



## **Robert M. Baratta**

Partner | Chicago

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### **Areas of Practice**

Environmental/Natural Resources Law | Insurance Coverage Litigation | Insurance/Reinsurance | Litigation/Trial Practice

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Robert M. Baratta is a Partner in the Litigation and Insurance/Reinsurance Practices of Smith, Gambrell & Russell, LLP. Mr. Baratta was a Partner at Freeborn & Peters, which combined with SGR in 2023.

For almost 30 years, Mr. Baratta has partnered with companies to understand their business and develop efficient, practical solutions to their insurance and environmental problems. He also represents clients in virtually all areas of environmental and health and safety law, including brownfield remediation and redevelopment, permitting, compliance, enforcement and cost recovery.

Mr. Baratta believes that a thorough understanding of the facts and data particular to each case is the key to effective representation. He works hard at the outset to gather pertinent facts, research applicable law and understand the client's goals. Then, along with the client, he develops a strategy for addressing the problem. This preparation limits subsequent surprises and allows for more accurate budgeting.

Mr. Baratta's insurance and environmental experience is diverse. He's represented insurers, reinsurers and policyholders in complex matters, often involving unique facts and unsettled law. He's arbitrated, litigated and mediated many cases over the decades and draws on this experience to develop winning strategies. In the environmental context, he has witnessed the changing landscape of environmental laws, policies and enforcement. From the early days of Superfund to the more recent issues of climate change and "forever" chemicals, he has addressed most of the issues impacting business today.

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Mr. Baratta received his B.A. from Georgetown University and his J.D. from Georgetown University School of Law, *magna cum laude*. He served as Associate Editor of Georgetown Law Journal, and was a member of Order of the Coif.

## Representative Experience

- Defended an overseas insurer against claims for insurance coverage associated with very substantial defense and indemnity payments in multi-district litigation arising out of claims by thousands of individuals infected by the policyholder's products.
- Pursued insurance coverage for a major meat snack producer under directors and officers and employment liability policies.
- Counseled various reinsurance companies with respect to cedent allocation of underlying asbestos and human health claims.
- Represented the estate of Statewide Insurance Company with respect to prosecution of coverage claims against other insurers.
- Represented the estate of Centaur Insurance Company against the claims of various policyholders seeking tens of millions of dollars in coverage.
- Counseled clients regarding claims coverage and prosecution under directors and officers liability insurance policies.
- Negotiated insurance brokerage and loss control services contract for major construction projects.
- Represented numerous commercial and residential developers in the investigation and remediation of contaminated properties under state voluntary cleanup programs.
- Represented a utility contractor in criminal and civil matters related to purported negligent services resulting in intense media attention, a class action lawsuit, state and federal criminal investigations, an insurance coverage dispute and a civil enforcement action.
- Defended a major consumer products company in a criminal investigation relating to waste disposal practices in California.
- Represented several railroad companies on environmental cleanups and natural resource damage claims resulting from major developments.
- Represented a major airport contractor in disputes and litigation with airport authorities and airlines at three major U.S. airports.
- Represented contractors and manufacturers in responding to OSHA citations, developing best practices and undertaking audits.
- Counseled clients on European Union electronic waste and packaging directives.
- Negotiated environmental risk transfer agreements and environmental pollution liability insurance policies on behalf of manufacturing companies and real estate developers.

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- Prevailed before trial court and had judgment affirmed on appeal granting clients the full limits of two insurance policies plus attorney's fees in declaratory judgment action against insurance company for breach of duty to defend insureds in lawsuit for alleged fraudulent conveyances.

## Admissions

Illinois

United States Court of Appeals for the Federal and Seventh Circuits

United States District Court for the Northern and Central Districts of Illinois

United States District Court for the Western District of Wisconsin

## Recognitions

Insurance: Advice to Insurers, Legal 500 US, 2019

*Martindale-Hubbell* legal ability/ethical standards rating ("A-V") - Highest possible rating

*Illinois Leading Lawyers* - 2020 (cited in multiple years)