BATESCAREY LLP

KELLI BIGGAM FLEMING

Special Counsel

Kelli Biggam Fleming is an attorney who represents insurance companies on complex coverage matters. Kelli represents insurers on a variety of professional lines claims under directors & officers, errors & omissions, employment practices liability, cyber, crime, fidelity, and reinsurance policies. She regularly handles claims involving insureds based in the United States, the United Kingdom, Canada, Switzerland, Germany, and Australia. These include claims noticed by financial institutions, insurance companies, law firms, auditors, and various other commercial insureds. Kelli also has extensive experience with Bermuda Form policies, focusing years of her practice on claims administration, policy analysis, and policy drafting of Bermuda Forms.

Kelli has represented primary and excess insurers in the most significant D&O, E&O, and fidelity industry exposures. These matters include high-profile securities litigation against Fortune 500 companies, as well as claims involving the credit crisis, Australia Royal Commission inquiries, money laundering, the Madoff Ponzi scheme, and the Stanford Ponzi Scheme.

Kelli is admitted to practice law for the State Bar of Illinois and the Northern District of Illinois. She has served as a column writer on the topic of fidelity insurance coverage for the *Chicago Daily Law Bulletin*. From 2015-2020, Kelli received the Emerging Lawyers distinction from the *Law Bulletin Publishing Company*. Kelli has also been honored as an Illinois Rising Star Attorney by *Super Lawyers* in the area of insurance coverage.

PUBLICATIONS

"The Evolution of the Trading Loss Exclusion", For The Defense, March, 2014

REPRESENTATIVE MATTERS

TD Bank, N.A. v. Endurance Specialty Insurance Ltd., Case No. CV-14-495750 (Ontario Super. Ct.) Represented Bermudian insurer in breach of contract action seeking coverage under integrated risk policy providing Bankers Blanket Bond and Bankers Professional Liability coverage.

Forshay Land Title & Appraisal Services, Inc. v. Certain Underwriters at Lloyd's, London, Case No. 14-CV-27910 (N.D. Ill.) Defended London insurers in breach of contract action seeking coverage under fidelity bond related to alleged dishonest acts of insured's employees.

Quicken Loans, Inc., et al. v. Certain Underwriters at Lloyd's, London, et al., Case No. 09-11599 (E.D. Mich.) Represented London insurers in declaratory judgment case where insured sought in excess of $10 million under financial institution bond related to alleged embezzlement of its employee.

National Union Fire Ins. Co. of Pittsburgh PA v. Castellano, 102 A.D.3d 662 (N.Y. App. Div.) Represented domestic insurer in subrogation case related to fidelity bond claim, where the insurer sought in excess of $2.8 million from bank pursuant to the provisions of the Uniform Commercial Code and obtained favorable appellate court ruling.

Contact Information

Email: kfleming@bcllpclaims.com
Office: (312) 762-3241

Practice Areas

- Bad Faith
- Bermuda Forms
- Counseling and Risk Management
- Cyber Risks, Technology, and Data Security
- Fidelity, Surety, and Crime
- General Commercial Litigation
- Professional Liability

Education

- The John Marshall Law School, J.D. 2008, Deans List Honors
- Purdue University, B.A. 2005

Memberships

- Chicago Bar Association
- DRI

Admissions

- Illinois Bar
- United States District Court for the Northern District of Illinois

1300 Lake Shore Drive Condo Assoc. v. Travelers Cas. & Sur. Co. of America, Case No. 12 CH 7650 (Ill. Cir. Ct.) Obtained summary judgment in favor of condominium association errors and omissions insurer finding policy provided excess coverage after insured argued policy provided primary coverage.