

# Arthur H. Leith



**member**

**new orleans**

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**Legal Secretary**

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## education

Georgetown University Law Center (J.D., 1983)

University of Rochester (B.A., 1980, *magna cum laude*)

## admissions

Louisiana

Supreme Court of Louisiana

U.S. Court of Appeals for the Fifth Circuit  
Louisiana

U.S. District Court for the Eastern District of  
Louisiana

U.S. District Court for the Middle District of  
Louisiana

U.S. District Court for the Western District of  
Louisiana

**In addition to the intellectual challenge of law, I enjoy working with our clients to develop effective litigation strategies, to evaluate cases at an early stage, to resolve matters early that should be resolved, and to prepare those cases for trial that should be prepared for trial. I like working with our clients to get the results that are appropriate to their situation and desires and to try to bring litigation to the conclusion they seek.**

With more than 35 years of trial and complex litigation experience, Arthur “Art” Leith is a go to attorney in Louisiana for petrochemical, construction, toxic tort, and personal injury defense. He has handled cases in state and federal courts (at both trial and appellate levels) in Louisiana, Texas, Mississippi, Alabama, and Florida as well as arbitration and mediation proceedings.

In addition to chemical, petrochemical, and maritime claims, Art represents insurance companies, insurance brokers, and large corporations in various commercial, toxic tort, and personal injury claims, and has represented insurers in coverage litigation and bad faith claims.

## **Chemical, Energy and Industrial Services**

Art has a wealth of litigation experience in chemical and petrochemical matters. He has handled the legal defense of class actions, property claims, and personal injury claims for petrochemical plants, oil and gas companies, and refineries, in industrial accidents such as:

- Chemical releases and chemical spills
- Environmental litigation
- Explosions
- Fires
- Injured employees or contractors

## **Construction**

Art's practice includes construction litigation for which he has represented owners, general contractors, subcontractors, architects, engineers, and surety companies in a variety of claims involving public and private construction projects. He has handled various claims including:

- Acceleration of performance
- Casualty losses
- Changes in scope
- Deficiencies in performance
- Delay claims
- Lien claims
- Performance and payment bonds

## **Asbestos and Toxic Torts**

Art has defended thousands of asbestos claims in cases in state and federal courts throughout Louisiana and Texas. He has experience defending premises owners of industrial facilities, including chemical and power plants,

against claims involving alleged asbestos-related malignancies and non-malignancy including:

- Asbestosis
- Mesothelioma
- Lung cancer

Many of these claims have been dismissed without payment. Some have been amicably resolved to the client's satisfaction, and some have been tried to conclusion.

### **Insurance Defense and Coverage**

Art has practiced insurance defense law for more than 35 years, representing insurers, their insureds, and insurance brokers and agents in numerous matters including:

- Coverage Actions
- Bad Faith Claims
- Business Interruption Claims
- Errors and Omissions Claims
- Professional Liability Claims
- Environmental Claims
- Personal Injury and Wrongful Death Claims
- Toxic Tort and Chemical Release Claims

### **Maritime**

As a member of the Louisiana maritime litigation and trial law team, Art has handled various matters including:

- Jones Act Claims
- Maritime Collisions and Allisions
- Maritime Fire and Explosion Claims
- Maritime Personal Injury and Wrongful Death Claims

## Representative Trials

- *Ray F. Rando v. Anco Insulations Inc.*, 08-1163 (La. 05/22/09); 16 So. 3d 1065, 1073. Art represented an employer defendant seeking to change Louisiana law so that employers would have the benefit of workers' compensation immunity in asbestos claims brought by their own employees asserting mesothelioma, lung cancer, and other cancers. Art tried this living mesothelioma case to conclusion. The trial court in East Baton Rouge Parish awarded the plaintiff \$3.2 million and found that there were eight "heads" or virile shares. We appealed that decision. The Louisiana Supreme Court ultimately decided not to change Louisiana law regarding workers' compensation immunity on a closely divided vote.
- *Bruce A. Spillman v. Anco Insulations, Inc., et al.*, 19th Judicial District Court, Parish of East Baton Rouge, Civil Action No. 536,903. In this mesothelioma case, Art represented a contractor defendant sued under the theory that its operations at the Exxon Refinery in Baton Rouge had exposed the plaintiff (an Exxon employee) to asbestos. A judgment was rendered in favor of the client after a trial on the merits in state court in Baton Rouge.
- *Ronald Millender, Jr., et al. v. American Insurance Company, et al.*, 18th Judicial District Court, Parish of Iberville, Civil Action No. 63286. In this mesothelioma case, Art represented a contractor defendant sued under the theory that its operations at the Dow facility in Plaquemine, Louisiana had exposed the plaintiff (a Dow employee) to asbestos. Art participated in a jury trial in state court in Iberville Parish that lasted for five weeks. At the conclusion of the plaintiff's case, the Judge granted our motion for directed verdict dismissing the plaintiff's claims for punitive damages. A settlement of plaintiff's claims was reached soon thereafter.