David Russell Smith (Retired)

Legacy
Phone:
E-Mail: drs@boviskyle.com
Office Location: Atlanta

David Russell Smith is a member of the firm and focuses on insurance coverage litigation. He rejoined Bovis, Kyle, Burch & Medlin, LLC after spending ten years as an assistant general counsel with ACE USA (formerly CIGNA Property & Casualty). Prior to joining CIGNA, David was an associate at Bovis, Kyle, Burch & Medlin, LLC and Karsman, Brooks, Painter & Callaway in Savannah, Georgia. At CIGNA, David managed CIGNA's Southeast Legal Service Office, which supervised CIGNA's coverage litigation in Georgia, Florida, Alabama, Mississippi and Louisiana. David was born and raised in Atlanta and currently lives in Peachtree Corners with his two sons.

David's in-house experience gives him a unique perspective on representing insurance companies. He understands the needs of insurers and has been representing them in coverage disputes across the Southeast since rejoining the firm in 2001. He has defended and won numerous coverage and bad faith lawsuits and filed declaratory judgment actions in both state and federal courts. He has decades of experience with virtually every aspect of commercial general liability, business auto, excess and surplus lines, malpractice, and personal lines insurance policies. He also has experience with general litigation and defending malpractice suits.

Professional or Trade Affiliations

- State Bar of Georgia (Member: Tort and Insurance Practice Section)
- Defense Research Institute
- Georgia Defense Lawyers Association (former chairman of the GDLA Insurance Coverage Committee)

Honors & Awards

- AV (Highest) Peer Rated by Martindale-Hubbell

Practice Areas:

- Insurance Coverage and Bad Faith
- Insurance Defense
- Litigation

Admitted to Practice:

- State of Georgia, 1985
- Northern, Middle, and Southern U.S. Districts of Georgia
- U.S. Court of Appeals for the Eleventh Circuit

Education:

- University of Georgia School of Law, J.D., 1985
- West Georgia College, B.S., 1982

Publications and Recent Presentations

- 34th Annual Insurance Law Institute-St. Simons Island, Georgia, September 2015. "Recent Developments in Georgia Reservation of Rights Law;" and "Is There a Duty to Split the Claim File When Defending Under a Reservation of Rights?"
- "When Does a Lawsuit Trigger a Duty to Defend in Georgia?," Georgia Defense Lawyers Association Law Journal, 2006;
- "Choice of Counsel When an Insurer Defends Under a Reservation of Rights in Georgia," Georgia Defense Lawyers Association Law Journal, 1993.

Representative Experience

- *BITCO General Insurance Company v. Kelluem, et. at.*, 2017 WL 6541515 (S.D. Ga. 2017)
- *Nationwide Mutual Insurance Co. v. Architectural Glazing Systems*, 661 Fed. Appx. 611 (11th Cir. 2016)
- *Allied Property and Casualty v. Bed Bath & Beyond*, 2014 WL 1292456 (N.D. Ga. 2014)
- *Advocate Networks, LLC v. Hartford Fire Ins. Co.*, 296 Ga. App.338, 674 S.E.2d 617 (2009)
- *Metro Parts, Inc. v. Hartford Fire Ins. Co.*, 2008 WL 975086(S.D. Ga. April 9, 2008)
- *Worsham v. Pickeral*, 195 Ga. App. 330, 393 S.E.2d 488 (1990)
- *Pyramid Construction Co., Inc. et al. v. Star Manufacturing Co.*, 195 Ga. App. 644, 394 S.E.2d 598 (1990)
- *Savannah Bank & Trust Co., et al. v. Weiner, et al.* 193 Ga. App. 616, 388 S.E.2d 725 (1989)