HALL BOOTH SMITH, P.C.



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BIOGRAPHY | EXPERIENCE | CREDENTIALS | MEMBERSHIPS | RECOGNITION | PRESENTATIONS | PUBLICATIONS | IN THE PRESS

Biography

Duane Cochenour is a litigator specializing in negligent security cases, insurance coverage and medical malpractice actions. He has a unique perspective, with 20 years of experience as an insurance claim professional prior to becoming a lawyer. He knows exactly what it is like to be an adjuster, supervisor, regional claim manager, and major case negotiator because he has worked in each of those positions. He also knows the litigation needs of these clients, with over 15 years of active trial practice.

He draws on over 35 years of experience in the insurance and legal industry to defend and counsel clients in various types of bodily injury and property damage litigation. He also specializes in insurance coverage and bad faith litigation, regularly providing guidance on complex coverage matters to major insurance carriers. Duane is also a certified mediator and a member of both the Georgia and Florida bars.

Duane specializes in representing clients against claims of negligent security in cases involving shootings, assaults, and other serious crimes. These claims have exploded in Georgia, but our

Services

Construction

Dental

General Liability

Insurance Coverage

Medical Malpractice

Premises Liability

Professional Malpractice & Ethics

Strategic Teams

Coronavirus

National Trial Counsel

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firm has developed specific strategies that allows us to minimize the exposure of these businesses, property owners, property managers, and their insurers.

Duane also specializes in representing hospitals, physicians, and other health care providers against claims of medical malpractice. In addition to defending these cases in both Georgia and Florida, he is also part of a team of litigators who defend catastrophic cases across the country as part of the firm's National Trial Counsel Strategic Team.

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In addition to these two areas of specialty, Duane keeps a varied litigation practice and represents clients in motor vehicle accidents, products liability claims, premises liability claims, construction disputes, non-medical professional liability claims, and other types of bodily injury and property damage litigation.

Drawing on over three decades of experience interpreting insurance coverage, Duane is one of the leaders of the firm's Insurance Coverage practice group. He regularly provides coverage opinions and other guidance to major insurers on complex coverage and bad faith cases. His vast experience in the insurance industry, coupled with his experience litigating coverage and bad faith actions, enables him to counsel and defend insurers in coverage and bad faith disputes. He knows exactly what it is like to be an adjuster working a large case load, a front-line supervisor managing multiple adjusters, and a regional claim manager overseeing the claim operation in 5 states for a major insurer. This gives him a unique perspective (and passion for) defending insurance professionals against claims of bad faith. He also regularly reviews cases involving time-limited and/or policy limit demands, advising carriers on their exposure and providing recommendations on how to respond to these demands. He is also frequently retained by excess carriers as monitoring counsel on high-exposure claims.

Duane started his insurance career as a claim representative with Liberty Mutual but spent the bulk of it with St. Paul Insurance Company. He managed territories throughout the Southeast and, as a major case negotiator, handled catastrophic claims throughout the country. He was also selected to be on a project team that literally drew up a new dedicated medical claim

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structure nationally for St. Paul in 1995. He was also designated as an internal resource on coverage matters at St. Paul, teaching liability coverage courses internally to adjusters and supervisors. He regularly partnered with underwriters and agents on sales calls with prospective insureds. This experience, combined with over 15 years of active trial practice, gives Duane a unique insight into how to meet the needs of his insurance clients.

Duane excelled academically, graduating 7th in a class of over 150 students at the Georgia State University College of Law. He demonstrated his litigation skills early, leading a team that placed second nationally at the prestigious National Trial Advocacy Competition held annually at Michigan State University. He also received the Nai Karimimanesh Award as the top student in Advanced Evidence.

Experience

Construction

Duane specializes in providing coverage opinions in construction defect cases, litigating those cases when necessary. However, he also brings additional expertise to the table in evaluating these complex cases. Understanding how the coverage issues interplay with the litigation issues in these matters is essential in assisting carriers evaluate their exposure. Duane draws on over three decades of experience evaluating exposure in complex liability cases.

General Liability

Throughout Duane’s insurance career, he handled a wide variety of liability claims. He has continued that type of varied practice into his career as a litigator. He has litigated numerous types of general liability matters, including negligent security cases, motor vehicle accidents, slip and falls, and monitoring/assessing excess liability claims.

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Insurance Coverage

Interpreting insurance coverage is nothing new for Duane; he has done it for almost 30 years. He has had to make the decision of whether to pay policy limits under the pressure of a time limit demand in cases involving excess exposure. He has dealt with underwriters, agents, producers, brokers, risk managers, and others in the insurance sales channel, which gives him a global framework of practical experience on how the insurance industry operates.

This experience gives him knowledge and insight into insurance coverage and bad faith issues that a legal education alone simply cannot provide. He not only provides coverage opinions and guidance to carriers and clients but also litigates those disputes when necessary.

Medical Malpractice

Duane has extensive experience representing hospitals, physicians, and other health care providers. He has litigated medical malpractice cases throughout Georgia and Florida. In addition, as part of the firm’s National Trial Counsel team, he has defended hospitals and physicians in catastrophic damage claims in numerous other states.

Professional Malpractice & Ethics

Duane also has experience handling complex E&O claims against various professionals, including attorneys, engineers, directors, officers, insurance, and real estate agents. His insurance background, as well as his service on various nonprofit boards, gives him a broad breath of experience to draw on.

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Credentials

Admitted

State Courts:

- Florida
  - Courts of Appeals
- Georgia
  - Court of Appeals, Supreme Court

U.S. District Courts:

- U.S. District Court for the Northern District of Georgia
- U.S. District Court for the Middle District of Georgia

Education

- J.D., *magna cum laude*, Georgia State University
- B.B.A., Marketing, Georgia State University

Memberships

- The Jazzy Thing, Annandale Village - Suwannee, Georgia: Organizing Committee Member (Former, 20+ years)
- Atlanta Claims Association: General Member, Board of Directors (Former)
- Claims and Litigation Management Alliance (CLM)
- Cooperative Resource Center: Board of Directors, Chairman (Former)

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- Georgia Defense Lawyers Association
- Georgia Office of Dispute Resolution
- Hartwell First Methodist Church: Member
- St. Paul Insurance Company - Atlanta Office, Community Involvement Committee: Chairman (Former)

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- Young Audiences of Atlanta: Board Member (Former)

Recognition

- *Top Lawyers*, Insurance Law, GaBiz Magazine, 2026
- *The Best Lawyers in America®*, Best Lawyers®, 2023-2027
    - Awarded in: Insurance Law, Medical Malpractice Law - Defendants

Presentations

- **PFAS Litigation: Coverage Issues Related to the New Wave of Lawsuits over "Forever Chemicals"**
  State Bar of Georgia Insurance Law Institute; October 14, 2023
- **Current Trends and Emerging Issues in Negligent Security Claims**
  Marsh McLennan Agency – Southeast, Claims Summit; March 21, 2023
- **Timing is Everything: Liability and Limitations**
  Crum & Forster, Claim & Underwriting Units; September 2014
- **Diminution of Value in Property Loss Claims**
  US Law's Spring Conference, 2013

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- **Cross Examination of the Plaintiff in a Personal Injury Case**
  Institute of Continuing Legal Education's "Inside the Courtroom: The Trial of a Personal Injury Case;" September 20, 2012
- **Tort Reform in Georgia: A current status of the 2005 tort reform**
  Zurich Medical Professional Liability Claim Department; April 14, 2010

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Publications

- **Important Ruling on Assault & Battery Exclusions**
  HBS National Insurance Coverage Blog; December 8, 2022
- **What You Need to Know About MCS-90 Endorsement**
  HBS Transportation Blog; April 16, 2021
- **Georgia Judge Orders Litigation Funding Company To Produce Documents Related To Its Funding Of Plaintiff's Medical Expenses**
  HBS Transportation Blog, August 2020
- **Insurers Win First Battle In Fight Over Business Interruption Coverage For COVID-Related Closings — Michigan Judge Issues First Decision In This Billion Dollar Insurance Coverage Fight**
  HBS National Insurance Coverage Blog; July 8, 2020

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- **Legislative Update: 2013 Atlanta Claim Association Legislative Review**
  A Claimscene: The Newsletter of the Atlanta Claims Association, September 2013

In the Press

27 HBS Partners Recognized as 2026 Top Lawyers by GaBiz

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Magazine

January 29, 2026

Hall Booth Smith is pleased to announce that 27 of the firm's partners have been recognized as 2026 "Top Lawyers" by GaBiz Magazine in its Winter issue.

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New Ninth Circuit Ruling Clarifies Insurance Carrier Obligations for Independent Counsel in Non-Cumis Jurisdictions

December 18, 2024

On November 25, 2024, the Ninth Circuit Court of Appeals issued its decision in the case of New York Marine and General Insurance Company v. Amber Heard and carriers may need to take a second look at their obligation to pay

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for Independent (or “Cumis”) counsel when the underlying litigation is filed in a state that does not require it.

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58 HBS Attorneys Recognized as The Best Lawyers in America® Award Recipients

August 16, 2024

Hall Booth Smith, P.C. is pleased to announce that 58 lawyers have been included in the 2025 edition of The Best Lawyers in America®

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55 Hall Booth Smith Lawyers Recognized as 2024 Best Lawyers® Award

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Recipients

August 21, 2023

We’re pleased to announce that 55 lawyers have been included in the 2024 edition of The Best Lawyers in America®.

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Important Ruling on Assault & Battery Exclusions

December 8, 2022

Written by: Duane L. Cochenour, Esq. Judge Kevin B. Weiss of the Circuit Court for Orange County, Florida, issued a potentially important ruling regarding assault and battery exclusions. An appeal is sure to follow, but the court granted the plaintiff’s rather novel argument that mental anguish damages (and a $25M Judgement for them) are not

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Hall Booth Smith Attorneys Honored by The Best Lawyers In America 2023

August 18, 2022

47 lawyers from the firm have been honored in the 2023 edition of The Best Lawyers in America.

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What You Need to Know About MCS-90 Endorsement

April 16, 2021

Written by: Duane L Cochenour, Esq. In 1980, Congress passed the Federal Motor Carrier Act, an Act that was intended to increase price competition, and reduce and simplify regulations on carriers. One of the most enduring benefits of the Act was a provision for the MCS-90 Endorsement (“MCS-90”) which required

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proof of financial responsibility of

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Insurers Win First Battle in Fight Over Business Interruption Coverage For COVID-Related Closings — Michigan Judge Issues First Decision in this Billion Dollar Insurance Coverage Fight

July 8, 2020

Written by Duane L Cochenour, Esq. and Caitlin E. Correa, Esq. Hundreds of declaratory judgment actions have been filed across the country seeking business interruption coverage for

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shutting down businesses due to the coronavirus. It is shaping up as one of the biggest coverage battles in years with billions of dollars of losses at stake.

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Update on Pitfalls to Responding to Policy-limit Demands

January 17, 2020

Written by: Duane Cochenour, Esq. and Bill Daniel, Esq. The Georgia Court of Appeals recently held that an insurer's request for clarification as to which insureds are released in a pre-suit, policy-limit demand amounted to a counteroffer and rejection of the demand. In Yim v. Carr, 349 Ga. App. 892 (2019), plaintiff Patricia Carr was

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Congratulates 2018 Scholarship Winners

July 20, 2018

ATLANTA – Hall Booth Smith, P.C. congratulates the recipients of the 2018 Hall Booth Smith Scholarships that offer financial support for both employees of the firm and their children as they pursue higher education. This year's scholarship winners are Mary Cochenour, the daughter of Partner Duane L. Cochenour in our Atlanta office, and Dakota DiTosti,

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HBS Announces New Members of the Firm's Partnership

January 12, 2015

Atlanta, GA. – Hall Booth Smith, P.C. (HBS) announces the election of new partners, Duane Cochenour and Michael Williams, effective January 1, 2015. Duane

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Cochenour is a Partner in the Atlanta office of HBS. Duane is a litigator specializing in the representation of medical professionals and is the leader of the firm’s Insurance Coverage Practice Group.

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