



Darren S. Teshima

Partner

San Francisco

T +1 415 773 4286

E dteshima@orrick.com

Practice Areas

- Complex Litigation & Dispute Resolution
- Insurance Recovery
- Cyber, Privacy & Data Innovation

Honors

- Chambers USA, California - Insurance: Policyholder, 2020
- The Legal 500 US, Insurance: Advice to Policyholders, 2019-2020
- National Asian Pacific American Bar Association (NAPABA) 2015 Best Under 40
- American Bar Foundation Fellow
- Super Lawyers Northern California, 2018-2020
- Law360 Insurance Editorial Advisory Board Member, 2018
- Law360 Rising Star 2017
- Articles Editor, The Georgetown Law Journal

Education

- J.D., Georgetown University Law Center, 2005

Darren Teshima helps clients intelligently manage risk. From providing counsel to safeguard against anticipated and unforeseen dangers to handling high stakes litigation, clients turn to him for creative solutions to protect their businesses.

Chambers USA 2020 quotes clients praising his ability to “balance expert knowledge with practical application.” Darren is sought-after for his advice to policyholders in insurance coverage disputes. With the profound uncertainty of COVID-19, clients are relying on Darren’s extensive insurance coverage experience to pursue claims and his proactive judgement to review policies to mitigate and eliminate potential coverage gaps.

Darren’s proactive judgement has protected clients’ long-term business goals time and again. He serves as a true business partner to clients in the technology, fintech and financial services industries. He tailors innovative strategies to help avoid litigation and minimize cyber, data and cryptocurrency concerns, as well as D&O and professional liability. Leaders in the fintech space also seek Darren’s counsel on E&O and cyber loss coverage.

When litigation is necessary, Darren helps clients assert their rights. He’s successfully litigated high stakes commercial disputes with significant wins in connection with insurance coverage, RMBS, D&O coverage, and cyber insurance for some of the largest data breaches in history. He was part of the Orrick team for Credit Suisse that handled one of the only post-financial crisis RMBS cases to go to trial.

A recognized leader, Darren has been ranked for his work on behalf of insurance policyholders by *Legal 500*, *Chambers USA*, and has been named a *Law360* Rising Star, one of the “Best Lawyers Under 40” by the National Asian Pacific American Bar Association.

Darren is a leader at Orrick serving currently as co-Partner-in-Charge of Diversity and Inclusion, and previously as deputy, co-leader and leader of the Complex Litigation and Dispute Resolution

- B.A., Amherst College, 2000, *summa cum laude*

Clerkships/Externships

- Hon. David O. Carter, United States District Court, Central District of California

Memberships

- Asian Americans Advancing Justice | Asian Law Caucus, Chair of Board of Directors
- Bar Association of San Francisco, Judiciary Committee Member
- Legal Services for Children, Board Member
- Asian American Bar Association of the Greater Bay Area, Former Board of Directors Member and Judiciary Committee Member
- Center for Gender & Refugee Studies, Advisory Board Member
- Leadership Council on Legal Diversity, Fellow
- National Asian Pacific American Bar Association

practice from 2016-2020. He is passionate about making the legal profession inclusive for all and takes an active role in D&I industry engagements, including as a fellow in the Leadership Council on Legal Diversity and participating in the Diversity in Law Hackathon.

Darren also is deeply committed to pro bono work and community involvement. He's handled administrative trials and hearings on behalf of asylum seekers and low-income tenants and provided litigation advice to nonprofit organizations. For his efforts, Legal Services for Children honored him with the Pro Bono Advocate Award twice. Currently, Darren is the chair of the Asian Americans Advancing Justice – Asian Law Caucus, and serves on the boards of Center for Gender & Refugee Studies and Legal Services for Children.

Representative Engagements

- **Credit Suisse** in defending a dozen lawsuits brought by monoline insurers and trustees alleging claims related to RMBS transactions following the global financial crisis, including a suit brought by MBIA, which was one of the only post-crisis RMBS cases to go to trial, and one of the financial sector's largest and most complex litigations.
- **Premera Blue Cross** in a lawsuit related to defense coverage under a commercial general liability policy following a data breach affecting 11 million customers, an issue of first under Washington law.
- **EFG Bank** in three lawsuits against life insurers related to universal life insurance policy cost increases that violated policy terms and the implied covenant of good faith and fair dealing.
- **IEC**, a for-profit education company, in a coverage lawsuit in which the professional liability insurer wrongfully settled an underlying class action, exposing the insurer to bad faith and punitive damages liability.
- **Pacific Pulmonary Services** in a bad faith action against its D&O insurer related to establishing the insurer's duty to advance defense costs for an FCA investigation.
- **Getaround**, an on-demand carsharing company, in a coverage dispute with its auto rideshare insurance company.
- **Scopely**, a leading mobile gaming company, in a coverage dispute with its cyber insurer regarding coverage for a trade secrets misappropriation claim.
- **Sony Pictures**, advising on insurance claims related to a cyber-attack on its network and IT infrastructure.

Publications

- "California Does Not Bar Defense Coverage For 'Willful Acts'" *Law360*, June 13, 2017
- "In Internet of Things Era Cybersecurity for Autonomous Vehicles Will Require Restraint," *Bloomberg BNA Privacy and Security Law Report*, December 19, 2016
- "The Internet of Things Era Cybersecurity for Autonomous Vehicles Will Require Restraint," co-authored with Ian Adams, *Bloomberg BNA: Privacy and Security Law Report*, December 19, 2016
- "Preparing for a Ransomware Attack," co-authored with Aravind Swaminathan, *Law360*, November 29, 2016
- "5 Insurance Issues to Consider in Tech Transactions," *Law360*, August 25, 2016

- “A Common Exclusion That Puts Your D&O Coverage at Risk,” *Law360*, August 7, 2015
- “The 'Insured vs. Insured' Exclusion -Not as Broad as Insurers Represent,” co-authored with Silvia Babikian, *Westlaw Journal Insurance Coverage*, January 22, 2015
- “Can D&O Insurers Contract Around Duty-To-Advance Costs?” *Law360*, October 23, 2014
- “Valuing Plaintiff’s Recoverable Damages,” *The Insurance Coverage Law Bulletin*, July 2013
- “Insuring Against Cybercrime” (co-authored with Marc Mayerson), *The Recorder*, Feb. 2012
- “Second Circuit Affirms D&O Insurance Coverage for Regulatory Investigation and Special Litigation Committee Costs,” *Policyholder Observer*, Orrick publication, Sept. 2011
- “Shifting the Burden: California’s New Rules for Insurance Losses with Multiple Causes” co-authored with Richard DeNatale, *Policyholder Observer*, Orrick publication, Sept. 2009
- “MBIA’s Restructuring Plan Challenged in Class-Action Suit” co-authored with Barry S. Levin, *Derivatives*, June 2009
- “A ‘Hardy Handshake Sort of Guy:’ The Model Minority and Implicit Bias About Asian Americans in *Chin v. Runnels*,” 11 *Asian Pac. Am. L. J.* 122 (2006)

Speeches and Programs

- “How Do You De-Risk the SPAC Transaction?” Orrick Webinar, October 30, 2020
- “Reallocating Corporate Risk,” The Alisal Forum, December 10, 2019
- “Understanding the Insurer’s Duty to Settle,” Bar Association of San Francisco, September 19, 2018
- “Converting Awareness into Action: Ways to Recognize and Overcome Cultural and Gender Barriers in the Legal Profession,” Asian American Bar Association, August 21, 2018
- “Mitigating Hacker Risk: Demystifying and Negotiating Cyber Insurance Policies,” AltaClaro Webcast, April 4, 2018
- “Preparing for a Ransomware Attack”, MCCA Global TEC Forum, June 19, 2017
- “Risky Business: Navigation Risk Management Inside and Outside Your Company,” RIMS NextGen Forum, June 5, 2017
- “Share and Share Alike: Risk Management Issues for the Sharing Economy,” RIMS Annual Conference, April 26, 2017
- “Internet of Things: Security, Privacy, and Risk Considerations for a Connected World,” RIMS Annual Conference, April 25, 2017
- “Avoiding the Deposition Debacle: Tips for Successfully Taking and Defending the Insurer’s Corporate Deposition,” Insurance Coverage Litigation Committee CLE Seminar (ICLC) Annual Conference, March 4, 2017
- “Enterprise Cyber Risk: D’s, O’s, and Strategic Deals,” Orrick’s In-House Counsel Forum, January 19, 2017
- “The Internet of Things: Security, Privacy and Risk Considerations for a Connected World,” National Asian Pacific American Bar Association (NAPABA) 2016 Annual Conference, Nov. 5, 2016
- “Insured’s Right to Independent Counsel: Conflicts of Interest, Multiple Insureds, Multiple Claims and More” Strafford webinar, May 24, 2016
- “#saywhat? Liability Exposure for Tweets, Posts and Other Social Media Communications,” National Asian Pacific American

Bar Association (NAPABA) 2015 Annual Conference, Nov. 7, 2015

- “Protecting Your IP in the Cloud” Minority Corporate Counsel Association (MCCA) 2015 CLE Expo, Oct. 6, 2015
- “#saywhat? Liability Exposure for Tweets, Posts and Other Social Media Communications,” RIMS 2015 Annual Conference and Exhibition, April 29, 2015
- “Subrogation: Getting Back What is Rightfully Yours,” American Bar Association, Tort Trial & Insurance Practice Section, 21st Annual Insurance Coverage Litigation Committee Midyear Program, February 15, 2013

Admissions

- California

Court Admissions

- Supreme Court of the United States
- **United States Courts of Appeals** | First Circuit
- **United States Courts of Appeals** | Ninth Circuit
- **United States District Courts** | Northern District of California
- **United States District Courts** | Central District of California
- **United States District Courts** | Eastern District of California