



## **ROBERT A. CUTBIRTH**

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### **Service Areas**

Insurance; Labor & Employment

### **Bar Admissions**

California, 1987  
United States Court of Appeals, Ninth Circuit  
United States District Court, Central District of California  
United States District Court, Eastern District of California  
United States District Court, Northern District of California  
United States District Court, Southern District of California  
Supreme Court of the United States

### **Education**

University of the Pacific, McGeorge School of Law (J.D., 1987)  
Southern Oregon University (B.S., *cum laude*, 1984)

### **Bio**

Robert A. Cutbirth is Counsel in the San Francisco office of Tucker Ellis. He is a respected insurance coverage and employment law attorney who frequently speaks at state and national conferences. He also serves as outside general counsel to public agency risk pools, providing guidance and counsel regarding contract, regulatory compliance, risk management, and education law issues.

Mr. Cutbirth is an insurance coverage specialist. He works with foreign and domestic insurers and government agency risk pools in drafting and analyzing policies and endorsements, and managing claims and associated defense costs, associated with Directors and Officers, Professional Liability, Fidelity/Crime, Employment Practices, and Business Property Owners policies. Regularly called upon to assist in the analysis and management of larger and more complex claims, Rob works with all involved parties to develop the most appropriate strategy for minimizing costs and expenses, while ensuring that clients' rights and interests are fully protected. To that end, he has audited and managed the attorneys' fees and activities of outside counsel. He also communicates with insureds, brokers, and involved counsel in a manner that promotes the timely evaluation of claim exposures and development of open lines of communication that avoid unnecessary and costly disputes and that lead to prompt and cost-effective resolutions.

Clients regularly call upon Rob to assist in developing employee manuals, policies, and procedures that meet all governing state and federal laws while also providing clear guidelines that are practical and enforceable in the workplace. He works with clients in drafting and negotiating employment and severance agreements, and assists clients in developing strategies for addressing challenging employee discipline and termination situations. Rob is also regularly called upon to speak to clients and industry groups regarding employers' obligations to provide safe and nondiscriminatory work environments and has become preferred counsel for many clients in proactively managing claims and potential claims arising from disability (including "interactive process" and EEOC/DFEH administrative matters), sex, and race discrimination allegations. Rob is an active litigator who has defended wage and hour claims, including disputes involving individual and class action claims for unpaid wages, overtime, and unpaid benefits.

Working with self-insured public school district risk pools, Rob assists the pools and their members avoid and reduce their risk exposures through training sessions, contract reviews, and legislative and policy reviews, to ensure that members are meeting their legal obligations, and their obligations to engage in prudent risk management, in a practical manner that also protects scarce financial resources.

### **Publications & Speaking Engagements**

- Panelist and Co-Author of Associated White Paper: American Bar Association, Tort Trial and Insurance Practice Section, Semi-Annual Conference. Topic: “Jurisdictional Issues Affecting The Insurer-Insured Relationship.” (February 2009)
- Panelist and Co-Author of Associated White Paper: American Bar Association, Tort Trial and Insurance Practice Section, Semi-Annual Conference. Topic: “Emerging Trends in Directors and Officers and Errors and Omissions Policies.” (February 2008)
- Presenter: Association of Governmental Risk Pools Fall and Spring National Conferences. Topic: “Disputes with Members, Reinsurers and Excess Insurers.” (October 2009 to General Member Session and March 2009 to General Counsel Session)
- Presenter: California Association of Joint Powers Authorities Annual Conference. Topic: “Practical Methods to Limit, Negate and Transfer Risk Exposures.” (September 2007)
- Instructor: North Bay Schools Insurance Authority, Manager’s Training Program: “Employment Law 2010 with Disability Law Primer” (February 2010)
- Presenter: Property Liability Research Bureau, National Claims Conference. Topic: “Duty to Defend” (2000-2004)

### **Published Decisions of Note**

- Hubbard v. Brown, 50 Cal.3d 189 (1990)
- Polster v. Sacramento County Office of Education, 180 Cal.App.4th 649 (2009)
- Condor Ins. Co. v. Williamsburg Nat. Ins. Co., 49 Cal.App.4th 55 (1996)
- General Star Indem. Co. v. Schools Excess Liability Fund, 888 F.Supp. 102 (1995)
- People v. Rippberger, 231 Cal.App.3d 1667 (1991)

### **Industries Represented**

Insurance  
Legal Services (Law Firms)

Public Agencies  
Transportation