



Spencer Y. Kook

Partner in Charge of Los Angeles

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Spencer Kook is an insurance regulatory and commercial litigation attorney. He regularly advises carriers, producers, and other regulated entities on issues of insurance regulatory compliance, including but not limited to licensing, rating, underwriting, and forms. Spencer also regularly assists clients in connection with examinations and enforcement actions. Additionally, he manages a wide variety of insurance litigation and business dispute matters and has a long-established track record of defending clients against class and representative actions, and challenges brought under California's Unfair Competition Law and false advertising laws.

Spencer is the Partner-in-Charge of Hinshaw's Los Angeles office and serves on Hinshaw's Management Committee, the firm's principal governing body. He also served on the firm's Executive Committee and Diversity Committee and previously co-led the firm's Insurance Regulatory Law section.

Prior to joining Hinshaw, Spencer was a partner at Barger & Wolen LLP, a leading California insurance regulatory and litigation firm that merged with Hinshaw in 2014.

Professional Affiliations

- The State Bar of California
- National Asian Pacific American Bar Association
 - Insurance Law Committee, Co-Chair
- Korean American Bar Association of Southern California

Honors & Awards

- Recognized by *Chambers USA: America's Leading Lawyers for Business*
 - Insurance: Insurer – California, (Band 4) 2020 – 2023

Representative Matters

A selection of Spencer's representative work includes:

- Administrative Matters
 - Prosecuting prior approval rate hearings

Practices

Appellate
Commercial Litigation
Consumer and Class Action Defense
Privacy, Security & Artificial Intelligence
Regulatory and Compliance Counseling

Industries

Insurance & Reinsurance
Insurance Regulatory
Insurance Coverage

Education

J.D., University of California
Los Angeles School of Law,
1999

B.A., University of California –
Berkeley, 1996

Admissions

California



- Defending Order to Show Cause hearings challenging issues concerning licenses and/or compliance with claims handling and advertising laws
- Defending noncompliance rate hearings
- Contributing to rulemaking hearings
- Civil Litigation Matters
 - Representing physicians and private corporations in defense against multi-million dollar claims for defamation, breach of contract and fiduciary duty, conspiracy, extortion, and interference claims arising from acrimonious partnership dissolution.
 - Representing a workers compensation insurer in an attorney fee dispute where a law firm sought millions of dollars in fees and damages, which was resolved to the client's satisfaction for a fraction of demand.
 - Representing vehicle service contract and deficiency waiver provider against a series of putative class actions concerning false advertising and claims handling practices, all of which were resolved in favor of the provide on the merits, by defeat of class certification and other informal resolution.
 - Representing and successfully prosecuting breach of contract and fraud litigation against individual defendants and alter-ego company for recovery of converted funds and unearned commissions owed to the company.
 - Representing and resolving to clients' satisfaction state and nationwide class action challenging insurer practices such as the handling of total loss claims, "diminished value" claims, off-set and reimbursement rights relating to medical coverage benefits, auto-body shop "steering" claims, charging of allegedly unlawful contingent commissions and use of continuous coverage discounts.
 - Representing workers' compensation carriers in prosecuting and recovering premiums owed by companies under loss-sensitive workers' compensation policies and programs.
- Notable Decisions and Reported Opinions
 - *McAlister v. Mercury Ins. Co.*, 2013 Cal. App. Unpub. LEXIS 7731 (2013) (affirming dismissal of a class action concerning alleged improper mishandling of medical expense payment coverages based upon auto policy's contractual lawsuit limitation provision)
 - *Grim v. Safe-Guard Products International*, 2011 Cal. App. Unpub. LEXIS 2475 (2011) (affirming denial of certification of a class challenging the alleged fraudulent marketing of GAP insurance product)
 - *Hervey v. Mercury Casualty Co. v. Mercury*, 185 Cal. App. 4th 954 (2010) (affirming dismissal of a class action challenging carrier's alleged mishandling of uninsured motorist payments under auto insurance policies)
 - *Medina v. Safe-Guard Products International, Inc.*, 164 Cal. App. 4th 105 (4th App. Dist, June 19, 2008) (affirming dismissal of a class action concerning alleged unlicensed sale of vehicle service contracts)
 - *State ex rel. Metz v. Farmers Group, Inc.*, 156 Cal. App. 4th 1063 (2007) (affirming dismissal of representative action challenging carriers' handling of total vehicle loss claims)
 - *State of California ex rel. Linda Nee v. Unumprovident Corporation*, 140 Cal. App. 4th 442 (2006) (affirming dismissal of *qui tam* action challenging insurer's allegedly fraudulent practices relating to marketing and sale of disability insurance policies)
 - *Farmers Insurance Exchange v. Superior Court*, 137 Cal. App. 4th 842 (2006) (reversing trial court's decision and determination of the existence of a private right of action for violation of insurance rate statute)

Presentations

Spencer lectures on the regulation of insurance and class actions. His presentations include:

- Panelist, "Perspectives on Current Events in California's Insurance Market," Casualty Actuarial Society's (CAS) Envisioned Future (from the CAS Strategic Plan), Virtual Event, August 23, 2023
- Panelist, "Is California 'Too Big To Fail'? An Examination of Potentially Existential Issues In The California Market," American Property Casualty Insurance Association, Western Region General Counsel Conference, San Diego, California, July 26, 2023



- Co-Presenter, "Perspectives on Current Events in California's Insurance Market," CAS Ratemaking, Product and Modeling Seminar, Coronado, California, March 14, 2023
- "Regulatory Issues in California and Nevada," Western Regional General Counsel Conference, Las Vegas, Nevada, July 14, 2022
- "Retrospective and Update on California Wildfire – Related Homeowners Issues," Western Regional General Counsel Conference, Las Vegas, Nevada, July 14, 2022
- Panelist, "Regulatory Roulette: Leveraging and Navigating State Insurance Departments," 2022 Insurance Coverage Litigation Committee CLE Seminar, The American Bar Association, Tucson, Arizona, March 4, 2022
- "Business Interruption Coverage Claims in a Covid-19 Era: Legal and Regulatory Updates," National Asian Pacific American Bar Association Convention, Virtual Event, December 10, 2021
- Co-Presenter, "The Latest from the California Regulatory Frontier on Rate and Form Approval Issues," American Property Casualty Insurance Association's (APCIA) Western Region General Counsel Conference, Virtual Event, July 27, 2021
- "Legal, Governmental and Regulatory Issues Concerning Insurance Coverage Arising Out of COVID-19," National Asian Pacific American Bar Association Convention, Virtual Event, November 7, 2020
- "(Mostly) Non-COVID 19 California Insurance Litigation and Regulatory Update," Western Region General Counsel Conference, Webinar, July 29, 2020
- "California Rating: News Flashes and New Issues," 30th Annual Western Region General Counsel Conference, Hollywood, California, July 25, 2019
- "Is California Catastrophe Regulation Leading to a Homeowners Rate Crisis?," 30th Annual Western Region General Counsel Conference, Hollywood, California, July 25, 2019
- "Thirty Years After the Passage of Proposition 103," PCI's 29th Annual Western Region General Counsel Seminar, San Diego, California, July 26, 2018
- "News from the Front: Update on *Mercury v. Jones*," 25th Annual Association of California Insurance Companies' General Counsel Seminar, Las Vegas, Nevada, July 2014
- "*Mercury v. Jones*: Judicial Review of Prior Approval," 24th Annual Association of California Insurance Companies' General Counsel Seminar, Las Vegas, Nevada, July 2013
- "Class Action Litigation under the California Unfair Competition Law," CPCU Society, Los Angeles Chapter, Los Angeles, California, January 2011
- "The Regulation and Oversight of Insurance Pricing: Developing Trends in Health and P&C Insurance," Insurance Law Forum, Chicago, Illinois, November 2010
- "Class Action Litigation under the California Unfair Competition Law," CPCU Society, Los Angeles, California, November 2009
- "The Impact of Proposition 64 on Class Actions Against Insurance Companies," 20th Annual ACIC General Counsel Seminar, Las Vegas, Nevada August 2009

Publications

A selection of Spencer's publications includes:

- "Overview of California Insurance Law," Chapter 1 (Revised and Updated), California Insurance Law and Practice, LexisNexis, 2019
- "The California Insurance Holding Company Act," Chapter 5 (Revised and Updated), California Insurance Law and Practice, LexisNexis, 2019
- "Overview of California Insurance Law," Chapter 1, California Insurance Law and Practice, LexisNexis, 2016
- "Property – Casualty Insurance Ratemaking and Rate Regulation," Chapter 6A, California Insurance Law and Practice, LexisNexis, May 2015
- "Operation of Life and Disability Insurance Carriers," Chapter 29 (Revised), California Insurance Law and Practice, LexisNexis Matthew Bender, September 2013



- "Subrogation," Chapter 53, California Insurance Law and Practice, LexisNexis Matthew Bender, September 2010