



## Judy L. Burnthorn

Partner

504.593.0688

tjburnthorn@deutschkerrigan.com

### Practices

Commercial Litigation

Insurance Coverage

Labor & Employment

Professional Liability of  
Attorneys, Accountants,  
Agents & Brokers

### Industries

Banking

Insurance

### Bar Admissions

Louisiana

Mississippi

### Education

J.D., Tulane University School  
of Law, 1986, *magna cum  
laude*, *Tulane Law Review*,  
*Order of the Coif*

B.A. Louisiana State  
University (Political  
Philosophy), 1982, *summa  
cum laude*

For over 25 years, Judy Burnthorn has represented insurance carrier and insurance guaranty association clients in all types of commercial matters before juries, judges and arbitration panels.

Judy is a professional liability attorney defending life, health, disability, directors & officers, and errors & omissions claims for the insurance industry and malpractice suits for CPAs, attorneys, surveyors, appraisers and insurance agents. She also is experienced defending claims of employment law, securities and commodities fraud, and insurance.

Representing financial institutions, Judy combines her experience and determination to address issues that arise from investors, borrowers, depositors, employees and the federal government. She has addressed immediate concerns and prevailed when prosecuting actions on behalf of financial institutions, including fidelity bond actions and contested foreclosures.

During her career, in multiple situations, she has represented excess carriers in settlements eliminating multi-million dollar exposures claimed by the plaintiffs to exceed the attachment point, without any settlement by the excess carrier.

Ms. Burnthorn and her husband George N. Guild, Jr., M.D. split time between their homes in New Orleans and cotton & tree farms in Mississippi. She is a member of Covenant United Methodist Church. She loves snow skiing, Andalusia, and reading works by Ernest Hemingway. She also enjoys flamenco music, corridas, shooting, farming, scuba diving and boating.

### Professional Associations

- American Bar Association
- New Orleans Bar Association
- Louisiana State Bar Association
- Mississippi State Bar
- Fifth Circuit Bar Association

### Accolades

- *Martindale-Hubbell™* AV Preeminent® Peer Review Rated Lawyer
- *The Best Lawyers in America®* (Commercial Litigation), 2020
- *Louisiana SuperLawyers*, 2017, 2018

## Representative Successes

- **Insurance Adjuster Liability Defense**

Ms. Burnthorn and Ms. Lessell represented an insurance adjuster in a professional liability case when both the adjuster's insurer and he personally were sued for negligent misrepresentation, unfair trade practices and intentional interference with business relations and a contract. The plaintiff alleged that Deutsch Kerrigan's clients were at fault because the plaintiff's insurance claim had not been paid within a three-year window, and exposure in the case was estimated at up to one million dollars. However, Ms. Burnthorn and Ms. Swabacker argued that an adjuster has no duty to an insured and cannot be held liable for bad faith claims against an insurer. Judge Robin Giarrusso of Orleans Parish Civil District Court agreed, and granted a summary judgment in favor of the defense one month before the matter would have gone to a jury trial.

*1020 Gravier Street, LLC and Carl DeAbate vs. Deutsch Kerrigan Clients*

- **Legal Malpractice-Zero Judgment**

Judy Burnthorn, Melissa Lessell, and Andrew Baer successfully obtained a zero judgment in the case defended in January 2016 in Baton Rouge, LA.

The three defended a major regional law firm who was being sued for legal malpractice. After a settlement was not reached during mediation, the case went to an arbitration trial in Baton Rouge, LA. During the trial, Ms. Burnthorn, Ms. Lessell and Mr. Baer skillfully handled the defense in this matter from the start. On March 3, 2016, the arbitrator presiding over the case issued his ruling that the plaintiff would receive nothing.

- **Securities Law**

Ms. Burnthorn and Ms. Lessell represented a client against the claims of a hedge fund investor of fraud, negligence and breach of fiduciary duty. The claims were dismissed on the grounds of lack of subject matter jurisdiction.

*Hayman v. Fein, 2011 WL 4965460 (E.D.La. 2011).*

- **Insurance Agent Liability**

The professional liability carrier of a registered representative/insurance agent retained Deutsch Kerrigan to defend the registered representative against a customer's charges that he negligently advised the customer, misrepresented material information and omitted material disclosures. Judy Burnthorn handled the week-long trial. DEUTSCH KERRIGAN'S client had offered in settlement in amounts equivalent to the customer's out-of-pocket loss. The customer insisted on pursuing the case to trial, claiming entitlement to lost profits, attorneys' fees, etc. Ms. Burnthorn was successful in obtaining a decision in favor of the defense, and the customer received nothing.

*Gerald P. Richard v. DEUTSCH KERRIGAN'S Client and a Co-Defendant*

- **Broker Liability**

In this federal Eastern District of Louisiana class action, the broker was accused of self-dealing and violations of the securities laws. Ms. Burnthorn was successful in having the case dismissed on a motion at the preliminary stages.

An alleged class of plaintiffs, et. al. v. DEUTSCH KERRIGAN'S client and his broker-dealer

- **Stockbroker Liability**

The professional liability insurer of a stockbroker retained DEUTSCH KERRIGAN to defend RICO claims brought against the broker by a former client. Judy Burnthorn was successful in obtaining complete dismissal of all claims against the stockbroker.

*Patricia K. Duboue v. DEUTSCH KERRIGAN'S client, USDC, E.D. La. No. 02-3551 (T)*

- **Errors & Omissions Defense**

The errors and omissions carrier of a registered representative retained Deutsch Kerrigan to defend the representative against charges of negligence, securities fraud, and breach of fiduciary duty. The customer sought damages far in excess of out-of-pocket losses. Judy Burnthorn handled the trial after which there was a favorable decision awarding the customer less than his out-of-pocket losses and no attorneys' fees.

*Terry L. Conner and Ronald W. Conner v. DEUTSCH KERRIGAN'S Client and a Co-Defendant*

- **Errors & Omissions Defense**

The E&O carrier of a California broker-dealer retained Ms. Burnthorn to defend securities fraud claims brought against its registered representative. Just prior to trial the action was settled for an amount which excluded lost profits and attorneys' fees. The settlement was favorable to our client.

*James Minge v. DEUTSCH KERRIGAN'S Client and his Broker-Dealer*

- **Broker Dealer Liability**

DEUTSCH KERRIGAN represented a broker dealer in this case in which Sedgwick alleged failure to supervise and unsuitability. Ms. Burnthorn settled the matter on a basis favorable to DEUTSCH KERRIGAN'S client.

*Sedgwick v. DEUTSCH KERRIGAN'S Client*

- **Securities Fraud**

The Self Service action involved investors seeking rescission of securities purchases and damages under Securities Act registration provisions, Securities Act fraud provisions, Securities Exchange Act fraud provisions, and the Louisiana Blue Sky Law. The action was settled on a basis favorable to our clients.

*The Equity Group/Self Service Storage II, Ltd. Case*

- **Professional Liability**

The Liberty Bank case involved the representation of a defendant against charges that he was a controlling person and an aider and abettor because of his participation in the accounting and reporting aspects of treasury bond trading conducted for investors at Liberty Bank and Trust Company. The action resulted in a favorable settlement requiring no payment from our client.

- **Hurricane - Professional Liability**

Ms. Burnthorn, Ms. Hayes, and Ms. van Zutphen obtained between them four dismissals of professional liability suits related to Hurricane Katrina with no payment of any kind from its clients. In the post-Katrina environment, the legal community has witnessed numerous lawsuits by homeowners who are dissatisfied with claim payments from their flood or homeowners insurers. These homeowners frequently attempt to supplement their insurance proceeds with recoveries from others, such as the professionals hired by their insurance carriers to adjust their Katrina claims and insurance agents from whom the homeowners purchased their insurance coverages.

In these four lawsuits, DEUTSCH KERRIGAN'S client was an insurance adjusting firm which had adjusted homeowners and flood claims of property owners who had experienced property losses due to Katrina. Burnthorn and Hayes posited in a preliminary meeting with the judge that there was no cause of action against the agents. Burnthorn and van Zutphen made the same argument in a similar state court lawsuit against an insurance adjuster. The aggressive out-of-court strategy by Burnthorn, Hayes and van Zutphen led to all four cases being dismissed.

- **Errors & Omissions Defense**

The errors and omissions carrier of a registered representative retained Deutsch Kerrigan to defend the registered representative in these actions for rescission and damages. A single plaintiff's lawyer brought these two cases. There was potential exposure in the cases, but initial settlement efforts failed. Judy Burnthorn tried the White and Boudreaux cases during late 2004 and early 2005, respectively. The awards were far less than White and Boudreaux were asking in damages.

*Preston Paul White v. DEUTSCH KERRIGAN'S Client and a Co-Defendant and Charles Boudreaux and Betty Boudreaux v. Ms. Burnthorn's Client and a Co-Defendant*

- **Lender Liability**

Ms. Burnthorn was successful in obtaining dismissal of lender liability claims against a banking institution.

*Santopadre v. Pelican Homestead and Savings Association*, 741 F. Supp. 1252 (E.D.La. 1990)

- **RICO - Lender Liability**

Ms. Burnthorn was successful in obtaining dismissal of RICO, lender liability and other claims against a banking institution.

*First National Bank of Louisville v. Loretta Lustig, et al*, 727 F. Supp. 276 (E.D.La 1989).

### **Publications**

- “Insurance Agent Perspective on Variable Insurance Product Suitability,” American Bar Association Tort Trial & Insurance Practice Section Corporate Counsel Committee Annual Meeting, August 2008
- “Banking Law,” Fifth Circuit Symposium, *Banking Law* 37 *Loy. L. Rev.* 543. 1991

### **Presentations**

- “Cybersecurity - New Trends and Emerging Standards in the Courts and Economic Marketplace,” Podcast, The Network of Trial Law Firms, September, 2014
- “Insurance Agent Perspective on Variable Insurance Product Suitability,” Panelist, "Annuity Suitability Under the Microscope" panel discussion, American Bar Association's Tort Trial & Insurance Practice Section Corporate Counsel Committee Annual Meeting, New York, New York, August 8, 2008