



Elizabeth Fisher

Associate



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Elizabeth represents insurers in connection with coverage issues and coverage litigation arising under a variety of insurance policies, including directors and officers, professional liability, and general liability. Elizabeth also serves as defense counsel for lawyers and other professionals in professional liability lawsuits and threatened claims, including providing legal ethics advice to law firms. In addition, she has an active appellate practice, briefing issues before state and federal appellate courts.

During the 2023-2024 academic year, Elizabeth is serving as an Adjunct Professor at the University of North Carolina School of Law, where she is co-teaching the Supreme Court Program. The program operates as a clinic in which students assist in preparing submissions to the United States Supreme Court.

Representative Matters

- Obtained grant of a writ of certiorari by the United States Supreme Court and continues as counsel at the merits stage in a pending case raising important issues under the Double Jeopardy Clause. *McElrath v. State of Georgia*, case No. 22-721.
- Obtained a decision by the Maryland Court of Appeals (on certified question) holding that a law firm representing Homeowners Associations in connection with negotiating and documenting repayment plans with homeowners with delinquent dues is not subject to the Maryland Consumer Loan Law. The decision resolves an important issue of first impression that affects all businesses and professionals extending credit in Maryland as “an ancillary function” of their

Practice Areas

Insurance
Issues and Appeals

Credentials

Education

J.D., with high honors, University of North Carolina School of Law; Order of the Coif
B.A., *magna cum laude*, North Carolina State University

Law Journals

Editor in Chief, Volume 97, *North Carolina Law Review*

Clerkships

Law Clerk for the Honorable David B. Sentelle, U.S. Court of Appeals for the District of Columbia Circuit (2019-2020)

Bar and Court Memberships

District of Columbia Bar
U.S. Court of Appeals for the Fourth Circuit

operations. *Nagle & Zaller, P.C. v. Delegall*, 480 Md. 274 (2022). Read more here.

- Obtained summary judgment in the trial court and a decision by the Maryland Court of Special Appeals affirming the judgment, holding that a former client suing his attorneys for malpractice must prove that the attorneys proximately caused the alleged loss via the trial within the trial, even if the attorneys engaged in so-called bright line malpractice or allegedly guaranteed recovery of a sum certain. *Saunders v. Markey*, No. 24-C-19-003511 (Md. Ct. Spec. App. Nov. 3, 2021).
- Obtained ruling by California federal court granting liability insurer's motion for summary judgment, holding that the insurer is not obligated to provide coverage for an individual under a corporate general liability policy because the individual was not sued in an insured capacity. *Obagi v. Valley Forge Insurance Company*, No. 20-cv-07059 (C.D. Cal. Oct. 1, 2021).
- Drafts pleadings and motions addressing a wide variety of procedural and substantive issues for clients involved in complex insurance litigation and professional liability lawsuits.
- Advises clients on coverage and merits issues arising in a variety of professional liability exposures, including professional malpractice suits, governmental investigations, shareholder litigation, and other commercial disputes.
- Conducts legal research addressing a variety of substantive and procedural issues for clients involved in complex insurance litigation.
- Serves as monitoring counsel in connection with ongoing litigation in federal and state courts.

Professional Experience

- Law Clerk, U.S. Court of Appeals for the District of Columbia Circuit (2019-2020)
- Summer Associate, Private Law Practice (2018)
- Summer Associate, Private Law Practice (2017)
- Summer Associate, Private Law Practice (2017)