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Leech Tishman Taps Cannabis Pro To Lead Insurance Group

By **Jack Queen**

Law360 (May 5, 2020, 6:59 PM EDT) -- Leech Tishman Fuscaldo & Lampl LLC has tapped a former Reed Smith LLP partner for leadership roles in its insurance and cannabis practice groups, adding a policyholder expert with a growing roll of marijuana clients.

Michael H. Sampson joined Leech Tishman as a partner in Pittsburgh and will serve as chair of the firm's insurance coverage group and co-chair of its cannabis group, the firm announced Monday. Sampson told Law360 the move will help him build out his crossover practice in the two areas, helping marijuana businesses grapple with coverage challenges unique to the sector.

"Moving to Leech Tishman was a terrific opportunity to continue my policyholder-side practice while at the same time doing more work in cannabis," he said Tuesday. "Many of those clients tend to be smaller, and Leech Tishman will hopefully allow me to serve them in an entrepreneurial and cost-effective manner."

Sampson said insurance coverage remains a persistent challenge for cannabis companies despite the industry's steady growth. Many providers simply reach for conventional policies with provisions unsuitable for marijuana businesses, sometimes even barring coverage for policyholders that violate federal drug laws.

"There's a panoply of exclusions and policy language issues that businesses in this industry need to confront," he said. "The problem is there are still insurers going to their shelves and pulling off insurance products for other industries. But it's not one size fits all."

Some insurers are also unwilling to negotiate with cannabis businesses on policy language, Sampson said. Others offer only particular types of insurance — general liability but not property insurance, for instance — meaning clients have to shop around more. The churn of providers in and out of the cannabis sector doesn't help either, Sampson said.

Sampson has advised and litigated on behalf of firms at every step of the cannabis supply chain, from growers to retailers to real estate investment trusts. His practice has also expanded to noncannabis firms that supply and serve the sector and must adjust their insurance accordingly.

"There was a time when people thought you could draw a circle around the cannabis industry: That is them, this is me," he said. "Those days are long gone, and many traditional businesses interact routinely with the cannabis industry."

Sampson's experience with noncannabis clients includes a high-profile dispute between safety equipment manufacturer MSA Safety Inc.



Michael Sampson

and North River Insurance Co. Sampson helped MSA score **a \$58 million damages award** in 2017 for the insurer's bad faith efforts to skirt coverage for asbestos injuries.

The road to trial in the case featured **a landmark ruling** by a Pennsylvania state court, which found that asbestos injuries occur with a person's first exposure. In a matter of first impression, the court rejected North River's argument that MSA's causation theory was at odds with the latest scientific research.

On the pro bono side, Sampson has represented Old Order Amish members who were denied permanent resident status by the federal government because they refused to have their photos taken, which violates their religious beliefs. Sampson's work with the Amish dates to his first legal job with the Anti-Defamation League, which champions religious freedom cases.

"Working with the Old Order Amish and being invited into their homes is such a unique, meaningful experience," he said. "It reaffirms that no matter how different we seem, we are all the same."

Last summer, Sampson scored a settlement that allowed an Amish woman from Canada to become a lawful permanent resident without having her picture taken, keeping a family of 15 intact.

Leech Tishman managing partner Pete A. Fuscaldo touted Sampson's "keen understanding of the complexities of insurance coverage" in a statement Tuesday.

"Paired with his expertise in advising cannabis-related businesses, Mike will be a great addition to our lawyer team and the services we are able to offer our clients," he said.

Sampson holds a law degree from the University of Chicago Law School and a bachelor's degree from the University of Virginia.

--Editing by Stephen Berg.

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