



Marci A. Eisenstein

PARTNER

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Industries

[Insurance & Reinsurance](#)

Practices

Education

New York University School of Law, JD, cum laude, 1979

Harvard College, BA, cum laude, 1976

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In 2015, Marci was elected managing partner of Schiff Hardin, becoming the first woman to hold the top post at the firm. During her six years of service as managing partner, she was among only a handful of female managing partners in big law firms across the United States. Marci is also a strong mentor and champion for diversity in the legal profession. She was a founding member of the firm's Diversity Committee in the early 2000s.

A proactive leader, Marci is known for developing solutions and delivering service through collaboration. This starts with the team she handpicks for each case she handles, based on each lawyer's experience and knowledge of the client's industry and the business and regulatory climates in which they operate.

As national coordinating counsel in complex, high-stakes class actions, Marci regularly consults with local counsel to gain their perspectives on judges, juries, and local practices. This team-based approach enables Marci to create winning strategies that achieve the client's business goals while controlling costs.

In addition to practicing law, Marci is an active and longtime board member of the Illinois chapter of JDRCF, the world's leading organization funding type 1 diabetes research.

Experience

- Represented multiple major insurance carriers in many class action suits involving auto insurance, homeowners insurance, life accident and health insurance, workers compensation insurance, and business interruption insurance.
- Served as lead lawyer in *Avery v. State Farm*, one of the few nationwide insurance class actions ever to go to trial. This nationwide class of millions of State Farm policyholders sued to recover

for billions of dollars in damages they claimed to have incurred when State Farm adjusted their auto damage claims by specifying non-OEM parts. In 2005, the Illinois Supreme Court reversed the trial court judgment of more than \$1 billion and, relying largely on the trial and pre-trial record developed by Marci and her team, decertified the class and directed dismissal of the case with prejudice.

- Defended many non-OEM parts class actions, as well as class action challenges against the following: use of software to assist in the valuation of general damages, use of total loss valuation software, application of anti-theft device discounts, application of mid-term premiums for newly licensed drivers, and claims of inadequate disclosures on declaration pages.
- Defended against numerous consumer class action challenges, including the use of third party vendors and databases to evaluate medical bills for medical necessity and reasonableness.
- Represented several insurers in class action challenges by medical providers or insureds to the reduction of medical bills based on PPO discounts, and successfully secured the dismissal of such cases.
- Represented insurers in a series of homeowners' insurance class actions, ranging from challenges to the application of policy limits and totaled home claims, to disputes over the calculation of a general contractor's overhead and profit, to claims challenging notices of reductions in coverage.
- Defended workers compensation insurers against class-wide challenges to medical bill review and PPO discounting. Served as counsel to a national reinsurance pool involving hundreds of worker compensation insurers in a dispute over the allocation of responsibility for assigned risk.
- Negotiated a nationwide class settlement on behalf of an insurer facing nationwide and state class challenges to its life insurance sales practices. Represented an accidental death insurer in challenges to the application of a policy exclusion on behalf of a proposed multi-state class.
- Successfully defended against a class-wide challenge to a carrier's adjustment of business interruption claims, twice defeating class certification and securing a decisive victory when the court granted summary judgment on the policy interpretation issue.

Recognitions

- The Best Lawyers in America, *Best Lawyers* (2016-2023)
- *Illinois Super Lawyers*, Thomson Reuters (2007-2009, 2011-2021)
- Notable Women in Law, *Crain's Chicago Business* (2020)
- Illinois Leading Lawyer, Law Bulletin's *Illinois Leading Lawyer Network* (2006-2021)
- Influential Women in Law, *Law Bulletin Media* (2020)
- Top 250 Women in Litigation, *Benchmark Litigation* (2012, 2017-2019)
- Chicago's Notable Women Lawyers, *Crain's Custom Media* (2018)
- Litigation Star, Euromoney's *Benchmark Litigation* (2012-2013, 2017-2018)
- Women of Influence, *Chicago Business Journal* (2018)
- Who's Who in Chicago Business, *Crain's Chicago Business* (2017)
- Top 100 Women Business Lawyers, Law Bulletin's *Illinois Leading Lawyers Network* (2015)
- Top 100 Women Lawyers, Law Bulletin's *Illinois Leading Lawyer's Network* (2011)
- Peer Reviewed AV® Preeminent™, *Martindale-Hubbell* (since 2003)

Bar Admissions

[Illinois](#)

Court Admissions

[US Court of Appeals, 6th Circuit](#)

[US Court of Appeals, 7th Circuit](#)

[US Court of Appeals, 11th Circuit](#)

[US District Court, Northern District of Illinois](#)