



## Gerber, Daniel W.

**Position: Partner**

**Chair: Insurance Solutions, Professional Liability**

**Co-Chair: Business Law**

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### **Mailing Address**

P.O. Box 1060, Buffalo, New York 14201

### **Location**

New York, New York

## **Practice Areas**

- [Business Law](#)
- [Construction Law](#)
- [Cyber, Technology and Social Media](#)
- [Insurance Solutions](#)
- [Product Liability, Fire and Life Sciences](#)
- [Transportation](#)

## **Admissions**

New York, All. U.S. District Courts in New York, Pennsylvania, U.S. Court of Appeals, First Circuit, U.S. Court of Appeals, Second Circuit, U.S. District Court for the State of Pennsylvania, U.S. Supreme Court



## Biography

Dan chairs the firm's Insurance Solutions Practice Group, as well as chair of its Professional Liability Practice Group. He is co-chair of the firm's Corporate and Commercial Practice Group. He has 20-plus year's accumulated knowledge handling "bet the company" insurance difficulties, complex commercial matters and high-exposure loss. CBS's 60 Minutes undertook two exposés on separate matters Dan directed. His experience ranges from litigating billion-dollar insurance and reinsurance disputes; breaking down misunderstood wording and policy issues; resolving regulatory quagmires; and providing proactive guidance to clients. Dan oversaw a team that resolved over 1,500 Superstorm Sandy claims — acting as national coordinating counsel for several insurers. He has an immense understanding of all facets of international insurance markets from London to Bermuda. During the Greek financial crisis, he coordinated with the Greek government on insurance solutions. In this regard, Dan brings unique cross-border transactional and regulatory expertise in portfolio transfers and insurance structural arrangements. He is a Registered Foreign Lawyer in England and Wales. In conjunction with being a US ARIAS certified arbitrator, Dan acts as an arbitrator, umpire and mediator of insurance and reinsurance disputes. He also offers expert testimony in complex insurance and extra-contractual matters. He has assisted in the passage of insurance legislation – having advised the key parties supporting Vermont's Insurance Legacy Management Act. Dan has over 2,500 followers on his daily insurance-related Twitter feed [@GerberCianoLLP](#). He prides himself on proactive and economical conduct of client matters. He achieves this through highly coordinated workflow, quality control, strategy planning, and candid communication. Dan believes that successful conclusions require visualizing the "end game" at the onset, and anticipating key variables to reach desired results.

While his practice primarily focuses on insurance solutions, Dan's extensive experience includes successfully litigating matters that include: catastrophic loss; professional liability; intellectual property; construction defect; transportation; product liability; and, commercial disputes. Dan also maintains a distinct practice counseling clients on social media and disruptive technology exposures. In this vein, he develops claims/underwriting guidelines and provides in-house training on social media issues for several clients in the insurance sphere. Additionally, Dan has unique experience in crisis response and management. He has advised clients through high-profile legal crises and challenges. Today's 24-hour news cycle and social media require a rapid, coordinated response during a crisis. Legal risks are often inextricably intertwined with reputational exposures. Dan's experience with these issues assist clients in shielding their reputation while aligning with the desired legal outcome.

Dan's comprehensive experience in the insurance arena extends to life, health and disability (ERISA and non-ERISA) issues. He previously chaired the Defense Research Institute (DRI) Life Health and Disability Committee. He has spoken and authored extensively on these subjects. His regulatory experience is extensive. He has guided clients through various regulatory issues surrounding portfolio transfers and insurer mergers and acquisitions. This includes various levels of due diligence, risk strategy, structural advice, approvals and filings.



Dan was named the Insurance and Reinsurance Lawyer of the Year (United States) by Lawyer's Monthly Magazine. He is consistently listed as one of the top insurance and reinsurance lawyers in the world by the prestigious *Who's Who Legal* (Insurance and Reinsurance). He possesses an AV rating from Martindale Hubbell; a *Super Lawyer* designation from Law & Politics Magazine; and, has been named by his peers to *Best Lawyers in America* for Insurance Law. He currently serves as a National Director for the Defense Research Institute (DRI), and is also a Board Member for the Defense Association of New York (DANY). Dan is an author for multiple chapters of *Appleman on Insurance* (Third Edition) and *New Appleman's Insurance Law Practice Guide*, as well as being an editor of the *Reinsurance Professional's Deskbook*.

Dan previously served two years as chair of the Insurance and Reinsurance Committee of the International Association of Defense Counsel (IADC). He is also the past Chair of the 3,000 member Torts, Insurance and Compensation Law (TICL) Section of the New York State Bar Association (NYSBA), and also served two non-consecutive terms in the NYSBA House of Delegates.

Dan is admitted to the United States Supreme Court, as well as all federal and state courts in New York and Pennsylvania. He is admitted to the First and Second Circuit United States Court of Appeals. He has received numerous awards and honors for his professional and community service.

Dan ran his prior firm's Global Insurance Services Practice Group for over 10 years. In this role, he handled significant aspects of management. He also navigated and addressed all issues of establishing a completely "new" law firm in a foreign country.

Dan grew up in Eden, New York outside of Buffalo. Every year, the Eden Corn Festival acts as a High School reunion for him. He is a long-suffering Buffalo Bills fan. He enjoys international travel as much as he enjoys "binge-watching" the latest and greatest series on Netflix or Amazon Prime from his living room recliner. Dan's passion for history is only exceeded by his passion for his family. He began his career as a plaintiff's personal injury and policyholder lawyer. He tried many of these cases to verdict and gained valuable perspective that allows him to view both sides of any matter. Dan is an annual pass holder to Walt Disney World. He enjoys going there as much as possible and considers it his 'happy place'.

## Education

- Bonaventure University, B.A., Magna Cum Laude, 1992
- State University of New York at Buffalo, School of Law, J.D., 1995
  - Tax Program Certification
  - Governmental Law Certification



## Honors

- AV Preeminent *Martindale-Hubbell* Peer Review Rating
- Listed in *Best Lawyers In America*, Insurance Law
- [USA Insurance and Reinsurance Lawyer of the Year](#), *Lawyer Monthly*, 2014
- [Top Rated Lawyer in Litigation](#), *American Lawyer Media and Martindale-Hubbell*, 2013, 2014, 2015, 2016, 2017
- *The International Who's Who of Insurance & Reinsurance Lawyers 2012-2017*
- [USLAW Network](#) O'Hagan Award (Contributing Lawyer of the Year), 2012
- ARIAS-U.S.-Certified Arbitrator
- LexisNexis Insurance Law Center Advisory Board, 2010-2014
- DRI's Albert H. Parnell Outstanding Program Chair Award, 2010
- *Super Lawyers, Corporate Counsel Edition*, 2010, 2011
- *Upstate New York Super Lawyers*, 2007-2025
- *New York Metro Super Lawyers*, 2015-2025
- *Business First's Who's Who in Law*, (Insurance)
- *Expert Guides: Insurance and Reinsurance* listing
- 40 Under Forty Award, *Business First*, August 2005
- Citizen of the Week Award, *The Citizen*, January 28, 2005
- Chairperson of the Year Award, New York State Bar Association Torts, Insurance and Compensation Law Section, for work as Chair of the Insurance Coverage Committee
- Sheldon Hurwitz Outstanding Young Lawyer Award, New York State Bar Association Torts, Insurance and Compensation Law Section
- Admitted as member to Association of Life Insurance Counsel, 2005-present
- Award for Outstanding Competence in the Arts and Science of National Defense, Reserve Officers Association of the United States
- ROTC Scholarship recipient



## Languages

- French (Reading Comprehension)

## Professional Leadership

- Defense Research Institute
  - National Director, Board of Directors
  - Chair of Membership Committee
  - Board Liaison, Intellectual Property Committee
  - Life, Health and Disability Litigation Committee: Past Committee Chair Past Program Chair
  - DRI International, Steering Committee
  - DRI Insurance Law Committee, Past Steering Committee
  - Past Chair, DRI Social Media Task Force
  - Past Chair, DRI Counsel Meeting Task Force
  - Member, Law in Transition Task Force
  - Past Chair, DRI Insurance Round Table
  - Two Terms — Annual Meeting Steering Committee
    - Counsel Meeting Chair
    - Committee Programming
- Presenter, Multiple DRI Annual Meetings and Seminars
- International Association of Defense Counsel
  - Past Chair, Insurance and Reinsurance Committee Chair
  - Presenter at Multiple Annual and Mid-Year Meetings
  - Past Chair, Membership, New York
  - Board of Editors, IADC Defense Counsel Journal



- Defense Association of New York
  - Board of Directors
- Association of Life Insurance Counsel
  - Active Member
- New York State Bar Association
  - Past Section Chair, Torts Insurance and Compensation Law Section
  - Past Chair Insurance Coverage Committee
  - Current Member Executive Committee, Torts Insurance and Compensation Law Section
  - Past Chair, Nominating Committee, Torts Insurance and Compensation Law Section
  - Steering Committee, 8th Judicial District
  - Former Representative, House of Delegates
  - Presenter, Multiple Seminars and Annual Meetings
- National Foundation for Judicial Excellence
  - Active Member
- ARIAS U.S.
  - Certified Arbitrator
- International Association of Claim Professionals
  - Frequently invited guest and active supporter
- International Claims Association
  - Past Life Insurance Committee Steering Committee Member
- American Bar Association
  - Active Member, Torts Insurance Practice Committee



## Representative Matters

### [The People of the State of New York, by Eric T. Schneiderman, Attorney General of the State of New York, v. The Trump Entrepreneur Initiative LLC, et al.](#)

New York State Attorney General Eric Schneiderman sued businessman and current President Donald J. Trump, for \$40 million. The suit alleged deceptive acts and false advertising in connection with the operation of Trump University (later known as Trump Entrepreneurship Institute). The suit alleged that students were fraudulently induced to enroll in real estate investing seminars. Dan advised the insurer that provided extensive coverage for multiple Trump entities. Dan assessed all coverage afforded to its insured, namely the various Trump organizations.

### [Superstorm Sandy MTA Claims](#)

When Hurricane Sandy — a.k.a. “Superstorm Sandy” — made landfall in New York City, it brought record storm surges that flooded the New York Metropolitan Transportation Authority (MTA) subway tunnels extensively, causing catastrophic damage. Dan handled complex reinsurance issues related to these claims.

Reported in *New York Daily News*, “Local MTA Could Be Stuck With \$1 Billion Tab For Hurricane Sandy-Related Damage and Losses,” November 28, 2012.

### [Halloran v. Harleysville](#)

Dan represented an insurer in litigation in Connecticut regarding coverage for earth movement and structural damage to homes across the State. This litigation is highly publicized.

### [USF&G v Travelers](#)

Dan wrote an amicus brief in this matter which was adopted in part by New York’s highest court in its reasoning. The New York Court of Appeals found issues of fact regarding whether a cedent altered claims in a \$1 billion asbestos litigation settlement to maximize its recovery.

### [Tennessee Valley Authority Coal Ash Release](#)

Dan lead the Bermuda insurance first-party tower’s investigation into into one of the most significant man-made disasters in the past several decades. The loss was covered by 60 Minutes and several media outlets.



### **[The Forgotten Hostages](#)**

In a matter sensitive to the United States government and its contractors, Dan worked to resolve insurance benefit issues surrounding the kidnapping of three contractors in the jungles of Columbia. This matter was covered by 60 Minutes and several media outlets.

### ***Cedent v. Reinsurer***

Dan was recently victorious in an arbitration dispute involving an attempt by a cedent to impose an indemnity obligation on its reinsurer that exceeded the reinsurance contract's absolute limit of liability. Dan represented a reinsurer in the arbitration proceedings, which saw the petitioner assert that the reinsurer owed it an indemnity obligation in excess of the treaty liability limit of liability. The reinsurer previously paid its full limit, and the cedent conceded that this was indeed the case. The cedent, however, billed the reinsurer for a share of prejudgment interest in excess of the treaty's liability limit. Dan successfully argued that the language of the contract was susceptible to only one reasonable interpretation. The limit of liability was a single "all-inclusive limit." A three-person arbitration panel agreed, denying the request for an award.

### **[Rekemeyer v. State Farm](#)**

Dan argued a seminal case on late notice and the requirement of prejudice to New York's highest court. The case pre-dates more recent changes by the New York Legislature requiring a prejudice for certain late notice disclaimers. This case, and a few select others, contributed to these legislative changes.

### **[Vermont Legacy Insurance Management Act \(LIMA\)](#)**

Dan coordinated a team assisting the Vermont's insurance regulator, Legislature and Governor in adopting an Act that sought to achieve a finality solution for transfer of legacy insurance portfolios. Dan's team assisted in legislation drafting and detailed discussions regarding implementation.

### **[State Farm Life and Assurance Company, Inc. v. Epps, Smith](#)**

Dan saved a life insurer from having to pay an insurance policy twice in a complex federal case involving a homicide and competing claims for a life insurance policy. The claim itself was highly publicized.



### ***Regulatory Approval***

Dan recently guided a foreign entity through the regulatory approval process and Form A filings required to successfully acquire several insurance portfolios and a domestic insurer. This enabled the entity to establish its US presence and begin writing US based insurance.

### ***Expert Retention***

Dan provided expert opinion and testimony on complex insurance issues arising from a construction loss in Pennsylvania. Dan opined on New York law as it pertains to the duties of good faith in settlement that exist between insurers.

### ***Energy & Utilities***

One of the largest companies in the world faced the disintegration of one of its longest-standing and most important business relationships because of an indemnification dispute that had put the companies' top executives at war. With tension rising and no favorable resolution in sight, the company called on Dan because it needed highly sophisticated counsel to de-escalate the volatile situation and find a solution that would both end the immediate dispute and preserve the multimillion-dollar relationship for years to come. For the client, the magnitude of the claim and the importance of its relationships made this a bet-the-company case.

### **[Lugosch v. Congel](#)**

Pyramid is one of the largest mall development companies in the Northeast. The plaintiff's represented by noted lawyer, David Boies, alleged that for a number of years, Bob Congel, the President of Pyramid Companies, operated partnerships as if he was sole owners. The plaintiffs also sued Pyramid's accountants alleging that the shifting of funds was not authorized in their agreements and was done in a manner to defraud the partners.

The partners alleged that Congel, with the aid of a close-knit circle of insiders, engaged in a pattern of misappropriation of money, self-dealing and mismanagement in violation of the federal Racketeer Influenced and Corruption Act. In a case involving millions of documents, Dan successfully represented the accountants and eventually secured summary judgment in their favor.

### **[World Trade Center Deutsche Bank Fire](#)**

The terrorist attacks of 9/11 caused extensive damage to several surrounding buildings. A fire occurred at the adjoining Deutsche Bank Building during reconstruction. Several firefighters were injured and two died. The loss received extensive media coverage due to criminal allegations surrounding the cause of loss. Several contractors were pursued in several different lawsuits. Subsequently, extensive insurance litigation commenced. The parties brought in noted mediator Ken Feinberg. Dan represented several insurers in the matters and worked with Mr. Feinberg to achieve a successful resolution for these clients. The matter has had a book published surrounding the underlying facts entitled "The Fix is In: The Deutsche Bank Fire Conspiracy" by J.A. Graffagnino.



### **91st Street Claim Collapse**

After enduring several long years of thorny litigation involving a 2008 crane collapse on 91st Street in New York City, a global insurer approached Dan for a separate and unique analysis of the matter. Company executives turned to him, based on the trust earned from a solid track record of success with the company, and concern over prior handling of this vastly complex, \$100 million-plus dispute. The matter involved several insurers and specifically concerned which insurers were obligated to provide a defense to the general contractor arising out of the crane collapse.

### **International Group v United Aviation Underwriters**

In a case where an aircraft was seized by authorities in the country of Benin, for alleged gold dust smuggling, Dan dealt with motions and pressure-filled litigations brought by the insured to declare the plane a loss. The matter involved claims that Nelson Mandela's grandson wrote to the President of Benin to protest the plane's release. The plane was highly mortgaged and therefore the insured had interest in a declaration of a loss over recovery. In the meantime, Dan coordinated with several resources to secure an order in Benin and worked with the insurer to retain a flight crew to secure the return of the plane.

### **Illinois State Trooper Killed by Tractor Trailer**

Dan's representation is often sought when there are major trucking losses with multiple insurers. He parachuted into this complex matter in Illinois to manage the primary and excess insurance issues. The matter had significant media exposure. With Dan's involvement and coordination with defense counsel, the matter resolved within a week of his becoming involved.

### **KJDE v Hartford Insurance, Appellate Division**

In a complicated business interruption insurance claim, the lower court ruled that the insurer owed coverage for losses stemming from the overflow of a creek causing several million dollars damage. The lower court determined that a flood exclusion did not apply to waters flowing over land from the creek caused to rise by excessive rain. The lower court found that this did not constitute "surface water." The case proceeded to trial on damages while the appeal on the applicability of the flood exclusion was pending. Dan led a trial team that leveraged several motions *in limine* to preclude much of the policyholder's alleged damages. In the meantime, other evidence illustrated that the policyholder's damages did not rise to the level alleged. During trial, plaintiff agreed to a settlement, but the settlement was contingent upon prevailing at the appellate court with respect to the flood exclusion. Dan succeeded in achieving a reversal of the lower court, and a zero payout on the matter, when the Appellate Division determined the flood exclusion applicable and unambiguous.



***Baker v. Broadspire National Services***

In a lengthy opinion, the federal district court consider the standard of review and a comprehensive record. The court adopted Dan's reasoning that an insurer had appropriately denied disability benefits under an ERISA plan.

***Higgins v Village of Orchard Park***

Dan established appellate legal precedent in New York in a dispute over property nuisance. The court held that "[a] municipality may not collect surface water from its lands and streets into an artificial channel, and discharge it upon the lands of another."

***Birdsong Estates Homeowners Association v. DPS Southwestern***

Dan succeeded in obtaining a full reversal of the lower court in favor of a homeowner's association. The appellate court concluded that the governing documents were ambiguous and did not give the developer complete control over approval of new construction in the development.

***In Re M/Y Group Therapy***

Dan successfully represented an insurer in an exoneration action under maritime law. At issue was the scope of coverage and limits of liability.

***Green v. Clark- Reliance Corp., 200 A.D.2d 1155***

Dan represented the manufacturer of a sight glass that became pressurized and sprayed acid all over the plaintiff's body and causing blindness. The suit involved complex issues of product design, implementation and potential misuse. Dan worked with counsel for all parties, including the plaintiff to bring the matter to a mediated resolution.

***Fulton Boiler Works v. A.M Motorists Insurance, United District Court, Northern District of New York***

In a case covered by Law360, Dan represented an insurer in a complex asbestos coverage case involving contribution among insurers, uninsured policy years, trigger of coverage and allocation of coverage. The court held that the insured could be charged for its pro rata share of defense for years between 1949 and 1976. Also, that a co-insurer could not deny two years of additional coverage despite the fact that the actual policy could not be located.



### ***[Village of Springville v. Argonaut Insurance Company](#)***

In a case where a municipality made conscious decision to demolish a structure owned by a private citizen, Dan successfully argued that there was no occurrence as defined by the policy. This resulted in a full reversal of the lower court including its award of attorney's fees and costs.

### ***Town of Newfane v General Star Insurance Company, et al.***

In a matter of first impression in New York, the appellate court addressed for purposes of invoking insurance coverage in an underlying action, whether the public entity insured's alleged underlying act of malicious prosecution is deemed to have occurred on the date on which the criminal prosecution was instituted, or on the date on which it was terminated in favor of the accused. The court adopted Dan's reasoning and concluded that the tort was committed when the criminal prosecution is instituted. Thus, there is no coverage for a claim of malicious prosecution under an insurance policy issued after the prosecution was instituted but in effect when the prosecution was terminated.

### ***AIG v. Bobak***

In a complex matter spanning New York and Pennsylvania courts, Dan first convinced the New York courts that an uninsured motorist hearing should have stayed pending arbitration in Pennsylvania. He then secured a result that ensured zero exposure of a \$1 million policy.

### ***Continental Connection (Colgan) Flight 3407***

Dan assessed coverage and insurance related to claims arising from the February 12, 2009 crash of Continental Connection Flight 3407 in Clarence Center, New York.

## **Community**

- Past Chair, Southtowns YMCA Board of Management
- Past Director, Board of Advisors, H.E.L.P. Buffalo, Inc.
- Past-President, Birdsong Homeowner's Association
- Former Member, Town of Orchard Park, Supervisor's Group on Counsel Fees
- Volunteer, Bennett High School Law Magnet Program Mentor
- Volunteer, Volunteer Lawyers Project
- Captain (Retired), United States Army Reserves, Military Police (Airborne Qualified)



## Presentations

- Presenter, “Meeting Member Needs Through Social Media,” DRI Annual Meeting SLDO Conclave, Chicago, IL, 2017
- Presenter, “Litigation Funding and Insurance Coverage,” DRI Insurance Coverage and Practice Symposium, December 2017
- Presenter, “Social Media Investigation and Discovery,” North Carolina Defense Lawyers Association, Annual Meeting, Hilton Head, SC, June 2017
- Presenter, “Impact of Disruptive Technology on Insurance Coverage,” DRI Insurance Law Seminar, Hartford, CT, September 2016
- Panelist, “The Top Three Things Insurers Need From Counsel and Why They Need It,” DRI’s Insurance Roundtable, Chicago, July 14, 2016
- Moderator, “Impact of Culture,” DRI’s Insurance Roundtable, Chicago, July 14, 2016
- Presenter, “The Towering Infernos — Lloyd’s Markets, Syndicates and Coverage Towers Explained,” International Association of Defense Counsel’s Annual Meeting, Southampton, Bermuda, July 12, 2016
- Panelist, “Cost Regimes in Litigation,” DRI’s Dispute Resolution International Seminar on Litigation Funding, Vienna, Austria, June 2, 2016
- Presenter, “Alternative Solutions and Risks to Litigation Liabilities — Portfolio Transfers, Reinsurance, and Litigation Buyout Insurance,” Inaugural Reins and Warranties Transactional Liability Insurance ExecuSummit, Mohegan Sun, CT, May 3, 2016
- Presenter, “Insurance Coverage in the Sharing Economy,” NYSBA Torts, Insurance, and Compensation Law Section and Trial Lawyers Section Annual Meeting, New York, January 28, 2016
- Co-Presenter, Swiss Run-Off Forum, “U.S. Regulation of Finality Solutions in Portfolio Transfers – Vermont Legacy Insurance Management Act and Rhode Island Reg 68,” Zurich, Switzerland, May 2015
- Presenter, “International Impact of Fracking and Insurance,” IADC Annual Meeting, Vienna, Austria July 2014
- Presenter, “Solvency and Run-Off Issues,” Meeting of Reinsurance Officials (MORO), Miami, FL, June 9-11, 2014



- Moderator, Insurance Insider Roundtable, Reinsurance Redez-Vous De Septembre, Insurance Insider, Monte Carlo, Monaco, September 2013
- Presenter, Insurance Roundtable, DRI, June 2013
- Presenter, "A Global Perspective on Today's Insurance Challenges: Capitalization, Solvency Issues and Available Restructuring Tools," KPMG Academy, Nicosia, Cyprus, February 2013
- Presenter, "A Global Perspective on Today's Insurance Challenges: Solvency, Capitalization, and Available Restructuring and Exit Tools," Association of Hellenic Insurers, Athens, Greece, December 13, 2012
- Co-Presenter, "Dealing with a Department of Insurance," International Claims Association Annual Conference, Orlando, Fla., September 2012
- Presenter, Insurance Roundtable, June 2012
- Interviewed in the "Reinsurance Rendez-Vous Round-Up" World Risk and Insurance TV <http://wrin.tv/index.php/component/k2/item/74-wrintv-global-roundupheadlines-from-the-world-of-insurance>
- Panelist, "Inside FAC Roundtable," Reinsurance Rendez-Vous de Septembre, Monte Carlo, Monaco September 2011
- Webinar Presenter, "Social Media Branding, To Tweet or Not to Tweet," International Claims Association, September 2011
- Presenter, "Understanding Social Media and Claims Defense," Pennsylvania Defense Lawyers Institute, July 21, 2011
- Chair, DRI Insurance RoundTable, Washington, D.C., June 2011
- Presenter, "Ethics and the Tri-Partite Relationship," IADC Mid-Year Meeting, February 2011
- Presenter, "Expanding Your Practice Through Social Media: Understanding the Professional Benefits and Ethical Boundaries of Social Media," DRI Law Firm Profitability Seminar, November 19, 2010
- Presenter, "Social Media in Claims Investigation 101," International Claims Association, Austin, TX, October 2010
- Presenter, "Understanding Social Media in Litigation," New York State Bar Association, Torts Insurance & Compensation Law Section, Annual Meeting, October 2010



- Presenter, “Is BP a Market Changer?” USLAW Radio, August 31, 2010 <http://uslaw.audionewsletter.com/083110/>
- Presenter, “Insurance Coverage Issues Related to Oil Spills,” DRI Oil Spill Conference, August 2010, Houston, TX
- Presenter, Insurance Roundtable, DRI, June 2010
- Presenter, “Understanding Social Media and Claims Defense,” Rhode Island Defense Lawyers Association, Providence, Rhode Island 2010
- Presenter, “Emerging Issues with Insurer Recoupment or Reimbursement From Policyholders”, DRI Insurance Coverage Symposium, December 2009
- Moderator, Life Beneficiary Roundtable, International Claims Association Annual Meeting, Marco Island, FL, November 2009
- Presenter, “What We All Need To Know About Risk Shifting In This Economy – It Is All About Risk Management,” DRI Annual Meeting, Chicago, October 2009
- Presenter, “Effect of Sub-Prime Meltdown on Insurance Industry,” May 2009, Lexis Insurance Law Center/Mealey’s Radio
- Panelist, “Prophylactic Measures to Reduce/Shift the Cost of Recalls,” USLAW Network Spring Conference, Charleston, SC, March 2009
- Presenter, “Understanding Social Media and Claims Defense,” North Dakota Defense Lawyers Association, Fargo, North Dakota, 2009
- Presenter, “Coverage Issues Related to Sub-Prime,” DRI Annual Meeting, New Orleans, 2008
- Presenter, “Current Trends and Issues Impacting the Reinsurance Industry,” Hawksmere International Reinsurance Congress, Hamilton, Bermuda, October 2008
- Presenter, “Emerging Issues in Reinsurance: Pandemic, Global Warming, and Other ‘Hot’ Topics,” Practising Law Institute Reinsurance Law Program, September 2008
- Presenter, “Calculating Claims Interest in Life Insurance Disputes,” International Claims Association Annual Meeting, Palm Desert, CA, October 2008
- Presenter, “Avoiding Undue Exposure on Arbitration Clauses,” Blueprint for Successful U.S. Claim Resolution Seminar, Bermuda, August 2008



- Presenter, “Lightening in a Bottle: Cutting Edge Litigation Issues,” DRI Life, Health and Disability Conference, San Francisco, April 2008
- Presenter, “Reinsurance Arbitration Skills,” IADC International ADR Academy, New York 2007
- Moderator, “Medicare, Medicaid Reform and Insurance Issues,” DRI Annual Meeting, Washington, D.C., 2007
- Overall Statewide Planning Chair, Commercial Line Seminar, 2007
- Overall Statewide Chair, “Law School for the Claims Professional,” New York State Bar Association, 2006
- Presenter, “OCP and Wrap-Up Policies,” New York State Bar Association 2006
- Presenter, Law School for the Claim Professional, New York State Bar Association Seminar, March 2006
- Presenter, “Life and Disability Coverage Issues,” Personal Lines Seminar, New York State Bar Association 2005
- Presenter, “Professional Responsibility and Ethics in Insurance Litigation,” Lorman Business Institute 2005
- Presenter, “Discovery in Insurance Coverage and Bad Faith Litigation,” Lorman Business Institute 2005
- Guest Lecturer, “Effective and Persuasive Writing,” University of Buffalo School of Law, 2005
- Overall Planning Chair, “Boot Camp for the Civil Litigator, Ethics, Updates and Critical Issues,” Joint Annual Meeting Torts Insurance and Compensation Law Section and the Trial Lawyers Section of the New York State Bar Association, January 2004
- Program Chair, “Auto Insurance Law and Litigation in New York,” Lorman Business Institute, 1998, 1999, 2000, 2001, 2002, 2003, 2004
- Presenter, “Directors and Officers’ Coverage Issues,” New York State Bar Association, 2004
- Presenter, “First Party Insurance Issues Related to Mold Loss,” New York State Bar Association, 2004



- Presenter, “Discovery in Insurance Litigation,” New York State Bar Association, 2004
- Presenter, “Professional Responsibility in Insurance Litigation,” New York State Bar Association, 2003, 2004
- Presenter, “Bad Faith Claims in New York,” Lorman Business Institute, 1999, 2003, 2004
- Presenter, “Commercial Lines Insurance Coverage With Advanced Issues,” New York State Bar Association, Buffalo, Albany, New York City, 2004
- Lecturer, “Insurance Coverage Issues Related to Mold and Water Intrusion Claims,” Lorman Business Institute, 2002, 2003
- Presenter, “Motor Vehicle Coverage and Claims Issues,” Buffalo Claims Association, 2003
- Overall Statewide Planning Chairperson, “Personal Insurance Lines Seminar,” New York State Bar Association, 2003
- Program Chair, “Insurance Litigation in New York,” Lorman Business Institute, 2002
- Presenter, “September 11th Insurance Coverage Issues,” Buffalo Claims Association, 2002
- Statewide Coordinating Editor, “Protecting the Privilege Project,” Defense Research Institute, 2002
- Presenter, “Y2K Liability and Insurance Issues,” ITECH Convention, 2000
- Presenter, “Insurable Interest,” Buffalo Claims Association, 2000
- Co-Chair, “Evidentiary Issues in New York,” National Business Institute, 1998



## Publications

- Second Circuit Chapter, [ERISA Survey of Federal Circuits](#), American Bar Association, 2016
- Editor, “Part V: Regulatory, Alternative Risk Transfers, and Other Recent Developments,” in *Reinsurance Professional’s Deskbook: A Practical Guide*, Thomson Reuters and DRI, January 2015
- Co-Author, “Superstorms, Vanishing Deductibles, and Floods That Are Not Floods: How Climate Is Changing the Legal Landscape of Insurance Coverage,” *USLAW Magazine*, Spring/Summer 2014
- Co-Author, [“The Rise and Implications of the Chinese Insurance Industry,”](#)
- *LexisNexis Insurance Law Newsroom*, December 30, 2013
- Co-Author, [“Claims Against Reinsurers Are on the Rise,”](#) *Global Reinsurance 2013 Full-Year Review*, December 2013
- Co-Author, “Life Insurance Claims Adjusting and Fraud,” Chapter, *New Appleman on Insurance Law Library Edition*, 2013
- Quoted, “A Paradigm Shift,” *Intelligent InsurerMonte Carlo Edition*, September 2013
- Quoted, [“What Genetic Testing Means for Life Insurers,”](#) *LifeHealthPro*, August 30, 2013
- Quoted, [“New EU Laws to Heighten Cyber Risk Exposure,”](#) *Reactions*, August 21, 2013
- Quoted, [“To Tweet Or Not To Tweet? 5 Tips For Doing It Right,”](#) *Law360*, August 14, 2013
- Quoted in [“What’s Ahead for Buffalo’s Legal Community in 2015,”](#) *Buffalo Law Journal*, January 5, 2015
- Featured in “Expert Insight Into Insurance & Reinsurance,” *Lawyer Monthly*, October 2014
- Featured in [“Leader Spotlight,”](#) DRI, *The Voice*, June 11, 2014
- Quoted, [“Legal Focus: Insurers Drowning in Regulation,”](#) *Reactions*, May 2013
- Co-Author, “Promulgation and Enforcement: Navigating a Complex 21st Century Insurance Regulatory Environment,” *Insurance Coverage and Claims Institute*, April 12, 2013



- Quoted, [“Worker-Caused Injuries Must Be Covered: Calif. Appeals Court,”](#) *Law360*, March 1, 2013
- Quoted, [“Hurricane Sandy: Business Interruption Claims Looming,”](#) *Credit Union Times*, November 1, 2012
- Quoted, [“A Looming Concern After Sandy: Big Business Interruption Losses,”](#) *Property Casualty 360*, October 31, 2012
- Quoted, [“How to Get Fast Insurance Settlements for Hurricane Sandy,”](#) *CFO Magazine*, October 31, 2012
- Quoted, [“Hurricane Sandy: Expect Significant BI Losses . . . ,”](#) *Intelligent Insurer*, October 31, 2012
- Quoted, [“Sandy Still Expected to Be a Primary Event,”](#) *Insurance Insider*, October 31, 2012
- Quoted, [“The Hurricane Sandy Business Interruption Conundrum,”](#) *Artemis Bermuda*, October 31, 2012
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