



Declaration of Candidacy

Candidates for election as Second Vice President or Director Elected Nationally must complete this form and submit it to the Executive Director at the principal headquarters of DRI by 5:00 PM (CDT) on July 1st of the year in which the election is held. Additional sheets should be attached as needed.

National Director Requirements - Directors Elected Nationally or by Region must be Individual Members of the Corporation admitted to the practice of law. Each such director must meet the following qualifications at the time of election: (a) The candidate shall have been a DRI member for a total of at least five (5) years, and (b) The candidate shall have been a member of at least one DRI substantive law committee for at least three (3) years, and (c) The candidate must have registered for and attended at least one (1) DRI Annual Meeting within the previous three (3) years, and, within the three (3) years prior to the final day of the Annual Meeting, the candidate must have 1) registered for and attended at least two (2) DRI seminars, or 2) registered for and attended one (1) DRI seminar and one (1) DRI Regional Meeting.

Position sought:

Second Vice President* Secretary- Treasurer National Director

*If you have declared your candidacy for Second Vice President and are not the successful candidate, will you consider the Secretary - Treasurer Officer position?

Yes No

Name: Daniel W. Gerber

Firm/Company: Gerber Ciano Kelly Brady LLP

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Born (location): Buffalo, NY

Education:

St. Bonaventure University, B.A., 1992,
State University of New York at Buffalo Law School, J.D., 1995

Awards and achievements:

- 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, 2013-19
 - The International Who's Who of Insurance & Reinsurance Lawyers 2012-2019
 - USLAW Network O'Hagan Award (Contributing Lawyer of the Year), 2012
 - ARIAS-U.S.-Certified Arbitrator
 - Admitted, U.S. Supreme Court, 2002
 - LexisNexis Insurance Law Center Advisory Board, 2010-2014
 - Lexis Practice Advisor, Insurance and Reinsurance
 - DRI's Albert H. Parnell Outstanding Program Chair Award, 2010
 - Super Lawyers, Corporate Counsel Edition, 2010, 2011
 - Upstate New York Super Lawyers, 2007-2019
 - New York Metro Super Lawyers, 2015-2019
 - 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
 - 4 Year ROTC Scholarship recipient
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Areas of practice:

Insurance Coverage Litigation
Professional Liability
Transportation

Reinsurance Insurance
Construction
Commercial

Regulatory
Cyber, Technology & Social Media

Years as a defense attorney:

23 years – licensed in New York, Pennsylvania. Admitted as Registered Foreign Lawyer in London and Wales

Employment history:

My employment history has provided me a wide-array of leadership opportunities and experience. It has also afforded me a unique perspective on issues facing the civil defense lawyer, whether he or she is a solo practitioner, member of a mid-size firm, or practices at a large firm.

In 2017, I founded Gerber Ciano Kelly Brady LLP. We opened with 25 lawyers and four staffed New York offices (Buffalo, Garden City, White Plains and Manhattan). The firm also immediately opened virtual offices in Philadelphia, Hartford, Newark and London. I serve on the firm’s executive committee and am responsible for all day to day operations of the law firm. The firm was designed with a mission that includes cultivating “a working environment that provides a humane, sustainable approach to earning a living and living in our world – for ourselves and for clients. We are committed to reducing our costs, and our footprint on the planet, by integrating virtually and avoiding the traditional ‘brick and mortar’ costs associated with operating a law firm.” I chair the firm’s Insurance Solutions Practice Group, as well as its Professional Liability Practice Group. I am co-chair of the firm’s Corporate and Commercial Practice Group. The firm was designed to take full advantage of cloud-based platforms and other technology. These include using artificial intelligence for due diligence and research, computerized eDiscovery, predictive technology and analytics software. We utilize technology for simplification, efficiency and automation. My 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. I previously led a team that resolved over 1,500 Superstorm Sandy claims – acting as national coordinating counsel for several insurers. I have an immense understanding of all facets of international insurance markets from London to Bermuda. During the Greek financial crisis, I coordinated with the Greek government on insurance solutions.

Previously, I co-chaired Goldberg Segalla’s Global Insurance Services Practice Group for over 10 years (2004-2017). In this role, I handled all aspects of management of 50+ attorneys and support staff. This included involvement in compensation, evaluation, workflow, production, quality management, client relations and development, as well as attorney and staff development. I was also the partner who led and established the firm’s operational entity for its London office. As such, I navigated and addressed all issues of establishing a completely “new” law firm in a foreign country. This included accounting, vendor selection, IT, HR, etc.

Prior to joining Goldberg Segalla, I was an equity partner at one of Upstate New York's oldest and most well-known firms, Jaeckle Fleischmann & Mugel (1998-2004). Prior to this, I was an associate at Saperston & Day, P.C. in Buffalo, New York (1997-1998). I began my career as a plaintiff's lawyer at Magner, Love & Morris, P.C. (1995 -1997).

I also served 10 years on the Board of Directors for the YMCA of Buffalo-Niagara. This YMCA has 15 branches over the entire Buffalo-Niagara Region. While on the Board, I led its annual "Strong Kids" fundraising campaign to greater success than in any prior year. Prior to joining this Board, I served 3 years as President of the Board of the Southtowns YMCA Branch. In this role, I was heavily involved in the development, construction and initial start-up of the YMCA's largest branch and a \$20M construction project.

I also served as President of the Birdsong Homeowner's Association for 3 years (and 3 years prior as a board member). In this position, I oversaw litigation that the Association had with its developer, all maintenance and vendor issues, budgets, compliance, etc.

I was commissioned as a Second Lieutenant in the United States Army Military Police Corps after graduating on an ROTC Scholarship. I rose to the level of Company Commander and was responsible for several hundred soldiers. During my time in the Army, I had the honor of becoming Airborne qualified.

Noteworthy defense work:

The People of the State of New York by Eric Schneiderman, Attorney General, Trump Entrepreneur Initiative LLC, et al. (Trump University)

Former New York State Attorney General Eric Schneiderman sued businessman and current President Donald J. Trump. 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. I advised the insurer that provided extensive coverage for multiple Trump entities. I 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. I handled complex insurance and reinsurance issues related to these claims, and supervised a team that oversaw over 1500 claims related to the storm.

USF&G v Travelers

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. This particular matter was one of the most widely followed reinsurance cases in recent litigation.

Tennessee Valley Authority Coal Ash Release

Led the Bermuda insurance first-party tower's investigation 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, 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.

*Additional noteworthy matters are set out below at **Appendix 1**.

Professional affiliations:

- Defense Research Institute
 - Law Institute (2018-Present)
 - Liaison - Professional Liability Committee/Seminar (2019)
 - Liaison - Life, Health, Disability & ERISA Committee/Seminar (2020)
 - Liaison – Insurance Law Committee/Insurance Practice Symposium (2020)
 - National Director, Board of Directors (2015-18)
 - Chair, Membership Committee (2016-17)
 - Vice Chair, Membership Committee (2016-17)
 - Membership Committee (2015-18)
 - DRI Circles Leadership Team (2017-18)
 - Board Liaison, Young Lawyers Committee (2017-18)
 - Board Liaison, Intellectual Property Committee (2015-17)
 - Life, Health and Disability Litigation Committee
 - Past Committee Chair
 - Past Program Chair
 - DRI International, Past Steering Committee
 - DRI Atlantic/Northeast Regional Meeting (2015-18)
 - Veterans Network (Captain, Retired, US Army)
 - DRI Insurance Law Committee, Steering Committee
 - Past Chair, DRI Social Media Task Force
 - Past Chair, DRI Counsel Meeting Task Force

- Member, Law in Transition Task Force
 - Chair, DRI Insurance Round Table (2011)
 - Vice-Chair, Insurance Round Table (2010)
 - Insurance Roundtable Steering Committee (2010-2016)
 - Presenter, Multiple DRI Annual Meetings and Seminars
 - Two Separate Terms — Annual Meeting Steering Committee (2008-2010, 2016)
 - Chair, Counsel Meetings
 - Chair, Committee Programming (100% Committee Participation reached)
 - International Association of Defense Counsel (2004 – Present)
 - 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 (2016-19)
 - 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
 - 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
 - Founder, Law School for the Claims Rep Program
 - National Foundation for Judicial Excellence
 - Member (2015-2018)
 - Donor (Annual)
 - 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
 - Past-President, Birdsong Homeowners Association
 - YMCA, Buffalo- Niagara, Board of Directors
 - Past Chair, Strong Kids Campaign
 - Past Chair, Southtowns Board of Management
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DRI member since:

July 15, 1998

Please describe your previous involvement in DRI, including but not limited to, leadership positions held. Projects contributed to, Committee memberships, presentations given, and written materials authored. Special accomplishments should also be noted.

When someone asks me why they should join DRI, I tell them “because DRI has *made* my professional life. I have built a practice and I have built enduring friendships because of DRI.” Many leaders in this organization have opened doors, made introductions and created opportunity for me. As the landscape for professional organizations changed post-2008, former DRI President, Cary Hitlgen, asked me to lead a task force to maintain and attract corporate involvement in DRI. Other organizations were offering free CLE, travel, etc. I led the Counsel Meeting Task Force that designed the current counsel meeting program for DRI. These guidelines have been a game-changer for DRI at a time where the industry was looking at other competing organizations.

Similarly, at a time when social media was new and “the great unknown,” I also led DRI’s first Social Media Task Force. This was the first DRI entity to map a social media strategy for the organization. It created a roadmap and guidelines for substantive committee social media usage.

Also, at a time when other organizations were offering thought leadership seminars to the industry, I was asked to re-invent the Insurance Round Table. This was done under the notion that it was no longer sufficient just to offer quality programming. Clients (and lawyers alike) value the time out of the office as an equal factor in choosing programming. I chaired this program in 2011 and sat on its Steering Committee from 2010-16. The 2011 meeting was one of the highest attended and highest rated IRTs. More importantly, Mike Brewer, Jay Harris and I worked cooperatively as successive chairs of this program to keep the new spirit of it going.

In 2010, I served on the DRI Annual Meeting Steering Committee as counsel meeting chair. That meeting had 10 counsel meetings only a year removed from the financial crisis. I served a second term on the Annual Meeting Steering Committee in 2016. During this tenure, I organized substantive committee CLE for every DRI committee. We had 100% participation by substantive committees in providing CLE for the *first time in years*. During the process, I had the pleasure of working with each substantive committee to develop its programming.

My time as Chair of the Life Health & Disability Committee (LHD) was one of my most enjoyable DRI experiences. That committee, as well as the Insurance Law Committee, have been my DRI “home base.” While I was Chair of LHD, the committee led the way on social media (first DRI Committee with a Twitter

feed) and membership recruitment (exceeding our goal by over 200%). I have had the pleasure of serving many roles in the DRI Insurance Law Committee, having served on the steering committees of its several programs (ICP, ICCI, Bad Faith), and being an active leader on its many projects. I have written many articles and spoke at multiple program for this committee.

I have been very active in other committees as well. For several years, I served on the DRI International steering committee. I have been a regular attendee and speaker at its programs. My first two years on the Board of Directors afforded me an opportunity to be the Intellectual Property Committee's Board Liaison. I was asked to work with this committee as it had recently spun off from Commercial Litigation and was viewed as an area of growth for DRI. I attended all the committee's seminar planning and other leadership functions. I then had the honor to serve as Board Liaison of the Young Lawyer's Committee. I attended all of its events and phone calls as development of young lawyers is a passion for me. I firmly believe that the future of DRI rests with engaging our current young lawyers as well as recruiting others. I have worked both as the Young Lawyers Board Liaison and Membership Committee Chair to facilitate the needs of our young lawyers as they transition to other committees.

In 2015, Past-President, Laura Proctor, asked me to serve as Vice-Chair of Membership for DRI under current DRI First Vice-President, Emily Coughlin. That year, under Toyja Kelly (who was the officer liaison to the Membership Committee), DRI undertook its largest change in membership recruitment and retention ever. The focus shifted to recruitment of dues-paying members, incentives for membership were completely re-written, and the DRI Dividends program rolled out. The following year, as Chair of Membership, DRI (under the direction of officer liaison Phil Willman) continued efforts to grow and serve membership by rolling out a 50 State Membership Chair initiative. This took coordinating communication with every single State Representative, Regional Director, and State and Local Defense Organizations. During my tenure as Membership Committee Chair, I "re-tooled" the DRI Membership Committee (with the blessing of President John Cuttino). For years the Membership Committee consisted of a large group with many overlapping initiatives. We re-structured this group to a much smaller and nimble committee that met weekly to carry out five very focused initiatives: (1) work with committees to recruit using the new incentives targeted towards dues-paying members; (2) work with staff, State Reps, Regional Directors, SLDOs and DRI Leadership to construct a 50 State Membership Chair Program while continuing to engage State Representatives in recruitment goals; (3) address/stress engagement and retention of current members (as recruitment is not enough to keep DRI strong); (4) focus intently on the needs, recruitment and engagement of young lawyer/millennials; and (5) expand the areas DRI recruits members from. On the last point, DRI does an excellent job of explaining its value to its current members. We, however, began a process of expanding that to non-members.

While on the DRI Board of Directors I also served on the Law in Transition Committee. This committee explored issues facing lawyers and law firms as the practice evolves in ways we have not seen in the past. Technology, culture, and the largest shift of human capital in the past 200 years (i.e. the eventual retirement of Baby Boomers), are bringing change to our profession. The Committee looked at ways to understand the change this will bring for DRI members and create resources to assist in managing these issues.

In 2017-18, I was asked by then DRI President, John Kuppens, to lead a working group to roll out and enhance the DRI Circles App. DRI Circles is custom designed for DRI and bespoke to the user. It allows members to organize their DRI contacts and connect in a manner that you (the end user) design. For example, having all contacts from a specific DRI event organized in one Circle. The power of the App is unlimited and DRI has just scratched the surface on the benefits. While overseeing its rollout, DRI saw usage increase from approximately 200 users in January to 800 users in June. It is this type of App and the potential branding that comes with it that will help develop the DRI of the future.

Over the years I have been honored to experience and meaningfully participate in the SLDO side of DRI as well as being a leader of a substantive committee. I have been asked to speak at the annual meetings of the North Dakota Defense Lawyers Association, Defense Counsel of Rhode Island, Pennsylvania Defense Institute, and North Carolina Association of Defense Attorneys. In addition, I am honored to currently serve on the Board of Directors of my SLDO, the Defense Association of New York.

*See additional activities at **Appendix 2**, though not inclusive of all activities.

List any leadership roles in other defense organizations.

Current Director, Defense Association of New York

International Association of Defense Counsel:

Past Chair, Insurance and Reinsurance Committee

Current Editor, Defense Counsel Journal

Past State Representative

New York State Bar Association

Past Chair, Torts Insurance and Compensation Law Section

Two Non-Consecutive Terms, House of Delegates

As set out above, I am the former Chair of the New York State Bar Association's (NYSBA) Torts Insurance and Compensation Law Section. This is one of the largest Sections of the NYSBA (3,000 members). During my tenure, I oversaw all functioning of this organization and left it with surplus for the first time in ten years. We did this, in part, by developing new programming targeted at claims professionals. This was a bit of a leap for a Bar Association, but in the end the result was increased profile for the organization and additional funding for other endeavors like law student diversity scholarships.

*See additional activities at **Appendix 3**, though not inclusive of all activities.

Describe your goals if you are elected to the above position.

I believe DRI's number one goal should be to advance the careers of its members. Each member defines the value of his or her membership differently. Accordingly, DRI must continue to rise to the challenges

facing individual defense bar members in the face of ever-evolving technology, cultural shifts and a sharing economy. Only then, can DRI advocate for the civil justice system. DRI is uniquely positioned to partner with industry on these evolutions and work seamlessly together. Neither insurers, corporate clients, nor their lawyers succeed if they are not aligned of thought and mind to the greatest extent possible on the changes that are coming to our practice.

There is no doubt that things like artificial intelligence will change the way our clients operate, the manner in which claims occur, and the practice of law itself. I would like to see DRI create a task force to address the issues confronting the defense bar and civil justice in 2030. This task force would join with industry and service providers to develop key strategies on change effecting our industry.

DRI needs to be a leader in the legal innovation discussion. Key to this is a true understanding and partnership in DRI with its younger lawyers. DRI, like many organizations, is getting older demographically. Younger lawyers often join and see value for reasons that differ from prior generations. It is incumbent upon DRI to understand this, and ensure that younger lawyers carry the torch of preserving the jury trial and civil justice system. Equally, DRI should not waver in its goals of promoting diversity and opportunity. Its Women in the Law and Diversity Committees need elevated roles in shaping the defense bar of 2030. In this regard, DRI should ensure the advancement of woman, diverse individuals, and young lawyers to leadership.

I would also begin a process where DRI examines (from the bottom to the top) its engagement of members. Often, an organization as large as DRI can be intimidating at first blush. No doubt, there has been much time and thought given by past and current leaders to engaging membership. However, I would like to see an additional “grass roots” focus at every level. Not to be overlooked in this process is the importance of SLDO’s to DRI. Many DRI members only know the organization through involvement with their SLDO. DRI needs an initiative to nurture greater collaboration between its substantive committee members and SLDOs with the goal of increasing membership and involvement in both.

With a “member-based” focus in mind, DRI should continue to develop alternative benefits for its members consistent with the needs of a changing defense practice landscape. This may include business loan discounts, preferred vendor discounts, and/or uber-like shared services. These benefits will create alternative revenue streams for DRI. At the same time, they will use DRI’s strength as group to make a difference for its members. It is important that DRI “stay in its lane” and do what it does best, while increasing the benefits of membership.

Only through truly understanding what our members need and want from DRI, can we ensure that DRI will continue its role as a leader in diversity and continue as the premier defense organization in the world.

What do you believe is the most important issue confronting the defense bar?

The largest issue confronting the defense bar is remaining relevant. Making sure a fair judiciary exists for our clients and maintaining a defense practice are increasingly difficult. In this regard, technology, artificial intelligence and a sharing economy are all significant difference makers. Lurking in the background is the impact of non-lawyer-owned law firms. Social media now makes almost any item of news, fact, rumor or innuendo available in real time. The advent of Uber, AirBNB (and the like) have led to similar developing legal technologies. Artificial intelligence seeks to replace many tasks previously performed by professionals. Today, most large first round discovery review is outsourced. The role of the defense and insurance practitioner is changing due to these advents. Defense lawyers face pressure like never before. The plaintiff's bar will adapt. The defense bar must advocate and educate to ensure it thrives and to guarantee that there is access to equal justice.

Define the appropriate role for DRI as the national defense bar organization.

DRI should constantly act to be at the forefront of legal innovation discussions. DRI is the leader of the defense bar. It needs to engage at every level (local, national, and international) to advocate civil justice for insurers, corporate defendants and individual civil defendants. The plaintiff's bar is as strong and organized as ever. Regulators now view themselves as profit centers. As a result, insurers and defendants face constant and increasing pressure to sustain profit, service customers, and be treated fairly. DRI needs to ensure that it is the foremost thought leader on how emerging technologies will shape the defense bar, claims practice and defense practice. The lawyer and law firm of today, and many of the tasks we complete, will be more automated and outsourced by 2030. DRI needs to do everything to ensure that its members are prepared for this change by partnering with industry to ensure the value that the defense bar brings to the equation.

Hobbies and/or interests:

I grew up in Eden, New York outside of Buffalo. Every year, the Eden Corn Festival acts as a High School reunion. I am a long-suffering Buffalo Bills fan who lived through four consecutive Super Bowls and then 17 years without a playoff appearance. I enjoy international travel as much as I enjoy "binge-watching" the latest and greatest series on Netflix or Amazon Prime from my living room recliner. My passion for history is only exceeded by my passion for my family. I am an annual pass holder to Walt Disney World. I enjoy going there as much as possible and consider this my 'happy place'. I love marketing and branding. I am constantly tinkering with ideas to develop new platforms for lawyers. In this regard, I have over 2,500 Twitter followers for my insurance-related feed.

Family:

I have a 20-year-old daughter who is everything to me. She has grown up traveling to various legal functions around the world. She is a blessing to my life. My Mother and Father live in the same home I

was raised in and have been there in Eden, NY for over 50 years. I have only one sibling, Lauren. She has battled significant adversity these past two years and is an incredibly strong person. Kerry is the most wonderful life partner a person could wish for. Her support means the world to me.

Appendix 1

Additional Noteworthy Defense Work — Daniel W. Gerber

Cedent v. Reinsurer

Victorious in a confidential 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. 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. 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

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 significant legislative changes.

Vermont Legacy Insurance Management Act (LIMA)

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.

Life Insurance

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

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

Provided expert opinion and testimony on complex insurance issues arising from a construction loss in Pennsylvania. Opined on New York law as it pertains to the duties of good faith in settlement that exist between insurers. This was one of many expert opinions rendered in insurance related matters throughout the United States.

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 because it needed 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.

Developer Partnership Dispute

In a case involving millions of documents, successfully represented the accountants and eventually secured summary judgment in their favor. Pyramid is one of the largest mall development companies in the Northeast. The plaintiffs represented by noted lawyer, David Boies, alleged that for a number of years, one partner, operated partnerships as if he was the sole owner. The plaintiffs also sued that partner'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 partner, 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 Corrupt Act.

World Trade Center Deutsche Bank Fire

Represented several insurers in the matters and worked with Ken Fienberg to achieve a successful resolution for these clients. 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. 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 retained me for a separate and unique analysis of the matter. 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.

Aviation

Dealt with motions and pressure-filled litigations brought by the insured to declare the plane a loss in a case where an aircraft was seized by authorities in the country of Benin, for alleged gold dust smuggling. 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, I 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.

Trucking - Illinois State Trooper Killed by Tractor Trailer

My 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.

Property Damage - KJDE v Hartford Insurance, Appellate Division, New York

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. I 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. I 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.

Higgins v Village of Orchard Park

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

Obtained 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.

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

In a case covered by Law360, 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, 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 our reasoning and concluded that the tort was committed when the criminal prosecution is instituted. Thus, there was 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.

Appendix 2

Additional DRI Activities

- 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
- Panelist, "Cost Regimes in Litigation," DRI's Dispute Resolution International Seminar are Litigation Funding, Vienna, Austria, June 2, 2016
- Presenter, Insurance Roundtable, DRI, June 2013
- Co-Presenter, "Dealing with a Department of Insurance," International Claims Association Annual Conference, Orlando, Fla., September 2012
- Presenter, Insurance Roundtable, June 2012
- Presenter, "Understanding Social Media and Claims Defense," Pennsylvania Defense Lawyers Institute, July 21, 2011
- Chair, DRI Insurance Roundtable, Washington, D.C., June 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, "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
- 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, "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, "Lightening in a Bottle: Cutting Edge Litigation Issues," DRI Life, Health and Disability Conference, San Francisco, April 2008
- Moderator, "Medicare, Medicaid Reform and Insurance Issues," DRI Annual Meeting, Washington, D.C., 2007
- Statewide Coordinating Editor, "Protecting the Privilege Project," Defense Research Institute, 2002
- Editor, "Regulatory, Alternative Risk Transfers, and Other Recent Developments," Part V, *Reinsurance Professional's Deskbook, 2017-2018 ed.*, Thomson Reuters and DRI, 2017
- Author, "Meeting the Needs of Disruptive Innovation," DRI, *In-House Defense Quarterly*, Summer 2017
- Editor, "Part V: Regulatory, Alternative Risk Transfers, and Other Recent
- Featured "DRI: It's Personal" Column, For The Defense, DRI, January 2016
- Developments," in *Reinsurance Professional's Deskbook: A Practical Guide*, Thomson Reuters and DRI, January 2015
- Co-Author, "Bad Faith Compendium," Defense Research Institute, 2015
- Featured in "Leader Spotlight," DRI, *The Voice*, June 11, 2014
- Co-Author, "Promulgation and Enforcement: Navigating a Complex 21st Century Insurance Regulatory Environment," *DRI Insurance Coverage and Claims Institute*, April 12, 2013
- Co-Author, "Three (Or Is It Four?) Teams on This Legal Gridiron," *DRI Today*, August 29, 2012
- Co-Author, "To Tweet or Not to Tweet, Understanding the Synergy Among Social Media," For The Defense, DRI, December 29, 2009
- Co-Author, "It's Not Easy ... The Growing Potential for Green Claims," For The Defense, Defense Research Institute, April 2009
- Co-Author, "A Right or a Privilege: Recouping Uncovered Settlement Funds," *The Voice*, DRI, October 2008
- Co-Author, "D&O Fraud and Dishonesty Exclusion: How Broad Should It Be?" *For The Defense*, Defense Research Institute, May 2008
- Co-Author, "New York Insurance Department Finds Discretionary Clauses Deceptive and Unfair," *Life, Health and Disability News*, Defense Research Institute, Spring 2006
- Co-Author, "Arbitrary and Capricious Judicial Review: Heightened or Lowered Standard of Late?" *Life, Health and Disability News*, Defense Research Institute, Fall 2005
- Author, "Home Alone: A Mortgagee's Responsibility," *DRI Covered Events*, Summer, 2002
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Appendix 3

Other Leadership in Defense Organizations (Additional)

- Presenter, “Coverage for Catastrophic Loss”, IADC Annual Meeting, Lisbon, Portugal, July 2018
- Presenter, “US Insurance Run-Off Landscape”, German Run-Off Forum, Hamburg, Germany, February 2018
- 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
- Presenter, “Alternative Solutions and Risks to Litigation Liabilities — Portfolio Transfers, Reinsurance, and Litigation Buyout Insurance,” Inaugural Reps 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 Rendez-Vous De Septembre, Insurance Insider, Monte Carlo, Monaco, September 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
- 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, “Ethics and the Tri-Partite Relationship,” IADC Mid-Year Meeting, February 2011
- 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/>

- Moderator, Life Beneficiary Roundtable, International Claims Association Annual Meeting, Marco Island, FL, November 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, "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," Practicing 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, "Reinsurance Arbitration Skills," IADC International ADR Academy, New York 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
- 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
- Co-Author, "Lloyd's in the United States," Ch. 80, *New Appleman on Insurance Law Library Edition*, 2016
- Co-Author, Second Circuit Chapter, *ERISA Survey of Federal Circuits*, American Bar Association, 2016
- 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 Insurer Monte 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
- Quoted in "Hurricane Sandy Losses May Be Triple Those of Irene," *Reuters*, October 30, 2012; this article was also published in *The Huffington Post*, the *London Globe & Mail*, and the *Chicago Tribune*
- Quoted in "Mexico Gets Set for Solvency II," *Life Insurance International*, October 2012
- Co-Author, "Insurers Writing Cyber Risk Are Not Prepared for Their Hurricane Katrina Moment," *Reinsurance Asia*, September 2012
- Author, "Reinsurer Duties," Chapter, *New Appleman on Insurance Law Library Edition*, Chapter 74, 2012
- Author, "General Principles and Introductory Matters of Reinsurance Law," Chapter, *New Appleman on Insurance Law Library Edition*, 2012

- Co-Author, "Emergence of Travel Disruption Insurance Addresses Supply Chain Concern," *Insurance Day*, September 26, 2012
- Quoted in "Man-Made Risks Present Unique Challenges," *Intelligent Insurer—Monte Carlo Today*, September 12, 2012
- Author, "Social Media Poses Dilemma for Professionals," *Buffalo Law Journal*, February 20, 2012
- Co-Author, "Keys to Successfully Using Experts in Insurance Coverage Litigation," *Insurance and Reinsurance Committee Newsletter*, International Association of Defense Counsel, January 2012
- Co-Author, "Calling on Corporate Counsel: Follow Data Into the Breach," *Law Technology News*, December 2011
- Author, "Certain Underwriters at Lloyds v. Great Socialist People's Libyan Arab Jamahiriya," *Aviation Briefs*, November 2011
- Quoted, "Irene to Cause Disputes . . .," *Insurance Insider*, October 10, 2011
- Co-Author, "Calculating the Amount of Loss in Property Damage Claims," Chapter 47, *New Appleman on Insurance Law Library Edition*, 2011
- Co-Author, "Potential Causation and Damage Issues in Hurricane Irene Insurance Claims," *Westlaw Journal: Insurance Coverage*, September 30, 2011
- Quoted in "Contract Certainty: A Legacy of 9/11," *Reactions, Monte Carlo Rendez-Vous Special Edition*, September 12, 2011
- Quoted, "Global Financial Crisis Dominates Conference," *Royal Gazette*, Bermuda, October 16, 2008
- Author, "The Legacy of 9/11," *The Review, Monte Carlo Rendez-Vous Special Edition*, September 11, 2011
- Co-Author, "Mergers and Acquisitions Insurance," Chapter 32, *New Appleman on Insurance Law Library Edition*, 2011
- Quoted, "When Tweets Go Bad," *Global Reinsurance*, April 2011
- Co-Author, "Understanding Life Insurance," Chapter 34, *New Appleman Insurance Law Practice Guide*, 2011
- Author, "C'Mon In! The Door's Open," *CPCU Society Leadership & Managerial Excellence Interest Group Newsletter*, January 2011
- Co-Author, "Social Media in Claims Investigation — The Smell of 'Tweet' Success," *CPCU Society Leadership & Managerial Excellence Interest Group Newsletter*, October 2010
- Quoted, "Are You Twittering or Frittering?" *Property Casualty 360*, February 2010
- Co-Author, "Labor Law and Construction, Insurance Coverage and Indemnity Unveiled, Construction Site Personal Injury Litigation," Chapter, *Labor Law and Construction*, New York State Bar Association, 2009
- Quoted, "James Wrynn Named New York's Insurance Leader," *Business Insurance*, August 14, 2009
- Author, "Labor Law and Construction: Insurance Coverage and Indemnity Unveiled," *The Labor Law Handbook*, New York State Bar Association, 2009
- Co-Author, "Discovery in Insurance Coverage and Bad Faith Disputes," Chapter, *Insurance Law Practice*, New York State Bar Association, 2009
- Commentary Contributor, *Business Insurance Magazine*, October 2008
- Author, "Deja Vous All Over Again — Auction Rate Securities are the Latest Debacle to Hit the Financial Services Industry," *Mealey's Emerging Insurance Disputes*, August 2008
- Co-Author, "Mortgagee Clause Claims in the Subprime Fallout," *Defense Counsel Journal*, July 2008
- Author, "The Unsettling Nature of 'Right to Consent' Provisions," *Mealey's Emerging Insurance Disputes*, May 2008

- Author, "Going Green: The Growing Potential for Green Claims Under Architect and Engineer Professional Liability Policies," *Mealey's Emerging Insurance Disputes*, April 2008
- Co-Author, "Long-Awaited Decision Issued by the New York Court of Appeals Clarifies Whether All Additional Insured Coverage is Primary: BP Air Conditioning Corp. v. One Beacon Insurance Group," *Torts, Insurance and Compensation Law Journal*, New York State Bar Association, Spring 2008
- Author, "Examining the Scope of the Follow the Fortunes Doctrine in Settlement Allocations", *Mealey's Emerging Insurance Disputes*, March 2008
- Co-Author, "Recent Activity in the No-Prejudice Debate," *New York Law Journal*, March 2008
- Co-Author, "Does a Self-Insured Owe a Good Faith Duty to an Excess Insurer?" *Mealey's Emerging Insurance Disputes*, February 2008
- Author, "When is Notice Not Notice?: Obligation of Insured Directors and Officers to Provide Specific Notice," *Mealey's Emerging Insurance Disputes*, February 2008
- Author, "When is An Insurer Entitled to Defense Costs from Its Insured?" *Mealey's Emerging Insurance Disputes*, January 2008
- Author, "The Breach of the Contract Exclusion in D&O Policies: Broad Application Could Swallow Coverage," *Mealey's Emerging Insurance Disputes*, December 2007
- Author, "Duty to Defend Potentially Broadens to Uninsured Years," *Mealey's Emerging Insurance Disputes*, December 2007
- Co-Author, "Reforms to Notice of Claim Will Affect Policyholders and Insurers Alike," *Buffalo Law Journal*, October 2007
- Co-Author, "New York Insurance Department: Discretionary Clauses Violate the Insurance Law," *New York State Bar Association Journal*, September 2006
- Co-Author, "Arbitrary and Capricious Judicial Review: Heightened or Lowered Standard of Late?" *Life, Health and Disability News*, Defense Research Institute, Fall 2005
- Author, "Who Pays? Insurance Coverage for Mold Claims," *Torts, Insurance and Compensation Law Journal*, 2005
- Author, "The New Y2K Act and Y2K Insurance Coverage Implications," *Journal of Insurance Coverage*, Vol. 3, No. 1, Winter 2000
- Author, "Insurable Interest: Often Overlooked and Misunderstood in Property Insurance Claims," *Journal of Insurance Coverage*, Vol.2, No. 4 Autumn, 1999
- Author, "Lien and Subrogation Issues Under New York's No-Fault Statute," *New York State No-Fault/SUM Arbitration Reporter*, Vol. 23, No. 4, December, 1998