

INSURANCE LAW PRACTICE

2014 SUPPLEMENT

SECOND EDITION

EDITORS-IN-CHIEF

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VOLUME ONE

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A NOTE FROM THE EDITORS

New York State Department of Financial Services

The functions of both the New York State Insurance Department and the New York State Banking Department were transferred and consolidated into one new department, the **New York State Department of Financial Services**. The legislation that created the Department of Financial Services, known as the Financial Services Law, was introduced as part of Governor Andrew M. Cuomo's 2011 budget. This transfer of functions became official on October 3, 2011. References to the New York State Insurance Department in this *Insurance Law Practice* Publication should be understood to read the **New York State Department of Financial Services**.

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The author of three books, *Workers Compensation Insurance and Law Practice: The Next Generation*, *Stress and the American Workplace: Alternatives for the Working Wounded*, and *Workers' Compensation: The First 100 Years*, Mr. DeCarlo received a B.A. in Economics from Iona College in 1960 and a law degree from St. John's University in 1969.

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Prior his arrival at Damon Morey in 1980, Mr. Drury assisted in the development of a model campaign finance law for the National Municipal League. He also worked as a law clerk for the U.S. Department of Justice in its Antitrust Division.

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Mr. Dunham supervised appellate court and trial court briefings for an insurance company defendant in Hurricane Katrina litigation, defended companies against consumer fraud claims and claims involving insurance sales practices, as well as claims of personal injury resulting from exposure to or consumption of a variety of products, including asbestos, tobacco and alcoholic beverages. Mr. Dunham also has led briefing and legal issues teams in the defense of manufacturers of pharmaceutical products and medical devices and counseled clients on minimizing exposure to potential liability. He has also represented clients in federal securities, environmental, commercial, and employment litigation. He has represented and advised clients concerning regulatory matters before federal and state agencies and regarding federal and state legislative matters, and handled cases for clients in white-collar criminal and discrimination litigation. Mr. Dunham has also performed pro bono work, including preparing and submitting *amicus curiae* briefs before the U.S. Supreme Court as Counsel of Record for organizations and individuals. He obtained his J.D. from Columbia Law School and his A.B.A.M. degree from Harvard University.

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James G. Eberz, Esq., is retired from the practice of law. A former partner in Meiselman, Denlea, Packman, Carton & Eberz, PC, his primary practice area was health law, with an emphasis on regulatory and insurance issues, civil litigation and corporate-related matters. In private practice for more than 35 years, Mr. Eberz holds a degree in journalism from Marquette University and a law degree from Fordham University School of Law. A past Chair of the New York State Bar Association's Insurance, Negligence and Compensation Law Section (now the Torts, Insurance and Compensation Law Section), he served on numerous committees of that Section and the Health Law Section, and was a member of the House of Delegates. Mr. Eberz was a member of the Westchester and Dutchess County Bar Associations and the American Health Lawyers Association. He has spoken at NYSBA-sponsored seminars and written about health law and tort law-related issues.

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Mr. Emmanuel has written and co-authored articles and updates and presented on insurance reinsurance-related topics. He received his J.D. from the Boston University School of Law and graduated *magna cum*

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A partner at Thuillez, Ford, Gold, Butler & Monroe LLP, Albany, N.Y., Donald Ford, Jr., practices primarily in the areas of insurance litigation, medical malpractice defense and personal injury defense; he represents national accounts, including food vendors, pharmaceutical manufacturers and transportation companies. Prior to joining Thuillez, Mr. Ford was with Hesson, Ford, Sherwood & Whalen.

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Mr. Furman drafts insurance policies and represents insurers in coverage disputes involving financial institutions, professional liability, marine and non-marine risks. From 1997 to 1999, he worked in London for a major Lloyd's syndicate, served on various London market committees, and was Co-Chair of the International/London Sub-Committee of the Insurance Coverage Committee of the ABA Section of Litigation.

Mr. Furman is a member of numerous professional committees, including the Professional Liability Underwriting Society; the Torts and Insurance Practice Section of the American Bar Association; and the Professional Liability Committee of the Torts, Insurance & Compensation Law Section of the New York State Bar Association. He chairs the Lawyers Professional Liability and Ethics Committee of the NYSBA's Trial Lawyers Section, is a member of the Association of Professional Responsibility Lawyers (APRL), the Overall Planning Chairman of the bi-annual NYSBA-sponsored CLE statewide Legal Malpractice Seminar (2003, 2005 and 2007), and the editor-in-chief of the NYSBA CLE Legal Malpractice coursebook.

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Daniel W. Gerber is co-chair of Goldberg Segalla's Global Insurance Services Practice Group, a team of more than 50 lawyers across the firm's 12 offices in the U.S. (spanning New York, Illinois, New Jersey, Pennsylvania, and Connecticut) and in Europe (London). He maintains an international practice in complex insurance coverage and reinsurance matters, and he has previously acted as a mediator, arbitrator, and umpire of insurance and reinsurance disputes. In addition, Mr. Gerber co-chairs Goldberg Segalla's Cyber Risk and Social Media Practice Group, and advises insurance and reinsurance companies on the effective use of social media platforms and mitigating the risks associated with these strategies. He is a registered foreign lawyer in the United Kingdom. Among his many leadership roles, Mr. Gerber is chair of the Defense Research Institute's (DRI) Life, Health and Disability Committee and chairs DRI's Social Media Task Force. He is the immediate past chair of the International Association of Defense Counsel's (IADC) Insurance and Reinsurance Committee and the former chair of the 3500-member New York State Bar Association's (NYSBA) Torts, Insurance, and Compensation Law Section. He currently serves on the Advisory Board for the LexisNexis Insurance Law Center.

Mr. Gerber is a frequent author and national lecturer. He has authored chapters for *Appleman on Insurance* and *New Appleman's Insurance Law Practice Guide*, and he is a regular contributor to *Mealey's Emerging Insurance Disputes*. Mr. Gerber is co-editor of the firm's *Insurance and Reinsurance Report* blog, which is consistently ranked as a Top 50 Insurance Blog by LexisNexis. Mr. Gerber possesses an AV rating from Martindale Hubbell and is an ARIAS U.S.-certified arbitrator. He has been selected for inclusion in *The International Who's Who of Insurance & Reinsurance Lawyers*, *Super Lawyers*, and *Business First's* "Who's Who in Law."

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Ms. Gerbini is past Chair of the New York State Bar Association Torts, Insurance and Compensation Law Section (2012) and became a member of the Task Force on Climate Change Adaptation in 2013. She has spoken widely on insurance-coverage topics at seminars organized by the New York State Bar Association and Lorman Educational Services. Ms. Gerbini received her A.B. degree from Harvard University and her J.D. degree from Albany Law School of Union University.

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She is currently the Chair of the Torts, Insurance and Compensation Law (TICL) Section of the New York State Bar Association. She is also the President of the Greater Rochester Association for Women Attorneys. Her contributions and experience in the area of insurance law have garnered her many awards and recognitions from local, state and national organizations. She has been included in the Insurance Law section of the 2007 through 2010 editions of *The Best Lawyers of America Guide* as well as the 2009 and 2010 New York *Super Lawyers* Upstate and Corporate Counsel editions in the areas of commercial litigation, insurance law and personal injury-plaintiff.

Ms. Giordano received her J.D., *cum laude*, from the University of Buffalo School of Law. As a senior, she received the Robert J. Connelly Award for Excellence in Trial Advocacy.

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Mr. Jones has drafted various insurance policy forms for international insurers, and has advised on coverage matters both in the U.S. and abroad. Mr. Jones also represents the Lloyd's insurance market in connection with the World Trade Center/September 11, 2001 litigation pending in the Southern District of New York.

He is a graduate of Kings College London, School of Law, where he received an LLB law degree with honors. During and after obtaining his law degree, Mr. Jones worked for a prominent Lloyd's insurance broker, and insurance defense law firms in both Toronto and New York City.

Mr. Jones has written and contributed to numerous articles on insurance coverage and insurance defense matters, and has been a speaker at professional liability conferences in both London and New York. Mr. Jones is admitted to practice in the State of New York and in the U.S. District Court, Southern and Eastern Districts of New York.

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Mr. Kayne clerked on the U.S. District Court for the Eastern District of New York for the Hon. Raymond J. Dearie, and served as a Director on the board of a public utility in New York. He graduated from Yale University and Yale Law School, and was an editor of the *Yale Law Journal*.

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Kevin T. Merriman, a partner with Ward Greenberg Heller & Reidy in Rochester, New York, concentrates his practice in insurance law, handling a broad range of commercial, professional and surplus/excess lines issues. He provides coverage counseling and represents litigants in complex coverage disputes involving asbestos, environmental, mass tort, advertising injury, additional insured, bad faith/extra-contractual, employment practices, public entity, construction defect, product liability, and priority of coverage issues. Mr. Merriman also counsels clients on foreign and domestic insurer insolvencies and schemes of arrangement. In addition to insurance coverage disputes, Mr. Merriman has defended toxic tort claims for multiple clients throughout New York State, and has represented litigants in mass tort, multidistrict, and class action litigation.

Mr. Merriman lectures and writes extensively on insurance law issues, and participates in the National Insurance Law Forum (www.insurancelawforum.com), a blog for insurance professionals, risk managers, attorneys, policyholders, and students interested in insurance law. Mr. Merriman is a member of the American College of Coverage and Extra-contractual Counsel, a fellow of the Litigation Counsel of America, and founding chair of the Insurance Litigation Institute of America. He possesses an AV rating from Martindale-Hubbell, and has been selected by his peers for inclusion in *Best Lawyers in America* (Insurance Law) and *New York Super Lawyers*.

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Mr. Pearson has lectured on insurance and reinsurance in the United States, England and Bermuda and his articles have frequently appeared in leading international insurance publications. He has authored chapters on "Regulation of Market Conduct of Property Casualty Insurers" in *New York Insurance Law* (Matthew Bender & Co., Inc.) and "Insurance Regulation" in *Insurance Law Practice* (New York State Bar Association). Mr. Pearson has been recognized in *The International Who's Who of Insurance and Reinsurance Lawyers*, *Chambers USA America's Leading Lawyers for Business*, *Euromoney Guide to the World's Leading Insurance and Reinsurance Lawyers*, Woodward/White's *The Best Lawyers in America*, and he been named one of the "New York Area's Best Lawyers" by *New York Magazine*. He holds the AV attorney rating from Martindale-Hubbell, signifying achievement at the highest level for legal ability and ethical standards. Mr. Pearson is Trustee of the Insurance Federation of New York and the International Association of Insurance receivers. He has served as a member of the Insurance Law Committee of the Association of the Bar of the City of New York, and the Advisory Committee to the Business Council for the United Nations. He is a member of the New York State and American Bar Associations. He received his B.A. and J.D. degrees from Duke University.

JAMES M. PEDOWITZ, ESQ.

James M. Pedowitz, Esq., now deceased, was counsel to Berkman, Henoeh, Peterson & Peddy, PC, in Garden City, N.Y. and nationally known expert on real estate law and title insurance. He was associated with The Title Guarantee Co. (now Ticor Title Guarantee Co.) and Pioneer National Title Insurance Co. (now Ticor Title Insurance Co.) for over

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After retiring from Ticor, Mr. Pedowitz became a partner at Marshall, Bratter, Greene, Allison & Tucker and later special counsel at Rosenman & Colin. From 1988 to 1992 he taught full time as a Visiting Professor of Law at St. John's University School of Law.

Mr. Pedowitz wrote and lectured extensively on real estate titles, title insurance and various real property subjects for the Practising Law Institute, American Bar Association, New York State Bar Association, New York County Lawyers' Association, Association of the Bar of the City of New York, Bar Association of Nassau County and numerous other bar, title and banking groups.

He also served as President of the Bar Association of Nassau County, Inc.; Vice President for the 10th Judicial District, New York State Bar Association; Chair of the Real Property Law Section, NYSBA; Council Member, American Bar Association, Real Property, Probate and Trust Law; Board of Directors, New York County Lawyers' Association; and Board of Directors, American College of Real Estate Lawyers. He received his J.D. from New York University School of Law in 1938.

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Ms. Perez has been recognized in *The Legal 500's* U.S rankings and has published and presented on various topics. She is a member of the American Bar Association, Leadership Academy; the New York State Bar Association; and Dominican Bar Association. She received her J.D. from

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Carl J. Pernicone is a partner in Wilson, Elser, Moskowitz, Edelman & Dicker LLP's Manhattan office. He is a co-founder and co-chair of the firm's Insurance-Reinsurance Practice Team. Named to *Super Lawyers*' since 2009, which lists the top Insurance Practices attorneys in the metro New York area, his practice focuses in the area of insurance and reinsurance coverage issues arising in complex, high-exposure matters. Much of his work concentrates on coverage disputes arising from so-called "long-tail" injury claims, such as those involving asbestos, lead, silica, workplace chemical exposure and environmental liability. His involvement in these matters has included policy drafting, analyzing coverage, issuing coverage opinions, preparing coverage letters, and representing various carriers as counsel of record in state and federal courts across the country. He also has extensive experience negotiating insurance coverage settlement agreements and so-called policy "buy-back" agreements. Most recently, he has become involved in addressing the coverage implications in the emerging field of climate change liability and hydrofracking for oil and natural gas trapped in deep shale deposits.

A 1983 graduate of the Fordham University School of Law, he is a member in good standing of the New York State Bar Association and its Environmental Law Committee; the U.S. District Courts for the Southern, Eastern, Northern and Western Districts of New York; the Second United States Circuit Court of Appeals; and the U.S. Supreme Court. He is a member of the Defense Research Institute and the American Bar Association and its Insurance Coverage Litigation and Tort and Insurance Practice committees. He is also a member of the Association of the Bar of the City of New York and serves on its Ad Hoc Litigation Committee. He is also a member of the New York County Lawyers Association, the Council on Litigation Management, and the Environmental and Emerging Claims Manager Association. In addition, he serves on the editorial advisory board of Fordham University School of Law's *Environmental Law Journal*. He is the principal author of the "New York Toxic Tort Law" chapter in West Publication's *New York Environmental Law and Practices*, which he updates annually. He is also the co-author of "The Legal Implications of Hydrofracking in the Marcellus Shale," which is featured in the Winter 2012 edition of the Defense Institute's *In-House Defense Quarterly*. In addition, he manages Wilson Elser's National Attorney Training program

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TIMOTHY J. PERRY, ESQ.

Now retired, Timothy Perry was a partner in the Sugarman Law Firm, LLP, in Syracuse, N.Y., where he headed the firm's Appellate/Motion Department and concentrated on insurance coverage analysis and litigation. He was a frequent speaker at continuing legal education seminars on appellate, insurance and tort issues for the New York State Bar and Onondaga County Bar Associations. Mr. Perry was a member of the Continuing Legal Education Committee, Federal Practice Section, New York State Bar Association Torts, Insurance and Compensation Law Section, and Syracuse University College of Law Alumni Association. He has been the Onondaga County Bar Association Judicial Committee Chairman, Moot Court judge and evaluator. He received his B.A. degree from the College of the Holy Cross and his J.D. from Syracuse University.

MARK G. PETERS, ESQ.

Mark G. Peters is a partner in the Insurance and Reinsurance Department in the New York City office of Edwards Wildman Palmer LLP. He advises clients in the insurance and financial services industry on a wide variety of matters including government investigations, regulatory approval, compliance matters and insurance transactions and insolvency. Prior to joining Edwards Wildman Palmer in 2010, Mr. Peters served as Special Deputy Superintendent in Charge of the New York Liquidation Bureau, the agency that manages insolvent insurance companies on behalf of the state. In that capacity, he worked closely with both senior executives at major insurance and financial services companies, as well as government officials and regulators, to rehabilitate, restructure and wind down failed institutions. During his tenure, he oversaw reform of the agency's operations and recovered hundreds of millions of dollars previously owed to the Bureau. Mr. Peters previously served as Chief of the Public Integrity Unit at the New York Attorney General's Office, where he supervised public corruption prosecutions. He also served as Deputy Chief of the Attorney General's Civil Rights Bureau, where he brought cases involving mortgage lending and access to financial services.

Mr. Peters has been an in-depth guest commentator on Capital Tonight, discussing changes in state ethics and compliance laws. He has authored numerous articles and lectured on several topics regarding financial ser-

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ANTHONY J. PIAZZA, ESQ.

Anthony J. Piazza, a partner in the Rochester, N.Y. office of Hiscock & Barclay, LLP, serves as Chair of Hiscock & Barclay's Insurance Coverage & Regulation Practice Area. Mr. Piazza's experience in handling insurance matters has prompted national insurance companies to retain him on a regional and statewide basis. Mr. Piazza's practice in this field includes litigating declaratory judgment actions throughout the Northeast. He is also a seasoned attorney who has successfully tried numerous cases to verdict. Additionally, Mr. Piazza frequently advises policyholders, insurers, third-party administrators, self-insured entities and others on claims-handling procedures and practices, and addresses complaints with state insurance departments. He is admitted to practice law in New York and Pennsylvania.

LAWRENCE W. POLLACK, ESQ.

Lawrence Pollack is a certified arbitrator with JAMS New York Resolution Center. He retired after 22 years as a partner with Dewey & LeBoeuf LLP and 10 years as co-head of LeBoeuf Lamb's litigation department. He has an extensive background in litigation, including trial and arbitration of insurance and reinsurance matters; employment discrimination; product liability, including asbestos exposure; directors and officers liability; and antitrust cases. Mr. Pollack has substantial arbitration experience in environmental law, political risk and accident and health reinsurance. In addition, he provides litigation advice to individuals engaged in the business of insurance around the world and concentrates on the London insurance market.

Mr. Pollack was one of two lead counsels to 13 Lloyd's of London defendants in the Insurance Antitrust Litigation, which made its way to the U.S. Supreme Court. He negotiated the settlement of that case on behalf of 19 of the 32 defendants. A graduate of the University of Rochester, Mr. Pollack received his J.D. degree from Brooklyn Law School.

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Katherine B. Posner is a partner in Condon & Forsyth LLP's New York office. She concentrates her practice in the areas of insurance coverage and reinsurance law, products liability defense, and tort and commercial litigation. She has published numerous articles on litigation and insurance and reinsurance issues, including co-authoring the chapter "An Aviation Insurance Primer: An Overview for the Aviation Practitioner" in the American Bar Association publication *Litigating the Aviation Case: From Pre-Trial to Closing Argument*.

Ms. Posner is a trained mediator and has acted as a private mediator in commercial matters. She is in the process of being certified as a reinsurance arbitrator through the AIDA Reinsurance and Insurance Arbitration Society (ARIAS-U.S.), of which she is a member. She also is a member of the American Bar Association (Litigation; Tort Trial and Insurance Practice (TIPS); Business Law and Law Practice Arrangement Sections), the International Association of Defense Counsel (IADC) (invitation-only), the International Association for Insurance Law (AIDA) (member of Reinsurance Working Party), the International Bar Association, and the Federation of Defense and Corporate Counsel (FDCC (invitation-only)). She serves on the Board of the New York Women's Bar Association Foundation, of which she is Past President and the Advisory Board of the International Aviation Womens Association, of which she also is Past President.

ELLEN P. QUACKENBOS, ESQ.

Ellen Quackenbos is Of Counsel to Quinn Emanuel Urquhart & Sullivan, LLP. She defends companies in complex litigation and class actions, and has defended individual cases and class actions brought against insurance, pharmaceutical and other companies in insurance and products liability cases. She has extensive brief-writing experience on the appellate and trial court levels, and was a primary author of the petitions for certiorari and merits briefing in *State Farm Mutual Automobile Insurance Co. v. Campbell* and *Metro-North Commuter Railroad Co. v. Buckley*. Ms. Quackenbos is a graduate of Sarah Lawrence College, Columbia University, and Fordham University School of Law.

TIMOTHY G. REYNOLDS, ESQ.

Timothy G. Reynolds is a partner with Skadden, Arps, Slate, Meagher & Flom LLP in their New York office. He represents firm clients in a variety of insurance-related corporate litigations as well as insurance coverage litigations and arbitrations. His representation of clients covers a wide range of insurance coverage litigation, including multiparty litigation in state and federal courts, typically arising out of disputes with respect to insurance coverage for injuries associated with products such as pharmaceutical drugs or asbestos; the cleanup of and damage from the presence of hazardous waste; and first-party property losses and business interruption, including the losses arising out of the events of September 11 and Hurricane Katrina, and Superstorm Sandy. Mr. Reynolds represented the Port Authority of New York and New Jersey with respect to all its property insurance claims arising out of the September 11 terrorist attacks. Mr. Reynolds is involved in a number of Bermuda Form policy arbitrations on behalf of firm policyholder clients.

Mr. Reynolds also advises clients concerning the placement and scope of many insurance coverages, especially those related to directors' and officers' liability, first-party property, errors and omissions and employment practices liability. Mr. Reynolds lectures frequently on a variety of insurance coverage issues and repeatedly has been selected for inclusion in *Chambers USA: America's Leading Lawyers for Business*.

Mr. Reynolds graduated *summa cum laude* from Fordham University in 1976 and *cum laude* from the Fordham University School of Law in 1980. He is admitted to practice in New York.

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James M. Ringer is a partner in Meister Seelig & Fein, LLP. A graduate of Cornell Law School and member of the New York bar since 1968, he has a broad-based commercial litigation practice that encompasses class actions, securities, acquisitions, contracts, insurance, antitrust, partnerships, intellectual property, alcohol beverage law and distribution contracts, franchises and termination. He has represented companies and individuals in investigations conducted by the Securities and Exchange Commission and the New York Attorney General and served as trial counsel on numerous domestic and international arbitrations and federal and state jury and bench trials. He has considerable experience in the management of discovery in complex litigation and in the design and use of computerized litigation support services. He has acted as a neutral arbitrator in

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A partner at the law firm of Damon Morey LLP in Buffalo, New York, Vincent Saccomando's primary areas of practice are insurance coverage litigation, personal injury, professional malpractice defense, and products liability. His insurance coverage practice includes defending and prosecuting declaratory judgment actions on behalf of insurance carriers, representing carriers in life insurance cases, and handling appeals in coverage actions. He recently served as a local chair for the New York State Bar Association's 2010 Insurance Coverage Update. He graduated from the State University of New York at Buffalo in 1991 and from Boston College Law School in 1994.

WILLIAM M. SAVINO, ESQ.

William M. Savino serves as a member of Rivkin Radler's Executive Committee, of which he was a Chair from 2000–2013. His practice concentrates on commercial and insurance coverage litigation and related counseling and he has litigated before trial and appellate courts throughout the United States. He represented certain insurers in the September 11 World Trade Center Liability Coverage Litigation; the BPA-Plastic Products Coverage Litigation; and *Shell Oil Co. v. Aetna Casualty and Surety Co.* He has served as counsel for insurers in the defense of class actions involving underwriting and claim procedures and numerous insurance coverage claims and suits ranging from intellectual property liabilities and business torts to national environmental, antitrust and reinsurance claims. He served as lead counsel in Nassau County's suit opposing financial

oversight by the Nassau Interim Finance Authority and as lead counsel in suits regarding tax-related claims.

Mr. Savino is a member of the board of directors of the Fireman's Fund Indemnity Corp., Chair of the Audit Committee; and the Insurance Federation of New York, Inc. He is past chair of the board of directors of the Long Island United Way; a member of the boards of directors of the Long Island Association and the Nassau County Bar Association, where he was president. He was mayor of the Village of Old Brookville, N.Y., and president of the Villanova University Alumni Association. He was appointed by New York's Chief Judge to an advisory committee tasked with making recommendations regarding the implementation of a pro bono service requirement for attorneys seeking admission to the New York Bar. Mr. Savino is also chair of the State of New York Tenth Judicial District's Independent Judicial Election Qualification Commission and the Commercial Division Advisory Council. He has been listed as one of the "100 Most Influential Long Islanders" by the *Long Island Business News* and named among the "Top 50 Most Influential Long Islanders" by the *Long Island Press*. He received the Fordham University School of Law Long Island Distinguished Alumni Award, the Nassau County Firefighters Leadership Award, and the Nassau County WE CARE Fund honor.

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Larry Schiffer is a partner in the New York City office of Patton Boggs LLP, where he practices in the areas of commercial, insurance, and reinsurance litigation, arbitration, and mediation. He also provides advice on coverage, insurance insolvency and contract-wording issues for a wide variety of insurance and reinsurance relationships. Mr. Schiffer was previously a partner with Dewey & LeBoeuf LLP; LeBoeuf, Lamb, Greene & MacRae, LLP; and Werner & Kennedy; and was a Law Assistant to the Justices of the N.Y. State Supreme Court, Appellate Division, Second Department.

An active member of many professional associations, Mr. Schiffer is a past chair of the American Bar Association's Tort Trial & Insurance Practice Section's Excess, Surplus Lines and Reinsurance Committee. Mr. Schiffer chaired the New York State Bar Association's Committee on Association Insurance Programs for nine years, and is a member of its Commercial & Federal Litigation and Torts, Insurance & Compensation Law Sections. He is Co-Chair of the Technology Committee of ARIAS-U.S., a member of its Ethics Discussion Committee, and was also a Vice-

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Author and co-author of numerous articles on issues of insurance and reinsurance, Mr. Schiffer has published in many journals and reporters. He is an Expert Commentator on Reinsurance for the IRMI.com website. He also serves as a mediator for the Mandatory Commercial Mediation Program of the U.S. District Court for the Southern District of New York and for the New York State Supreme Court, Commercial Division, Alternative Dispute Resolution Program. Mr. Schiffer is a *cum laude* graduate of Albany Law School of Union University, where he was a member of the *Albany Law Review* and the Justinian Society. He has been recognized by *Chambers USA*, *Euromoney Guide to the World's Leading Insurance and Reinsurance Lawyers*, *The International Who's Who of Insurance & Reinsurance Lawyers*, *The Legal 500*, and *Super Lawyers*.

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Joseph Schnitter practices in the areas of insurance coverage analysis and litigation, the defense of first- and third-party claims and appellate practice. He focuses on supplementary uninsured motorists and no-fault coverage and defense. A native of Buffalo, N.Y., Mr. Schnitter graduated, *summa cum laude*, from the State University of New York at Buffalo and received his law degree from the SUNY Buffalo School of Law. He is admitted to practice in New York and Florida. Mr. Schnitter is a frequent lecturer at seminars sponsored by the Defense Research Institute, the New York State Bar Association, the American Arbitration Association and local claims associations.

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Mr. Seidel received his B.A., *magna cum laude*, from the University of Wisconsin, and his J.D. from Columbia Law School, where he was managing editor of the *Columbia Journal of Transnational Law* and a Harlan Fiske Stone Scholar. Mr. Seidel has published articles in *The Review of Securities & Commodities Regulation*, *The Journal of Commerce*, the *New York Law Journal*, and has spoken on Corporate Governance, Securities Litigation and Director & Officer Insurance.

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A member of the New York City law firm Short & Billy, PC, Skip Short practices in the areas of insurance, international and commercial litigation. The author of numerous articles on the topic of insurance, Mr. Short has written for the New York State Bar *Journal*, *The Claims Forum*, the *No-Fault/SUM Arbitration Reporter* and the *New York Law Journal*. He is co-author of *The Claims Examiners' No-Fault Manual* and the chapter "No-Fault Automobile Insurance" in *New York Insurance Law*, published by Matthew Bender. Mr. Short has served on the faculties of

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Mary Kay Vyskocil is a Partner in the Litigation Department of Simpson Thacher & Bartlett LLP. She handles general commercial litigation, and her practice is concentrated in insurance and reinsurance coverage litigation and cases involving the financial services industry. Ms. Vyskocil has been involved in the representation of major domestic and foreign insurers in complex coverage litigations throughout the U.S. in a wide variety of contexts, including environmental, asbestos, breast implants and other mass tort claims.

Ms. Vyskocil is co-author of the leading treatise, *Modern Reinsurance Law & Practice, Second Edition* (Glasser LegalWorks 2000). She is a frequent lecturer and author on insurance and reinsurance coverage issues and on litigation and trial skills at continuing legal education seminars and bar association meetings.

Ms. Vyskocil was cited in the *National Law Journal's* "40 Under 40" (November 1995), which noted in particular her expertise in the area of reinsurance. She was named one of "America's Top 50 Women Litigators" (*National Law Journal*, December 2001) and cited by Legal Media Group as one of the "Top Ten Lawyers in the U.S. in the Insurance/Reinsurance Practice Area."

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Mark T. Whitford, Jr., is an associate with Hiscock & Barclay, where he focuses his practice on insurance coverage matters as well as tort and products liability litigation. His practice includes insurance coverage disputes under homeowners, automobile and commercial general liability insurance policies for numerous major national insurance companies.

Mr. Whitford pursued his B.A. at the University at Buffalo, where he graduated *summa cum laude* in 2002. He received his J.D. with honors from The University of Connecticut School of Law in 2005. He was also managing editor of the *Connecticut Insurance Law Journal*. He is admitted to practice in New York.

Mr. Whitford formerly worked as an appellate court attorney for the New York State Supreme Court, Appellate Division, Third Department. He is a member of the American Bar Association and the New York State Bar Association.