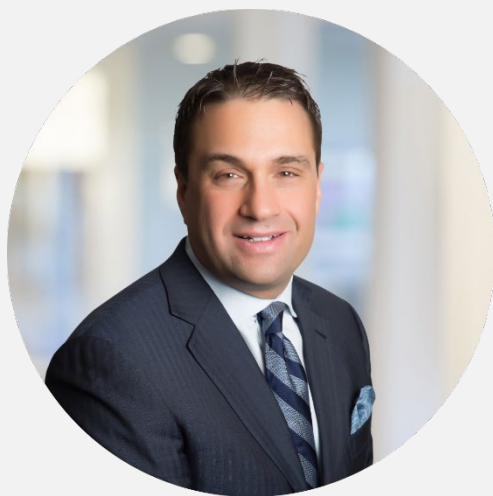


David A. Attisani

Partner



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Practice Areas

Insurance & Reinsurance

Education

Harvard Law School
JD (1991) *cum laude*

Williams College

BA (1987) *magna cum laude*, Phi Beta
Kappa

Oxford University (1985)

Clerkship

U.S. District Court,
Southern District of New York

Admissions

Massachusetts
New York
Colorado

“Receives praise from across the board for his reinsurance and insurance expertise. Clients say he is phenomenal on his feet...his presentation style and trial skills are incredible.” – Chambers USA

David Attisani, a partner in Choate’s Insurance & Reinsurance Group (Band 1 and top ranked by *Chambers USA* and *Legal 500*), assists insurers and reinsurers in problem-solving, shaping, and winning high profile disputes. Using the thoroughly personal and intense service style his clients value, David also provides evaluations of coverage, wordings advice, and market intelligence.

He has served as lead counsel with respect to the following industry-significant claims: Australian Floods; PFAS/AFFF; COVID-19 BI and WC; NFL CTE; the California wildfires; 9/11 (WTC); “Obamacare”; Joint Powers Authority disputes; Larry Nassar/USA Gymnastics liabilities; life rate increase and other life/health reinsurance disputes; spousal continuation problems; Superstorm Sandy; Hurricanes Wilma, Katrina, Harvey; the Puerto Rico Hurricanes (Maria/Irma); the Las Vegas shooting; the “Big Dig” Tunnel Collapse; NY “reviver” molestation claims; Archdiocese of L.A., Society of Jesus, and other clergy abuse claims; Boy Scouts of America and school-related sex abuse problems; J&J talc exposures; the Nikita Levy/ Johns Hopkins “rogue” doctor case; Grenfell Tower fire; and Sphere Drake.

David’s clients include global insurers and reinsurers Swiss Re, Munich Re, Endurance/Sompo, Chubb, Equitable, Guide One, Andover Companies, Liberty Mutual, Acuity, MIIA, Prudential, Partner Re, Aeolus, Ascot, Generali, R&Q, Symetra, United Cas. & Sur. Co., and Argo Group.

Representative Engagements

- Currently represent global reinsurer in broker dispute involving aviation program.
- Currently represent midwestern cedent in dispute with Southeast Asian reinsurer.
- Currently represent domestic reinsurer in Joint Powers Authority dispute.
- Currently represent foreign reinsurer in dispute concerning USA Gymnastics (Nassar sex abuse liabilities).
- Currently represent global reinsurer in dispute concerning commuted and transferred liabilities.
- Currently represent Sydney Australia-based reinsurer with respect to Australian Floods losses.

- Currently represent domestic cedent with respect to the recapture of life reinsurance business.
- Currently represent European reinsurer with respect to a life reinsurance dispute.
- Currently represent two offshore reinsurers in COVID-19 collateral disputes.
- Currently represent clients in multiple YRT rate increase disputes.
- Currently represent domestic reinsurer in life reinsurance dispute.
- Currently represent cedent in nationwide clergy and Boy Scouts of America “reviver” molestation claims.
- Currently represent domestic cedents and reinsurers in variable annuity and other life and health disputes.
- Currently represent foreign reinsurer in NFL CTE (concussion liabilities) disputes.
- Currently serve as enterprise counsel to reinsurer with respect to Las Vegas shootings claims.
- Currently serve as enterprise counsel to reinsurer with respect to J&J talc exposures.
- Successfully represented foreign reinsurer in reinsurance sex abuse claim involving a Pacific Northwest school district.
- Successfully represented domestic cedent with respect to LAE/XPL liabilities.
- Successfully represented five global reinsurance players in COVID-19 related BI and WC reinsurance disputes.
- Successfully represented global reinsurer in disputes emanating from the 2017 and 2018 California wildfires.
- Successfully represented offshore reinsurer in sex abuse dispute venued in Pacific Northwest.
- Successfully represented cedent in school district-wide sex abuse reinsurance dispute.
- Successfully represented cedent in West Coast reinsurance dispute concerning payments for medical plan dialysis treatments.
- Successfully represented reinsurer in molestation case involving faculty member.
- Successfully represented foreign reinsurer in ILW dispute involving Hurricane Harvey losses.
- Successfully represented global reinsurer in property disputes related to Puerto Rico Hurricanes Irma and Maria, which resulted in 100% win.
- Successfully represented one cedent and two reinsurers with respect to ice dam claims emanating from the Winter of 2015.
- Successfully represented domestic cedent in court battle that yielded a finding of civil contempt against the adversary.
- Successfully represented reinsurer in dispute over payments related to Obamacare.
- Successfully represented reinsurer in rogue physician case settled for over \$180M.

- Successfully represented foreign reinsurer in dispute involving Superstorm Sandy.
- Successfully represented top cedent in connection with clergy abuse claims.
- Successfully represented domestic reinsurer in \$100 million property/captive reinsurance dispute.
- Successfully represented top 10 global reinsurer in connection with losses emanating from allegations of sexual abuse by clergy.
- Successfully represented domestic cedent in connection with losses emanating from the financial crisis. Successfully represented top reinsurer in \$100M dispute involving treaty's mechanism for "special acceptances."
- Successfully represented top reinsurers in well-publicized NECC dispute involving fungal meningitis attributed to contaminated pharma products.
- Successfully represented top reinsurer in connection with World Trade Center (9/11) losses.
- Successfully represented major U.S. ceding company in connection with World Trade Center (9/11) losses.
- Successfully served as lead counsel in the "Big Dig"/Central Artery Connector (the largest construction project in Boston's history) coverage litigation in the Business Litigation section of the MA state trial court.
- Successfully represented Turkish insurer in dispute over 1037 km segment of Crude Oil Pipeline.
- Successfully represented domestic cedent in connection with claims involving the Boy Scouts of America.
- Successfully represented domestic reinsurer in dispute over cover for unallocated expenses.
- Successfully represented domestic cedent in aggregation dispute involving food-related injuries.
- Successfully represented domestic cedent with respect to claims emanating from large asbestos losses.
- Successfully represented London insurer in coverage dispute adverse to California and English policyholders.
- Successfully represented top U.S. cedent in dispute over declaratory judgment expenses.
- Successfully represented MGA in contract wording dispute.
- In 2010-2011, represented 14 different reinsurers located in Japan, Germany, France, the United Kingdom, and the United States in domestic litigation involving ECO, XPL, and allocation disputes.
- In June 2010, obtained summary adjudication award for Top 10 reinsurer in net retention dispute.
- Successfully represented major domestic cedent in three arbitration matters and collected more than \$60M in principal reimbursements, plus interest, from 2006-2008.
- Argued summary judgment on behalf of Swiss Re in the U.S. District Court for the District of Massachusetts in 2003 and in the U.S. Court of Appeals for the First Circuit in 2005.
- Commercial Union Ins. Company. v. Swiss Reinsurance America Corporation.

- Obtained dismissals for two Bermudan MGA's in the U.S. District Court for the Southern District of New York and Second Circuit in 2000-2001. *Odyssey Re (London) Limited v. Stirling Cooke Brown Holdings Limited ("Sphere Drake")*.

Publications and Presentations

- "Current Claims Radar," moderator, IACP Annual Conference, September 2023
- "Weather perils: California wildfires, Australian floods, and hurricanes," host and moderator, ARIAS Re/insurance Seminar, March 2023
- "A View from 'The Space Between': Making the Underwriting Connection," speaker, presentation to Munich Re in Munich, Germany, March 2023
- "Seeing U.S. Liability Trends With 20/21 Vision," sole speaker, global presentation via Zoom to hundreds of Swiss Re employees, May 2021
- "2021 Vision: A COVID Reinsurance Paradigm," sole speaker, Reinsurance Association of America (RAA), via Zoom to hundreds of attendees, February 2021
- "COVID-19: The Reinsurance Response," speaker and organizer, ARIAS Educational Seminar, via Zoom, June 2020
- "A 'Box of Chocolates': Contemporary Risks & The Forrest Gump Paradigm," speaker, CNA, Chicago, IL, October 2019
- "A View From the 'Other Side': Making The Underwriting Connection," speaker, Munich Re America, Inc., June 2019
- "Alternative Capital Mechanisms and Implications for the Insurance/Reinsurance Marketplace and for Dispute Resolution," speaker, ARIAS 2019 Spring Conference, Palm Beach, Florida, May 2019
- Conference, Tucson, Arizona, March 2019
- "Claims Defense in a Changing Risk Matrix: The David Bowie Paradigm," speaker, Swiss Re 2018 Claims Conference, Atlanta, GA, June 2018
- "Responding to Extreme Losses in the New Normal," speaker, ARIAS Spring Conference, Palm Beach, FL, May 2018
- "A View From the 'Other Side': Making the Underwriting Connection," speaker, Swiss Re Offsite Underwriting Conference, Armonk, NY, April 2018
- "Construction Defects and 'The Space Between,'" co-author, *Insurance Law360*
- "Roundtable: Insurance & Reinsurance 2014," contributor, *International Who's Who of Insurance & Reinsurance Lawyers*
- "Construction Defects and the Space Between: Gap and Overlap in the Combined Coverage of Performance Bonds and CGL Policies for Construction Defects," co-author, *Mealey's Litigation Report: Construction Defects Insurance*
- "Carving Up the Giving Tree: Allocation of an Underlying Settlement," oral argument, ARIAS-US Spring Conference, Key Biscayne, FL

- “Recent Developments in Hydrofracking: All It’s Fracked Up To Be?” speaker, Swiss Re global webinar, Armonk, NY
- “Recent Developments in the Selection, Conduct, and Disqualification of Reinsurance Arbitrators,” moderator, American Bar Association’s Insurance Coverage Litigation Committee CLE Seminar, Tucson, AZ
- “Cyber Risk,” speaker, Swiss Re, Overland Park, KS
- “Emerging Risks: Hydrofracking and Clergy Abuse,” panelist, Swiss Re’s Americas Claims Conference, Chicago, IL
- “Inside the ‘Secret Garden’: Audit and Access to Records,” speaker, New York, NY
- “Cyber Risk,” speaker, Gen Re Claims Seminar, Stamford, CT
- Counsel, mock organizational meeting and “Contrast: Evidence and Trial in Litigation Proceeding,” speaker and conference co-chair, ARIAS-US Spring Conference, Palm Beach, FL
- “Insurance Cases to Watch in 2012,” quoted, *Insurance Law360*
- “Managing Discovery in Arbitration: Bob Dylan & the Asymmetry Principle,” *ARIAS Spring Quarterly*
- Insurers Gained Ground in Key 2010 Rulings,” quoted, *Insurance Law360*
- “Inside the Locker Room: Recent Judicial Review of Arbitrator Conduct,” *The International Who’s Who of Insurance & Reinsurance Lawyers*
- “An Elephant in the (Arbitration) Room – The Power of Panels and Its Outer Limits,” *The ARIAS Quarterly*, Vol. 15 and Vol. 16
- “New Capital Flow Slows,” *Best’s Review*
- “Carrying the Weight,” *Risk Management Magazine*
- “Reinsurance Security Rules Need Scrutiny,” *Business Insurance*

Professional and Community Involvement

- Member, ARIAS-US Strategic Planning Committee (2020-present)
- Member, ARIAS-US Education Committee (2013-present)
- Member, Acritas Stars multinational peer recommended lawyers database
- Fellow, American College of Coverage Counsel, a group of preeminent re/insurance lawyers, where membership is obtained by nomination and is limited to 1,000 lawyers
- Member, International Association of Defense Counsel and an adjunct member of the International Association of Claims Professionals (fka, “Excess/Surplus Lines Claims Association”)
- Co-Chair, ABA’s Reinsurance Subcommittee
- Reinsurance Editor and Contributing Author, *Appleman Insurance Treatise* (2012 to 2014)

- Member of the faculty at ARIAS-US, the Excess & Surplus Lines Claims Association (nka, IACP), the RAA, Mealey's Reinsurance, ABIR (Association of Bermuda Insurers & Reinsurers), the ABA Insurance Coverage Litigation Midyear Meeting, Perrin Conferences (London 2012), the PWC/Hawksmere Reinsurance Congress (Bermuda) and other seminars
- Co-Chair, Spring 2012 ARIAS Meeting in Palm Beach, Florida, and Fall 2006 ARIAS Meeting in New York City
- Host, ARIAS Seminar "Reinsurance Beyond APH: A New World Order," March 2018
- Former Special Prosecutor, Suffolk County (City of Boston) District Attorney's Office (tried 19 cases to verdict)
- Member, New York, Massachusetts, Colorado, and American Bar Associations
- Member, Norfolk Trout Club

Recognition

- Recognized in the inaugural edition of *Who's Who Legal: Thought Leaders USA 2023* for Insurance & Reinsurance – a special publication featuring WWL's highest-ranking attorneys and experts in the United States
- One of five U.S. reinsurance lawyers ranked in Band 1 (2023), and first-ever Boston-area lawyer to be recognized in the *Chambers USA* nationwide rankings for Insurance/Reinsurance (2014-2023, Band 1)
- Recognized by *Who's Who Legal: Global Leader 2022* list as one of the most highly regarded individuals in Insurance and Reinsurance law
- Named to the inaugural *Legal 500* Hall of Fame (formerly known as Leading Lawyers), which recognizes elite leading lawyers who have consistently been ranked (2016 – 2023)— one of only 455 partners in the U.S. selected for this honor
- Fellow of the American Bar Foundation, where membership is limited to 1% of lawyers licensed to practice in each jurisdiction
- *Best of the Best USA* (2009-2014) in Insurance & Reinsurance, which recognizes only 30 US industry professionals
- One of only 5 U.S. insurance and reinsurance lawyers to be named a "Global Elite Thought Leader" in *Who's Who Legal 2021* (top 5% of all nominees)
- *World's Leading Insurance and Reinsurance Lawyers* (2006-2018)
- *Best Lawyers in America* for Insurance Law (2012-2024)
- *Lexology Client Choice: Recognizing Excellence in Client Service* (2022)
- "Litigation Star," *Benchmark Litigation*
- One of *Law360's* "10 Most Admired Insurance Attorneys in America" for 2010 – out of 1,016 nominations from 100 firms
- *Massachusetts Super Lawyers*