



Robert Kole

Partner

T +1 (617) 248-2121 | rkole@choate.com

"well respected for his broad-based insurance practice"
Chambers USA

Rob Kole is a partner in Choate's Insurance & Reinsurance Group. He has argued before the U.S. Court of Appeals for the First, Second, Fifth, Ninth and Eleventh Circuits and the California Court of Appeals in connection with insurance and reinsurance disputes. In 2017, Mr. Kole was elected as a Fellow of the "American College Of Coverage And Extracontractual Counsel." Mr. Kole is listed as a leading lawyer for insurance in *Chambers USA*. He is recognized in *The Legal 500* as a leading lawyer for Insurance and has been elected to the 2017 World's Leading Insurance and Reinsurance Lawyers by *Who's Who's Legal*. In April 2010, he was named one of 10 "Insurance Law Rising Legal Stars Under 40" by *Law360*, and he has been named a *Massachusetts Super Lawyer* in each of the past eight years.

EDUCATION

University of Virginia School of Law
JD, 1996

Lafayette College
BA, 1993, *cum laude*

PRACTICE FOCUS

Insurance & Reinsurance Litigation

Reinsurance arbitration, litigation and complex claim analysis on behalf of cedents and reinsurers, and insurance litigation, arbitration, alternative dispute resolution and coverage analyses on behalf of insurance companies, involving opioid litigation, asbestos, hazardous waste, toxic tort, workers compensation, catastrophe bonds, D&O, E&O, personal and advertising injury, property and hurricane-related losses.

REPRESENTATIVE ENGAGEMENTS

- Obtained successful judgments for insurers, both via trial and summary judgment, in connection with opioid claims asserted by municipalities.
- Obtained summary judgment, affirmed by the Second Circuit Court of Appeals, on behalf of a ceding company in one of the first catastrophe bond litigations in the U.S.
- Successfully argued appeals before the Eleventh Circuit and the California Court of Appeals regarding insurance coverage for opioid claims.
- Obtained summary judgment, affirmed by the Fifth Circuit Court of Appeals in a matter of first impression, on behalf of an insurer in connection with a lawsuit seeking coverage for oil and gas claims.
- Obtained summary judgment, affirmed by the First Circuit Court of Appeals, on behalf of an insurer in a matter of first impression involving the scope of personal injury coverage.
- Obtained reversal by the First Circuit Court of Appeals of a summary judgment ruling against an insurer involving contribution claims.

ADMISSIONS

Massachusetts

U.S. District Court,
Massachusetts

U.S. Court of Appeals,
First Circuit

PRACTICE AREAS

Insurance & Reinsurance

- Tried confidential reinsurance arbitrations involving environmental, asbestos and catastrophic property damage liabilities on behalf of cedents and reinsurers.
- Tried confidential reinsurance arbitration involving World Trade Center losses on behalf of cedent. Lead counsel for joint defense groups in connection with multi-party, multi-million dollar lawsuits involving insurance coverage for asbestos and environmental pollution claims.
- Successfully resolved, through settlement, a variety of coverage litigations and multi-claim arbitrations.

PUBLICATIONS AND PRESENTATIONS

- "The Opioid Epidemic," *speaker*, ACCEC 2018 Annual Meeting, May 2018.
- "A Principled 'Approach' to Insurance Coverage? – The American Law Institute's Effort to Codify Insurance Law," *speaker*, BBA's Restatement of the Law of Liability Insurance, October 2016.
- "NY Courts Are Both Affirming and Limiting Bellefonte," *co-author*, *Insurance Law360*, February 2015.
- "Insurer Defeats Mariah's \$100M 'False' Storm Report Suit," *quoted*, *Insurance Law360*, October 2014.
- "Reinsurance Arbitrations May No Longer Be Confidential," *author*, *Insurance Law360*, December 2013.
- "Practical Solutions to the Umpire Selection Quagmire," *author*, *Insurance Law360*, September 2012.
- "Arbitration v. Litigation: Discovery," *panelist*, ARIAS-US Spring Conference, Palm Beach, FL, May 2012.
- "Select Reinsurance Case Law Developments," *panelist*, ARIAS-US Spring Educational Seminar, New York, March 2012.
- "Applying Pro Rata Allocation to Defense Costs," *author*, *Insurance Law360*, August 2011.
- "A Threat to Cedent/Reinsurer Communications," *co-author*, *Insurance Law360*, May 2010.
- "Legal Issues Attendant to the 2009/2010 Recession," *moderator*, Coming Out of the Recession: Insurance and Reinsurance Opportunities and Strategies, September 2009.
- "Climate Change And Its Impact On The Insurance Industry," *panelist*, Mealey's Global Warming Teleconference, September 2009.
- "Pre-Hearing Security," *panelist*, ARIAS-US Spring Conference, May 2008.
- "Risk Management, Potential Liabilities and D&O Exposures," *speaker*, Mealey's Teleconference, February 2008.

- "Climate Change And The Insurance And Reinsurance Industry," *presenter*, Mealey's Global Warming Insurance Litigation Conference, San Francisco, CA, June 2007.
- "Understanding CGL Insurance," *presenter*, Mealey's Fundamentals of Insurance Coverage Law Conference, Chicago, IL, October 2003.

PROFESSIONAL AND COMMUNITY INVOLVEMENT

Mr. Kole spent six months at the Suffolk County District Attorney's office as a special prosecutor for the Commonwealth of Massachusetts, where he successfully tried (in both jury and bench trials) or plea bargained dozens of criminal matters. He has been a group leader at ARIAS-US conferences on the subject of reinsurance arbitration, and has spoken at numerous insurance and reinsurance seminars on a variety of topics. Mr. Kole also regularly performs training seminars for clients and prospective clients. He has participated in a number of *pro bono* matters, including serving as counsel for the International Rescue Committee with respect to a contract dispute, which resulted in litigation. Mr. Kole is currently a member of the Massachusetts Bar Association and the Boston Bar Association.