

David A. Attisani

Insurance & Reinsurance Co-Chair

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“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 is a partner in Choate’s Insurance & Reinsurance Group, which is top-ranked by Reactions (#1 reinsurance and litigation firm in 2012) and by *The 2013 Legal 500* guide to preeminent law firms. He is also co-chairman of the ABA’s Reinsurance Subcommittee, and a member of the ARIAS-US Education Committee (2013-present).

Mr. Attisani has served as lead counsel with respect to the following claims: 9/11; “Obamacare”; Superstorm Sandy; Hurricanes Wilma, Katrina, Harvey; the Las Vegas shooting; the California wildfires; the “Big Dig” Tunnel Collapse; and Sphere Drake.

Mr. Attisani was named one of *Law360’s* “10 Most Admired Insurance Attorneys in America” for 2010—out of 1,016 nominations from 100 firms. He was also the first-ever Boston-area attorney to be recognized in the *Chambers USA* nationwide rankings for Insurance/Reinsurance (2014-2018). He is one of only 12 reinsurance lawyers listed in *The 2016 and 2017 Legal 500’s* elite “Leading Lawyers” category, a designation he also received in 2015, 2012 and 2011. He has also been named to the inaugural Legal 500 Hall of Fame, which recognizes elite leading lawyers who have consistently been ranked for six consecutive years. He is one of only 455 partners across the United States selected for this honor. Mr. Attisani was also elected to *Best of the Best USA* (2009-2014) in Insurance & Reinsurance, which recognizes only 30 US industry professionals. He is No. 3 on the 2018 *Who’s Who Legal: Thought Leaders* list of the most highly regarded individuals in Insurance and Reinsurance law. In 2016, Mr. Attisani was one of only 5 U.S. insurance and reinsurance attorneys to be named “Most Highly Regarded” in the 13th annual edition of *Who’s Who Legal: Insurance & Reinsurance* (one of 15 in the world). He was also elected to the *World’s Leading Insurance and Reinsurance Lawyers* (2006-2018). Mr. Attisani is listed in *Best Lawyers in America* for Insurance Law (2012-2018).

Mr. Attisani is a Fellow of the American College of Coverage and Extracontractual Counsel, a group of preeminent re/insurance lawyers, where membership is obtained by nomination and is limited to 1,000 lawyers. He is also a Fellow of the American Bar Foundation, where membership is limited to 1% of lawyers licensed to practice in each jurisdiction. In addition, Mr. Attisani is a member of the International Association of Defense Counsel and an adjunct member of the International Association of Claims Professionals (fka “Excess/Surplus Lines Claims Association”).

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

PRACTICE FOCUS

Insurance & Reinsurance Litigation

Insurance coverage and reinsurance arbitration and litigation on behalf of reinsurers, cedents and intermediaries; risk management; alternative dispute resolution; coverage arbitration and litigation for insurance companies involving financial issues, variable annuities, environmental damage, E&O/D&O, 9/11 losses, clergy abuse claims, major storm losses (Sandy, Wilma, Katrina, Ike), toxic tort, asbestos, and health risks (Obamacare).

ADMISSIONS

Massachusetts

New York

Colorado

PRACTICE AREAS

Insurance & Reinsurance

REPRESENTATIVE ENGAGEMENTS

- Currently represent domestic cedent in court battle that recently yielded a finding of civil contempt against the adversary.
- Currently representing reinsurer in dispute over payments related to Obamacare.
- Currently representing reinsurer in rogue physician case settled for over \$180M.
- Currently representing foreign reinsurer in dispute involving Superstorm Sandy.
- Currently represent top cedent in connection with clergy abuse claims.
- Currently represent domestic reinsurer in \$100 million property/captive reinsurance dispute.
- Currently represent top 10 global reinsurer in connection with losses emanating from allegations of sexual abuse by clergy.
- Currently represent domestic cedent in connection with losses emanating from the financial crisis.
- Recently and successfully represented top reinsurer in \$100M dispute involving treaty's mechanism for "special acceptances."
- Recently and successfully represented top reinsurers in well-publicized NECC dispute involving fungal meningitis attributed to contaminated pharma products.
- Recently and successfully represented top reinsurer in connection with World Trade Center (9/11) losses.
- Recently and successfully represented major U.S. ceding company in connection with World Trade Center (9/11) losses.
- Recently and 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.
- Recently and successfully represented Turkish insurer in dispute over 1037 km segment of Crude Oil Pipeline.
- Recently and successfully represented domestic cedent in connection with claims involving the Boy Scouts of America.
- Recently and successfully represented domestic reinsurer in dispute over cover for unallocated expenses.
- Recently and successfully represented domestic cedent in aggregation dispute involving food-related injuries.
- Recently and successfully represented domestic cedent with respect to claims emanating from large asbestos losses.

- Recently and successfully represented London insurer in coverage dispute adverse to California and English policyholders.
- Recently and successfully represented top U.S. cedent in dispute over declaratory judgment expenses.
- Recently and 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")*
- Successfully represented Hartford affiliate on appeal of fraudulent inducement/RICO decision. *Compagnie de Reassurance d'Ile de France. v. New England Reinsurance Corporation, 1st Cir. 1995*

PUBLICATIONS AND PRESENTATIONS

Mr. Attisani served as the 2012 – 2013 reinsurance editor of and a contributing author to the Appleman Insurance treatise, and he has been engaged again for 2014. He has served on the faculty at ARIAS-US (a leading trade association for the insurance and reinsurance arbitration industry), the Excess & Surplus Lines Claims Association (now, IACP), 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. Mr. Attisani co-chaired the Spring 2012 ARIAS Meeting in Palm Beach, Florida, and the Fall 2006 ARIAS Meeting in New York City. He has been quoted in various trade publications and written several articles, including:

- "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*, May 2014.
- “Roundtable: Insurance & Reinsurance 2014,” *contributor, International Who’s Who of Insurance & Reinsurance Lawyers*, May 2014.
- “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*, May 2014.
- “Carving Up the Giving Tree: Allocation of an Underlying Settlement,” *oral argument, ARIAS-US 2014 Spring Conference*, Key Biscayne, FL, May 2014.
- “Recent Developments in Hydrofracking: All It’s Fracked Up To Be?” *speaker, Swiss Re global webinar*, Armonk, NY, November 2013.
- “Q&A With Choate’s David Attisani,” *featured, Insurance Law360*, March 2013.
- “Recent Developments in the Selection, Conduct, and Disqualification of Reinsurance Arbitrators,” *moderator, American Bar Association’s Insurance Coverage Litigation Committee CLE Seminar*, Tucson, AZ, March 2013.
- “Cyber Risk,” *speaker, Swiss Re*, Overland Park, KS, February 2013.
- “Emerging Risks: Hydrofracking and Clergy Abuse,” *panelist, Swiss Re’s 2012 Americas Claims Conference*, Chicago, IL, June 2012.
- “Inside the ‘Secret Garden’: Audit and Access to Records,” *speaker, New York, NY*, June 2012.
- “Cyber Risk,” *speaker, 2012 Gen Re Claims Seminar*, Stamford, CT, June 2012.
- Counsel, mock organizational meeting and “Contrast: Evidence and Trial in Litigation Proceeding,” *speaker and conference co-chair, ARIAS-US 2012 Spring Conference*, Palm Beach, FL, May 2012.
- “Insurance Cases to Watch in 2012,” *quoted, Insurance Law360*, January 2012.
- “Managing Discovery in Arbitration: Bob Dylan & the Asymmetry Principle,” *ARIAS 2011 Spring Quarterly*, May 2011.
- “Insurers Gained Ground in Key 2010 Rulings,” *quoted, Insurance Law360*, January 2011.
- “Inside the Locker Room: Recent Judicial Review of Arbitrator Conduct,” *The International Who’s Who of Insurance & Reinsurance Lawyers*, June 2010.
- “Q&A with Choate Hall’s David Attisani,” *featured, Law360*, July 2009.
- “An Elephant in the (Arbitration) Room – The Power of Panels and Its Outer Limits,” *The ARIAS Quarterly*, Vol. 15 (2008), Vol. 16 (2009).
- “New Capital Flow Slows,” *Best’s Review*, May 2007.

- “Carrying the Weight,” *Risk Management Magazine*, 2006.
- “Reinsurance Security Rules Need Scrutiny,” *Business Insurance*, 2003.
- “Reinsurance Coverage for Declaratory Judgment Expense,” *The Journal Of Reinsurance*, 2001.

PROFESSIONAL AND COMMUNITY INVOLVEMENT

Mr. Attisani served as a special prosecutor in the Suffolk County (City of Boston) District Attorney’s Office, where he tried 19 cases to verdict. He is a member of the New York, Massachusetts, Colorado, and American Bar Associations.