



## Robert Lewin Partner

Robert Lewin is co-chair of Stroock's Insurance and Reinsurance Group. He has represented clients in disputes in both property and casualty and life insurance products, including comprehensive general liability, directors and officers, errors and omissions, excess and umbrella liability, worker's compensation and financial guarantee and performance bonds. Robert also has represented clients in regulatory matters, including contentious Form A proceedings.

In the reinsurance area, he has represented cedents, reinsurers, retrocessionaires, pool members, intermediaries and liquidators in more than 100 disputes, over 25 of which entailed hearings or trials.

In his 40-year career, Robert has worked both at the trial and appellate levels in domestic and foreign jurisdictions. He has successfully tried cases that have resulted in nine-figure awards. He has served as lead counsel in multiparty cases and appeals.

He has particular expertise in claims arising from natural and man-made disasters, including Enron, the 9/11 terrorist attacks and Hurricane Katrina.

Robert is renowned for creative thinking; he applied a novel legal theory of liability to recover in excess of \$70 million from Lloyd's of London in one dispute. He also led a team of U.S., British and Bermuda attorneys in successfully defending an insurer against a \$100 million misrepresentation claim.

Robert led Stroock's pro bono committee for more than 10 years and has served on the Board of Directors of the New York Lawyers for the Public Interest since 1999. He is active in professional organizations and has served as a speaker at conferences.

He's been named to *Chambers* list of *America's Leading Lawyers for Business* for many years, with one client calling him a "bulldog with adversaries" and another noting that Robert would "move mountains for you." He also has been recognized by *Super Lawyers* and *Who's Who Legal* as among the country's top lawyers.

### Representative Matters

Representative matters include the following:

- Arbitrations on behalf of ceding companies against reinsurers relating to Enron claims;

### New York

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### Related Services

- Insurance / Reinsurance
- Insurance / Reinsurance: Dispute Resolution and Counseling
- Litigation

### Education

J.D., New York University School of Law, 1977

B.A., The Johns Hopkins University, 1974

- Arbitrations on behalf of ceding companies and reinsurers relating to asbestos and environmental claims;
- Arbitrations on behalf of ceding companies and reinsurers over 9/11 World Trade Center property claims;
- Arbitrations on behalf of ceding companies and reinsurers relating to hurricane losses under catastrophe and clash treaties;
- Arbitration on behalf of a reinsurer against a ceding company relating to excess workers' compensation treaties;
- Arbitration awarding rescission of a property treaty based upon cedent's material misrepresentations;
- Arbitrations on behalf of a ceding company against reinsurers relating to the fraudulent issuance of surety bonds;
- Litigations and arbitrations on behalf of ceding companies against reinsurers asserting late notice and bad faith;
- Litigation challenging the reinsurer's efforts to replace a party arbitrator in connection with a pending arbitration;
- Litigations involving requests that the court appoint a neutral umpire in a reinsurance arbitration;
- Litigation on behalf of an insurer in which the New York Court of Appeals determined that pro rata allocation was the appropriate method of allocation where the policy provided that the insurer would pay all sums for an occurrence happening during the policy period. (*Consolidated Edison Co. of N.Y. v. Allstate Ins. Co.*, 98 NY2d 208 (2002));
- Litigation on behalf of a financial guarantee insurer against parties fraudulently transferring assets;
- Litigations and arbitrations against program managers for violating their obligations to insurers;
- Representation of an insurer in a contested Form A proceeding before the Delaware Insurance Department;
- Representation of an insurer in demutualization proceeding before the New York Insurance Department;
- Appointment as a Discovery Special Master by an ARIAS Reinsurance Arbitration Panel;
- Litigation defending an insurer and its directors in a class action for alleged violations of law in connection with a sponsored demutualization (*Grossman v. Akker*, No. 652402/15, 2016 WL 4272450 (Sup. Ct. N.Y. Cty. Aug. 8, 2016)); and
- Litigation on behalf of a ceding company enjoining a reinsurer from collaterally attacking a final arbitration award (*Arrowood Indemnity Co. v. Equitas Ins. Ltd.*, No. 13 cv 7680, 2015 WL 4597543, \* 1 (S.D.N.Y. July 30, 2015)).

#### **Honors & Awards**

- *Chambers New York*
- *The Legal 500 United States*
- *Best Lawyers in America*

- *Chambers USA*
- *Super Lawyers*
- *Who's Who Legal: Insurance & Reinsurance*

#### **Memberships**

- Member, Association of the Bar of the City of New York
- Member, American Bar Association
- Member, International Bar Association
- Board of Directors, New York Lawyers for the Public Interest

#### **Speeches & Events**

- Panelist, "Business Interruption in the Era of COVID," AIRROC Webinar, September 9, 2020
- Speaker, "COVID-19 Insurance Claims: Challenges for the Entertainment Industry," Stroock and AMEC Webinar, June 3, 2020
- Speaker, "COVID-19 P&C Insurance Perspectives," SIFM Webinar, April 22, 2020
- Moderator, "Insurance Industry Perspectives on COVID-19," Stroock and FTI Consulting Webinar, March 31, 2020
- Panelist, "New York Regulatory Environment Panel," Society of Insurance Financial Management's (SIFM) Quarterly Conference, March 21, 2018, June 10, 2018
- Moderator, ARIAS Reinsurance Conference, "Is My Arbitration Final Or Is It Groundhog Day," November 2016
- Speaker, National Insurance Conference of Canada (NICC), September 21-23, 2014
- Panelist, "An AIRROC DRP Roadmap: How Should the DRP be Applied to My Dispute?" AIRROC/R&Q Rendez-Vous Education Sessions, October 2013
- Working Group Leader, "Mediation," ARIAS-US 2011 Fall Conference, November 2011
- Panelist, Mealey's 14th Annual Insurance Insolvency & Reinsurance Roundtable, April 25, 2007
- Speaker, "Re Claims - Reinsurance Claims Management," New York, NY, September 28-29, 2006
- Speaker, Fundamentals of Reinsurance Litigation & Arbitration Conference, Boston, MA, March 23, 2006

#### **Publications**

- Co-author, "Will Business Interruption Insurance Provide Coverage for Coronavirus Losses?," *Corporate Governance Advisor*, July/August 2020
- Co-author, "Preparing For Reinsurance Fallout From COVID-19 Pandemic," *Mealey's Litigation Report, Mealey's Catastrophic Loss*, May 6, 2020

- Co-author, "The Constitutionality of Government Action Mandating COVID-19 Business Interruption Coverage," *Stroock Special Bulletin*, March 23, 2020
- Co-author, "NAIC Updates – June 2018," *Stroock Special Bulletin*, June 2018
- Co-author, "NAIC Updates – January 2018," *Stroock Special Bulletin*, January 2018
- Co-author, "NAIC Updates – October 2017," *Stroock Special Bulletin*, October 2017
- Co-author, "Is My Arbitration Final Or Is It Groundhog Day," *Dispute Resolution Journal*, Vol 71, No. 4, 2016
- Co-author, "Emerging Insurance Issues in the Debate over 'Fracking'," *Insurance Coverage Law Report*, December/January 2013
- Co-author, "Reinsurance Implications of the Japanese Earthquake," *Stroock Special Bulletin*, July 21, 2011
- Co-author, "The Access to Records Clause," *ARIAS-U.S. Quarterly*, Volume 13, Number 3, Third Quarter 2006
- Co-author, "Obtaining Discovery from Reinsurance Intermediaries and Other Non-Parties – Updated Caselaw and Commentary," *ARIAS-U.S. Quarterly*, Third Quarter 2005 and *Mealey's Litigation Reports: Reinsurance*, Third Quarter 2005
- Co-author, "Obtaining Pre-hearing Discovery from the Uncooperative Reinsurance Intermediary: The Current State of the Law and Avenues for Reform," *ARIAS-U.S. Quarterly*, First Quarter 2003

#### **Admitted To Practice**

New York

U.S. District Court, Southern District of New York; U.S. District Court, Eastern District of New York; U.S. District Court, Western District of New York; U.S. District Court, District of Colorado

U.S. Court of Appeals, Second Circuit; U.S. Court of Appeals, Third Circuit; U.S. Court of Appeals, Fifth Circuit; U.S. Court of Appeals, Seventh Circuit; U.S. Court of Appeals, Eighth Circuit; U.S. Court of Appeals, Ninth Circuit; U.S. Court of Appeals, Eleventh Circuit

U.S. Supreme Court