ArentFox Schiff LLP
Attorneys

David M. Spector

COUNSEL

For more than 30 years, ceding companies and reinsurers have entrusted David with their most complicated, highest exposure matters.



Practices

Complex Litigation
— Commercial
Insurance & Reinsurance

Education

University of Michigan Law School, JD, magna cum laude, Order of the Coif, Michigan Law Review, Notes Editor, 1971

Northwestern University, BA, 1968

Offices

Chicago

Phone

312.258.5552

Email

david.spector@afslaw.com

He has successfully litigated across the entire spectrum of the insurance and reinsurance industries, working in every arena, at every level, across the world. These matters have included contested company takeovers and insurer insolvencies, as well as trials and appeals of reinsurance and claim disputes before state and federal courts as well as domestic and international arbitration panels.

In addition to his comprehensive background in reinsurance litigation, David has broad experience in virtually every area of property and casualty insurance, disability benefits and life insurance. Clients frequently seek his experience, turning to him for advice on mergers and acquisitions, regulatory matters, products issues and other business matters.

David has lectured widely on insurance issues at professional conferences and academic meetings. He has also written or been the principal editor of most of the primary resource texts on insurer insolvency.

According to *Chambers USA*, David "is unanimously celebrated for his skill as an insurance and reinsurance lawyer," one who, in the words of a client, "carries the reputation as being the premier reinsurance trial lawyer in the United States."

Client Work

- In *Catholic Mutual Relief Society of Am. v. Arrowood Indemnity Co.*, obtained a denial of the defendant's motion to dismiss a claim by Catholic Mutual Relief Society of America for a declaratory judgment that the defendant was liable under its predecessor company's policies and therefore must defend and indemnify the Diocese of St. Cloud against sexual abuse claims covered by both insurers. [No. 17-3141 (JRT/LIB), 2018 WL 3826689 (D. Minn. August 10, 2018)]
- In *Penn Mutual Life Insurance Co. v. Rotter*, obtained dismissal of claims against American United Life Insurance Company for alleged tortious interference in a dispute related to general agents who terminated their agreements with the plaintiff. [No. 17 C 3562, 2018 WL 1453554 (N.D. Ill. March 23, 2018)]
- In *Whalen v. Catholic Mut'l Relief Soc.*, David won partial summary judgment entered in favor of

the insurer rejecting the policyholder's argument that the "continuous trigger" doctrine activated policies in force after the abuse occurred but while the emotional distress was ongoing. [DDV-2012-9756 (Mont. 1st Jud. Dist. Ct., Lewis and Clark Cnty. Oct. 22, 2013)]

- In a 15-day bench trial, *Arrowood Indem. as successor to Fire and Cas. Ins. Co. of Connecticut v. Trustmark Ins. Co.*, David won judgment entered in favor of the reinsurer rejecting the cedent's claims of breach of fiduciary duty and bad faith. [938 F.Supp2d 267 (D. Conn. 2013)]
- In *Clarendon National Ins. Co. et al. v. Trustmark Ins. Co.*, David won summary judgment entered in favor of the cedent and against the reinsurer relating to purported offsets. [Case No. 09-cv-09896-BSJ SDNY, Jan. 13, 2012]
- In *Ranta v. The Catholic Mut'l Relief Soc.*, he won an affirming summary judgment in favor of the insurer that it had no duty to indemnify the policyholder for a $100 million consent judgment because intentional acts of sexual abuse are not covered occurrences. [492 Fed. Appx, 373 (4th Cir. 2012)]
- In *Berger v. Catholic Mut'l Relief Soc.*, he won summary judgment entered in favor of the insurer rejecting the policyholder's argument that emotional distress arising from abuse that occurred prior to inception of coverage was covered under the "continuous trigger" theory. [Case No. 4:08-cv0038RRB (D. Alaska July 30, 2010 and Mar. 3, 2011), appeals dismissed, No. 11-35291 (9th Cir. Dec. 7, 2011)]
- In *Berger v. Catholic Mut'l Relief Soc.*, he won partial summary judgment entered in favor of the insurer on the grounds that the policyholder's covenant settlement violated the cooperation clause of the certificate. [Case No. 4:08cv0038RRB (D. Alaska Mar. 3, 2011), appeal dismissed, No. 11-35291 (9th Cir. Dec. 7, 2011)]
- In *CNA Reins. Co., Ltd. v. Trustmark Ins. Co.*, he obtained an order transferring the case to London under the doctrine of international forum non conveniens. [2001 WL 648948 (N.D. Ill. 2001)]
- In *Suter v. Munich Reins. Co.*, he successfully argued that the "service of suit" clause in a reinsurance treaty was not a waiver of the reinsurer's right to remove action to federal court under the Convention on the Recognition and Enforcement of Foreign Arbitral Awards. [223 F.3d 150, (3d Cir. 2000)]

Boards, Memberships & Certifications

Memberships

- AIDA Reinsurance and Insurance Arbitration Society, ARIAS U.S.
- American Bar Association, Tort Trial and Insurance Practice Section
- Association of Insurance and Reinsurance Run-Off Companies (AIRROC)
- The Association of Life Insurance Counsel (ALIC)
- Federation of Regulatory Counsel (FORC)
- Insurance & Reinsurance Legacy Association Limited (IRLA)
- International Association of Insurance Receivers (IAIR)
- International Bar Association, Insurance Committee

David's governmental service has included:

- Illinois Department of Insurance Committee to Review Article XIII (Insolvency) of the *Illinois Insurance Code* in 1990/1991 (Member)
- United States Government Accountability Office (consultation):??
  - ?*GAO Reports: The Insurance Regulatory Information System Needs Improvement* (November 1990)
  - *State Reinsurance Oversight Increased, But Problems Remain* (May 1990)
  - *Problems in the State Monitoring of Property/Casualty Insurer Insolvency* (September 1989)
- David is a prominent member of the American Bar Association (ABA), having served as chair of several committees in the ABA's Section on Torts and Insurance Practice.
-

David is currently a member of the Board of Directors and Secretary of Chicago Opera Theater. He has also served over time on the boards of directors and as an officer of many non-profit and charitable organizations.

Publications, Presentations & Recognitions

Publications

David has written or edited several books and numerous articles on insurance and reinsurance issues.

- "Arbitration and Unauthorized Practice of Law," *ARIAS Quarterly* (First Quarter, 2006)
- *Law and Practice of Life Insurance Company Insolvency*, (editor) American Bar Association (1993)
- *Law and Practice of Reinsurance Collections and Insolvency*, (co-editor) American Bar Association (1989)
- *Law and Practice of Insurer Insolvency*, (co-editor) American Bar Association (1986)

Presentations

- "Reinsurance: Life, Annuity, Health, and Long-Term Care," National Organization of Life and Health Insurance Guaranty Associations 26th Legal Seminar, New York, N.Y. (Jul. 19, 2018)

Recognitions

- Best Lawyers in America, *Best Lawyers* (2007-2009, 2012-2027)
- *Chambers USA* – Insurance: Dispute Resolution: Reinsurance, Illinois (2010-2021 and 2023-2025); Insurance: Reinsurance Litigation, Illinois (2006-2009); Insurance: Transactional & Regulatory (2006-2007)
- *Illinois Super Lawyers*, Thomson Reuters (2006-2009, 2012-2021)
- Illinois Leading Lawyer, Law Bulletin's *Illinois Leading Lawyers Network* (2007-2021)
- *Who's Who Legal* – Insurance & Reinsurance, Law Business Research (2010-2017, 2020)
- Insurance and Reinsurance, *Expert Guides* (2018)
- *Who's Who Legal Illinois*, Law Business Research Limited (2007-2008)
- *Lawdragon 500 Leading Lawyer*, Lawdragon, Inc. (2008)
- Leading Lawyer, Law Bulletin's *Illinois Leading Lawyers Network* (2006)
- Peer Reviewed AV® Preeminent™, *Martindale-Hubbell* (Since 1982)

Bar Admissions

Illinois
New York

Court Admissions

US Supreme Court
US Court of Appeals, 1st Circuit
US Court of Appeals, 4th Circuit
US Court of Appeals, 7th Circuit
US Court of Appeals, 9th Circuit
US District Court, Northern District of Illinois (Trial Bar)
US District Court, Northern District of Indiana
US District Court, Eastern District of New York
US District Court, Southern District of New York