



Nicholas

R. Maxwell

Partner

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My Approach

Clients dealing with the fallout from a new loss do not need the added stress of navigating insurance issues. They need someone in their corner to handle all aspects of the insurance recovery process so that they can focus on getting their organization back on track. My objective in every matter is to be that person. I genuinely enjoy managing the trajectory of a dispute from day one, mastering the intricacies of the insurance program, and methodically dismantling the insurer's position.

Overview

Nick Maxwell guides policyholders in recovering the proceeds they deserve from their insurers. He has helped clients recover hundreds of millions of dollars under many lines of insurance, including directors and officers, property/business interruption, errors and omissions, and general liability policies. Any kind of business can find itself in an insurance coverage dispute, and Nick relishes the challenge of becoming conversant in his clients' many different industries.

Drawing on his experience analyzing hundreds of insurance policies and deposing dozens of adjusters, underwriters, engineers, and other insurance industry professionals, Nick quickly identifies the salient issues in any dispute and proactively addresses them. His detail-oriented approach ensures that nothing slips through the cracks, and his willingness to play devil's advocate helps him anticipate adversaries' arguments. He always asks clients the right questions and listens closely to the answers.

Nick genuinely enjoys the craft of practicing law and values his relationships with clients, colleagues, and opposing counsel alike. He was recognized by for Insurance Coverage in 2024 and as a Rising

Star for Insurance Coverage from 2015-23. He also served on the Insurance Coverage Litigation Center's editorial advisory board from 2020-2023.

Education

The University of Texas School of Law (JD, , 2011)

Haverford College (BA, , 2004)

Admissions

Bar Admissions

New Jersey

New York

Pennsylvania

Relevant Experience

- Represented **Energy Transfer** in connection with its claim seeking hundreds of millions in business interruption coverage after a rupture to a natural gas pipeline and resulting fire that led to a years-long business outage; Nick managed extensive deposition and discovery process and argued numerous pretrial motions for partial summary judgment, leading to a favorable global resolution with 15 insurers on the eve of trial.
- Represented **nation's largest futures dealer** in confidential three-week arbitration concerning coverage for employee wrongdoing that caused client's liquidation; Nick managed all aspects of discovery, deposition practice, expert witness strategy and reports; client settled favorably with seven insurers before and during arbitration hearing
- Representing **Fortune 100 technology and manufacturing company** in dispute seeking hundreds of millions of dollars in coverage for dozens of environmental site remediations from over 15 legacy CGL insurers; Nick is overseeing case strategy, fact development, and overall discovery process.
- Representing private equity fund with respect to buyer-side representations and warranties dispute; shortly after Cohen Ziffer appeared, the insurers agreed to pay full policy limits of more than \$50 million
- Representing **SVB Financial Group**, parent company of liquidated Silicon Valley Bank, in litigation seeking fidelity bond insurance for customer fraud leading to nearly \$100 million in losses.

- Represented real estate investment company in D&O coverage litigation in connection with underlying securities class actions, derivative lawsuits, and an SEC investigation; cases favorably settled for tens of millions in coverage.
- Represented **Arcadis**, nationwide environmental services company, in dispute over coverage for clean-up of 750+ contaminated sites nationwide; case settled before trial for nearly 100% of the incurred loss.
- Represented liquidating trust for **Philadelphia Energy Solutions** after explosion that forced company to file for bankruptcy; after prevailing on three pretrial motions for partial summary judgment, the case favorably settled on Day 3 of a two-week trial for a confidential amount exceeding client's total demand during pre-trial claim adjustment.
- Represented **Colgate** in dispute over coverage for defense of dozens of underlying asbestos cases; coverage dispute settled favorably for lump sum payment and future funding arrangement.
- Represented technology services provider in confidential London arbitration concerning E&O coverage for failed software rollout; arbitration settled favorably on the eve of trial.

Recognition and Rankings

- Recognized by *Super Lawyers* New York for Insurance Coverage, 2024
- Recognized by *Super Lawyers* New York as a "Rising Star," 2015 - 2022
- Insurance Coverage Law Center (ICLC) Editorial Board for 2020-2023

Publications

- (March 3, 2022)
- "COVID-19 and Business Interruption: Some Losses Are Covered and Here's Why," *Risk & Insurance* (May 28, 2020)
- "Additional Insured Coverage: Be Sure to Look under the Hood," *The Legal Intelligencer* (Aug. 6, 2019)
- "The Risk of Overlooking Additional Insured Coverage," *Risk Management* (July 7, 2019)
- "Professional Liability Insurance in Today's Construction Industry," *Construction Executive* (May 17, 2019)
- "How 9th Circuit Approaches 'Related Claims' Insurance Disputes," *Law360* (Mar. 13, 2019)
- "TCPA Insurance Claim Issues Continue to Evolve," *Law360* (Mar. 21, 2018)
- "Negotiating Conduct Exclusions in D&O and E&O Policies," *Corporate Board Member* (Nov. 8, 2017)

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