



# 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 has been recognized by \_\_\_\_\_ as a Rising Star for Insurance Coverage since 2015 and was named to the Insurance Coverage Litigation Center's editorial advisory board since 2020.

## 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 environmental services company in dispute over coverage for clean-up of 750+ contaminated sites nationwide; case ultimately settled for nearly 100% of the claimed loss.
- Represented petrochemical company in ongoing property and business interruption dispute arising from explosion at a chemical processing plant; won partial summary judgment and defeated three motions for partial summary judgment by insurers.
- Represented oil & gas company in ongoing confidential arbitration concerning D&O coverage for underlying Delaware securities actions.
- Represented numerous policyholders pursuing D&O coverage for the costs of complying with SEC and DOJ subpoenas and investigations; secured millions of dollars in defense costs reimbursements.
- Representing numerous real estate, hospitality, retail, healthcare and restaurant businesses in ongoing COVID-19 disputes.
- Represented management consultancy in E&O dispute arising from failed acquisition; policyholder prevailed on summary judgment and ruling was affirmed on appeal.
- Represented consumer products company 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

- Insurance Coverage Law Center (ICLC) Editorial Board for 2022
- Insurance Coverage Litigation Center Editorial Advisory Board, 2020 - Present
- *Super Lawyers* New York "Rising Star, 2015 - 2020

## Memberships and Affiliations

- Pennsylvania Bar Association

## Publications

- "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 9<sup>th</sup> 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)