

## Rising Star: Cohen Ziffer's Cindy Jordano

By Ganesh Setty

*Law360 (June 10, 2022, 2:02 PM EDT)* -- Cohen Ziffer Frenchman & McKenna LLP partner Cindy M. Jordano helped notch one of the first pro-policyholder pretrial wins in a COVID-19 business interruption suit and worked to settle a client's hacking coverage dispute despite little precedent guiding the way, earning her a spot among the insurance attorneys under age 40 honored by Law360 as Rising Stars.

### **WHY SHE'S AN INSURANCE RECOVERY ATTORNEY:**

Insurance law tends to "move toward motion practice very quickly," with lots of brief writing, Jordano said, adding that representing corporate policyholders allows her not just to approach her work from a litigation perspective but also from a business-minded one.

"These are corporations who view their insurance as really important business assets that they purchase to protect themselves against lawsuits, property damage or cyberattacks, or really any type of loss," Jordano said. "So I like working with those types of clients, figuring out how they can best protect themselves. And in the event they do suffer a loss, how they can maximize the insurance coverage that they paid so much [in] premiums for."

### **HER PROUDEST MOMENT AS AN ATTORNEY:**

Jordano said her proudest moment was her first evidentiary hearing, which was virtual during the middle of the pandemic.

"Our witnesses appeared over Zoom, the panel was over Zoom. I was probably a sixth-year associate at the time," she said. "This was my first time actually getting [to] finally direct and cross-examine a witness, which if you're a litigator and you want to be a trial attorney, that's sort of like the holy grail of experiences."

### **THE BIGGEST CASE OF HER CAREER:**

While it isn't necessarily the biggest in terms of dollar amount, Jordano said one of her most "cutting-edge" cases thus far is her representation of Thor Equities LLC in its ongoing COVID-19 business interruption coverage dispute with Factory Mutual Insurance Co. in the Southern District of New York.

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**RISING  
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**Cindy Jordano**  
Cohen Ziffer

**Age:** 33

**Home base:** New York

**Position:** Partner

**Law school:** New York University School of Law

**First job after law school:** Associate at Kasowitz Benson Torres LLP

In April 2021, U.S. District Judge Analisa Torres ruled that a contamination exclusion was ambiguous as to whether its use of "cost" rather than "loss" opened the possibility of business interruption coverage, or if the phrase "inability to use or occupy property" extended to loss of rental income. The decision has since been cited as authority in other cases, according to Jordano's firm.

"That was an important case for me because when COVID hit, it was really this huge unknown. There were so many policyholders who were facing these losses, and it was really fascinating to be on the frontline of that, helping policyholders figure out how their policies responded, answering questions during a time that was really tumultuous and there were a lot of uncertainties," Jordano said.

#### ***ANOTHER NOTABLE CASE:***

Jordano also represented Virtu Financial Inc. in its bid to gain insurance coverage over an \$11 million hacking incident in May 2020. Although Virtu's policy with Axis Insurance Co. provided up to \$10 million in coverage for losses stemming from computer fraud, the insurer maintained that only \$500,000 in coverage, subject to a \$250,000 deductible, was available under the policy's social engineering fraud provisions.

The case ultimately settled in February. Because insurance disputes on cyberattacks and data breaches are relatively new and have little precedent, Jordano said she had to look to other circuit precedent to bolster Virtu's case.

"In the Virtu case ... we were addressing an issue of causation and whether it was the hackers' actions that caused the loss, or whether it was the insured's personnel who caused the loss," she said.

"And we were drawing upon precedent that came out of the Second Circuit that dealt with a different type of cyberattack — that dealt not with hacking but with spoofing," Jordano continued. "So I sort of really enjoyed taking these well-settled principles of insurance law from other contexts and applying it to this case, especially because there's been so many developments in the cyber area particularly," she said.

#### ***ON THE FUTURE OF HER PRACTICE:***

In that same vein, Jordano predicted that in the next 10 years there will be more and more cyberattack coverage disputes.

"I think that it's an area that the insurance industry in general is evolving to keep up with, whether it's figuring out how certain existing policies respond to the loss or developing new policy provisions that explicitly address cyberattacks," Jordano said.

As for the legal industry writ large, Jordano said that while it's no direct replacement for in-person meetings, remote litigation isn't going anywhere.

"Before the pandemic, the gold standard was really to do things in person, to do hearings in person, to do depositions in person. This meant flying all around the country, going to the witnesses who you were deposing, going to these courts," she said. "I've done a trial over Zoom, I've done countless depositions over Zoom. I do oral arguments all the time over Zoom. I think that it's absolutely here to stay."

— *As told to Ganesh Setty*

*Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2022 Rising Stars winners after reviewing more than 1,350 submissions. Attorneys had to be under 40 as of April 30, 2022, to be eligible for this year's award. This interview has been edited and condensed.*

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