

## MVP: Cohen Ziffer's Adam Ziffer

By Josh Liberatore

*Law360 (September 9, 2022, 2:02 PM EDT)* -- Adam Ziffer of Cohen Ziffer Frenchman & McKenna LLP secured a win for Towers Watson in an \$80 million coverage dispute under a directors and officers policy, one of the many big-money decisions Ziffer's burgeoning firm has notched for its corporate clients, earning him a spot among Law360's 2022 Insurance MVPs.

### **WHY HE'S AN INSURANCE ATTORNEY:**

After law school, Ziffer started working at a litigation boutique where he handled a variety of matters. Several years later, in 1999, he moved to Dickstein Shapiro LLP, where he started working with now-longtime colleague, Robin Cohen. It was at Dickstein Shapiro, which ceased operating in 2016, that Ziffer found his calling in insurance law.

"It became evident to me very quickly after I started with Robin that this was the sweet spot that I was going to find my home in," he said.

Ziffer recognized the business advantages of specializing in a particular area of law early in his career, noting it helps attorneys distinguish themselves in the marketplace. Insurance, he said, offers an ideal blend of sophisticated and challenging cases as well as a constant exposure to new ideas.

"Insurance touches every industry, so every case is an opportunity to learn something new and to be introduced to a new business," he said. "That keeps it fresh, even though you're still falling back on the same insurance coverage expertise case after case."

### **HIS BIGGEST ACCOMPLISHMENT IN THE PAST YEAR:**

Ziffer recently has notched several multimillion-dollar litigation wins for policyholders in directors and officers disputes. In October, he secured a win for Towers Watson, with a Virginia federal judge finding insurers couldn't rely on a "bump-up" exclusion in \$80 million directors and officers policies to avoid covering the company for what it spent to settle proposed class actions related to its merger with Willis Group Holdings PLC.



He also helped Pfizer secure \$15 million in directors and officers coverage from an excess carrier, with a Delaware state court judge finding the pharmaceutical giant could tap its excess policy with U.S. Specialty Insurance Co. despite underlying insurers having settled for less than their policy limits. The dispute was headed to the Delaware Supreme Court on appeal, but Ziffer and his team closed the case with a favorable settlement in September 2021.

While he's proud of those highly publicized successes, Ziffer pointed to a multinational arbitration win he and his team secured for a client in unusual circumstances as his biggest achievement.

Due to the pandemic, key parts of the arbitration, which stretched as far as Brazil, took place over Zoom rather than in person. That forced Ziffer to move away from his comfort zone of being in the room with clients, witnesses and opposing counsel.

"I think one of the significant ways I distinguish myself is standing on my feet in a courtroom or in a conference room, really engaging interpersonally with the witnesses and the decision makers," he said.

Ziffer was concerned he wouldn't have that same pop in a video-chat setting. But he was able to adapt and deliver for his policyholder client.

While he wasn't able to share many specific details of the arbitration due to confidentiality reasons, Ziffer said he and his team recovered a judgment interest over the full limits of the policy, marking a total win in a less than ideal setting.

"Going to Zoom was not favorable," he said. "But we were still able to get a good result."

#### ***HIS BIGGEST CHALLENGE IN THE PAST YEAR:***

COVID has been vexing for attorneys everywhere, but especially for Ziffer and his co-partners — Robin Cohen, Kenneth H. Frenchman and Keith McKenna — who launched their insurance recovery law firm in January 2021 amid the worst of the pandemic.

The firm started with 12 lawyers and has quickly expanded to more than double that size with an impressive streak of landing big wins for blue-chip clients.

Ziffer mentioned the challenges of hiring new lawyers and creating a culture for the firm in the throes of a global pandemic.

"We're no longer in a world where everyone's in the same office with the same people four or five days a week for months on end," he noted.

And that has been a personal challenge for Ziffer, who loves face-to-face interaction.

"For me, one of the most compelling things about my practice is the relationships that I have with the people I work with," he said. "That's why I've been with my partners for over 20 years."

But Ziffer said the success he and his partners have had despite the pandemic has confirmed to all four that they made the right decision in starting their own firm.

"There's always a risk when you go out on your own, but to achieve the success that we have has been a nice source of pride for us," Ziffer said.

#### **WHAT MOTIVATES HIM:**

Not surprisingly, Ziffer is fueled by his firm's steady growth and its early success.

"What's motivating me now is really taking what we have and having the size of the firm fit the business that's coming in because we're super busy, and we've been understaffed since we've started," he said, adding that he is energized to keep the momentum going.

He also noted Cohen Ziffer is actively hiring as it eyes further expansion.

"There's a real great feeling about seeing the firm start to grow and come together consistent with the vision that we had for it," he said.

A litigator at heart, Ziffer is also excited to get back into the courtroom more and more as the pandemic wanes.

"I love the chess match of our litigations," he said. "I love the courtroom experience and it's starting to come back."

#### **HIS ADVICE FOR JUNIOR ATTORNEYS:**

Enthusiasm and a love for the work are key, Ziffer believes.

"I want associates who are interested in putting their own intellectual property out there," he said.

Ziffer stressed young attorneys should thoughtfully approach any task they're given, no matter how routine. They also shouldn't be afraid to make their thoughts known, even if their ideas conflict with those held by a more senior member of the team.

"We're most effective when we're most collaborative," Ziffer said. "Just because someone has been doing this for 25 years instead of 25 days, that doesn't mean that they've got a lock on the right answers."

— *As told to Josh Liberatore.*

*Law360's MVPs of the Year are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals, and complex global matters. A team of Law360 editors selected the 2022 MVP winners after reviewing more than 900 submissions.*