



# Joseph K. Scully

## Partner

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## Overview

Joseph Scully, an experienced litigator, primarily represents insurance companies in insurance coverage actions and reinsurance disputes. He has litigated coverage disputes in state and federal courts, including disputes arising from asbestos and other product liability claims, environmental losses, fire and other property damage, construction defects, and equipment breakdown claims. Joseph also has handled and tried disputes involving reinsurance claims before arbitration panels and in state and federal courts.

Joseph has tried complex civil disputes in courts throughout New England, as well as Delaware, Maryland, New York, Ohio and Texas. Clients seek out his experience taking matters to trial in state and federal courts and litigating numerous arbitrations through final hearings. He is also sought out for his handling of appeals before courts, including the First Circuit Court of Appeals and state appellate courts in Connecticut, Massachusetts, New York and Rhode Island.

Joseph has authored numerous articles and presented at industry conferences on a variety of cutting-edge insurance and reinsurance topics. He serves on the Board of the Greater Hartford Legal Aid Foundation and devotes significant pro bono hours working with the Connecticut Fair Housing Center.

Before entering private practice, Joseph served as a law clerk to The Honorable Edward F. Harrington, U.S. District Court for the District of Massachusetts.

## Experience

*No aspect of this advertisement has been approved by the highest court of any state. Prior results do not guarantee a similar outcome.*

Successfully argued appeal to First Circuit upholding trial court's dismissal of coverage dispute concerning underlying claims for trademark infringement under Coverage B

Court appointed *pro bono* counsel in bench trial challenging terms of confinement under the First Amendment

Tried to jury verdict asbestos coverage dispute in Delaware Superior Court involving claims for coverage exceeding \$50 million of coverage

## Practices & Industries

**Energy Litigation**

**Insurance & Reinsurance**

**Insurance and Reinsurance Disputes Litigation**

Represented ceding insurance company in series of reinsurance disputes in federal court in Connecticut and Ohio seeking reinsurance recovery arising from \$449 million asbestos settlement

Represented reinsurer in arbitration concerning allocation of environmental losses

Tried bench trial of successor liability claims and successfully defended judgment on appeal to Second Circuit

Briefed and argued appeal to Connecticut Supreme Court overturning trial court's finding of breach of contract involving significant issues related to Bankruptcy Code

Successfully prosecuted an interlocutory appeal resulting in the reversal of a trial court's denial of an insurer's motion for summary judgment on the basis that the plaintiff had signed a release of all its claims

Defended property insurer against multi-million dollar claim for business interruption losses in the Southern District of Texas

Briefed issue of first impression on significant insurance coverage issues on behalf of amicus curiae before the Connecticut Supreme Court

Defended equipment breakdown insurer in the United States District Court of Rhode Island against claims of breach of contract and bad faith arising from the denial of business interruption losses

Represented ceding company against claims by its reinsurers that the cedent's post-settlement allocation of losses was done in bad faith for the purposes of maximizing reinsurance recoveries

Represented a variety of life and disability insurers against breach of contract and unfair claims practices claims

Tried breach of fiduciary duty and theft of corporate opportunity claim against rogue corporate officer

Represented *pro bono* a fair housing center seeking compensatory damages and injunctive relief arising from landlord's discriminatory rental practices

## Education and Credentials

### Education

Harvard Law School, J.D., 1999

Fordham University, B.A., *summa cum laude*, 1996

### Admissions

State of Connecticut

Commonwealth of Massachusetts

State of Rhode Island

U.S. Court of Appeals for the First Circuit

U.S. Court of Appeals for the Second Circuit

U.S. District Court, District of Connecticut

U.S. District Court, District of Massachusetts

U.S. District Court, District of Rhode Island

U.S. District Court, Eastern District of Michigan

U.S. District Court, Southern District of New York

U.S. District Court, Southern District of Texas

## Affiliations

American Bar Foundation, Fellow  
AIDA Reinsurance and Insurance Arbitration Society (ARIAS-U.S.)  
Hartford County Bar Association  
Connecticut Bar Foundation, James W. Cooper Fellow  
Oliver Ellsworth Inn of Court  
American Bar Association  
Boston Bar Association  
Rhode Island Bar Association  
Defense Research Institute  
Federation of Defense & Corporate Counsel

## Recognition and Community

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## Recognitions

Chosen for inclusion in [Who's Who Legal USA](#) (Law Business Research Ltd), Insurance and Reinsurance, 2024  
Chosen for inclusion in the [Chambers USA Legal Directory](#) (Chambers & Partners) of recognized practitioners for Insurance in Connecticut, 2024-2025  
Chosen for inclusion in the [Chambers USA Legal Directory](#) (Chambers & Partners) of recognized practitioners for Litigation: General Commercial in Connecticut, 2014-2023  
Chosen for inclusion in [The Best Lawyers in America](#) (Woodward/White, Inc.), Insurance Law, 2017-2026, Reinsurance Law, 2020-2026  
Selected to the list of Connecticut [Super Lawyers](#)<sup>®</sup>, Insurance Coverage, Business Litigation, 2013-2025  
Recognized as a leading litigation practitioner in *Benchmark Litigation: The Definitive Guide to America's Leading Litigation Firms & Attorneys*, 2009-2015  
Selected to the list of Connecticut [Super Lawyers](#)<sup>®</sup> Rising Stars, 2010-2012

## Community Involvement

Greater Hartford Legal Aid Foundation, Board Member  
Connecticut Supreme Court Historical Society, Board of Editors, *Connecticut Supreme Court History*, 2006 - 2016  
Leadership Greater Hartford, *Quest* program, 2009  
Greater Hartford Legal Aid Foundation, Associates' Campaign, Co-Chair, 2006  
Ancient Order of Hibernians

Statewide political campaigns, Volunteer

## Insights

How to Cheat in Arbitration – Allegedly: Part II

Q2 2024

How to Cheat in Arbitration – Allegedly: Part I

Q4 2023

New York Court of Appeals Decision Clarifies Scope of N.Y. Ins. Law § 3420

November 29, 2017

First Circuit Requires District Court of Rhode Island to Justify Foreclosure Stay

June 24, 2013

## News

Chambers Recognizes Day Pitney with Elevated Rankings Across Practices and Attorneys

June 6, 2024

Day Pitney Partner Joseph Scully Named to Who's Who Legal List for Insurance & Reinsurance 2024

May 17, 2024

Day Pitney Partner Joseph Scully Named to Who's Who Legal List for Insurance & Reinsurance 2023

July 5, 2023

Chambers USA 2023 Ranks 35 Day Pitney Attorneys and 13 Practices

June 1, 2023

Chambers USA 2022 Ranks 34 Day Pitney Attorneys and 13 Practices

June 1, 2022

Chambers USA 2021 Ranks 31 Day Pitney Attorneys and 13 Practices

May 21, 2021

Chambers USA 2020 Ranks 34 Day Pitney Attorneys and 12 Practices

April 30, 2020

Chambers USA 2019 Ranks 38 Day Pitney Attorneys and 12 Practices

May 8, 2019

Chambers USA 2018 Ranks 39 Day Pitney Attorneys and 11 Practices

May 25, 2018

Chambers USA 2017 Ranks 41 Day Pitney Attorneys

May 26, 2017

87 Day Pitney Lawyers Named to 2016 Super Lawyers List

November 10, 2016

71 Day Pitney Lawyers Named to 2017 Best Lawyers List

August 15, 2016

Chambers USA 2016 Ranks 47 Day Pitney Attorneys

May 27, 2016

91 Day Pitney Lawyers Named to 2015 Super Lawyers List

October 30, 2015

Chambers USA 2015 Ranks 51 Day Pitney Attorneys

May 21, 2015

Eighty-Four Day Pitney Attorneys Recognized by Super Lawyers for 2014

November 3, 2014

Chambers USA 2014 Ranks 46 Day Pitney Attorneys

May 23, 2014

Eighty-eight Day Pitney Attorneys Recognized by *Super Lawyers* for 2013

October 22, 2013

Ninety-eight Day Pitney Attorneys Recognized by *Super Lawyers*

October 22, 2012

## In The Media

1st Circ. Brushes Off Dental Co.'s Insurance Claim For TM Suit

Law360, July 3, 2019

Defense Counsel, In-House Counsel, and the Many Carriers: Ethical Concerns About the Ultimate Privilege

November 2, 2017

Insurance Coverage and Business Liability Claims

December 9, 2015

Moderator, "Reinsurance Roundtable 2014," HB Litigation Conferences, New York, NY, September 15, 2014

September 15, 2014

Insurance Law: State Supreme Court's Capstone Decision Addresses Key Topics

Connecticut Law Tribune, November 26, 2013

Market-Based Reforms: New and Emerging Arbitration Clauses

2010 Spring Conference of AIDA Reinsurance and Insurance Arbitration Society, ARIAS-U.S., May 2010