



## Daniel L. FitzMaurice

*Partner*

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### OVERVIEW

Daniel "Dan" FitzMaurice represents clients in trials, arbitrations, and appeals of complex commercial disputes, with an emphasis on matters involving insurance and reinsurance, corporate, banking, franchise, and financial transactions. He has tried numerous cases in state and federal courts across the United States for both domestic and foreign entities. Dan has also handled appeals before the U.S. Courts of Appeals for the Second, Third, Ninth and District of Columbia circuits, as well as the Connecticut Supreme Court.

Dan has represented ceding companies and reinsurers in difficult reinsurance litigation across a wide range of legal issues, including:

- Property-casualty insurance
- Surety
- Mortgage insurance
- Financial guaranty
- Life insurance
- Annuities
- Health insurance
- Disability insurance
- Long-term care

Dan is actively engaged in AIDA Reinsurance and Insurance Arbitration Society, ARIAS-U.S., having served on the Board of Directors and as chair, and as a member and co-chair of the Arbitration Task Force. He currently serves on the Forms and Procedures Committee and Member Services Committee of ARIAS-U.S. Dan also publishes and speaks frequently on issues relating to reinsurance, financial services, and trial practice.

After law school, Dan was law clerk to The Honorable Myron H. Bright, U.S. Court of Appeals for the Eighth Circuit.

## **EXPERIENCE**

*Prior results do not guarantee a similar outcome.*

Represented ceding companies as trial counsel in a multi-phase arbitration involving disputes with a reinsurer concerning more than forty treaties with well over \$500,000,000 in ceded premiums and losses

Represented a reinsurer in an arbitration with a cedent over the propriety of aggregating separate losses to fulfill the cedent's retention under four excess cessions treaties. The U.S. District Court for the Southern District of New York confirmed the award in favor of the reinsurer

Represented an insurance company in successful litigation against its insured to recover loss-sensitive premiums

Represented insurance companies and brokers in connection with investigatory subpoenas from state regulators and the Connecticut Attorney General

Defended an insurance company in a purported class action involving allegations of improper claims handling

Defended a healthcare consulting firm in multimillion-dollar litigation involving capitated rates for Medicaid recipients participating in managed care

Represented international reinsurers in disputes with ceding companies over claims handling, notice, and cooperation

Represented a ceding company in contractual and actuarial disputes with its reinsurer with regard to long-term care policies

Represented insurers and healthcare companies in insurance regulatory proceedings to obtain permission to acquire control of a managed care company based in Connecticut

Represented a national bank and its operating subsidiary in the first suit in which a U.S. Court of Appeals determined that federal law preempts state regulatory and visitorial authority over the subsidiary of a national bank.

Represented a surety company in recovering substantial sums from reinsurers with regard to advance payment supply bonds

Defended a workers' compensation insurer against claims of bad faith, arguing successfully in the Connecticut Supreme Court that the Workers' Compensation Act provided the exclusive remedy for plaintiff's allegations.

Represented a national bank in its successful challenge to efforts by the State of Connecticut to prohibit ATM fees

Advised a multinational manufacturer with regard to insurance-related litigation pending in the United States, England, and France

Represented a life and health insurer in obtaining substantial sums from a reinsurer that had challenged the cedent's claims handling and financial administration

## SERVICES

**APPELLATE PRACTICE**

**LITIGATION**

## INDUSTRIES

**INSURANCE AND REINSURANCE**

**INSURANCE AND REINSURANCE DISPUTES**

## INSIGHTS

**HOW TO CHEAT IN ARBITRATION – ALLEGEDLY: PART I**

Co-author, Q4 2023

**"DO CHEATERS NEVER PROSPER: SUGGESTIONS FOR CURBING ABUSES IN ARBITRATION," ARIAS-U.S. FALL CONFERENCE**

Presenter, November 10, 2023, ARIAS-U.S. Fall Conference

**CONNECTICUT INSURANCE DEPARTMENT ISSUES BULLETIN IC-43, REPEALING AND REPLACING EARLIER GUIDANCE ON INFORMATION DATA SECURITY LAW COMPLIANCE**

Co-author, February 11, 2021, *Day Pitney Alert*

**NEW YORK COURT OF APPEALS DECISION CLARIFIES SCOPE OF N.Y. INS. LAW § 3420**

Co-author, November 29, 2017, *Day Pitney Alert*

**IMPROVING ARBITRATION BY BORROWING FROM RECENT AMENDMENTS TO RULES OF LITIGATION**

Co-author, May 17, 2016, *ARIAS U.S. Quarterly*

## NEWS

**CHAMBERS USA 2023 RANKS 35 DAY PITNEY ATTORNEYS AND 13 PRACTICES**

Featured, June 1, 2023, *Day Pitney Press Release*

**CHAMBERS USA 2022 RANKS 34 DAY PITNEY ATTORNEYS AND 13 PRACTICES**

Featured, June 1, 2022, *Day Pitney Press Release*

## **CHAMBERS USA 2021 RANKS 31 DAY PITNEY ATTORNEYS AND 13 PRACTICES**

Featured, May 21, 2021, *Day Pitney Press Release*

## **CHAMBERS USA 2020 RANKS 34 DAY PITNEY ATTORNEYS AND 12 PRACTICES**

Featured, April 30, 2020, *Day Pitney Press Release*

## **ESTABLISHING AND MAINTAINING AN ARBITRATION PRACTICE**

Featured, September 9, 2019, *ARIAS?U.S.*

## **EDUCATION AND CREDENTIALS**

### **EDUCATION**

University of Michigan Law School, J.D.

University of Connecticut, B.S.

### **ADMISSIONS**

State of Connecticut

### **AFFILIATIONS**

AIDA Reinsurance and Insurance Arbitration Society (ARIAS-U.S.)

American Bar Association

American Bar Association

Connecticut Bar Association

Hartford County Bar Association

Oliver Ellsworth Inns of Court

## **RECOGNITION AND COMMUNITY**

### **RECOGNITION**

*No aspect of these advertisements has been approved by the highest court of any state. See **Awards Methodology**.*

Chosen for inclusion in *The Best Lawyers in America* (Woodward/White, Inc.), Appellate Practice, 2023-2024, Commercial Litigation, 2023-2024

Chosen for inclusion in the *Chambers USA Legal Directory* (Chambers & Partners) of recognized practitioners for Litigation: General Commercial, 2008-2023

Selected to the list of Connecticut *Super Lawyers* (Thomson Reuters), Insurance Coverage, 2006-2019

Recognized as a leading litigation practitioner in *Benchmark Litigation: The Definitive Guide to America's Leading Litigation Firms and Attorneys*

AV Preeminent rated by *Martindale-Hubbell* (LexisNexis)

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## **COMMUNITY**

Board of trustees, Nutmeg Big Brothers/Big Sisters