



PRACTICE FOCUS

Jay M. Levin is an insurance recovery attorney and serves as the chair of the firm's Insurance Recovery practice group in the Philadelphia office. He focuses his practice on representing policyholders in disputes with insurance companies involving all types of insurance coverage. Jay has extensive litigation experience in multi-million dollar property insurance coverage cases, including suits involving policy construction and application, cause and origin, valuation, and business interruption issues. He has assisted clients in successfully resolving eight and nine figure Hurricane Katrina and Superstorm Sandy cases without litigation, and successfully representing other policyholders in litigating Katrina and Sandy cases. Jay represents financial institutions and other commercial policyholders in claims arising under fidelity and crime policies, including claims arising out of defaulted mortgages and employee embezzlement. He has also litigated significant professional liability and general liability coverage cases. In the Directors and Officers liability area, Jay actively works with clients to resolve all types of disputes, including application of exclusions and allocation issues. Jay has also arbitrated cases before the American Arbitration Association and in private binding arbitration. Most of his litigated cases involve allegations of bad faith and he is well-versed in that area, as well.

Jay is an experienced appellate lawyer with over thirty years of experience in briefing and arguing appeals in state and federal court. In addition to insurance coverage cases, Jay has argued cases involving indemnity agreements, case dispositive procedural issues, tort liability and criminal law.

Jay also counsels policyholders in non-litigation contexts. He analyzes coverage after a loss has occurred or claim has been made to assist policyholders in presenting the claim to the insurance carrier. He assists policyholders in responding to inquiries and in pointing out errors in the carrier's coverage position in order to avoid litigating insurance claims, including, *inter alia*, first-party, professional liability, EPL, D & O, fidelity, crime, and general liability claims. Jay also counsels clients and evaluates coverage in connection with policy renewals, primarily in property, D&O and professional liability insurance.

"My goal is to resolve disputes with insurers before litigation. If my policyholder clients have to sue I am prepared to take it all the way."

— Jay Levin

PUBLICATIONS

Jay is an editor and contributing author of the Property Insurance Litigator's Handbook. The first edition was published by the American Bar Association in 2007. The second edition was published by the ABA in 2013.

- "Recent Developments In Property Insurance Coverage Litigation" co-editor Tort Trial & Insurance Practice Law Journal (Winter 2018)
- "Recent Developments In Property Insurance Coverage Litigation" co-editor Tort Trial & Insurance Practice Law Journal (Winter 2017)
- "The Clock is Ticking" Continuity Magazine (May 2016 issue)
- "3rd Circ. Says Insurers Can't Evade Defense Obligations" Law360 (March 7, 2016)
- "Recent Developments In Property Insurance Coverage Litigation" co-editor Tort Trial & Insurance Practice Law Journal (Winter 2016)
- "'Decay' Includes Gradual Deterioration" IRMI (July 2015)
- "Send Your Reservation Of Rights To The Right Person" Law360 (June 25, 2015)
- "Recent Developments In Property Insurance Coverage Litigation" co-editor Tort Trial & Insurance Practice Law Journal (Winter 2015)
- "Builders Risk Policies: Are You Really Covered?" IRMI (August 2014)
- "Insurable Interest and Having Enough Skin in the Game" IRMI (March 2014)
- "Coverage Endorsements: Is Your Company Carefully Reviewing Policy Changes and Correspondence with Insurance Companies and Brokers?" IRMI (Winter 2014)
- "Recent Developments in Property Insurance Coverage Litigation" Tort Trial & Insurance Practice Law Journal (49:1) (Fall 2013)

JAY M. LEVIN

Principal and Chair of the Insurance Recovery Practice, Philadelphia

PRACTICE AREAS

- Commercial Litigation
- Insurance Recovery

EDUCATION & ADMISSIONS

- University of Pennsylvania Law School, 1981, J.D.
- University of Pennsylvania, 1977, A.B.
- Pennsylvania
- New Jersey
- New York
- District of Columbia
- U.S. Supreme Court
- U.S. Court of Appeals - Second Circuit
- U.S. Court of Appeals - Third Circuit
- U.S. District Court - Eastern District of Pennsylvania
- U.S. District Court - Middle District of Pennsylvania
- U.S. District Court - Western District of Pennsylvania
- U.S. District Court - District of New Jersey
- U.S. District Court - Southern District of New York
- U.S. District Court - Eastern District of New York
- U.S. District Court - District of

Columbia

- U.S. District Court - Eastern District of Michigan

ACTIVITIES

- Member of the CGL Reporter Editorial Board (2016)
- Member of the Insurance Editorial Advisory Board (2015 & 2016)
- Former chair of the ABA TTIPS Property Insurance Law Committee
- Active member of the ABA Section of Litigation Insurance Coverage Litigation Committee

- "Property Insurance Litigator's Handbook, Second Edition" co-editor American Bar Association (2013)
- "Consequential Damages Resulting from an Insurer's Breach of Contract" ABA TIPS Brief, Vol. 41 No. 4 Edition (Summer 2012)
- "Law Firm & Client Mergers: How to Comply with Ethical Requirements During a Transition" American Bar Association Tort Trial & Insurance Practice Session (Winter 2011)
- "Recent Developments In Property Insurance Law" Tort Trial & Insurance Practice Law Journal (Spring 2011)
- "Balancing the Model Roles and Zealous Advocacy: Don't Step Over That Line" American Bar Association Tort Trial & Insurance Practice Session (Spring 2010)
- "Replacement Cost Policies and the Dangers When an Insurance Company Refuses to Pay Actual Cash Value" Lexis Nexis (2010)
- "Does a Patch Need to Match? Understanding 'Like Kind and Construction' in the Wake of Greene v. USAA" The Insurance Coverage Law Bulletin, Vol. 7, No. 8 (September 2008)
- "Recent Developments in Property Insurance Law" Tort Trial & Insurance Practice Law Journal (Spring 2008)
- "Recent Developments in Property Insurance Law" 42 TTIPS Law Journal 673 (2007)
- "Is Defective Workmanship an Occurrence?" 5 Insurance Coverage Law Bulletin (October/November 2006)
- "Recent Developments in Property Insurance Law" 41 TTIPS Law Journal 685 (2006)
- "Recent Developments in Property Insurance Law" 39 TTIPS Law Journal 719 (2004)
- "The Importance of an Opening in an Appellate Argument: A Case Study" Certworthy (DRI Appellate Advocacy Committee Newsletter) (Winter 2000)
- "The Scope of Discovery in Bad Faith Actions: How Far Can You Go?" The Legal Intelligencer Litigation Quarterly (August 28, 2000)

SPEECHES & SPEAKING ENGAGEMENTS

He frequently speaks on insurance coverage and has spoken at dozens of programs sponsored by, *inter alia*, the ABA, American Conference Institute, PLI, Mealey's, the Pennsylvania Bar Institute, the Urban Land Institute, and other organizations. He was the 2007-2008 Chair of the TTIPS Property Insurance Law Committee.

- "Insurance Coverage Update: COVID-19 and ADR Solutions" JAMS Complimentary Webinar, *Webinar* (May 7, 2020)
- "The History of Property Insurance: From Boats to Blockchain" Property Insurance Law Committee Spring CLE Conference, *Seminar, Austin, TX* (May 9, 2019)
- "I Will Survive! Overcoming Daubert Challenges" Litigation Section Insurance Coverage Litigation Committee, *Seminar, Tucson, AZ* (March 2, 2019)
- "I Will Survive! Overcoming Daubert Challenges" Property Insurance Law Committee Spring CLE Conference, *Seminar, Nashville, TN* (March 1-3, 2018)
- "Payback: When Is The Insurance Company Entitled to Repayment?" Property Insurance Law Committee Mid-Year Meeting, *Seminar, Nashville, TN* (April 8, 2017)
- "Over-Zealous Advocacy: How You Can Hurt Your Case Without Crossing the Line" Offit Kurman CLE, *Seminar, Philadelphia, PA* (March 16, 2017)
- "Employment Practices Insurance Coverage-What is it and What does it Cover?" ABA Section of Litigation Roundtable, *Teleseminar* (January 27, 2016)
- "Insurance Coverage for Business Torts" PBI Business Institute, *Seminar, Philadelphia, PA* (November 4, 2015)
- "The Art and Ethics of Negotiation" ABA TIPS Property Insurance Law Committee, *Seminar, San Antonio, TX* (May 10, 2015)
- "Conditions Under a Property Insurance Policy" Thompson Reuters, *Webinar, Philadelphia, PA* (December 18, 2014)
- "How to Determine the Insured Amount of a Property Loss" Thompson Reuters, *Webinar, Philadelphia, PA* (August 13, 2014)
- "Recent Developments of What Is A 'Loss' Under D&O and Professional Liability Coverages" *Webinar* (June 12, 2014)
- "Flood Exclusions" *Seminar, New York, NY* (May 9, 2014)
- "Enforcing Arbitration, Appraisal and Other Awards" ABA TIPS, *Seminar, Carlsbad, CA* (April 26, 2014)
- "Communicating With Insurers: How to Minimize Disputes While Setting the Stage to Maximize Recovery" RIMS Seminar, *Houston, TX* (January 15, 2014)
- "Causation: How to Determine What Caused a Property Insurance Loss" Thompson Reuters, *Webinar* (July 16, 2013)
- "Superstorm Sandy-Eight Months Later" and "Broker ESO Implications" HarrisMartin's Superstorm

- Sandy Insurance Coverage Litigation Conference, InterContinental New York Barclay, *Seminar, New York, NY* (June 26, 2013)
- "Direct Physical Loss: What Is It and When Does It Take Place?" West LegalEdcenter, *Webinar* (April 23, 2013)
 - "Best Practices in Pre-Trial Litigation in the Federal Courts" Pennsylvania Bar Institute, *Seminar* (March 14, 2013)
 - "Recovery of Consequential Damages Resulting from an Insurer's Breach of Contract" ABA Conference, *Seminar, Tucson, AZ* (March 3, 2012)
 - "Builders Risk Coverage: The Different Rights of the Developer and the Contractors" First Party Claims Conference, *Seminar, Providence, RI* (October 18, 2011)
 - "Recovery of Consequential Damages Resulting From an Insurer's Breach of Contract" ABA TIPS Property Insurance Law Committee, *Seminar, Orlando, FL* (April 30, 2011)
 - "Litigation Issues and Strategy in D&O Liability Insurance Coverage" Pennsylvania Bar Institute, *Seminar, Mechanicsburg, PA* (June 4, 2010)
 - "Litigation Issues and Strategy in D&O Liability Insurance Coverage" Pennsylvania Bar Institute, *Seminar, Philadelphia, PA* (May 21, 2010)
 - "Ethical Issues Involved In Firm and Client Mergers" ABA TIPS Property Insurance Law Committee, *Seminar, San Francisco, CA* (April 29-May 1, 2010)
 - "Over-Zealous Advocacy: How You Can Hurt Your Case Without Crossing the Line" ABA TIPS Property Insurance Law Committee, *Seminar, Austin, TX* (May 16, 2009)
 - "Current Issues In Legal Malpractice Insurance" Pennsylvania Bar Institute Claims Made and Professional Liability Coverage Program, *Seminar, Philadelphia, PA* (August 22, 2008)
 - "Current Issues In Legal Malpractice Insurance" Pennsylvania Bar Institute Claims Made and Professional Liability Coverage Program, *Seminar, Pittsburgh, PA* (August 12, 2008)
 - "Recoupment of Defense Costs" and "Trigger of Business Interruption Coverage" Mealey's Teleconference on the Top 5 Issues Facing the Insurance Industry, *Teleseminar* (July 8, 2008)
 - "What is Covered? Property Insurance Policy Insuring Agreements" ABA TIPS Property Insurance Law Committee, *Teleseminar* (April 22, 2008)
 - "Handling Experts: How to Properly Disclose Experts Without Losing Your License and Being Sued for Malpractice" Litigation Section Insurance Coverage Litigation Committee Mid-Year Meeting, *Seminar, Tucson, AZ* (2007)
 - "What You Don't Know Will Hurt You" International IT Law Summit: IT/IP Insurance, *Seminar* (June 7, 2007)
 - "When Must a Property Insurer Pay a Claim" ABA TIPS Property Insurance Law Committee, *Seminar, Amelia Island, FL* (April 21, 2007)
 - "Must an Excess Insurer Prove Prejudice Before Denying Coverage Based on Breach of a Policy Condition" ABA Litigation Section Meeting, Insurance Coverage Litigation Committee Mid-Year, *Seminar, Tucson, AZ* (March 3, 2007)
 - "Insurance Issues Every Lawyer Needs to Know" National Constitution Center Audio Conference, *Teleseminar* (February 20, 2007)
 - "Insurance Issues for Condominium Development" Urban Land Institute, *Seminar, San Francisco, CA* (January 30, 2007)

HONORS & AWARDS

- Listed in Chambers USA, Insurance, 2016-2020
- Ranked as a Band 1 lawyer in Insurance - Pennsylvania, Chambers USA, 2015-2020
- Recognized as one of the Best Lawyers in America for Insurance Law 2006-2021
- Selected for inclusion in *Pennsylvania Super Lawyers**

**Jay Levin was selected to the 2004-2006 and 2008-2020 Super Lawyers list. The Super Lawyers list is issued by Thomson Reuters. A description of the selection methodology can be found [here](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*