



# James M. Westerlind

PARTNER

James focuses primarily on life settlement disputes on behalf of investors in the secondary and tertiary markets.



## Industries

Transportation & Mobility  
— Automotive

## Practices

Complex Litigation  
Privacy & Data Security  
Insurance & Reinsurance

## Education

St. John's University School of Law, JD, cum laude, 2001

State University of New York at Stony Brook, magna cum laude, 1997

## Offices

New York

## Phone

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## Email

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James has been involved in the life settlements industry since the mid-2000s, starting with legal issues with programs being created in that timeframe, and later in litigation on behalf of investors and agents in this niche area.

James' practice also focuses on resolving insurance and reinsurance disputes, including insurance and reinsurance coverage issues on behalf of policyholders and carriers. James has also represented brokers, agents, and MGAs in disputes with insurance and reinsurance carriers.

James has substantial first- and second-chair litigation experience in state and federal trial courts across the country, and arbitrations, representing plaintiffs and defendants in insurance and noninsurance disputes. In addition to insurance litigation, he has defended a number of prominent US companies in product liability actions. He has also defended toxic tort cases.

James also represents auto dealers in franchise disputes with auto manufacturers in various federal and state actions and administrative proceedings.

James has also taken the lead in a number of appeals in the New York State Supreme Court, First and Second Judicial Departments, and the Second, Ninth, and Eleventh Circuits of the US Courts of Appeals.

James has devoted a substantial portion of his time to *pro bono* matters, including not-for-profit public interest endeavors and family court litigation. In fact, James is a recipient of the ArentFox Schiff Albert E. Arent Award for outstanding *pro bono* achievement (Fall 2013) and the Commitment to Justice Award (February 2014) from Her Justice, a nonprofit organization devoted to helping women in need. In addition, he was a member of the Insurance Law Committee of the New York City Bar Association, where he assisted in shaping New York insurance law and public policy in an effort to help the public and the profession.

## Client Work

James' recent matters have included:

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James second-chaired a successful jury trial in Florida federal court in an alleged stranger-originated life insurance (STOLI) civil action captioned, *Steven A. Sciaretta, as trustee of the Barton Cotton Irrevocable Trust v. The Lincoln Life Ins. Co.*, No. 9:11-cv-80427 (S.D. Fla.).

- Representation of auto dealers on Long Island in an add-point dispute against Audi of America.
- Representation of an auto dealer on Long Island in a facility renovation dispute against Audi of America.
- Representation of auto dealers in Westchester in a lawsuit against Jaguar Land Rover North America, LLC.
- Representation of Beck Chevrolet in both DMV and federal lawsuit proceedings against General Motors LLC.
- Representation of products manufacturers and retailers in defending product liability lawsuits.
- Representation of a school that employs teachers abroad in an action against an insurer that provided insurance coverage for the school's employee benefits package, where the insurer misrepresented its financial ability to underwrite the insurance program, abruptly stopped paying health insurance claims made by the teachers under the insurance program and absconded with millions of dollars in premiums paid under the program.
- Representation of a Long Island co-op in a lawsuit by one of its tenants / shareholders alleging bodily injuries and property damage from exposure to toxic mold in her unit.
- Representation of agent and insurance company in workers' compensation reinsurance fronting arrangement.
- Representation of Fortress Re, a reinsurance pool managing general agent, and its principals in a \$1 billion fraud action and arbitration commenced by its Japanese pool members.

## Previous Work

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Prior to joining ArentFox Schiff, James was an associate in the New York office of a large law firm.

## Publications, Presentations & Recognitions

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James' recent presentations include:

- Panelist at European Life Settlement Association Secondary Life Markets Conference presenting on Litigation in the Life Settlement Market in Zurich, Switzerland on September 15, 2025
- Panelist at Life Insurance Settlement Association Annual Conference presenting on Insurable Interest Litigation in Miami, Florida on October 25, 2024
- Panelist at Fasano 18<sup>th</sup> Annual Longevity Conference presenting on Legal and Regulatory Outlook in Washington, DC on November 1, 2021
- Panelist in the Expert Webcast discussion "[Insurance Implications of the Pandemic for Your Company](#)" on December 3, 2020
- Panelist in the "[AF COVID-19 Podcast: Business Interruption Coverage, Do You Have a Claim?](#)" on April 3, 2020
- Panelist in the Expert Webcast discussion "[Mitigating Cyber Issues in M&A](#)" on September 26, 2017
- Panelist in [presentation on data breach litigation](#) at the 2016 ABA annual meeting.
- Panelist in the Expert Webcast discussion "[Crisis and Risk Management for Boards of Directors, Management and General Counsel](#)" on August 4, 2016
- Panelist in the Expert Webcast discussion "[What Companies, General Counsel and Their Advisors Need to Know About Cybersecurity, Privacy and Data Management](#)" on May 19, 2016
- Panelist in the Expert Webcast discussion "[Cybersecurity Issues in M&A](#)" on February 4, 2016

James' recent published works include:

- "[Massachusetts High Court Finds COVID-19 Income Loss Excluded From "All-Risk" Business](#)

[Insurance Policies,](#)” April 2022

- [“Recent Proposed State Legislation Concerning Business Interruption Coverage for COVID-19 Claims,”](#) April 2020
- [“Key Exclusions That Can Limit Your Insurance Coverage For COVID-19,”](#) March 2020
- [“Event Cancellation Insurance In The Age Of COVID-19,”](#) March 2020
- [“New York Requests Preparedness Plans to Manage COVID-19 Risk,”](#) March 2020
- [“COVID-19 and WC Claims: The Facts Are Key, But Employees Face A Significant Evidentiary Burden,”](#) March 2020
- [“State Legislative and Insurance Regulatory Responses to COVID-19 – Maryland ,”](#) March 2020
- [“Is There Civil Authority Coverage for COVID-19 Claims? ,”](#) March 2020
- [“Making and Documenting a COVID-19 Contingent Business Insurance Claim ,”](#) March 2020
- [“Is There Business Interruption Coverage for Coronavirus Under an Insurance Policy? ,”](#) March 2020
- [“Coronavirus Impacts: What Insurance Coverage May Be Available ,”](#) March 2020
- [“Survey of Data Breach Notification Statutes ,”](#) September 2019
- [“Cyber Phishing Scams: Do You Have Coverage? – Part II ,”](#) Privacy & Cybersecurity Law Report, September 2018
- [“Cyber Phishing Scams: Do You Have Coverage? – Part I ,”](#) Privacy & Cybersecurity Law Report, July/August, 2018
- [“Second Circuit Affirms Big Win for Life Settlement Investor ,”](#) *FC&S Legal: The Insurance Coverage Law Information Center*, July 25, 2018
- [“Cyber Phishing Scams: Do You Have Coverage? - Part I ,”](#) *Pratt’s Privacy & Cybersecurity Law Report*, July/August 2018
- [“‘Disgorgement’ Payments May Be Insurable In NY ,”](#) *Law360*, July 2018
- [“Stop the Bleeding: Challenging The Manufacturers’ Control of Dealers Through Incentives ,”](#) *DEFENDER, National Association of Dealer Counsel*, September 2017
- [“Data Breach Class Action Lawsuits: First Response for Defense - Motion to Dismiss for Lack of Standing ,”](#) *Pratt’s Privacy & Cybersecurity Law Report*, January 2017
- [“Privacy, cybersecurity, connected cars and driverless vehicles ,”](#) *Westlaw Journal Automotive*, November 29, 2016
- [“The Board’s Cybersecurity Responsibility ,”](#) *RIMs*, May 2016
- [“Careful Negotiations Reduce Risk of Being Held to Cyber Ransom ,”](#) *Business Insurance*, May 2016
- [“Captive Insurance Companies: An Alternative Risk Transfer Vehicle ,”](#) *Financier Worldwide*, March 2016
- [“Cyber Insurance: What Are You Buying? ,”](#) *Mealey’s Emerging Insurance Disputes*, January 2016  
[Download a PDF](#)
- [“Caveat Manufacturer: A Basic Guide for Non-U.S. Manufacturers and Distributors to Understand the Judicial System and Products Liability Law in the United States ,”](#) 2014  
[Download a PDF](#)
- [“Survey of Damage Laws of the 50 States including the District of Columbia and Puerto Rico ,”](#) co-authored with Elliott M. Kroll, 2012  
[Read on Issue](#) | [Download a PDF](#)
- [“Insurance Coverage For Lanham Act Claims Under Section B Of Standard CGL Policies ,”](#) *Mealey’s Emerging Insurance Disputes*, August 2011
- [“The Preclusive Effect Of Arbitration Awards ,”](#) *Mealey’s Litigation Report Reinsurance*, August 2010
- [“Blowing the Cobwebs Off Trademark Infringement Insurance ,”](#) *INTA Bulletin*, co-authored with Barry Werbin, September 2008

## Professional Activities

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— American Bar Association

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### Bar Admissions

[New York](#)

[Connecticut](#)

[Florida](#)

[Texas](#)

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### Court Admissions

[US District Court, Eastern District of Michigan](#)

[US District Court, Eastern District of New York](#)

[US District Court, Southern District of New York](#)

[US District Court, Western District of New York](#)

[US Court of Appeals, 2nd Circuit](#)

[US Court of Appeals, 9th Circuit](#)

[US Court of Appeals, 11th Circuit](#)