ArentFox Schiff LLP
Attorneys

James M. Westerlind

PARTNER

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



Industries

Automotive & Transportation
— 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

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James M. Westerlind is a partner in ArentFox Schiff's New York office and a recognized authority in life settlement disputes, insurance and reinsurance litigation, and complex commercial matters. He has been at the forefront of the life settlements industry since the mid-2000s, representing investors, agents, and other stakeholders in the secondary and tertiary markets through high-stakes litigation involving insurable interest challenges, stranger-originated life insurance (STOLI) disputes, and related coverage controversies.

James brings substantial trial and appellate experience across state and federal courts nationwide, having served as both first and second chair in jury trials, evidentiary hearings, and arbitrations. Among his notable trial achievements, he second-chaired a successful jury trial in the Southern District of Florida in *Sciaretta v. Lincoln Life Insurance Co.*, where the jury returned a verdict finding the life insurance policy valid and enforceable despite findings of material misrepresentations and a civil conspiracy to engage in a STOLI scheme. He has also played a central role in appellate matters before the New York State Supreme Court (First and Second Judicial Departments) and the Second, Ninth, and Eleventh Circuits of the U.S. Courts of Appeals. His appellate work includes co-authoring the briefing in the landmark Second Circuit decision in *AEI Life LLC v. Lincoln Benefit Life Co.*, which established persuasive and binding authority on conflict of laws, incontestability, and bona fide purchaser protections in the life settlement space, and more recently in arguing an appeal before the Eighth Circuit in *Wells Fargo Bank, N.A., as Securities Intermediary v. Ameritas Life Insurance Corp.*

Beyond life settlements, James maintains a broad insurance and reinsurance practice, representing policyholders, carriers, brokers, agents, and managing general agents in complex coverage disputes. His insurance work has extended into emerging areas such as cyber insurance, business interruption coverage, and pandemic-related claims, where he has authored numerous widely cited publications and served as a frequent panelist on topics including cybersecurity risks in M&A, data breach litigation, and COVID-19 insurance issues. Notable representations also include the defense 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.

James also represents automotive dealers in franchise disputes with manufacturers in federal and state courts and administrative proceedings, including add-point and facility renovation disputes against major brands. His litigation experience additionally encompasses the defense of prominent U.S.

companies in product liability actions and toxic tort cases.

A respected voice in the life settlement industry, James was elected to the Board of Directors of the Life Insurance Settlement Association (LISA) in October 2025. He is a frequent speaker at leading industry conferences, including the European Life Settlement Association Secondary Life Markets Conference in Zurich, the LISA Annual Conference, and the Fasano Annual Longevity Conference. He is a prolific author, with published works spanning life settlement litigation developments, cyber insurance coverage, data breach notification, and business interruption law.

James is deeply committed to pro bono service, having devoted substantial time to not-for-profit public interest work and family court litigation. He is a recipient of the ArentFox Schiff Albert E. Arent Award for Outstanding Pro Bono Achievement (2013) and the Commitment to Justice Award (2014) from Her Justice, a nonprofit organization dedicated to providing legal assistance to women in need. He has also served as a member of the Insurance Law Committee of the New York City Bar Association, where he contributed to shaping New York insurance law and public policy.

Prior to joining ArentFox Schiff, James was an associate in the New York office of large, prominent regional law firm with his current insurance team. He earned his J.D. *cum laude* from St. John's University School of Law in 2001, where he served as Associate Managing Editor of the *St. John's Journal of Legal Commentary*. He received his B.A. *magna cum laude* from the State University of New York at Stony Brook in 1997, where he was inducted into Phi Beta Kappa and the Golden Key National Honor Society. James is admitted to practice in New York, Connecticut, Florida, and Texas, as well as before multiple federal district and appellate courts.

Client Work

James' recent matters have included:

- 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

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

Publications, Presentations & Recognitions

James' recent presentations include:

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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 18th 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:

- "Q&A: James Westerlind, Partner, ArentFox Schiff." June 2026
- "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
- "'Disgorgment' 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

- American Bar Association
- European Life Settlement Association (ELSA), Executive Committee (effective January 1, 2027)
- Life Insurance Settlement Association (LISA), Board of Directors Member (three-year term effective 1/1/26)

Bar Admissions

New York
Connecticut
Florida
Texas

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