

# Jeanne M. Kohler

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CONNECT

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## Overview

Jeanne Kohler represents U.S. and international insurers and reinsurers in complex commercial litigation and arbitrations, including complex insurance coverage disputes and reinsurance matters. She regularly represents and counsels insurers, cedents, reinsurers, and retrocessionaires on claims, coverage, and regulatory issues across all lines of business.

Jeanne is the co-chair of the firm's reinsurance division. She has represented insurers and reinsurers in numerous litigations, mediations, and arbitrations in the property and casualty and life and health sectors with respect to a variety of issues. She has also represented insurers, brokers, third-party administrators, and managing general agents and underwriters in disputes. In addition, she has counseled clients and acted on their behalf in (re)insurer insolvency proceedings.

Jeanne also has extensive experience drafting reinsurance contracts and assisting clients in the review and analysis of reinsurance contracts. She has also counseled clients regarding settlement agreements and commutation agreements, as well as having drafted them on her clients' behalf. She has also assisted clients in reinsurance transactions. She also regularly assists clients with product development and the drafting of insurance policy wordings.

Jeanne is the New York office managing shareholder.

## Experience

### Reinsurance Experience

Jeanne has represented cedents, reinsurers, retrocedents, and retrocessionaires in numerous litigations, mediations, and arbitrations in the property and casualty and life and health sectors involving facultative and treaty reinsurance with respect to a variety of issues, including allocation, aggregation, number of occurrences, follow-the-fortunes, late notice, salvage and subrogation recoveries, inuring insurance and reinsurance, warranties, rescission, commutations, offset, insolvency, contract wordings, claims handling, and other coverage issues.

Specific to the life and health sector, Jeanne has experience representing cedents and reinsurers in life, health, LTC, and annuity reinsurance matters with respect to a variety of issues including rate increases under YRT and other types of treaties, recapture, actuarial and pricing issues, and agent/broker misconduct, among others.

Jeanne has also acted for clients in disputes involving brokers, third-party administrators, and managing general agents and underwriters, as well as (re)insurer insolvencies.

Jeanne also has extensive experience drafting reinsurance contracts and assisting clients in the review and analysis of reinsurance contracts. She has also counseled clients regarding settlement agreements and commutation agreements, as well as having drafted them on her clients' behalf. Jeanne also regularly assists clients in reinsurance transactions.

Recent matters include:

- Represented (re)insurers in arbitrations and pre-dispute counseling involving a reinsurer's or retrocessionaire's ability to increase rates under YRT contracts.
- Represented a reinsurer with respect to its denial relating to the aggregation of claims under the event wording of a catastrophe treaty.
- Prevailed on behalf of a reinsurer in recovering a nine-figure damage award in a property reinsurance dispute involving many issues, including scope of coverage, salvage and recoveries, and inuring reinsurance provisions.
- Secured multimillion-dollar awards for ceding company clients with respect to asbestos billings, where the issues involved aggregation and follow-the-fortunes.
- Represented a reinsurer in arbitration concerning its denial of a multimillion-dollar medical malpractice loss ceded to it in a matter involving late notice and bad faith claims handling.
- Represented a life reinsurer in an arbitration involving claims issues and the scope of the treaty's contested claims provision.
- Prevailed in matters on behalf of reinsurers with respect to subrogation recoveries.
- Represented various ceding company and reinsurer clients in insolvency matters, including two major Pennsylvania liquidations and other insolvencies.
- Represented a leading aviation insurance pool against its reinsurers in litigations to secure increases in LOCs, necessitated by 9/11 and other large aviation losses.
- Represented reinsurers in multiple arbitrations involving surety bond claims.
- Prevailed in various matters for insurers in disputes with their managing general agents regarding a variety of issues, including profit commissions and underwriting violations.

## Direct Experience

On the direct side, Jeanne acts as coverage counsel for insurer clients for claims involving various lines of business, including commercial general liability, professional liability, D&O, E&O, workers' compensation, life and health, property, pollution and energy.

Specifically, Jeanne has represented, counseled, and acted for insurers in coverage matters on many different types of claims, including, but not limited to:

- Sexual/physical abuse, molestation, and assault
- Construction defect
- Lead paint exposure
- Asbestos
- Third-party property damage
- Environmental/pollution
- Product contamination
- Personal and advertising injury exposures

Jeanne also regularly assists clients with product development and the drafting of insurance policy wordings.

## Areas of Focus

### Practices

- Reinsurance
- Litigation and Trials
- Financial Services Regulatory
- Title Insurance
- Life, Annuity, and Retirement Litigation
- Class Actions

### Industries

- Property & Casualty Insurance
- Life, Annuity, and Retirement Solutions

## Insights

02.28.2020

Carlton Fields and FEMA Catapult NFIP to \$2.53 Billion of Reinsurance Protection With New CAT Bond

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08.16.2018

New York Federal Court Confirms Arbitration Award

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08.14.2018

Florida Federal Court Dismisses Reinsurer's Agent From Breach of Contract Lawsuit

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07.26.2018

U.S. Tax Court Finds Captive Insurer Is Not an "Insurance Company" Under the Internal Revenue Code

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07.24.2018

First Circuit Holds Online Mandatory Arbitration Agreement is Unenforceable

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07.06.2018

Texas Department Of Insurance Seeks Comments on Reorganized Surplus Lines Insurance Chapter

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07.03.2018

Fifth Circuit Reversed Judgment Compelling Arbitration Because Unsigned Arbitration Agreement Was Invalid

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06.13.2018

New York Federal Court Denies Cedent's Motion For Reconsideration In Reinsurance Dispute Regarding Expense Provisions

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06.12.2018

The Eleventh Circuit Found No Waiver Of Right To Compel Arbitration Against Unnamed Class Members

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05.24.2018

New York Federal Court Dismissed Action, Finding That Insurer's Reimbursement Under Insured's Captive Reinsurance Agreement Did Not Breach Its Contracts With Insureds

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05.22.2018

Missouri Federal Court Remands Action To State Court Because Missouri Law “Reverse Preempts” The New York Convention Based On The McCarran-Ferguson Act

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05.03.2018

New York State Court Denies Motion To Enjoin Arbitration By Non-Party To Arbitration

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04.12.2018

California Federal Court Remands Fraud Claims in Workers’ Compensation Reinsurance Action To State Court

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02.08.2018

Ninth Circuit Affirms Montana District Court’s Order Confirming Arbitration Award

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01.18.2018

Second Circuit Affirms Court’s Confirmation of Multiple Arbitration Awards

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12.28.2017

Connecticut Insurance Department Issues Two Bulletins

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11.17.2017

National Flood Insurance Program Is Relieved of \$16 Billion of Debt

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11.15.2017

Court Rules Again on Motion to Dismiss in Matter Involving Unfiled Rates Charged Under Reinsurance Agreement

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10.04.2017

Alabama Federal Court Finds Cedent Did Not Waive Arbitration, and Orders Reinsurance Dispute to Be Arbitrated

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10.02.2017

Ninth Circuit Affirms Arizona Federal Court’s Order Denying Petition to Vacate Arbitration Award as Untimely

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08.23.2017

Pennsylvania Federal Court Grants Motion to Dismiss Based on Lack of Subject Matter Jurisdiction

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08.22.2017

Eighth Circuit Holds That Question of Class Arbitration Is for Courts, Not Arbitrators, to Decide

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08.04.2017

Illinois Court Holds That Reinsurers and Insurer Need to File Complaint in Legal Malpractice Lawsuit in Their Own Names Pursuant to Illinois Statute

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08.02.2017

Ninth Circuit Finds Arbitration Agreement in Employment Application Was Unconscionable

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06.20.2017

The Sixth Circuit Holds That Class Action Arbitration Waivers Are Prohibited Under the National Labor Relations Act

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06.07.2017

NLRB Orders Dish Network to Rescind or Revise Its Arbitration Agreement With Employees

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06.05.2017

Fifth Circuit Vacates Texas Federal Court's Order Which Withdrew Its Prior Order Compelling Arbitration

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05.11.2017

Third Circuit Holds Overtime Class Action Is Not Subject to Arbitration

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05.10.2017

Third Circuit Vacates District Court's Decision and Remands for Further Proceedings Regarding Whether the Parties Agreed to Arbitrate

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04.20.2017

Ninth Circuit Affirms District Court's Dismissal of Plaintiff's Procedural Due Process Claim

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04.18.2017

Louisiana Federal Court Finds Removal Proper as Dispute Could Relate to an Underlying Arbitration Clause in Insurance Policy

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03.30.2017

Third Circuit Rules Arbitration Agreement Included in Product Manual Is Unenforceable

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03.28.2017

Second Circuit Finds District Court Erred in Decision on Enforcement of International Arbitration Award

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03.08.2017

Kentucky Federal Court Orders Further Briefing on Whether the Federal Arbitration Act or Kentucky Law Applies in Dispute Involving an Insolvent Insurer

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10.12.2016

Post-Hurricane Matthew: Insurance Statutes and Regulations

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12.01.2015

The Arbitrability of Statutes of Limitations in Reinsurance Disputes

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09.09.2003

Not for the Faint of Heart: Securities Litigation and the D&O Market

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## News

06.09.2020

Carlton Fields Adds International Attorney Roger Kobert

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05.27.2020

International Litigator Roger S. Kobert Joins Carlton Fields

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05.14.2019

Distinguished Intellectual Property Attorney Clark W. Lackert Joins Carlton Fields

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02.01.2019

Media Shines Spotlight on Carlton Fields' New Office and Lawyers; Firm Opens New Jersey Office and Bolsters Real Estate and Insurance Litigation Practices

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08.03.2017

BTI Ranks Carlton Fields among Firms with Best Insurance Industry Client Relationships

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01.01.2017

Carlton Fields Names Six New Office Managing Shareholders

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## Recognition

- *Euromoney's Insurance and Reinsurance Expert Guides (2016)*

## Professional & Community Involvement

- ARIAS-U.S.
- Association of Professional Insurance Women
- New York State Bar Association

## Speaking Engagements

- Re Contracts, Reinsurance Association of America, New York, NY (July 2016)
- Re Claims 2016: Reinsurance Claims and Loss Management, Reinsurance Association of America, Bermuda (March 2016)
- "ABC Insurance Company Case Study" and "KGM Re Case Study," Re Claims 2014: Reinsurance Claims and Loss Management, Reinsurance Association of America, New York, NY (October 2014)
- "A Comparative Workshop: AIRROC DRP or 'Traditional' Arbitration – What Fits Your Dispute Better?," Association of Insurance and Reinsurance Run-Off Companies, Philadelphia, PA (September 2014)



- "Reinsurance Contract Wording Issues," IRUA Next Generation Leadership Seminar, New York, NY (July 2014)
- "The Arbitration Process: Presentation and Workshop," AIRROC Boston Regional Education Day, Boston, MA (April 2014)
- "Reinsurance Contract Issues Related to Superstorm Sandy," Re Claims 2013: Reinsurance Claims and Loss Management, Reinsurance Association of America, New York, NY (October 2013)
- Re Claims 2012, Reinsurance Association of America, New York, NY (October 2012)
- Re Claims 2011, Reinsurance Association of America, New York, NY (September 2011)
- "What, Exactly, Is Bad Faith in Reinsurance," HarrisMartin Reinsurance Summit: Fresh Perspectives on the Reinsurance Front, Philadelphia, PA (September 2011)
- Re Claims 2010, Reinsurance Association of America, New York, NY (September 2010)
- "Arbitration Process," ARIAS, Palm Beach, FL (May 2009)
- "Reinsurance Issues: U.S. v. U.K. – A Comparative Study," Xchanging Claims Services, London (September 2008)
- "Developments in Reinsurance Case Law," Brokers and Reinsurance Markets Association 2008 Committee Rendezvous, Naples, FL (April 2008)
- "Electronic Discovery in the U.S. – What Insurers and Reinsurers Need to Know," International Underwriting Association, London (September 2007)
- "Developments in the Wake of Katrina," Reinsurance Association of America Reinsurance Claims Conference, Chicago, IL (March 2007)
- Re Claims 2007: Reinsurance Claims Management for Claims Professional, Chicago, IL (March 2007)

## Credentials

### Education

- Hofstra University School of Law (J.D., 1995)
- Hofstra University (B.A., 1991)

### Bar Admissions

- New York

### Court Admissions

- U.S. Court of Appeals, Second Circuit
- U.S. District Court, Southern District of New York

## Background

- Partner, Locke Lord LLP, New York, NY (2005–2015)

- Associate, Locke Lord LLP, New York, NY (1999–2004)
- Associate, Mendes & Mount, New York, NY (1995–1999)