



Benjamin E. Stearns

OF COUNSEL

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Overview

Ben Stearns counsels insurance industry clients on regulatory, compliance, transactional, international, and cross-border matters, and defends insurers in coverage litigation. His practice includes work for insurers in the property and casualty, life and health, and travel insurance industries. In addition, Ben provides licensing and compliance counsel to clients operating in other regulated industries, including the professional services, cannabis, and alcohol sectors. He also lobbies the Florida executive branch and legislature.

Ben has provided guidance in the counterterrorism field. His work has led to presentations on the Support Anti-Terrorism by Fostering Effective Technologies Act of 2002, a government program designed to promote the development of anti-terrorism technologies, and research on intervention protocols provided by mental health practitioners to persons trending toward extremist ideologies.

Areas of Focus

Practices

- Government Law & Consulting
- Cannabis Law

Industries

- Property & Casualty Insurance

- [Global Anti-Corruption](#)
- [Government Affairs and Lobbying](#)
- [Insurtech](#)
- [International Insurance Regulatory](#)

Insights

03.21.2024

New Jersey Supreme Court Reinstates Arbitrators Decision Demoting School Official

02.08.2024

Court Holds Federal Law Governs FAA Arbitration Dispute Related to Surplus Lines Insurance Contract Compels Arbitration Under Fifth Circuit Preemption of State Law

01.19.2024

Reinsurer Permitted to Intervene in Affiliates Lawsuit Related to Breach of MGA Agreement

12.20.2023

Second Circuit Affirms Schwab Victory in FINRA Arbitration

11.28.2023

Broker Obtains Preliminary Injunction Enjoining FINRA Arbitration Initiated by Non-Signatories to Ar

11.20.2023

Explosives Manufacturer's Pollution-Related Claim Blown Up by State-Specific Endorsement

11.02.2023

Eighth Circuit: Plaintiff Waives Right to Compel Arbitration by Filing Complaint and Litigating Dispute in Court

10.20.2023

"Judicial Statements Privilege" Protects Statements in Court-Ordered Arbitration From Defamation Claims

09.21.2023

FAA's "Transportation Worker" Exemption Does Not Apply to Contracts Between Businesses

09.01.2023

Court Follows Fifth Circuit Precedent in Enforcing Unsigned Insurance Arbitration Agreement Under New York Convention

08.11.2023

Second Circuit Affirms Confirmation of Arbitration Award Issued Under Cyprus-Libya Bilateral Investment Treaty

07.20.2023

New Hampshire Supreme Court Vacates Arbitration Award Based on "Plain Mistake" of Law

07.19.2023

New Attestation for Florida Residential Property Insurers

06.28.2023

New York Appellate Court Reverses Order Compelling Arbitration, Holds Collective Bargaining Agreement Arbitration Provisions Unenforceable

06.22.2023

Florida Enacts Bill Imposing Regulatory Oversight Relating to Insurer Accountability

05.01.2023

Court Enforces Nine-Figure Chinese Arbitration Award, Finding Notice Requirements of New York Convention Were Satisfied

03.27.2023

Florida Overhauls Bad Faith Law, Repeals One-Way Attorneys' Fee Statutes, Adopts Modified Comparative Negligence and Other Tort Reforms

03.16.2023

Ninth Circuit Recognizes Precedent Restricting Arbitration-Favoring Rules, Compels Parties to Arbitrate Anyway

02.24.2023

Ninth Circuit Dismisses Appeal of Denial of Motion to Compel Arbitration as Moot After the Complaint Was Amended While the Appeal Was Pending

02.02.2023

Arbitration Provision Treated as Standalone Contract for Purposes of Determining Parties Capable of Compelling Arbitration

01.27.2023

Florida Insurance Reform Special Session 2 – This Time Means Business

12.21.2022

Is the Broken Florida Homeowners Insurance Market Finally Fixed?

12.09.2022

Ninth Circuit Court of Appeals Notes That Review of Arbitration Awards Under the MPPAA is “Notably Less Deferential” than under the FAA

11.09.2022

Schwab Wins Battle Over Confirmation of FINRA Arbitration Award Predicated on Alleged Discovery Abuses

10.21.2022

Denial of Motion to Compel Arbitration Vacated by Second Circuit Due to Insufficient Record Evidence of Presentment of “Scrollwrap Agreement” to Users

09.16.2022

Investment Advisory Firm’s Unlawful Copying and Distribution of Industry Publication to Firm Employees Not Covered by Professional Liability Policy

09.07.2022

Seller Wins “Battle” to Apply FAA Over VUAA to Arbitration Dispute, but Loses “War” Over Award Confirmation

08.19.2022

Alleged Witness Coaching via Text in Deposition Was “Discoverable” in Arbitration Proceeding and Could Not Support Vacatur of Arbitration Award

07.20.2022

Pennsylvania Federal Court Transfers Suit Against Applied Underwriters Per Forum-Selection Clause in Unfiled Reinsurance Agreement

07.15.2022

Federal Court Rules “Unauthorized Network Access Exclusion” Precludes Coverage for \$1.3M Payment From Hacker’s Fraudulent Email

06.23.2022

U.S. Supreme Court: FAA Preempts California Labor Law to Extent It Prevented Enforcement of Individual Arbitration Agreement

05.26.2022

New Legislation From Florida Special Session on Property Insurance Reform

05.23.2022

Florida Special Session on Property Insurance Reform: What Insurers Need to Know

04.28.2022

State Court Disregards State Law Authorizing Award of Attorneys’ Fees in Arbitration Dispute Governed by FAA

03.29.2022

Arbitration Provisions Delegating “All Disputes” to Arbitration Are Sufficiently “Clear and Unmistakable Evidence” of Parties’ Intent to Arbitrate Arbitrability

03.28.2022

Two Property and Casualty Bills Headed to Fla. Governor: What Insurers Need to Know

03.02.2022

First Circuit Clarifies Standard of Review and Evidentiary Proof Applicable to Motion to Compel Arbitration

02.18.2022

Eleventh Circuit Finds Employer's Liability Exclusion Ambiguous Under Alabama Law

02.10.2022

International Arbitration Award Under the New York Convention and Against the Haitian Government Confirmed by Southern District of New York

01.13.2022

Fourth Circuit Refuses to Create a Less Deferential Standard of Review for Arbitral Decisions That Implicate Res Judicata or Collateral Estoppel

10.13.2021

Fifth Circuit Finds Coverage for Untimely Fraudulent Wire Instruction Claim Is Not Barred Under D&O Policy

09.30.2021

Fifth Circuit Holds Prior Waiver of Right to Arbitrate State Law Claims Does Not Waive Right to Compel Arbitration of Newly Asserted Federal Claims

08.31.2021

Chinese Arbitration Award Confirmed Despite US Company's Claim of Unfair Treatment Stemming From US-China Trade War

08.12.2021

Eleventh Circuit Denies Petition to Vacate Arbitration Award Based on Alleged Bias Where Arbitrator's Prior Employment by Opposing Law Firm Was Disclosed

07.23.2021

Court Compels Employment Dispute to Arbitration, Rejecting Defenses That Arbitration Clause Did Not Survive Termination and That Clause Was Unconscionable

07.21.2021

District of Puerto Rico Holds Article II of the Convention on Foreign Arbitral Awards Preempts the McCarran-Ferguson Act

06.28.2021

Court Holds the ACA and Implementing Regulations Do Not Preempt State Creditor Priority Laws in Reinsurance Debt Dispute

06.11.2021

Texas Federal Court Finds Law Firm's Alleged 40,000 Unauthorized Claims Related to Deepwater Horizon Disaster Were Not "Professional Services" Triggering Duty to Defend

06.08.2021

Private Employment Arbitration Agreement Not Binding on Secretary of Labor When Bringing an Enforcement Action on Behalf of One Party to Agreement Against the Other

05.12.2021

Ninth Circuit Compels Investment Banker to Arbitrate Statutory Employment Discrimination and Civil Rights Claims Despite Assumption That 'Knowing Waiver' Doctrine Applied to Claims

04.20.2021

Fourth Circuit Enforces Arbitration Agreement's Waiver of Appellate Review

04.01.2021

Gov. DeSantis Signs COVID-19 Business Liability Protection Bill Into Law

03.31.2021

Court Confirms "Baseball Arbitration" Award, Finds Party Alleging Unfairness Was Caught Looking When It Failed to Object

03.30.2021

Gluing Feathers to a Phone Does Not Make a Turkey: Seventh Circuit Finds Mere "Negligence" Label and "Stitched Together" Factual Allegations Do Not Trigger Duty to Defend Aggressive Robocall Lawsuit

03.08.2021

Ninth Circuit Affirms Removal to Federal Court and Order Compelling Arbitration, Construing Forum Selection Clause and Scope of Arbitration Agreement

03.04.2021

COVID-19 Economic Stimulus Programs: Different Countries, Similar Programs

01.28.2021

Florida Legislation Protects Businesses From COVID-19 Lawsuits

12.08.2020

Parsing the Sometimes Fine Distinction Between a Broad and a Narrow Arbitration Clause

11.18.2020

California Federal Court Holds Professional Services Policy Issued to FedEx Covered Acts of Self-Service Kiosks' Physical Printing of Receipts

11.17.2020

Determination of Valid Arbitration Agreement May Be Dependent on "Outward Manifestations and Circumstances Surrounding the Transaction"

10.27.2020

Court Denies Motion To Compel Arbitration and To Appoint Arbitrators Where Parties Had Agreed To Arbitrate and There Was No Impasse

10.07.2020

Arbitration Award In Favor Of Major League Baseball Confirmed As Southern District Of New York Bats Telemicro's Challenges Away

09.15.2020

Court Affirms FINRA Arbitration Award to Charles Schwab, Finding No Evident Partiality or Other Arbitrator Misconduct

09.15.2020

Fifth Circuit Holds That Ensuing Loss Provision of Builders' Risk Policy Requires Two Separate Events to Qualify for the Construction Exclusion Carve-Out

08.26.2020

Unopposed Motions to Confirm Arbitration Awards Are Treated As Motions for Summary Judgment

08.24.2020

Denied: Pro Se Litigant's Petition to Confirm Arbitration Award He Rendered Against Republican National Committee

08.03.2020

€643 Million Arbitration Award Was Within Arbitration Panel's Power to Award and Not a Result of Manifest Disregard of the Law

07.13.2020

Ninth Circuit Finds No Coverage Under Advertising Liability Policy for Walmart's Floor Display of Goods and Services Supplied by Insured Apparel Vendor

07.13.2020

Determining Whether "Clickwrap Agreement" Provides "Reasonable Notice" of an Arbitration Agreement Is a Fact-Intensive Inquiry

06.22.2020

Court Denies Vimeo's Motion to Compel Arbitration of Purported Class Action Claims Under Illinois Biometric Information Privacy Act

06.01.2020

Split Decision in the Ninth Circuit: Two Non-Signatory Defendants Can Compel Arbitration Based on Equitable Estoppel, One Cannot

05.15.2020

The Chronicle: American Adult-Use Marijuana Laws - Other Licenses

05.11.2020

District Court Orders Insurer in Receivership to Arbitrate With Reinsurers, Rejecting Argument That Jurisdiction Rests With Receivership Court and That McCarran-Ferguson Act Preempts FAA

05.01.2020

Conflict Within the Southern District of Florida: Should the Primary Jurisdiction Doctrine Be Applied to Stay Class Actions Relating to CBD?

04.24.2020

The Chronicle: American Adult-Use Marijuana Laws - Retail Licenses

04.24.2020

Eighth Circuit Enforces Contract Liability Exclusions to Bar Contract Claims, Regardless of Non-Contractual Cause of Action in Complaint

04.24.2020

New Funds Available Under the Small Business PPP and EIDL Programs

04.20.2020

Court Confirms Arbitration Award Against Parties Who Failed to Attend Arbitration

04.10.2020

The Chronicle: American Adult-Use Marijuana Laws - Health and Safety

04.10.2020

Federal Reserve Moves to Assist Larger Businesses

03.31.2020

Small Business Administration Loans Summary Under the CARES Act

03.30.2020

Second Circuit Upholds Injunction Against Arbitration Based on Prior Singaporean Judgment

03.27.2020

Coronavirus State Insurance Regulatory Developments

03.25.2020

The Chronicle: American Adult-Use Marijuana Laws - Cultivation Licenses

03.25.2020

Who Is in Charge? A Pandemic Primer on Government Authority

03.09.2020

“Grossly Excessive” Arbitration Award Overturned Due to “Evident Material Miscalculation”

03.05.2020

The Chronicle: American Adult-Use Marijuana Laws - Licensing

02.21.2020

Former Employees Not Bound by Their Former Union’s Arbitration Agreement

02.19.2020

The Chronicle: American Adult-Use Marijuana Laws - Regulator

02.18.2020

The Chronicle: American Adult-Use Marijuana Laws

01.28.2020

Eighth Circuit Reinstates Arbitration Award Stemming From Federal Crop Insurance Policy

01.08.2020

Court Stays CBD Class Action Until FDA Rolls Out Regulation

01.07.2020

Court Stays CBD Class Action Until FDA Rolls Out Regulation

12.18.2019

Court Finds No Manifest Disregard of the Law or Exceeding of Powers in Upholding Arbitration Award Related to Dispute Over Earn-Out Payment

11.07.2019

Fifth Circuit Affirms Confirmation of Arbitration Ruling in Favor of Ameriprise Financial

10.17.2019

Ninth Circuit Reverses Dismissal of Case Involving Foreign Arbitration Award Based on Comity for French Appellate Ruling and Quasi in Rem Jurisdiction

09.24.2019

Ninth Circuit Affirms Confirmation of Arbitration Award, Finding Plaintiffs Failed to Show Prejudice From Denial of Discovery

09.05.2019

First Circuit Affirms Denial of Vacatur of Arbitration Award, Rejects Arguments That Parties Opted Out of FAA and Arbitrator Erred

08.27.2019

National Credit Union Administration Gives Credit Unions the Green Light to Serve Lawfully Operating Hemp Businesses

08.27.2019

National Credit Union Administration Gives Credit Unions the Green Light to Serve Lawfully Operating Businesses

08.20.2019

Five Federal Financial Agency Heads Issue Letters Regarding Provision of Financial Services to the Hemp Industry

08.20.2019

Five Federal Financial Agency Heads Issue Letters Regarding Provision of Financial Services to the Hemp Industry

08.14.2019

Fifth Circuit Determines That Louisiana Nonresident Attachment Statute Allows for Attachment in Aid of Arbitration

07.24.2019

Court Refuses to Treat Unopposed Petition to Confirm Arbitration Award as a Motion for Default Judgment, Reviews the Merits of the Petition, and Enters Order Confirming the Award and Legal Fees

07.10.2019

Florigrown v. DOH: Florida's Vertical Integration Requirement for Medical Marijuana Licensees Held Unconstitutional

07.10.2019

Florigrown v. DOH: Florida's Vertical Integration Requirement for Medical Marijuana Licensees Held Unconstitutional

07.01.2019

Court Compels Arbitration Under the New York Convention and Dismisses Case in Windstorm Insurance Claim Dispute

06.11.2019

Confidential Reinsurance Agreement Made Public After Party Failed to Show Good Cause for Maintaining Confidentiality

05.21.2019

Eleventh Circuit Finds Removal Jurisdiction Is Included Within Federal Subject-Matter Jurisdiction Under the Convention on the Recognition and Enforcement of Foreign Arbitral Awards

05.14.2019

With All Eyes on "Implementation" of Amendment 4, Senate Bill 7066 Makes Significant Additional Changes to Florida Election Laws in Response to the 2018 Election

04.29.2019

Court Finds Jurisdiction Over Petition to Confirm Arbitration Award in Dispute Between Liquidator and Foreign Reinsurer

04.08.2019

Discovery Under Section 1782 Denied Based on Finding That Chinese Arbitration Organization Was Not a “Foreign or International Tribunal”

03.21.2019

English Court Enjoins Washington State Court Action in Favor of Arbitration in London

11.09.2018

SEC-ordered Disgorgement is an Uninsurable “Penalty,” not a Covered “Loss”

11.07.2018

Florida Election Recounts – Again

10.17.2018

Florida Insurance Commissioner Issues Hurricane Michael Emergency Order

09.12.2018

New Mexico Adopts NAIC Credit for Reinsurance Model Regulation

09.10.2018

Eleventh Circuit Reverses Sanction Imposed Against Party That Defaulted in Arbitration to Determine Whether Party Acted in Bad Faith

08.23.2018

National Flood Insurance Program Extended to November 30, 2018

08.21.2018

Minority Shareholders Utilize 28 USC § 1782 to Issue Subpoenas in Aid of Criminal Action They Plan to File Against Company Director in Luxembourg

07.11.2018

Texas Department of Insurance Proposes Regulations Implementing Reduced Collateral Credit for Reinsurance Law Passed by Texas Legislature in 2017

07.09.2018

New Federal Law Aims To Increase Transparency Of International Insurance Standard-Setting Bodies

06.18.2018

Court Applies Arbitration And Continued Performance Provisions Of One Contract To A Separate Performance Guaranty Agreement

05.31.2018

Minnesota Implements The 2011 NAIC Credit For Reinsurance Model Law And Regulations

05.29.2018

Supreme Court Upholds Employee Individualized Arbitration Agreements Against Challenges Based On The National Labor Relations Act

05.10.2018

Tax Counsel Ordered To Produce Documents Related To Odyssey Reinsurance's Continuing Quest To Collect \$3.2 Million Default Judgment Against Richard And Diane Nagby

05.08.2018

Decade-Long Battle Between Policyholder, Reinsurer, And Retrocessionaire To Continue As Reinsurer Files Notice Of Appeal

04.18.2018

West Virginia Amends Credit For Reinsurance Statute To Conform To NAIC Model, Effective January 1, 2019

04.16.2018

Court Applies The "Intertwined-Ness Test" To Find That A Non-Signatory Could Invoke Equitable Estoppel To Compel Arbitration

03.30.2018

Delegation Clause Must Clearly Contemplate Arbitrability of Disputes With Non-Signatories to Be Enforced in Those Disputes

03.27.2018

The FAA's Presumption in Favor of Arbitration Does Not Require Arguable Ambiguities in Arbitration Agreements to Be Interpreted as "Broadly as Possible"

03.23.2018

Objection, Interrupted

03.07.2018

Arbitration Agreement Selecting Maryland Law Held Unenforceable as to Private Attorney General Claims Brought Under California Law

03.05.2018

Participation in Litigation to Avoid a Default Judgment Does Not Waive a Party's Right to Compel Arbitration

02.26.2018

When Relying on a Prior Acts Exclusion to Deny Coverage, Be Sure to Connect the Dots

02.14.2018

Wyoming Enacts Legislation and Adopts New Regulations Governing Credit for Reinsurance and Term and Universal Life Insurance Reserve Financing

02.12.2018

Insurance Receiver's Preemption Argument Under McCarran-Ferguson Fails to Avoid Arbitration of Reinsurance Dispute

01.22.2018

The Federal Arbitration Act Does Not Grant Arbitrators the Power to Compel Pre-Hearing Production of Documents From Non-Parties

01.05.2018

Insurer's Attempt to Shield Documents From Discovery Through Assertion of the Mediation Privilege and a Relevancy Objection Is Unavailing

01.04.2018

Ninth Circuit: Unconscionability Arguments Directed Solely at Class Action Waiver Provisions in Arbitration Agreements Are Foreclosed by Concepcion

12.14.2017

The Allegation of Non-Arbitrable Private Attorney General Claims Does Not Prevent Arbitration of Individual Claims Raised Simultaneously

12.12.2017

Iowa and Virginia Insurance Regulators Adopt the NAIC's Term Model Rules Governing Term and Universal Life Insurance Reserve Financing

11.24.2017

Odyssey Reinsurance Obtains \$3.2 Million Default Judgment and Injunctions Stemming From Fraudulent Transfers Made by Underwriter

11.22.2017

Long-Time Reinsurance Attorney Ruled Not Qualified to Arbitrate 9/11 World Trade Center Reinsurance Dispute

10.12.2017

Procedural Arbitrability Questions Are for the Arbitrator, Not the Judge, Unlike Substantive Arbitrability Questions

10.10.2017

Applied Underwriters, Inc., Loses Argument to Enforce Mandatory Forum Selection Clause in Reinsurance Contract

09.21.2017

Lender-Affiliated Captive Reinsurer Obtains Dismissal of Mortgage Insurance Lawsuit Brought by Illinois Director of Insurance

09.19.2017

Seventh Circuit Affirms Dismissal of Post-Liquidation Reinsurance Claim as Time-Barred

08.30.2017

State Contract Law Governs Which Parties May Enforce an Arbitration Agreement

08.28.2017

CFPB Issues Final Rule Prohibiting Class Action Waiver Arbitration Agreements in Certain Consumer Financial Contracts

08.10.2017

Georgia Revamps Law Governing Captive Insurance Companies

08.08.2017

Eleventh Circuit Defers to Arbitrator's Interpretation of Forum Selection Clause in International Dispute and Affirms Award

08.01.2017

New Florida Law Addresses Time for Filing Corporate Tax Returns

05.04.2017

In Florida, House Bill 805 Will Likely Allow Insurance Policy Transfers

08.04.2016

SUN Trail-oriented Development: Capitalizing on Florida's Newest Attraction

07.14.2016

Proposed Rule Changes to Florida's Affordable Housing Allocation and Funding Process

06.24.2016

SCOTUS Gives Landowners New Tools to Challenge Wetlands Permitting Decisions

12.21.2022

Robert Shapiro and Benjamin Stearns Co-Author Article for Carrier Management: "Is the Broken Florida Homeowners Insurance Market Finally Fixed?"

02.26.2021

COVID-19 Economic Stimulus Programs: Different Countries, Similar Approaches

Recognition

- *The Best Lawyers in America: Ones to Watch*, Corporate Governance and Compliance Law, Insurance Law (2023–2024)

Professional & Community Involvement

- American Bar Association
 - Chair, Government Operations and Liability Subcommittee

Speaking Engagements

- "Legal Protection for Practitioners," Eradicate Hate Global Summit 2022, Pittsburgh, PA (September 19–21, 2022)
- "Legal Liabilities Series: The SAFETY Act and Civil Liability Principles," McCain Institute (April 13, 2021)
- "Cannabis & Regulating Social Equity," ABA Section of State and Local Government Law Annual Meeting (July 22, 2020)

Credentials

Education

- Florida State University College of Law (J.D., cum laude, 2013)
- University of Florida (M.A., 2010)
- University of Miami (B.A., 2006)

Court Admissions

- U.S. District Court, Northern District of Florida
- U.S. Court of Appeals, Fourth Circuit

Bar Admissions

- Florida