



## Joseph M. Saka

Senior Counsel

Washington, D.C.

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An experienced commercial litigator, Joseph helps legal departments enforce their contractual rights and recover money from breaching parties. He represents corporations, nonprofit organizations, and state-owned enterprises pursuing insurance coverage and contractual indemnification for significant losses and liabilities. Joseph frequently is able to obtain successful, negotiated resolutions for clients without the need for litigation.

When necessary, Joseph represents clients in high-stakes commercial lawsuits against insurers and other contracting parties. His efforts have resulted in more than \$100 million in recoveries under all major types of commercial insurance, including commercial general liability, directors and officers liability, errors and omissions liability, employment practices liability, cyber, first-party property, and fidelity insurance policies.

To avoid disputes before a claim or loss, Joseph serves as a trusted advisor to clients in the process of procuring insurance policies or drafting contractual language. He provides sophisticated yet practical guidance on ways clients can transfer risk in an advantageous manner and bolster their organization's insurance policies.

Joseph maintains an active pro bono practice and contributes to a number of civic causes, including by serving on the President's Council of Higher Achievement and as outside general counsel to several nonprofit organizations.

Prior to entering private practice, Joseph served as judicial extern for the Hon. Ricardo M. Urbina (retired) of the U.S. District Court for the District of Columbia.

## EXPERIENCE

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- Representing Fortune 500 company in pursuing reimbursement as an additional insured and under an indemnification agreement for a settlement that resolved a lawsuit alleging that a defective engine caused a fire and destroyed an offshore supply ship.
- Representing a Fortune 500 manufacturing company seeking defense and indemnity coverage for thousands of lawsuits claiming damages for personal injury from alleged exposure to welding fumes and asbestos. To date, the client has obtained summary judgments for tens of millions of dollars in defense costs.
- Lead counsel on behalf of waste management company in dispute against AIG regarding whether the insurer improperly retained client funds in connection with insurance program.
- Serving as coverage counsel to a food company in seeking defense coverage for nearly 20 lawsuits alleging, among other things, violations of the Sherman Antitrust Act.
- Representing the FDIC in dozens of lawsuits against numerous D&O insurers, including ACE, AIG, AXIS, Chubb, Lloyd's of London, OneBeacon, Progressive, RSUI, Travelers, and Zurich, to obtain payment for professional liability claims against directors and officers of failed financial institutions.
- Advising Fortune 500 hospitality company on strategies to maximize insurance coverage for a wide variety of claims.
- Counseling leading media company regarding modifications to seek, during underwriting, to strengthen protection provided by directors and officers liability, employment practices liability, and cyber insurance policies.
- Obtained award totaling more than \$1 million as lead counsel against charter jet broker for failing to provide specified aircraft.
- Represented international chemical company in pursuing reimbursement from both its primary and excess insurers for attorney's fees incurred in defending several antitrust class actions.
- Acted as lead associate on behalf of several Blue Cross Blue Shield entities in a lawsuit to obtain insurance coverage for class actions alleging civil RICO violations. After obtaining a significant summary judgment decision finding the primary exclusion at issue inapplicable, the case settled on the eve of trial.
- Represented global chemical company in seeking defense and indemnity coverage from its liability insurers in connection with more than a dozen lawsuits, including two class actions alleging personal injury and property damage from exposure to hexavalent chromium.
- Advised Fortune 500 company regarding proposed modifications to D&O liability insurance policy to obtain coverage for Foreign Corrupt Practices Act claims.
- Achieved negotiated resolution on behalf of casino for damage to computer equipment and surveillance system caused by inadvertent discharge of fire suppression system.

## HONORS & AWARDS

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- > **Chambers USA: America's Leading Lawyers for Business (2019-2020)**  
Recognized in the District of Columbia as an Associate to Watch for work in Insurance: Policyholder
- > **Super Lawyers: Rising Star for Insurance Coverage (2017-2018)**

## NEWS & INSIGHTS

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### Publications

- > March 23, 2020  
**"Will Companies Have Insurance Coverage for Employment Decisions Flowing From COVID-19?,"** *Insurance Recovery Client Alert*  
Michael D. Lichtenstein, Joseph M. Saka, Julie Levinson Werner
- > January 24, 2019  
**"How to Manage Cyber Risks with Insurance,"** *American Bar Association*  
Joseph M. Saka
- > July 16, 2018  
**"Maximizing Insurance Coverage for Cyber Losses: Two New Decisions Highlight Potential Recovery Sources,"** *Insurance Recovery Client Alert*  
Andrew Reidy, Joseph M. Saka, Courtney E. Alvarez
- > November 13, 2017  
**"One Lesson from Wannacy: Look to Insurance to Minimize the Risk of Ransomware Attacks,"** *ABA Corporate Counsel Practice Points*  
Joseph M. Saka
- > June 21, 2017  
**"Five Questions to Ask to Maximize D&O Insurance Coverage of FCPA Claims,"** *The FCPA Report*  
Andrew Reidy, Joseph M. Saka,
- > June 5, 2017  
**"New DFS Cybersecurity Regulations Are Here: Will Your Insurance Protect You?,"** *New York Law Journal*  
Andrew Reidy, Joseph M. Saka
- > May 8, 2017  
**"Is Insurance Part of Your Plan for Responding to a Data Breach? Hint: It Should Be,"** *ABA Corporate Counsel Spring Newsletter*  
Joseph M. Saka
- > January/February 2017  
**"Is Your D&O Coverage Ready for Individual Liability?,"** *The Corporate Board*  
Andrew Reidy, Joseph M. Saka
- > December 5, 2016  
**"California Decision Shows That Companies May Obtain Insurance Coverage for Wage and Hour Claims,"** *Insurance Recovery Group Client Alert*  
Lynda A. Bennett, Joseph M. Saka, Courtney E. Alvarez
- > November 10, 2016  
**"Insurance Coverage for SEC Investigations: Lynn Tilton's Patriarch Partners Sue for Coverage and Highlight Traps to Avoid,"** *Capital Markets Litigation*  
Joseph M. Saka
- > October/November 2016  
**"Insurance After Employee Betrayal,"** *Today's General Counsel*  
Joseph M. Saka
- > October 25, 2016  
**"Matthew's Message: Maximize Insurance Recoveries After a Major Weather Event,"** *Corporate Counsel*  
Joseph M. Saka,
- > October 6, 2016  
**"Preparing for the Worst: Five Tips for Maximizing Insurance Recoveries in the Wake of Hurricane Matthew,"** *Insurance Recovery Group Client Alert*  
Joseph M. Saka
- > October 6, 2016  
**"Assignment of Insurance Rights May Be Used for Claims Against Judgment-Proof Defendants,"** *Insurance Recovery Group Client Alert*  
Joseph M. Saka
- > October 6, 2016

**"Assignment of Insurance Rights May Be Used for Claims Against Judgment-Proof Defendants,"** *Insurance Recovery Group Client Alert*

Joseph M. Saka

> September 21, 2016

**"Cyber-Extortion: Will Your Company Be Covered in a Ransomware Attack?,"** *Legaltech News*

Joseph M. Saka

> August 2016

**"Ten Points Every In-House Counsel Should Know About Insurance,"** *Corporate Counsel Connect*

Joseph M. Saka

> July 28, 2016

**"Second Circuit Affirms Insurance Coverage Available for Lawsuits Alleging Intentional Misconduct,"** *Global Capital Markets Litigation Blog*

Joseph M. Saka

> July 28, 2016

**"Second Circuit Affirms Insurance Coverage Available for Lawsuits Alleging Intentional Misconduct,"** *Capital Markets Litigation*

Joseph M. Saka

> March 7, 2016

**"The Professional Services Exclusion and Investment Management: Are You Purchasing Potentially Illusory Coverage?,"** *Global Capital Markets Litigation Blog*

Joseph M. Saka

> March 7, 2016

**"The Professional Services Exclusion and Investment Management: Are You Purchasing Potentially Illusory Coverage?,"** *Capital Markets Litigation*

Joseph M. Saka

> November 6, 2015

**"Beware of Patent Trolls: Insurance Coverage for Infringement Lawsuits Brought by Non-Practicing Entities,"** *Westlaw Journal*

Joseph M. Saka

> April 13, 2015

**"What's Under the Glass?,"** *Banking Exchange*

Joseph M. Saka

> March 4, 2015

**"Insurance Coverage for False Claims Acts Lawsuits,"** *Corporate Counsel*

Joseph M. Saka

## In the Media

> January 3, 2019

**Joseph M. Saka** is quoted in *Business Insurance* regarding coverage for Foreign Corrupt Practices Act claims. Saka cautions policyholders procuring coverage for FCPA claims to be cautious of limitations including carve outs in loss definitions.

> October 28, 2015

**Andrew Reidy, Catherine Serafin, and Joseph Saka** are mentioned in *Law360* regarding the tentative settlement of a lawsuit that resulted from defaulted loans which are being sought out by the issuing company.

## SPEAKING ENGAGEMENTS

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> Speaker, **TechGC Virtual Dinner: Insurance Recovery: Insurance May Be Your Shelter in Place**, TechGC, July 28, 2020

> Speaker, **Insurance Recovery: 60 Days Later: Insurance May Be Your Shelter in Place**, Lowenstein Sandler LLP, Webinar, May 27, 2020

> Panelist, **Utilizing Insurance To Mitigate Losses and Liabilities Resulting From The Coronavirus**, Lowenstein Sandler LLP, WEBINAR, May 6, 2020

> Panelist, **Are You Prepared for Your Emerging Employment Liabilities?**, Lowenstein Sandler, Washington, D.C., May 1, 2019

> Speaker, **Best Practices for Insurance Placement and Claims Resolution**, Lowenstein Sandler's D.C. Office, October 30, 2018

> Speaker, **Understanding Your Cyber Exposure and How Insurance Will Respond**, McLean, VA, June 7, 2018

> Speaker, **Understanding Your Cyber Exposure and How Insurance Will Respond**, Lowenstein Sandler LLP, Washington, D.C., April 11, 2018

> Speaker, **Evaluating Cyber Insurance Policies**, 2018 Telecom Executive Forum, Monterey, CA, March 13, 2018

> Speaker, **Shortcuts To Favorable Insurance Claim Resolution**, 2018 IMA Account Executive Conference, Kansas City, MO, February 6, 2018

> **Shortcuts to Favorable Insurance Claims**, January 11, 2018

> Speaker, **No-Injury Class Actions: The Efforts to Reform and the Tools to Defend**, Lowenstein Sandler and U.S. Chamber Institute for Legal Reform Seminar, June 15, 2017

- > Speaker, **Dealing with Denial: Persuading Insurers to Modify Their Coverage Determinations**, TechAssure Spring Conference, April 10, 2017
- > Speaker, **Cyber Insurance: Underwriting and Claim Strategies to Maximize Coverage**, Lowenstein Sandler and Marsh & McLennan, April 5, 2017
- > Speaker, **Minimizing the Cost of Discovery: Practical Tips to Limit the Burden of Discovery**, Lowenstein Sandler Alumni Day, December 6, 2016
- > Speaker, **The False Claims Act – Recent Developments, Best Practices, and Pursuing Insurance to Manage the Risk**, Lowenstein Sandler LLP, New York, NY, November 2, 2016
- > Speaker, **Best Practices for Insurance Placement and Claims Resolution**, Lowenstein Sandler and Lockton, October 6, 2016
- > **The False Claims Act – Recent Developments, Best Practices, and Pursuing Insurance To Manage the Risk**, Washington, D.C., April 7, 2016
- > Speaker, **Sea Change: The 2015 Amendments to the Federal Rules of Civil Procedure And Their Implications On Ethical Practice**, March 13, 2016

## EDUCATION

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- > The Catholic University of America, Columbus School of Law (J.D. 2007), cum laude, *Associate Editor, Journal of Contemporary Health Law and Policy*
- > George Washington University (B.A. 2004)

## ADMISSIONS

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- > Texas
- > District of Columbia