

Robert Tomilson

Member

Robert Tomilson has been legal counsel and trusted advisor to the insurance and financial services industry for more than 20 years, both in private practice and as in-house counsel at a Fortune 100 insurance company. Robert is a nationally recognized subject matter legal expert in insurance and reinsurance, as noted by *Who's Who Legal* and *Best Lawyers*. He is an advisor to the Restatement of the Law of Liability Insurance, an adjunct Professor of Insurance Law at Drexel University's Thomas R. Kline School of Law, and sits on the law school's Advisory Board. Robert regularly represents and advises insurers, reinsurers, and intermediaries in contentious and non-contentious matters, including international reinsurance disputes, insurance regulatory investigations, captive and other insurance-related entity creation for Silicon Valley insurtech startups.



Select Representations

- Lead counsel for carrier in arbitration against four excess and a catastrophe layer of liability reinsurance involving more than \$100m mass tort claims
- Represented health care carrier in \$40m medical stop arbitration with Plan sponsor, included allegations of improper calculation of Plan premium and ex gratia payments to beneficiaries
- Lead counsel for an MGA in a four state Insurance Department investigation regarding unlicensed activity and excessive fees
- Lead counsel for an actuarial firm before the Securities and Exchange Commission as well as in SDNY class action, wherein the allegations included the insufficiency of a public company's loss reserving
- Lead counsel in London-situs arbitration, where testimony and documents produced in U.S., involving the experience account balance of more than \$25m for a property catastrophe excess, finite retrocession agreement involving 9-11 risks
- National and coordinating counsel for excess workers comp carrier providing coverage for self-funded employers in all fifty states
- Established a Delaware-domiciled risk purchasing group (an RPG) for a 14,000 member trade association for the purchase of liability insurance on a group basis
- Represented Tokyo-based international insurer in establishing a reinsurance syndicate that allowed it to cede certain carved out risks under general liability policies
- Provided a comprehensive "insurable interest" opinion for a transaction raising \$100m wherein life policies were used as collateral for bondholder commitments
- Represented a reinsurer before the Pennsylvania Supreme Court on the right of set-off among multiple contracts with an insolvent Pennsylvania insurer
- Represented Barbados-based reinsurer in transaction wherein a \$300m dividend was made to North American and parental guarantees provided to cedents

Publications / Presentations

- *COVID 19 Coverage Disputes? Let the Courts Decide*, Risk & Insurance Magazine, April 2020.
- Presenter, "Breaking Down Ancient Walls: Regulatory Hurdles for Silicon Valley Insurtech", Insurance Licensing Services of America, Podcast 2016.
- Presenter, "When is an MGA a Systemically Important Financial Institution? Brokers, Producers, MGAs under the Uniform Model Act", Brokers & Reinsurance Markets Assoc. (BRMA) Philadelphia, May 2015.
- Presenter, Reinsurance Disability and Professional Sports Disability Claims, ACI's Litigating Disability Insurance Claims Forum, January 2015.
- Presenter, "The Evolution of Reinsurance Clauses from the 1990s to the Present", C.W.D.G. Contract Wording Discussion Group, New York, October 2014.
- *Court Holds Excise Tax Does Not Apply to Foreign Retrocessional Reinsurance*, February 2014.
- *Whither Grigsby? STOLI and the Assault on Insurable Interest*, New Appleman on Insurance, December 2013.
- *SDNY Predicts California Would Adopt Bad Faith Exception to Notice-Prejudice Rule*, August 2013.
- Chair, ACI's 2nd National Advanced Forum on Life Insurance and AD&D Litigation, July 2013.
- *Duties of the Cedent*, New Appleman on Insurance, August 2012.
- *Aetna Enters the Capital Markets with the First Medical Benefits ILS Transaction*, Insurance Finance & Investment, March 2011.
- *Hugging the Shore: Can North American Insurers Compete in the Global Market?* Canadian Insurance

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Education

J.D., Washington University School of Law, St. Louis, Missouri
M.A., University of Illinois at Urbana-Champaign, Champaign, Illinois
B.A., University of New Hampshire-Main Campus, Durham, New Hampshire

State Bar Licenses

Pennsylvania
District of Columbia
Maryland
New York

Practices, Industries & Services

Emerging Technologies
Insurance
Insurance & Reinsurance

Areas of Emphasis

Commercial Litigation

Memberships

- Eastern University, Board of Trustees
- Thomas R. Kline School of Law, Advisory Board
- Restatement of the Law: Insurance Liability, Advisor
- The Anthony J. Drexel Society
- The Circle of the New Criterion
- AIDA Reinsurance and Insurance Arbitration Association

Honors

- 2020 Best Lawyers in America - Insurance Law
- 2019 Who's Who Legal - Insurance & Reinsurance
- The Best Lawyers in America