



Neil V. Mody

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Neil V. Mody began his legal career as the final judicial law clerk to the Hon. Lawrence Weiss, J.S.C. (ret.), to whom many of New Jersey's largest and most complex insurance coverage actions had been assigned. In that capacity, Mr. Mody assisted the Court in its final year to prepare its substantial coverage litigation docket for conclusion or transition through multiple coverage trials, arbitrations, mediations and substantive motions involving an array of coverage issues. He was also appointed as a Court Ordered mediator for the Special Civil Part, and served as judicial intern to the Hon. Katharine S. Hayden, U.S.D.J., in the U.S. District Court for the District of New Jersey. Accordingly, Mr. Mody gained significant exposure to critical concepts of insurance coverage law coupled with judicial insight from the inception of his career.

Following this early coverage background, Mr. Mody has for nearly a decade focused his legal practice on litigation, counseling and monitoring on behalf of domestic and internationally-based insurers. In particular, Mr. Mody represents insurance companies with respect to a broad range of coverage matters dealing with property claims, general liability coverage, excess liability claims, long-tail claims (such as asbestos, environmental and other toxic torts), construction defect, bad faith/extra-contractual claims, reinsurance matters, product liability and catastrophic loss. He has significant litigation experience spanning all aspects from initial case assessment, discovery preparation and motions, and depositions of experts and corporate representatives, to dispositive motion practice and preparation for arbitration, trial and appeals. He is also regularly asked to provide insurers with coverage advice, opinions and monitoring with respect to complex, multi-claimant and high-exposure claims.

Mr. Mody is a 2008 graduate from the rigorous International Association of Defense Counsel (IADC) Trial Academy at Stanford University Law School. He is also an active member of various international, domestic and local insurance coverage organizations, subcommittees and societies, and a regular speaker and contributing author on emerging issues in insurance coverage law. He is licensed to and routinely practices on behalf of insurers in the State and Federal Courts of New York and New Jersey.

Representative Experience

- Represented Fortune 100 insurer before New Jersey Supreme Court following successful rulings at Superior Court and Appellate Division levels on duty to defend in complex, multi-million dollar environmental insurance coverage action;
- Represented domestic insurer before New York Appellate Division after achieving summary judgment dismissal of environmental coverage claims based on pollution exclusion and other policy provisions;
- Obtained summary judgment dismissal of internationally-based insurer in multi-million dollar construction defect coverage action based on principles of trigger, allocation, exhaustion, business risks exclusions and other insurance policy defenses;
- Achieved dispositive judgment against plaintiff's insurance coverage complaint arising from toxic exposure bodily injury claims before New York Supreme Court.

Practice Areas:

Insurance Law
Environmental Law
Business Litigation

Admitted to Practice:

State of New Jersey
State of New York
United States District Court for the District of New Jersey
United States District Court for the Eastern District of New York
United States District Court for the Southern District of New York

Education:

Seton Hall University (B.S., Psychology, *cum laude*, 1998)
Seton Hall University School of Law (J.D., 2001)

Affiliations:

New Jersey State Bar Association
New York State Bar Association
Commercial Litigation Section
American Bar Association Insurance Coverage Committee
Defense Research Institute Ethics and Professionalism Committee
Liability Insurance Research Bureau
Property Liability Research Bureau
South Asian Bar Association of New Jersey
South Asian Bar Association of New York

Professional Activities

- Speaker, USLAW/Bowring Marsh Insurance Conference on "Impact of Recent Supreme Court Rulings on Generic Manufacturers," Hamilton, Bermuda (September 2011)
- Speaker, 2011 PLRB/LIRB Large Loss Conference on "Adjusting Catastrophic Losses" Chicago, IL (September 2011)
- Speaker, National Association of Insurance Adjusters Annual Meeting on "Insurance Coverage Developments and Trends," Point Clear, AL (May 2011)
- Speaker, HB Litigation Seminar on "Important Updates on Construction Defect Coverage Claims," featuring Live Audiocast and Q&A (July 2011)
- Speaker, American Bar Association Tort Trial & Insurance Practice Section Insurance Coverage Litigation Committee Mid-Year Meeting on "Litigating Coverage in Construction Defect Actions," Phoenix, AZ (February 2011)
- Speaker, PLRB/LIRB Regional Adjusters Conference on Legal Developments Impacting the Total Pollution Exclusion and Other Critical Concepts of Insurance Coverage Law, Anaheim, CA (November 2010)
- Speaker, PLRB/LIRB Regional Adjusters Conference on Emerging Issues in Coverage Law, Columbus, OH (September 2010)
- Speaker, PLRB/LIRB Regional Adjusters Conference "*Deconstructing Chinese Drywall: Analysis of First- and Third-Party Chinese Drywall Coverage Claims*," Atlanta, GA (June 2010)
- Speaker, 2010 PLRB/LIRB Regional Adjusters Conference on Emerging Issues in Coverage Law, Columbus, OH (September, 2010)
- Speaker, LRB/LIRB 2010 Regional Adjusters Conferences "*Deconstructing Chinese Drywall: Analysis of First- and Third-Party Chinese Drywall Coverage Claims*," Atlanta, GA (June 2010)

Publications

- Co-Author, "*Bad Faith Jury Trial*," American Bar Association Insurance Coverage Litigation Committee Newsletter (June 2011)
- Author, "*New York's Highest Court Holds CGL Insurer Has Primary Obligation to Pay Defense Costs Over D&O Policy, Even Though D&O Claims Dominated Underlying Suits*," American Bar Association Insurance Coverage Litigation Committee Newsletter (March 2011)
- Author, "*Third Circuit: Construction Defects Do Not Constitute 'Occurrences' Under New Jersey Law*," American Bar Association Insurance Coverage Litigation Committee Newsletter (December 2010)
- Co-Author, "Pulling the Right Trigger: Identifying the Appropriate Insurance Policy Trigger Approach at the Inception of a Construction Defect Coverage Case" *USLAW* magazine (Spring/Summer 2010)