Donald E. Frechette

Counsel

Boston
donald.frechette@troutman.com
D 617.239.0100

OVERVIEW

Don is a former in-house counsel with more than 40 years of courtroom experience. His practice involves representing cedents and reinsurers in reinsurance arbitration and litigation. Don has also acted as outside national litigation counsel to two insurance companies and, in that role, hired and supervised trial attorneys across the U.S.

Don also advises insurance companies, corporations, and banks on a broad array of contested issues. These include securities law, regulatory disputes, claims/coverage litigation and management, mergers and acquisitions litigation, inter-bank conflicts, lender liability, trademark infringement and unfair competition, franchise claims, and class actions.

REPRESENTATIVE MATTERS

- Prevailed in challenging Connecticut and New Jersey bans on national bank ATM surcharges.
- Obtained a dismissal of all securities class claims under the SLUSA against a life insurer in connection with its sale of variable annuity contracts in a case of first impression.
- Served as special investigative counsel to a housing authority allegedly involved in discriminatory lending practices.
- Litigates and manages a variety of claims and coverage litigations, including, among others, product liability, life, employment, and D&O/E&O.
- Obtained a ruling establishing that state bank regulators have no visitorial authority over national banks in an important case of first impression.
- Represented one of New England’s largest banks in connection with state regulatory efforts to unwind a five-bank merger.
- Prevailed before the Connecticut Supreme Court in a case challenging Connecticut’s corporate estimated tax statute in a case of first impression.
- Represented consumer finance companies in class action litigation arising under TILA, TCPA, RESPA, RIFSA, FDCPA, and FCRA. In one recent class action, obtained a dismissal of all claims on the basis of a first impression statute of limitations question.
- At the forefront of litigation involving the enforcement of contracts containing alternative dispute resolution

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mechanisms. Prevailed, both at trial and in appellate proceedings, in a case involving a partnership arbitral mechanism that allows partners to serve as arbitrators in matters involving their own firm.

- Represented a cedent in an international consolidated reinsurance arbitration involving an attempted rescission of the relevant treaties. In related litigation, forced one of the reinsurers to consolidate its claims into a single arbitration with the cedent, thereby resulting in significant economies of scale for the client and related cost savings.
- Retained by several national insurance carriers to represent them in connection with ongoing investigations being conducted by the attorneys general of CT, MA, and WV concerning insurance brokering practices.
- Represented a national life insurance carrier in connection with TX appellate proceedings arising out of a dispute with one of its brokers that resulted in the reversal of a $12 million trial court judgment.
- Represented one of the nation's largest banks in a trade defamation case brought against a state savings bank and ultimately negotiated a settlement whereby the savings bank agreed to forever refrain from further comparative advertising.
- Prosecuted a summary judgment that disposed of most of the plaintiff's claims in a case involving a consumer finance company. Negotiated a settlement that established a vendor relationship between the former adversaries.

AWARDS

- *Super Lawyers*® Connecticut, Business Litigation (2006-2019)

TOP AREAS OF FOCUS

- Class Action
- Financial Services Litigation
- Insurance + Reinsurance
- Reinsurance

ALL AREAS OF FOCUS

- Class Action
- Financial Services Litigation
- Franchise, Distribution + Marketing Litigation
- Insurance + Reinsurance
- Mergers + Acquisitions
- Reinsurance

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, New Hampshire Board of Bar Examiners
- Member, New Hampshire Personnel Appeals Board
- Member, International Association of Defense Counsel
- Member, New England Legal Foundation (Connecticut Council Advisory)

EDUCATION AND CERTIFICATIONS

EDUCATION

- Boston University, LL.M., *summa cum laude*, 1985
- New York Law School, J.D., *cum laude*, 1981
- University of New Hampshire, B.A., 1978

BAR ADMISSIONS

- Connecticut
- Maine
- Massachusetts
- Michigan
- New Hampshire
- Vermont

COURT ADMISSIONS

- U.S. District Court, District of New Hampshire
- U.S. District Court, District of Connecticut
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, Western District of Michigan
- U.S. District Court, District of Massachusetts
- U.S. District Court, District of Maine
- U.S. District Court, Southern District of New York
- Supreme Court of the United States
- U.S. District Court, Eastern District of New York
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Second Circuit

PUBLICATIONS

- Co-author, “Data Breaches, Leaked Documents and the Attorney-Client Privilege: Can the Bell Really Be Unrung?” *Cybersecurity Law Report*, September 23, 2020.