Spenser A. Swaczyk

Associate

New York

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OVERVIEW

Spenser advises insurance companies on a broad range of coverage and bad faith issues arising under a variety of policies, including energy, first-party property, marine, cyber, Bermuda form, general liability, excess liability, construction, and reinsurance. He has successfully represented both U.S. and foreign insurers in litigation and arbitration involving high-value insurance coverage disputes, including matters related to property damage, cargo, war risk, business interruption, pollution, and product liability.

Spenser has also advised insurance companies on U.S. economic sanctions, including representing clients before the U.S. Department of Justice (DOJ) and the U.S. Treasury Department's Office of Foreign Assets Control (OFAC). He has assisted clients with securing OFAC licensing, responding to enforcement actions, and seeking removal from sanctions lists.

Clients seek his guidance on complex issues and unique legal questions, often involving high-stakes coverage disputes with unsettled questions of law.

REPRESENTATIVE MATTERS

- Defended insurer clients in a New York federal jury trial and a Second Circuit appeal concerning a $65 million claim for oil seized by the Venezuelan government.
- Represented an insurer client in a case involving the denial of a claim for stolen PPE products, negotiating a favorable early resolution of the lawsuit.
- Represented a London Market insurer in a New York declaratory judgment action aimed at enforcing a contractual provision barring coverage for punitive damages.
- Advised onshore renewable energy underwriters on claims for property damage and business interruption losses resulting from wind turbine failures and solar farm outages.
- Obtained summary judgment for a London Market insurer client in a coverage dispute regarding seized counterfeit K-95 masks. The New Jersey Superior Court, Appellate Division affirmed the decision on appeal.
- Provided advice to a U.S.-based insurer on a $12 million dispute related to damaged iron ore pellets.

AWARDS

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- *Best Lawyers in America*®: Ones to Watch, Commercial Litigation (2027)

TOP AREAS OF FOCUS

- Bad Faith
- General Liability
- Insurance + Reinsurance
- Maritime, Shipping + Logistics
- Media, Technology + Cyber Liability Insurance
- Professional Liability

ALL AREAS OF FOCUS

- Bad Faith
- Directors + Officers Insurance
- General Liability
- Insurance + Reinsurance
- Litigation + Trial
- Maritime, Shipping + Logistics
- Media, Technology + Cyber Liability Insurance
- Professional Liability
- Sanctions + Trade Controls

PROFESSIONAL/COMMUNITY INVOLVEMENT

- New York City Bar Association, Admiralty Committee Board member, 2023-present

PROFESSIONAL EXPERIENCE

- Judicial intern, Hon, Eldon E. Fallon & Hon. Susie Morgan, U.S. District Court, Eastern District of Louisiana, 2018

EDUCATION AND CERTIFICATIONS

EDUCATION

- Tulane University School of Law, J.D., *cum laude*, 2020, editor-in-chief, *Tulane Maritime Law Journal*; member, John R. Brown Admiralty Appellate Moot Court Team
- Tulane University, B.A., 2010, political science, political science

CERTIFICATIONS AND MEMBERSHIPS

- Louisiana State Bar Association
- Maritime Law Association of the United States

BAR ADMISSIONS

- New York
- Louisiana
- Maryland

COURT ADMISSIONS

- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, Eastern District of Louisiana
- U.S. Court of Appeals, Second Circuit

SPEAKING ENGAGEMENTS

- Roundtable moderator, AML & OFAC Compliance Forum, 2024.

PUBLICATIONS

- Editor, Benedict on Admiralty: Marine Insurance Forms, Vol. 7-7a.
- “Admiralty Presumptions Alive and Well in the US,” *The Marine Insurer*, Issue 7, September 2021.
- “Hall and Boats: The Ninth Circuit Adopts the *Hall v. Noble* Drilling Framework for Pretrial Maintenance and Cure Claims,” *Tulane Maritime Law Journal Online*, Vol. 43, 2019.