

## Thomas Kinney

Partner

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Insurance and reinsurance clients rely on Tom for guidance on emerging risks and new developments. When complex disputes arise, he applies deep industry knowledge to help resolve complex disputes efficiently.

### OVERVIEW

Tom provides comprehensive counseling, litigation, and arbitration support on a wide range of complex insurance and reinsurance issues.

Clients appreciate Tom's in-depth knowledge of the nuances of insurance and reinsurance law. He is regularly involved with dozens of disputes involving life, health, and property/casualty insurance and reinsurance issues. Experienced in both domestic and international reinsurance disputes, he has handled issues such as yearly renewable term reinsurance premiums, increases in retention and recapture provisions, sunset and commutation clauses, actuarial and agency issues, "follow the fortunes" and "follow the settlements" clauses, underwriting and claims-handling practices, fraud, offset, and misrepresentations.

Tom handles a wide range of insurance coverage disputes involving environmental and asbestos damages allocations, sexual abuse claims, and misrepresentation and rescission. These disputes center on a wide variety of underlying exposures and businesses, including variable annuities, individual life, health care, long-term care, asbestos, environmental, and construction defects.

Tom counsels clients on business, strategy, and regulatory matters, including compliance with the emerging regulatory landscape for insurers and reinsurers employing artificial intelligence (AI) and generative artificial intelligence (GenAI) technology in their business operations.

### REPRESENTATIVE MATTERS

- Achieved a significant victory for a reinsurer in an arbitration concerning its contractual right to increase nonguaranteed reinsurance premiums and secured a final award worth upwards of \$115 million.
- Achieved victory for a reinsurer in a \$100 million dispute with its cedent about the scope of the cedent's recapture right under a Canadian YRT reinsurance agreement.
- Currently represent several global reinsurers in arbitrations over whether they can raise premiums on yearly renewable term life reinsurance.
- Counseled a global reinsurer regarding the scope of the recapture rights in its book of U.S. yearly renewable

term business.

- Advised an insurer in an action to rescind an aviation insurance policy based on material misrepresentations made by the policyholder when soliciting insurance coverage.
- Represented insurers in long-tail coverage disputes involving liability for asbestos-related bodily injury and progressive environmental contamination.
- Advised an insurer regarding its response to sexual abuse claims made against institutional policyholders.
- Counseled an insurer regarding its potential liability arising from proposed class actions brought against the National Collegiate Athletic Association (NCAA) by student-athletes alleging they suffered from athletics-related traumatic brain injuries.

## **AWARDS**

- *Best Lawyers in America®: Ones to Watch: Insurance Law* (2023-2024)
- *Benchmark Litigation: "40 & Under List"* in Washington, D.C. (2024-2025)
- *Legal 500 United States* for Insurance: Advice to Insurers (2022)

## **TOP AREAS OF FOCUS**

- Business Litigation
- Insurance + Reinsurance
- International Arbitration
- Reinsurance

## **ALL AREAS OF FOCUS**

- Business Litigation
- Insurance + Reinsurance
- International Arbitration
- Litigation + Trial
- Reinsurance

## **EDUCATION AND CERTIFICATIONS**

### **EDUCATION**

- The George Washington University Law School, J.D., 2012
- University of New Hampshire, B.A., 2008

### **BAR ADMISSIONS**

- District of Columbia
- Maryland

### **CLERKSHIPS**

- Superior Court of the District of Columbia, 2013-2015

## SPEAKING ENGAGEMENTS

- Speaker, “Life’s Different: A Discussion of Key Provisions and Unique Features of Life Reinsurance Agreements,” ARIAS US 2025 Fall Conference, November 13-14, 2025.
- Speaker, “Chat GPT and Other AI Issues,” Reinsurance Association of America’s “Re Contracts: The Art of Designing Reinsurance Contracts and Programs” Conference, July 22, 2025.
- Speaker, “Artificial Intelligence in Arbitration: A Round Table Discussion,” Troutman Pepper Locke International Arbitration Forum, May 15, 2025.
- Speaker, “Chat GPT and AI-Related Issues,” Reinsurance Association of America’s “Re Contracts: The Art of Designing Reinsurance Contracts and Programs” Conference, July 23, 2024.
- Speaker, “Hot Topic – AI Issues,” Demystifying Reinsurance – A Basics of P/C Reinsurance, Reinsurance Association of America’s (RAA) Re Basics Conference, May 8, 2024.
- Speaker, “AI – The Good, The Bad and The Ugly,” ARIAS-U.S., December 6, 2023.
- Speaker, “International Arbitration Practice Across Practices: How Different Sectors Use International Arbitration to Efficiently Resolve Disputes,” The Art of International Arbitration CLE: Practical Advice in International Arbitration, November 2, 2023.
- Speaker, “AI Technology and the Insurance/Reinsurance Industry,” Reinsurance Association of America, May 10, 2023.

## PUBLICATIONS

- Podcast, “AI Underwriting Uncovered: Risks, Data, and Liability in Insurance,” *The Good Bot: Artificial Intelligence, Health Care, and the Law*, November 20, 2025.
- Co-author, “The Insurance and Reinsurance Law Review: USA,” *The Law Reviews*, July 20, 2023.
- Contributor, “D&O and Professional Liability 2020 | A Year in Review,” *Troutman Pepper*, March 1, 2021.
- Co-author, “Summary of United States Insurance and Reinsurance Law,” *The Insurance and Reinsurance Law Review*, ed. 8, 2020.
- Co-author, “Recent Developments in Excess, Surplus Lines, and Reinsurance,” Volume 55-1 of the *Tort Trial & Insurance Practice Law Journal*, Spring 2020.
- Contributor, “D&O and Professional Liability Update 2019: A Year in Review,” *Troutman Sanders*, March 3, 2020.
- Co-author, “Summary of United States Insurance and Reinsurance Law,” *The Insurance and Reinsurance Law Review*, ed. 7, 2019.
- Contributor, “D&O and Professional Liability Update 2018: A Year in Review,” *Troutman Sanders*, January 31, 2019.
- Co-author, “Recent Developments in Excess, Surplus Lines, and Reinsurance,” Volume 52-3 of the *Tort Trial & Insurance Practice Law Journal*, Winter 2018.
- Co-author, “Summary of United States Insurance and Reinsurance Law,” *The Insurance and Reinsurance Law Review*, ed. 6, 2018.
- Co-author, “5th Circ. Suggests Insurance May Cover Credit Card Breach,” *Law360*, July 25, 2018.
- Co-author, “Summary of United States Insurance and Reinsurance Law,” *The Insurance and Reinsurance Law Review*, ed. 5, 2017.
- Co-author, “*Atlas Assurance Co. of America v. American Centennial Insurance Co.*,” *ARIAS US Law Committee Report*, 2017.
- Co-author, “*In re Arbitration Between Northwestern National Insurance Company and Generali Mexico Compania de Seguros, S.A.*,” *ARIAS US Law Committee Report*, 2017.
- Co-author, “*CE International Resources Holdings LLC v. S.A. Minerals Ltd. Partnership*,” *ARIAS US Law*

*Committee Report, 2017.*

- Co-author, "*Rakower v. Aker*," *ARIAS US Law Committee Report, 2017.*
- Co-author, "*Pacific Reinsurance Management Corp. v. Ohio Reinsurance Corp.*," *ARIAS US Law Committee Report, 2017.*
- Co-author, "*In re Arbitration Between The Home Indemnity Co. v. Affiliated Food Distributors, Inc.*," *ARIAS US Law Committee Report, 2017.*
- Co-author, "*Swift Industries Inc. v. Botany Industries Inc.*," *ARIAS US Law Committee Report, 2017.*
- Co-author, "*Great Eastern Securities Inc. v. Goldendale Investments Ltd.*," *ARIAS US Law Committee Report, 2017.*