

# David R. Dwares

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## INSURANCE ADVISOR AND EXPERT WITNESS

Intellectually curious forward-thinker, with a proven ability to assess risk, analyze and solve problems and resolve disputes. Deep understanding of insurance industry and coverage from both legal and practical perspectives. Visionary leader with extensive experience in a broad range of business, insurance coverage and legal areas. Studied and accomplished teacher, communicator and negotiator focused on continuous improvement, excellence, adaptation and innovation.

- Insurance Law
- Litigation Analysis and Management
- Legal Risk Assessment
- Negotiation
- Communications Skills Trainer
- Strategic Planning
- Mediation
- Professional Liability
- Healthcare Liability

## PROFESSIONAL EXPERIENCE

**Stratagem Advisors LLC, Washington, DC**

**January 2021-Present**

Co-Founder and Principal of boutique firm providing wide-range of insurance-related consulting services to established and new insurance companies, litigation funders, law firms and insurance agents and brokers.

**CNA, Washington, DC and Chevy Chase, MD**

**October 2004-October 2020**

Assumed positions of increasing responsibility at one of country's largest property and casualty insurance companies, including optimizing total claim outcomes, effectively analyzing and addressing insurance coverage issues and multiple transformational reorganizations to increase efficiency and efficacy and control costs.

**Senior Vice President, Claim, Coverage and Healthcare, December 2017-October 2020**

Reorganized and led a diverse 75+ person Healthcare Claim unit handling 7,000+ claims throughout the country and worldwide involving over \$600M in premium and a broad and diverse customer group (including hospitals, physicians, allied health providers and facilities, nurses, dentists and aging services facilities) while continuing to lead 40+ person teams handling coverage matters.

- Led major restructuring and talent upgrade, delivering significantly improved financial outcomes, reserving practices and internal communications with business partners, as measured by decrease in paid loss and legal expense, increase in Quality and Net Promoter scores and material refinements in risk selection and product terms and conditions.
- Addressed merits and insurance coverage issues in a wide variety of claim types, including birth trauma, surgical and diagnostic negligence, elder negligence/abuse and sexual or other abuse/misconduct.
- Created and taught advanced communication and negotiation training course that ultimately reached 100+ CNA employees worldwide, earning overwhelmingly positive feedback from participants and their supervisors and leading to demonstrable improvement in claim outcomes.

**Vice President, Claim, Coverage and Strategic Claims, January 2010-December 2017**

Established and led unit of 8 senior claims professionals responsible for handling and resolving the highest exposure and most volatile claims worldwide in the Healthcare and Professional Services claim units (2-3% of claims by volume and over 50% of the total reserves in those units) and 8 senior attorneys providing coverage analysis, support and training, as well as separate unit of 32 lawyers and other professionals representing CNA in coverage litigation throughout the country.

- Identified, analyzed and formulated creative resolution strategies for a broad variety of coverage issues (including number of claims or occurrences, sufficiency and timing of notice, prior knowledge, scope of professional services and damages provisions, rescission/misrepresentation, duty to cooperate, alleged bad faith) involving 100+ different professional liability and general liability coverage forms and provided supportive testimony when necessary.

- Created and implemented model that both facilitated addressing coverage issues internally rather than retaining outside counsel, leading to improved outcomes and savings of millions of dollars over multiple years in counsel fees, and more aggressively and successfully managing highest severity matters that led to similar amounts saved in reduced indemnity and extra-contractual payments.
- Evaluated capabilities and processes of group representing CNA in over 200 litigated coverage matters in 33 jurisdictions throughout the country, clarified roles and responsibilities and developed new workload and productivity standards that facilitated transition over 6 months from 85+ lawyers and support staff in 9 offices to 32 lawyers and support staff in 7 offices, achieving \$4M+ in run-rate savings while continuing to fulfill and expand mandate.

**Vice President, Claim, Architects and Engineers and Accountants, July 2007-December 2009**

Led diverse 60+ person claim unit handling 6,000+ claims worldwide involving over \$450M in premium.

- Upgraded talent and designed and implemented innovative processes and procedures to promote quicker identification and more aggressive and successful management of highest severity and most volatile claims, and improved accuracy and timeliness of reserving.

**Senior Litigation Counsel, Architects and Engineers, Accountants and Real Estate, October 2004-June 2007**

Utilized expertise and experience to perform internally critical functions previously handled by outside law firms, including coverage analysis and resolution of highest complexity and exposure claims.

- Structured and handled numerous mediations, achieving transformative claim results while maintaining focus on customer service.

**ADDITIONAL RELEVANT EXPERIENCE**

**Ross, Dixon & Bell, LLP** (n/k/a Troutman Pepper), Washington, DC

**Litigation Associate/Partner**

Handled 1st and 2nd chair trial work and counseling in all areas of civil litigation. Emphasis in insurance coverage, defense of professionals in malpractice actions, other professional liability defense cases and general civil litigation.

- Established and grew practice area involving litigation and mediation case management on behalf of insurers and their customers in complex, multi-party lawsuits that included analysis of cases on merits, coordination of work of counsel, development and implementation of resolution plans and serving as mediation counsel.
- Entrusted by partnership with significant and increasing managerial responsibility in addition to active practice as firm grew from 32 attorneys in 1 office to 100+ attorneys in multiple offices across the country, including member of 5-person management committee, chair of Pro Bono committee and implementation of first associate development and training program.
- Achieved then-record verdict of \$263M on behalf of plaintiff in product liability trial.
- Selected District of Columbia Bar's Pro Bono Lawyer of the Year.
- Facilitated adoption and implementation of new federal procedures to expedite processing Social Security disability claims for persons with HIV and other terminal illnesses.

**EDUCATION**

University of Pennsylvania School of Law, Philadelphia, PA

Juris Doctor

Vanderbilt University, Nashville, TN

Bachelor of Arts Political Science, Summa Cum Laude,

Phi Beta Kappa, Top 3% of Class

**PROFESSIONAL TRAINING AND AFFILIATIONS**

- Member of the Bars of the Commonwealth of Pennsylvania (inactive) and the District of Columbia
- Certificate for Training in Mediation, The Center for Alternative Dispute Resolution