



KEVIN J. O'CONNOR

SHAREHOLDER

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KEY SERVICES

Fidelity & Surety

- Surety / Bonds

Litigation

- Appellate
- Construction
- Environmental

Insurance

- Bad Faith
- Directors & Officers
- Insurance Coverage
- Insurance Law

BAR ADMISSIONS

State Bar Admissions
MA

United States District
Court
MA

United States Court of
Appeals
First Circuit, Second Circuit

EDUCATION

Harvard Law School, J.D.,
cum laude, 1989

Boston College, A.B.,
summa cum laude, 1986

OVERVIEW

Kevin is the President and a founding member of Hermes, Netburn, O'Connor & Spearing, P.C. and focuses his practice in insurance law.

Kevin advises major national and international property and casualty insurers, reinsurers, insurance claim administrators, risk managers, insurance brokers and other stakeholders in the insurance industry in complex insurance coverage matters. Clients turn to his expertise in matters related to environmental, toxic tort, asbestos, sexual abuse, professional liability, products liability, general liability, fidelity, directors and officers, bad faith and other insurance claims. He is a particularly reputable resource for the surety and construction industries, representing surety companies and contractors in commercial surety and construction related litigation.

A trial lawyer for over 30 years, Kevin has broad and deep experience in the trial, arbitration and appeal of insurance and reinsurance coverage, construction, surety, insurance defense, environmental and other commercial cases. Kevin's involvement in cases at the cutting edge of developing insurance coverage issues, appearing as counsel for litigants or other interested parties, has been a hallmark of his career. He has a proven commitment to providing excellent legal solutions delivered through responsive client service.

EXPERIENCE

- **OneBeacon America Ins. Co. v. The Narragansett Electric Co.** – Represented insurers in large multi-site environmental coverage dispute involving historic gas manufacturing and electricity generation facilities. Obtained summary judgment as to all claims at all sites.

- **Stonewall Ins. Co. v. Travelers Cas. and Sur. Co.** – Represented insurer in trial of equitable contribution claims seeking recovery of defense costs. After settling with most defendants, successfully recovered against others at trial.
- **United States Fidelity & Guaranty Co. v. Bordieri** – Represented construction surety in fraudulent conveyance claim. Obtained injunctive relief attaching assets fraudulently transferred by defaulting prime contractor.
- **Emhart Industries, Inc. v. Home Ins. Co.** – Jury verdict for client excess insurer that its coverage was not triggered under Rhode Island “discoverability” trigger of coverage rule.
- **Elwood Ins. Ltd. v. OneBeacon America Ins. Co.** – Represented ceding insurer against a reinsurer’s challenge to an arbitration award. Obtained summary judgment in favor of ceding insurer on both the arbitration challenge and on statutory bad faith claims. Also obtained order requiring foreign reinsurer to post collateral as a condition of filing any appeal.
- **Riddick v. Harrington Bros. Corp.** – Defense verdict for construction company client in jury trial alleging race and gender based discrimination and wrongful termination of employment.
- **Home Ins. Co. v. Camp Dresser & McKee** (1991, duty to defend)
- **Trustees of Tufts University v. Commercial Union Ins. Co.** (1993, trigger of coverage)
- **SCA Services v. Transportation Ins. Co.** (1995, known loss)
- **Hakim v. Mass. Insurers Insolvency Fund** (1997, owned property exclusion)
- **Feinberg v. Commercial Union Ins. Co.** (2002, pollution exclusion)
- **Emhart Industries, Inc. v. Century Indem. Co.** (2009, termination of duty to defend)
- **Boston Gas Co. v. Century Indem. Co.** (2009, allocation of long term losses)

AWARDS & HONORS

- Listed in Best Lawyers® in the field of insurance, 2016-present
- Massachusetts and New England SuperLawyer in the field of Insurance Coverage, 2004, 2006-2019



INVOLVEMENT

Primerus Defense Institute

- Insurance Coverage and Bad Faith Executive Committee member

Massachusetts Bar Association

- Civil Litigation and Environmental Law Sections

American Bar Association

- Torts and Insurance Practice, Fidelity and Surety Law Committee, Natural Resources, Energy and

Environmental Law and Litigation sections

ARIAS-US

Massachusetts Reinsurance Bar Association

Defense Research Institute

Surety Claims Institute

- Director and Vice President