

Michael T. Mullaly

Senior Associate

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About Michael

Michael Mullaly is an experienced litigator who focuses his practice on representing insurers in high-exposure or novel coverage matters, disputes alleging bad faith, and other insurance-based litigation. In addition to representing clients in state and federal courts, Michael routinely advises life, health and casualty insurers on controversy-driven regulatory matters. Whatever the setting, Michael strives to provide clients the benefit of his attention to detail, analytical rigor and ability to simplify intricate subjects without compromising on accuracy. Before entering private practice, Michael clerked for the Honorable David A. Mills of the Massachusetts Appeals Court.

Experience

Coverage and Extracontractual Liability Litigation and Advice

- Represents insurers in coverage matters arising from litigation that involves complex underlying events and vast potential exposures, including alleged environmental contamination, products liability, anticompetitive conduct and student sexual abuse.
- Represents excess and umbrella insurers in connection with attachment disputes (including drop-down demands) and disputes concerning construction of follow-form provisions.
- Represents insurers in connection with extracontractual (bad faith) claims and claims for equitable contribution or equitable subrogation.

Insurance-related Litigation

- Defended a cedent in arbitration where the reinsurer alleged improper cessions and bad faith.
- Defended a reinsurer in arbitration concerning reinsurance limit and exhaustion of underlying reinsurance.
- Obtained pre-trial dismissal of a claim for punitive damages against a major life insurer.
- Defended an administrator of a major service contract program against threatened class action.
- Represented a CGL carrier in a suit to recover sizable audit premiums.
- Defended a Medicaid managed care organization in arbitration alleging improper and untimely reimbursements to a provider.

- Obtained preliminary injunctive relief enjoining release of documents in response to a public records request on the grounds that a state agency obtained the documents to conduct a financial examination of an insurer.
- Represented life insurers in connection with conflicting claim demands, where possible by settlement and otherwise through interpleader actions.

Appellate Practice

- Briefed an appeal on applicability of the federal officer statute to a Medicare Advantage organization sued in connection with its claims-processing activities.
- Briefed an appeal on limited liability of an e-publishing platform for alleged torts arising from materials submitted by an end user for publication.

Controversy-based Insurance Regulatory Advice and Advocacy

- Advised a public body on strategy in an area presenting complex issues of constitutional law and statutory construction.
- Represented a non-insurer client before the state insurance regulator on the issue of whether certain contractual provisions constitute insurance.
- Advised life insurers on the construction of and the regulatory framework surrounding various provisions in policy forms.

Internal Investigations and Government Enforcement Actions

- Led a yearlong internal investigation at a major insurer.
- Served on the dedicated team that represented a public company in an SEC investigation involving a wide range of alleged financial reporting and internal control issues.

Credentials

Education

- Boston College, J.D., *cum laude*,
- Princeton University, A.B.,

Admissions

- Ohio
- Massachusetts

Courts

- U.S. Ct. of App., First Circuit
- U.S. Ct. of App., Sixth Circuit
- U.S. Dist. Ct., Dist. of Massachusetts
- U.S. Dist. Ct., S. Dist. of Ohio
- U.S. Dist. Ct., N. Dist. of Ohio

Recognitions

- Recognized in *The Best Lawyers: Ones to Watch in America* 2022-2025 for Insurance Law

Expertise

Services

- Litigation
- Financial Services

About our firm

One of the world's strongest integrated law firms, providing insight at the point where law, business and government meet. We deliver commercially focused business solutions by combining our legal, lobbying and political capabilities and invaluable connections on the ground to a diverse mix of clients, from long-established leading corporations to emerging businesses, startup visionaries and sovereign nations. More than 1,500 lawyers in over 40 offices across four continents provide unrivaled access to expertise.