



David B. Smith

Insurance & Risk Management Consultant

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Services

- Insurance Recovery
- Privacy and Cybersecurity

David Smith specializes in insurance coverage law, focusing on insurance claim preparation and presentation. He works on the negotiation of insurance claims and disputes on behalf of policyholders. Additionally, David works with the firm's insurance coverage attorneys in the areas of insurance industry policy drafting history, industry interpretation, and coverage intent. He specializes in the identification and analysis of client's insurance policies that may provide coverage for a loss. This includes insurance archaeology—the piecing together of secondary evidence of lost policies to reconstruct historical records of clients' insurance programs.

David also advises the firm's corporate attorneys on insurance and risk management issues related to various business transactions, and he works with the firm's attorneys and clients in the areas of risk assessment and risk control.

Educated in his native England, David moved to the U.S. in 1991. He earned the Chartered Property and Casualty Underwriter (CPCU) designation from the American Institute for Chartered Property Casualty Underwriters in March 2000, and the Associate in Risk Management (ARM) designation from the Insurance Institute of America in 1996.

Experience

Negotiation for Insurance and Indemnification Provisions for Timber Sale Agreement

We negotiated indemnification and the terms of a \$100 million insurance tower relating to a timber sale agreement in Northern California to address wildfire risk.

Publications

September 28, 2020

Maximizing Business Insurance Coverage Benefits After a Fire

April 30, 2019

“That Particular Part” – Yet More

April 11, 2019

The 10th Circuit Correctly Construes “That Particular Part” Narrowly

1/4/2019

Are You Covered for California's New IoT Laws?

11/27/2017

State Appeals Courts Rule on ‘That Particular Part’ Exclusions

10/13/2017

Steps and Resources to Recover Homeowner Insurance Benefits After a Fire: A Tip-Sheet for Homeowner / Small Business Insurance Claims

10/10/2017

Maximizing Business Insurance Coverage Benefits After a Fire

6/7/2017

Courts Misunderstand the Meaning of "That Particular Part"

2/2/2017

Insurance When the Internet Goes Down

10/25/2016

Blog: Latest Cyber Attack a Wake-up Call: What are your company's IoT exposures?

4/5/2016

Cyber Attacks on Infrastructure Are Increasing: Review Your Insurance As "Internet of Things" Risks Grow and Change

January 2016

Protect Your Wine Business Against Data Security Breaches and Other Cyber Risks

12/17/2015

Systemic Cyber Risks and the Internet of Things

11/13/2015

Autonomous Vehicles (Part 2) - The Capabilities and Liabilities of Self-Driving Cars

10/15/2015

Autonomous Vehicles – Where in the (Insurance) World Will They Go?

8/25/2014

The Napa Earthquake: Now Is The Time To Think About Insurance Coverage

10/8/2013

The CGL "Business Risk" Exclusions

4/24/2012

A Look at Pricing Trends in the Insurance and Reinsurance Industries

3/28/2011

Japan's Tragedy A Reminder To Review Your Business Interruption Coverage

12/7/2010

The State of the Insurance Market

7/30/2010

Non-Standard Endorsements Can Have Unexpected Consequences

2/18/2010

Business Interruption Coverage

5/11/2009

"That Particular Part" Shouldn't Be That Confusing

3/18/2009

Insureds Rights Under Insurer "Litigation Guidelines"

1/21/2009

**New California Court of Appeal Case Supports Policyholder Argument Regarding “Stacking” of
Consecutive Policy Limits**