GOLDBERGSEGALLA



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PRACTICES

Construction Litigation and Counsel
Global Insurance Services
Management and Professional Liability
Commercial Litigation and Arbitration
Class Action Litigation
Cybersecurity and Data Privacy

INDUSTRIES

Construction
Insurance and Reinsurance

Joseph A. Oliva

PARTNER

EXPERIENCE

Joseph A. Oliva, the chair of the Construction practice group and a senior member of the Global Insurance Services practice group, is a resident of our Manhattan office and concentrates his practice on civil and commercial litigation, insurance coverage analysis, insurance coverage litigation, construction and contract litigation. Joe's practice includes representing financial institutions in various commercial litigation matters and representing construction companies in catastrophic personal injury accidents.

He has significant experience in all areas of construction accident, construction defect, New York Labor Law matters, financial institution coverage investigations and litigation involving fraud, social engineering, employee dishonesty, directors' and officers' liability, safe-deposit box loss, embezzlement, Ponzi schemes, check kiting, ERISA fraud, and mortgage fraud matters. In addition, he handles subrogation work, particularly in the health care subrogation area. Joe has handled both state and federal litigation involving ERISA-based plans, Medicare Advantage and general health care plans' subrogation, and reimbursement rights throughout the northeast. His practice also focuses on bad faith litigation, property damage litigation, and errors and omissions coverage investigation and litigation.

Joe also has extensive experience managing cyber liability as the threats and potential consequences of data breaches continue to rise, regularly managing multi-million-dollar claims made under cyber, privacy, and social media policies. A steadfast insurance industry advocate, Joe assists insurers in negotiating policies and treaties with policyholders and cedents, helping insurers develop applications and underwriting guidelines specifically tailored to managing cyber risk, and handles the full spectrum of cyber related insurance coverage dispute defense.

Joe has also handled litigation involving the Uniform Commercial Code (UCC), loan participation agreements, foreclosures on loans and debts, and the mysterious disappearance of safe deposit box contents. In addition, he has counseled his clients on transactional matters and drafted confessions of judgment, loan agreements, safe deposit box contracts, risk transfer agreements and other documents. He also has class-action litigation experience, including cases involving diet drug and gun litigation, as well as multidistrict litigation.

In addition, Joe represents broker-dealers in Financial Industry Regulatory Authority (FINRA) arbitrations involving securities-related claims, including those alleging breach of fiduciary duty, breach of contract, unsuitable investment recommendations, improper sales practices, churning, and negligent supervision. He attended the FINRA Institute at Wharton (University of Pennsylvania) Certified Regulatory and Compliance Professional Program (CRCP).

Joe began his career with a two-year judicial clerkship, working as a Senior Appellate Court Attorney for the New York State Supreme Court, Appellate Division, Second Judicial Department where he had the privilege of working on over 150 appeals.

Joe then began his litigation career working in a midsize New York City law firm, where he assisted clients with all phases of litigation from inception through trial in numerous property damage and personal injury matters. As the attorney in charge of that firm's appellate practice in the New York City office, he conducted jury trials and wrote over 75

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appellate briefs.

He is also a former senior litigation associate for a large international law firm in their New York City office. At that firm, his practice concentrated on all aspects of commercial litigation and insurance coverage litigation from initial complaint to trial, verdict, appeal, and recovery.

Over the course of his career, Joe has obtained appellate argument experience in the First, Second and Third Judicial Departments of the New York Supreme Court and has over 70 reported decisions.

EXPERIENCE HIGHLIGHTS

Global Insurance Services

Joe's extensive experience includes recording numerous summary judgment victories in New York State Labor Law matters, catastrophic personal injury cases, wrongful death cases and construction defect cases.

He has conducted and supervised the investigation and coverage analysis of catastrophic safe deposit box losses for underwriters of major financial institutions resulting from the following:

- A rash of burglaries in the New York City area and across the country;
- The destruction of the World Trade Center following the terrorist attack of September 11; and
- The devastation of Hurricane Katrina and Superstorm Sandy.

Joe developed a strategy and procedure for analysis and reimbursement of thousands of safe deposit box-holder claims affected by these tragedies and occurrences and has supervised a team of experts and handled all aspects of litigation resulting from these claims.

In addition, he has headed the insurance coverage investigation and litigation of a number of employee dishonesty, embezzlement, social engineering claims and fraud claims including, but not limited to:

- A $600 million Ponzi Scheme (which was eventually dismissed);
- A $61 million loss arising from an employee-embezzlement scheme in Argentina;
- A $15 million loss resulting from employee theft;
- Significant mortgage-fraud claims throughout the U.S.; and
- Numerous Employee-theft and embezzlement claims throughout the U.S., the Caribbean, South America, and the United Kingdom.

Joe also conducted an insurance-coverage investigation of a $23 million fraud by a bankrupt automobile-leasing corporation perpetrated against a major financial institution and handled all phases of the litigation on behalf of underwriters and the financial institution.

HONORS & AWARDS

- Martindale-Hubbell Peer Review Rating: AV Preeminent
- New York Metro *Super Lawyers*, 2016–19, 2025-26
- Top Rated Lawyer in Litigation, American Lawyer Media and Martindale-Hubbell, 2014
- Top Rated Lawyer in Insurance Law, American Lawyer Media and Martindale-Hubbell, 2013

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BACKGROUND

ADMISSIONS

- New York
- New Jersey
- U.S. District Court for the Southern and Eastern Districts of New York
- U.S. Courts of Appeals for the Second and Ninth Circuits

EDUCATION

- St. John's University School of Law, J.D., 1993
  - Moot Court Honor Society: Board Member; American Jurisprudence Award in Criminal Law
- St. John's University, B.A., *summa cum laude*, 1990

PROFESSIONAL AFFILIATIONS

- Defense Research Institute (DRI)
- Professional Liability Underwriting Society (PLUS)
- Association of Defense Trial Attorneys (ADTA)
- New York State Bar Association
- Columbian Lawyers Association

TRAINING AND CERTIFICATIONS

- Department of Labor OSHA-10 Construction Training

PUBLICATIONS & EVENTS

PUBLICATIONS

- "Combatting Social Engineering Fraud One Step at a Time," *The Brief*, April 9, 2026
- "Forgery or Alteration in the 21st Century," *The Brief*, June 14, 2023

PRESENTATIONS

- "Third Parties – Bystanders? Covered Entities and Losses? Excluded? Policy Language and Real-Life Examples," American Bar Association Fidelity and Surety Law Committee Annual Program, September 25, 2026
- "The Evolution of Commercial Crime Coverage for Losses Resulting from Social Engineering Fraud," American Bar Association Fidelity and Surety Law Midwinter Conference, January 22, 2026
- "Switching Sides and Working Remote: Navigating Mobility Conflicts and Risk in a Post-Pandemic Legal World," DRI 2025 Professional Liability Seminar, December 5, 2025
- "D&O & Areas of Concern in 2025 and Beyond," (Co-Presenter), Client Presentation,

June 25, 2025

- "New York Labor Law, Risk Transfer, Employer Liability and Grave Injury," (Co-Presenter), Client Presentation, March 27, 2025
- "The Evolution and Challenges of Claims Made Policies," (Co-Presenter), Client Presentation, February 18, 2025
- "Risk Transfer, Employer Liability, and Grave Injuries: Who Is Going to Pay?," (Co-Presenter), Client Presentation, November 21, 2024
- "Safe Deposit Box: Contracts, the Relationship, Compliance & Risk Management," Lorman Education Services, July 23, 2024
- Speaker, "Appellate Advocacy — Demystifying the Process," St. John's University School of Law's CLE Weekend, 2013; 2009; 2007
- Speaker, "Safe Deposit Boxes: The Contract, The Relationship, Compliance, and Risk Management," Lorman Audio CLE, July 2012
- Speaker, "Tips For Settling Civil Lawsuits Ethically," Medicare and Healthcare Subrogation, New York State Bar Association, June 2012

WEBINARS

- "Combating Social Engineering Fraud: Innovative Schemes and a Birdseye View from Court, Coverage Counsel, & Claims Perspectives," (Co-Presenter), GS Webinar Series, January 13, 2026
- "Trigger Talk: Demystifying Claims-Made and Occurrence Coverage," (Co-Presenter), GS Webinar Series, June 10, 2025
- "Risk Transfer, Employer Liability, and Grave Injuries: Who Is Going to Pay?," (Co-Presenter), GS Webinar Series, May 15, 2024
- "Risk Transfer, Employer Liability, and Grave Injuries: Who Is Going to Pay?" (Co-Presenter), GS Webinar Series, June 14, 2023
- "Cyber Crimes in Fidelity Claims: Social Engineering Case Law Updates," (Co-Presenter), GS Webinar Series, February 8, 2022
- "Social Engineering: An Overview, Trends, and Caselaw Update," (Co-Presenter), GS Webinar Series, March 9, 2021
- "Safe Deposit Box: Contracts, the Relationship, Compliance and Risk Management," Presenter, Lorman Education Services webinar, May 16, 2019

PODCASTS

- Contributor, "Third Thursday Throwback: Social Engineering Fraud Coverage," *Timely Notice,* July 19, 2019
- Contributor, "Part 2: Recent Social Engineering Fraud Coverage Cases," *Timely Notice,* June 14, 2018
- Contributor, "Part 1: Recent Social Engineering Fraud Coverage Cases," *Timely Notice,* June 12, 2018