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Joseph A. Oliva concentrates his practice on civil and commercial litigation, insurance coverage analysis, and insurance coverage litigation. Joe's practice also 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 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.

Joe's extensive experience includes conducting and supervising the investigation and coverage analysis of catastrophic safe deposit box losses for underwriters of major financial institutions resulting from 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, the devastation of Hurricane Katrina, and Superstorm Sandy. He developed a strategy and procedure for analysis and reimbursement of thousands of safe deposit boxholder claims affected by these tragedies and occurrences, and has supervised a team of experts and handled all aspects of litigation resulting from these claims.

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, and other documents.

In addition, Joe has headed the insurance coverage investigation of a number of employee dishonesty, embezzlement and fraud claims including Ponzi schemes. These matters have included a \$61 million loss arising from an employee embezzlement scheme in Argentina; a \$15 million loss resulting from employee theft; significant mortgage fraud claims in California and Kentucky; and employee theft claims throughout the U.S. He has also litigated numerous social engineering fraud cases under fidelity and crime policies throughout the country.

He also has class action litigation experience, including cases involving diet drug and gun litigation, as well as multi-district litigation.

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

Joe's previous experience includes 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 the firm's appellate practice in the New York City office, he conducted jury trials and wrote over 75 appellate briefs. He is also a former senior litigation associate for an 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.

Joe is a frequent lecturer on appellate practice as a faculty member of the St. John's University School of Law's Continuing Legal Education Program and the New York Safe Deposit Association. He has also lectured at the American Bankers Association Risk Management Conference and for the Fidelity Law Association. He is active in many local and national bar associations including the New York County Lawyers' Association, The American Bar Association, the New York State Bar Association and the Columbian Lawyers Bar Association.

Upon graduation from law school, Joe was granted a two-year judicial clerkship as a senior appellate court attorney from the Supreme Court of the State of New York, Appellate Division, Second Judicial Department. He clerked for the entire bench and wrote over 150 bench memos on a variety of issues in the areas of criminal, civil and commercial law.

Honors

- Martindale-Hubbell Peer Review Rating: AV Preeminent
- *New York Metro Super Lawyers*, 2016–18
- 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
- *View peer-review methodologies at martindale.com and superlawyers.com. No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*

Professional Affiliations and Training

- New York State Bar Association
- American Bar Association
- Columbian Lawyers Association
- Defense Research Institute
- Professional Liability Underwriting Society
- Department of Labor OSHA-10 Construction Training

Admitted to Practice

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

Prior Experience

- Senior Appellate Court Attorney — New York Supreme Court, Second Judicial Department

Education

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

Publications/Presentations

- "Safe Deposit Box: Contracts, the Relationship, Compliance and Risk Management," Presenter, Lorman Education Services webinar, May 16, 2019

- Speaker, "Appellate Advocacy — Demystifying the Process," St. John's University School of Law's CLE Weekend, 2013; 2009; 2007

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- 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