

DAMIAN J. ARGUELLO CURRICULUM VITAE

December 4, 2021

SUMMARY



- ❖ Founder and Principal Attorney at Crest Insurance Law & Consulting, LLC f/k/a Colorado Insurance Law Center, a private law firm representing commercial policyholders and assisting business attorneys and litigators with insurance issues
- ❖ Seasoned Colorado insurance law expert witness providing high-level case review, consulting expertise, and trial testimony in bad faith and insurance agent/broker liability matters
- ❖ Adjunct Professor of Insurance Law/Contractual Risk Transfer, University of Denver Sturm College of Law
- ❖ Educator, writer, and speaker to the bench, bar, insurance industry associations, business groups, and private companies on legal issues related to the insurance industry
- ❖ Influencer and Thought Leader on insurance and risk management issues
- ❖ Active community service provider

EDUCATION

University of Denver Sturm College of Law

- ❖ J.D. (2004)
- ❖ Senior Staff Editor, Denver University Law Review
- ❖ Chancellor's Scholar
- ❖ Academic Achievement Awards in Lawyering Process I & II, Family Law, Mining Law, Hazardous Waste & Insurance
- ❖ Finalist, Hartje Objective Writing Award, Reese Persuasive Writing Award

University of Denver Daniels College of Business

- ❖ B.S.B.A. Management, with honors (1990)

TEACHING EXPERIENCE

- ❖ Adjunct Professor, University of Colorado Law School, Insurance Law (June 2020 – Present)
- ❖ Adjunct Professor, University of Denver Sturm College of Law, Insurance Law (2018 – Present)
- ❖ University of Denver Sturm College of Law, Guest Instructor, Insurance (2006-Present)
- ❖ Professional Independent Insurance Agents of Colorado, Errors & Omissions Risk Management (2009 – 2015)
- ❖ Education in Progress, Instructor, Errors & Omissions Risk Management, Ethics (2013 – 2014)
- ❖ Faculty member, National Alliance for Insurance Education & Research (2005 – 2008)

PROFESSIONAL EXPERIENCE

Crest Insurance Law & Consulting f/k/a Colorado Insurance Law Center, Broomfield, CO (2017 – Present)

Principal Attorney

- ❖ Counsel commercial policyholders concerning insurance coverage and contractual risk transfer matters, including performing insurance due diligence in transactions, negotiating and drafting contractual risk transfer provisions including indemnity language and insurance coverage requirements, advising concerning compliance with insurance requirements, preparing coverage opinions, assisting with insurance agent/broker selection, conducting risk management/insurance program audits, preparing on insurance portfolio marketing and bid specifications, and conducting claims reviews and audits
- ❖ Represent policyholders in insurance coverage disputes, including litigation in trial and appellate courts
- ❖ Serve as independent coverage counsel (a/k/a personal counsel or *Cumis* counsel) in lawsuits involving coverage issues such as defense provided under a reservation of rights or exposure to judgment in excess of limits
- ❖ Co-counsel with business attorneys and litigators concerning insurance coverage issues
- ❖ Provide consulting and testifying expert witness services concerning insurance coverage, bad faith, and insurance agent/broker liability
- ❖ Provide insurance education, articles, and presentations to the bench, bar, insurance industry associations, business groups, and private companies on legal issues related to the insurance industry

Levin Sitcoff PC, Denver, CO (2016 –2018)

Of Counsel

- ❖ Represent commercial and individual policyholders at insurance coverage litigation boutique law firm, including litigating and negotiating insurance coverage disputes and serving as personal counsel in litigated matters involving insurance coverage issues

Davis Graham & Stubbs, LLP, Denver, CO (2003 – 2016)

Partner (2012 – 2016); Associate (2004 – 2011); Summer Associate/Law Clerk (2003 – 2004)

- ❖ Co-Led DGS Insurance & Risk Management Practice Group
- ❖ Represented and counseled commercial policyholders in insurance coverage matters, including litigating and negotiating insurance coverage disputes, performing insurance due diligence in transactions, prospectively negotiating insurance policy language, coordinating insurance and contractual provisions, and serving as personal counsel in litigated matters involving insurance coverage issues

- ❖ Defended insurance agents and brokers against errors & omissions lawsuits and counsel them concerning risk management, agency agreements, and internal corporate matters
- ❖ Advised insurance companies concerning insurance products, policy language, regulatory issues, and reinsurance matters
- ❖ Defended professionals against malpractice/professional liability lawsuits
- ❖ Represented clients in contract matters, including drafting indemnification and insurance provisions and negotiating and litigating contract disputes
- ❖ Represented clients in natural resources and environmental disputes, including toxic tort litigation
- ❖ Prosecuted and defended appeals
- ❖ Chaired DGS Diversity & Inclusiveness Committee (2013 – 2016)

Talbot Agency, Inc., Albuquerque, NM & Englewood, CO (1995 – 2003)

Errors & Omissions Coordinator & Claims Manager

- ❖ Developed and implemented best practices standards for top-20 insurance brokerage, including conducting internal training and creating compliance and reporting system for agents and support staff
- ❖ Conducted internal investigations of errors & omissions claims
- ❖ Supervised outside counsel defending errors & omissions litigation
- ❖ Reported to general counsel, CFO, and parent corporation concerning errors & omissions claims and risk management issues
- ❖ As Claims Manager, liaised between brokerage’s major commercial clients and insurers concerning coverage disputes, claims service issues, and loss control matters
- ❖ Supervised claims professionals in responding to client claims issues

University of Denver Sturm College of Law (Spring 2003)

Research Assistant to Professor George “Rock” Pring

- ❖ Researched and co-authored book sections concerning international mining abatement law

American Civil Liberties Union (Denver, CO, 2003 – 2004)

Intake Volunteer

- ❖ Processed and screened submissions from prospective clients

Project Safeguard, Denver, CO (2000 – 2002)

Courtwatch Volunteer, Pro Se Divorce Clinic Volunteer

- ❖ Monitored domestic violence case trends in Denver County Court
- ❖ Provided clients with *pro se* divorce guidance

Latin American Research & Service Agency, Denver, CO (2001 – 2002)

Legal Intern

- ❖ Researched legal issues affecting Colorado Latino community

Colorado Soccer Referee Association, Denver, CO (2000 – 2001)

- ❖ Officiated Youth Competitive and Adult Recreational Soccer Games

New Mexico Soccer Referee Association, Albuquerque, NM (1998 – 2000)

- ❖ Officiated Adult Recreational Soccer Games

CNA Insurance Companies, Chicago, IL, & Melville, NY (1994 – 1995)

Claims Reengineering Team Member

- ❖ As part of select Home Office team, worked with McKinsey & Co. consultants to audit workers compensation claims files to identify, develop, and implement best practices
- ❖ Led litigation reduction pilot in NYC branch
- ❖ Developed litigation reduction program rollout to all branches

CNA Insurance Companies, Denver, CO (1992 – 1995)

Senior Claims Representative, Workers Compensation

- ❖ Investigated, managed, and settled workers compensation claims in four states
- ❖ Supervised outside counsel defending contested claims
- ❖ Supervised independent adjusters in New Mexico

Crawford & Company, Englewood, CO, and Greeley, CO (1991 – 1992)

Multi-Line Claims Adjuster

- ❖ Investigated, managed, and settled CGL, auto, workers compensation, property, and PIP claims for insurer and self-insured clients, including field investigations and appraisals
- ❖ Supervised outside counsel defending contested and litigated claims

Greengard Senter Goldfarb & Rice, Denver, CO (1987 – 1991)

Administrative Assistant

- ❖ Performed billing and accounting tasks for insurance defense law firm

CNA Insurance Companies, Denver, CO (Summer 1986)

Underwriting & Rating Assistant

- ❖ Assembled insurance policies for underwriting group
- ❖ Assisted rating group with investigating prospective policyholders

PUBLICATIONS

- ❖ “Chapter 10 – Environmental Insurance,” *Regulation of Colorado Real Property*, Continuing Legal Education in Colorado, Inc. (3d ed. 2021) (contributing editor/author)
- ❖ “Insurtech in Underwriting and Claims Processing,” *The Brief*, ABA TIPS, Vol. 50. No. 2 (Winter 2021)
- ❖ “Insurer Bound by Agent’s Representation of Additional Insured Status in Certificate of Insurance,” *Colorado Insurance News* (November 2019)
- ❖ “Hail No! Your Insurance May Not Cover Water Damage from Hail Accumulation,” *Colorado Insurance News* (September 2019)
- ❖ “Insurance Coverage for Cryptocurrency Risks – Not Cryptic but Not Settled,” *Law Week Colorado* (August 5, 2019, *reprinted with permission in CBA Business Law Section Newsletter*, September 2019)

- ❖ “E-Scooters Are Everywhere Now, but Insurance Coverage for Riders Is Nowhere,” *ABA Tort Trial & Insurance Practice Law Journal*, Vol. 54 Issue 2 (July 2019, *reprinted with permission in Insurance Research Letter*, Vol. 22, No. 8, August 2019)
- ❖ “Colorado Supreme Court: Prejudgment Interest Applies to Garnishment Awards,” *Law Week Colorado* (December 17, 2018)
- ❖ “Yours or Mine? The interplay between indemnity clauses and additional insured coverage,” *Law Week Colorado* (October 22, 2018)
- ❖ “Solo Not Alone – Consulting Lawyers and Other Professionals When Starting Your Own Firm,” *The Docket*, Denver Bar Association (August/September 2017)
- ❖ “Ethical Considerations with Providing Insurance Coverage Advice to Cannabis-Related Businesses,” American Bar Association Tort Trial & Insurance Practice Section Insurance Coverage Litigation Committee Midyear Meeting (February 24, 2017)
- ❖ “New Law Firm Aims to Fill Colorado’s ‘Coverage Gap,’” *Law Week Colorado*, January 23, 2017
- ❖ “Certificates of Insurance: Five Things Construction Lawyers Should Know,” *Law Week Colorado*, Vol. 14, No. 43 (October 24, 2016)
- ❖ “Double Agents, Order-Takers, and Special Advisors—The Producer’s Intriguing Role in Coverage Disputes,” *ABA Tort, Trial & Insurance Practice Section Insurance Coverage Litigation Committee Newsletter* (Spring 2016)
- ❖ “Legal Lowdown – Quarterly Summary of Recent Colorado Insurance Cases,” *Colorado Insurance News* (December 2015)
- ❖ “Non-Opinion by Colorado Supreme Court Could Increase Agents’ Liability,” *Colorado Insurance News* (September 2015)
- ❖ “Transferring Insurance Benefits In Corporate Transactions May Have Just Gotten A Little Easier, But It’s Still A Tricky Task,” Davis Graham & Stubbs LLP Client Alert (September 2015)
- ❖ “Yours, Mine, Ours. Just Whose Agent is it Anyway?,” *The SIRMOn: News From the ABA Self-Insurers and Risk Managers Committee* (June 1, 2012)
- ❖ “Insurance Provisions of a Contract May be Fraught with Problems,” *Denver Business Journal* (April 17, 2012)
- ❖ “Don’t Count on Predecessors’ Liability Policy,” *Colorado Insurance News* (August 2009)
- ❖ “Corporate Successors Barred from Tapping Policies for Historic Liabilities?,” Davis Graham & Stubbs LLP Client Alert (June 2009)
- ❖ “AIG’s Financial Troubles: What Do They Mean For Me?,” Davis Graham & Stubbs LLP Client Alert (October 2008)
- ❖ “Liability Insurance: Notice-Prejudice After *Friedland*” (with Marilyn Chappell), *The Colorado Lawyer* (May 2006)
- ❖ “How to Deal with Mass-Tort Litigation and Stay Out of Hot Water Yourself!,” *Resources Magazine* (Summer/Fall 2005)
- ❖ “Twenty Years in Tahoe-Sierra – Why It’s Right and Why It’s Not a Satisfactory Solution,” *Denver University Law Review*, 80 Denv. U. L. Rev. 199 (2002)

PRESENTATIONS

- ❖ *Expert Ethics Entanglements: Avoiding Ethics Problems with Experts*, CBA Solo-Small Firm Institute, June 16, 2021
- ❖ *A Deep Dive into the Duty to Defend*, CBA Insurance Committee Community Forum (March 23, 2021)
- ❖ *Expert Ethics Entanglements: Avoiding Ethics Problems with Experts*, LexVid Services, Inc. (recorded December 21, 2020)
- ❖ *Implications of the Differing Roles of Insurer-Assigned Defense Counsel and the Policyholder's Personal Counsel in Mediation*, CBA-CLE 14th Annual Colorado ADR Conference (October 27, 2020)
- ❖ *Professionalism and Expert Witnesses — Best Practices for Keeping You and Your Expert on the Right Side of the Ethical Line, While Still Advancing Your Client's Very Best Case*, 2020 CBA Litigators Summit (September 25, 2020) (Moderator and Panelist)
- ❖ *Insurance and COVID-19*, CBA Business Law Institute (September 9, 2020)
- ❖ *Business Interruption Insurance and COVID-19*, Better Business Boost Webinar, Better Business Bureau serving Greater Denver and Central Colorado (July 9, 2020)
- ❖ *Cybersecurity Coverage Issues*, CBA-CLE COVID-19 Insurance Coverage Issues Webcast (June 26, 2020)
- ❖ *Independent Coverage Counsel aka Personal Counsel in Litigation Matters*, Lunch with LawBank (June 24, 2020)
- ❖ *Protecting Your Client's Business Income*, CBA-CLE Colorado Solo-Small Firm Institute (June 11-12, 2020) (On-Demand)
- ❖ *Business Interruption Insurance and COVID-19*, LawBank (May 18, 2020)
- ❖ *Good Robot/Bad Robot: Does Insurtech in Underwriting and Claims Processing Help or Hurt the Insurance Consumer?*, American Bar Association, Tort Trial & Insurance Practice Section, Insurance Coverage Litigation Committee 2020 Midyear Conference (February 20, 2020)
- ❖ *The Red-Headed Stepchild: The Crucial but Overlooked Role of Insurance Contracts in Business*, LawBank (December 3, 2019)
- ❖ *Learning to Love Insurance Cases* (with Jennifer Arnett and Jeff Kichaven), 13th Annual Colorado Bar Association Alternative Dispute Resolution Conference (October 31, 2019)
- ❖ *The Red-Headed Stepchild: The Crucial but Overlooked Role of Insurance Contracts in Business*, Colorado Housing and Finance Authority (June 27, 2019)
- ❖ *Ethics: Fee Arrangements & Ethical Obligations*, University of Denver Sturm College of Law Venture Law Society's Second Annual Venture Law Summit (March 29, 2019)
- ❖ *The Red-Headed Stepchild: The Crucial but Overlooked Role of Insurance Contracts in Business*, Colorado Hispanic Bar Association membership meeting & CLE (March 22, 2019)
- ❖ *Gimme Some Credit! Credit Risk Insurance Coverage Issues*, American Bar Association Tort Trial & Insurance Practice Section Insurance Coverage Litigation Committee Midyear Meeting (February 22, 2019)
- ❖ *Overcoming Hurdles to Insurance Recovery for Legacy Environmental Site Clean-ups*, Colorado Bar Association Environmental Law Section (December 18, 2018)
- ❖ *Building Your Brand*, Colorado Women's Bar Association (October 6, 2017)
- ❖ *The Red-Headed Stepchild: The Crucial but Overlooked Role of Insurance Contracts in Business*, University of Colorado at Denver Risk Management and Insurance Advisory Council Meeting (October 5, 2017)

- ❖ *To Err Is Human – But Actionable: Legal Issues for Producers in Achieving Effect Contractual Risk Transfers*, Consolidated Agencies (May 18, 2017)
- ❖ *Double Agents, Order-Takers, And Special Advisors: Legal Issues Surrounding Producers*, The Agency Network (May 4, 2017)
- ❖ *Professional Liability Exposures for Real Estate Professionals*, Professional Liability Underwriting Society Southwest Chapter Annual Conference (April 20, 2017)
- ❖ *Legalized Marijuana: Ethical And Insurance Coverage Implications Of Risk And Insurance For Marijuana-Related Operations*, American Bar Association Tort Trial & Insurance Practice Section Insurance Coverage Litigation Committee Midyear Meeting (February 24, 2017)
- ❖ *Broker Liability – When and How Does This Arise?*, Colorado Trial Lawyers Association 2016 Insurance Seminar (October 14, 2016)
- ❖ *Drafting Insurance Requirement Provisions*, Clear Law Institute (October 26, 2015, *encore presentations* January 19, 2016, August 8, 2016, and March 22, 2017, September 7, 2017)
- ❖ *Double Agents, Order-Takers, And Special Advisors—The Producer’s Intriguing Role In Coverage Disputes*, ABA Tort, Trial & Insurance Practice Section Insurance Coverage Litigation Committee Midyear Meeting (February 2016)
- ❖ *Oilfield Master Service Agreement Fundamentals*, Davis Graham & Stubbs LLP, December 3, 2015
- ❖ *Cybersecurity Contracting and Liability: The In-House Perspective*, Association of Corporate Counsel Colorado Chapter (November 12, 2015)
- ❖ *Data Security: Fiduciary Duties & Risk Management*, Colorado Bar Association Rocky Mountain Intellectual Property & Technology Institute (May 2015)
- ❖ *Drafting Insurance Requirement Provisions in Commercial Contracts – Mitigating Risk and Maximizing Coverage for Losses, Navigating Interplay With Contractual Indemnification*, Strafford Publications Webinar (June 29, 2015; *encore presentation* December 1, 2016)
- ❖ *Key Legal Developments*, 2015 Professional Independent Insurance Agents of Colorado Leadership Conference (May 14, 2015)
- ❖ *Berkshire Hathaway’s “Retroactive Reinsurance” – Systematic Bad Faith or Simple Risk Transfer?*, American Bar Association Tort Trial & Insurance Practice Section Insurance Coverage Litigation Committee Midyear Meeting (February 2015)
- ❖ *Cybersecurity: Guidance for the Entire Enterprise*, Davis Graham & Stubbs LLP, January 29, 2015
- ❖ *Ins and Outs of Environmental Insurance in Brownfields Development*, Davis Graham & Stubbs LLP (December 2, 2014)
- ❖ *Errors & Omissions – A Mock Trial*, Professional Independent Insurance Agents of Colorado Leadership Conference (May 1, 2014)
- ❖ *Voices Crying in the Wilderness: Make Ye Straight the Path to Ethics and Reduced Legal Fees*, American Bar Association Tort Trial & Insurance Practice Section Insurance Coverage Litigation Committee Midyear Meeting (February 21, 2014)
- ❖ *Cyber Crimes, Ethics & Social Media: What You Need to Know*, 2013 Hispanic National Bar Association Annual Convention (September 5, 2013)
- ❖ *The Duties and Liabilities of the Insurance Broker in Coverage Litigation: Persistent Challenges, Emerging Issues, and Responsive Strategies for Agents, Brokers, Policyholders*, American Bar Association Tort Trial

& Insurance Practice Section Insurance Coverage Litigation Committee Midyear Meeting (February 15, 2013)

- ❖ *Intermediary Issues – Brokers and Agents in Coverage Disputes*, American Bar Association Tort Trial & Insurance Practice Section Insurance Coverage Litigation Committee Midyear Meeting (February 21, 2012)

COURT ADMISSIONS

- ❖ Colorado, 2004
- ❖ New Mexico, 2005
- ❖ U.S. District Court, Colorado, 2005
- ❖ U.S. District Court, Eastern District of Kentucky, 2006
- ❖ Tenth Circuit Court of Appeals, 2016
- ❖ *Pro hac vice* Illinois, California, Kentucky

PROFESSIONAL DESIGNATIONS & EDUCATION

- ❖ Certified Insurance Counselor, National Alliance for Insurance Education & Research (2002 – 2012)
- ❖ Trial Skills, National Institute for Trial Advocacy (2008)
- ❖ Depositions, National Institute for Trial Advocacy (2005)
- ❖ Associate in Risk Management, Insurance Institute of America (1996)
- ❖ Basic Property & Casualty Multiline Adjuster Training, Crawford & Company (1991)

PROFESSIONAL & CIVIC RECOGNITION

- ❖ Colorado Super Lawyers – Insurance Coverage Litigation (2018 – Present)
- ❖ Best Lawyers in America, Insurance Law, Litigation—Insurance (2018 – Present)
- ❖ Tier 1 Colorado “Best Law Firm” in Insurance Law, U.S. News—Best Lawyers (2019 – Present)
- ❖ Martindale-Hubbell AV Preeminent Rated (2014 – Present)
- ❖ 5280 Magazine Top Lawyer (2021 – 2022)
- ❖ Barrister’s Best “Best Insurance Lawyer for Plaintiffs,” Law Week Colorado (2017, 2020)
- ❖ International Advisory Experts Award: Insurance (Colorado) (2020)
- ❖ Top Latino Lawyer, Latino Leaders Magazine (2017 – 2020)
- ❖ Monte Pascoe Denver Civic Leadership Award (2019)
- ❖ Colorado Super Lawyers Rising Star – Insurance Coverage Litigation (2013 – 2014)
- ❖ AVVO Rating 10/10

BAR ASSOCIATION MEMBERSHIP

American Bar Association

- ❖ Vice Chair, Tort, Trial & Insurance Section Insurance Coverage Litigation Committee

American Association for Justice

- ❖ Member, Insurance Law Section (2021 – Present)
- ❖ Member, COVID-19 Business Interruption Task Force (2021 – Present)

Colorado Bar Association

- ❖ Board Member, *The Colorado Lawyer* (2020 – Present)
- ❖ At Large Policyholder Member Representative, Insurance Committee (2020 – Present)
- ❖ Board Member, Business Law Section (2019 – 2021)
- ❖ Board of Governors (2007 – 2009)
- ❖ Co-Chair, Diversity in the Legal Profession Committee (2005-2007)

Denver Bar Association

- ❖ Member (2004 – 2021)
- ❖ Board of Trustees (2007 – 2009)

Adams-Broomfield Bar Association

- ❖ Member (2017 – Present)

Colorado Trial Lawyers Association

- ❖ Member, Bad Faith Committee and *Amicus Curiae* Committee (2016 – Present)

Colorado Hispanic Bar Association

- ❖ Member (2001 – Present)
- ❖ President (2010)
- ❖ Treasurer (2007 – 2009)
- ❖ Board of Directors (2004 – 2012, 2014, 2016)

Hispanic National Bar Association

- ❖ Member (2009 – Present)

OTHER PROFESSIONAL ASSOCIATIONS

- ❖ Member, American Association of Insurance Management Consultants (2019 – Present)
- ❖ Member, ForensisGroup, Inc. (2020 – Present)
- ❖ Member, Insurance Expert Network (2019 – 2020)
- ❖ Associate Member, Professional Independent Insurance Agents of Colorado (2010 – 2020)
- ❖ Associate Member, Risk & Insurance Management Society, Rocky Mountain Chapter (2011 to 2020)
- ❖ Member, Colorado Hispanic Chamber of Commerce (2017 – Present)
- ❖ Board Member, Professional Liability Underwriting Society, Southwest Chapter (2015 – 2017)
- ❖ Member, Society of Certified Insurance Counselors (2002 – 2012)

COMMUNITY SERVICE

- ❖ Member, Colorado Division of Insurance, Consumer Insurance Council (2020 – 2021)
- ❖ Professional Mentor, University of Denver Sturm College of Law (2004 – 2014, 2019 – 2021)
- ❖ Board Member, Denver Urban Debate League (2015 – 2021)
- ❖ Board Member, Colorado Hispanic Bar Association Foundation (2018 – 2021)
- ❖ Mentor, Law School . . . Yes We Can Mentorship Program (2014 – 2021)
- ❖ *Pro Bono* Attorney, Metro Volunteer Lawyers (2008 – 2020)
- ❖ Board Member, University of Denver Daniels College of Business Alumni Advisory Board (2015 – 2016)
- ❖ Election Protection Volunteer, Colorado Lawyers Committee (2014)
- ❖ Volunteer, Colorado Lawyers Committee School Discipline Taskforce (2014 – 2015)
- ❖ Professional Advisor, A Walk to Remember (2012 – 2014)

- ❖ Public Policy Committee Member, Denver Hispanic Chamber of Commerce (2008 – 2013)
- ❖ Public Policy Committee Member, March of Dimes of Colorado (2008 – 2012)
- ❖ Volunteer Attorney, Rocky Mountain Children’s Law Center (2008 – 2009)
- ❖ Election Judge, Adams County, Colorado (2008)
- ❖ Board Member, Net Results Junior Tennis (2004 – 2007)
- ❖ Education Committee Member, Denver Hispanic Chamber of Commerce (2000 – 2004)
- ❖ Big Brother, Big Brothers of Colorado (2001)
- ❖ Education Committee Member, Albuquerque Hispano Chamber of Commerce (1995 – 1999)