



Rafael Rivera

Member

New York

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Rafael focuses his practice on matters involving directors and officers liability insurance coverage. He has experience handling all aspects of D&O claims management and coverage analysis in connection with securities class actions; derivative actions; Delaware appraisal petitions; opioid-related claims; qui tam lawsuits involving the False Claims Act; antitrust and unfair competition claims; investigations and litigation by the SEC and DOJ; and other complex litigation. In addition, he has represented D&O insurers in a number of high-exposure cases involving a wide variety of coverage terms and provisions.

Moreover, Rafael has broad claims and coverage litigation experience involving commercial general liability and first party property insurance policies. He is also committed to pro bono work, having previously represented an undocumented person in removal proceedings before the DOJ.

Rafael is an active member of the firm's Professional Liability Coverage Practice Group, and Hispanic Attorney Resource Group. Before joining Cozen O'Connor, Rafael practiced law in Chicago for six years, and remains licensed in Illinois.

Rafael received his J.D. from DePaul University College of Law and his B.A. in political science from The University of Tampa. Following law school, Rafael served as a Judicial Law Clerk in the Illinois Circuit Court of Cook County for the Honorable Joan Powell.

Experience

Secured dismissal for the insurer in a case centered on its denial of coverage pursuant to a Regulatory Exclusion because the underlying complaint was commenced by the Oklahoma Insurance Commission, a regulatory agency, in its capacity as Receiver for the Insured. The decision focused on whether the Receiver had standing under either the insurance policy or the Oklahoma Uniform Insurance Liquidators Act ("OUILA"), which the court determined was lacking because the policy did not demonstrate any intent to make the Receiver a third-party beneficiary and because the Receiver lacked statutory standing under OUILA.

Successfully moved to dismiss a lawsuit filed by an insured-law firm seeking coverage for its defense of a trade secrets misappropriation counterclaim in an underlying lawsuit. In granting the motion to dismiss, the court accepted our argument that coverage was barred by a Prior Notice Exclusion given that the claim at issue involved a wrongful act that was the subject of notice under a separate policy under which the insured had received coverage.

Defeated an insured's motion for preliminary injunction compelling our client to defend him and pay defense expenses in certain adversary proceedings, pursuant to D&O policies held by a company of which the plaintiff was formerly a director and officer. This result was affirmed by the U.S. Court of Appeals for the Second Circuit.

Practice Areas

- Insurance Coverage
- Professional Liability Insurance Coverage

Education

- DePaul University College of Law, J.D., 2011
- The University of Tampa, B.A., 2007

Bar Admissions

- Illinois
- New York

Court Admissions

- U.S. District Court -- Northern District of Illinois
- U.S. District Court -- Eastern District of New York
- U.S. District Court -- Southern District of New York
- U.S. District Court -- Colorado
- U.S. Court of Appeals for the Second Circuit

Affiliations

Professional Liability Underwriting Society
American Bar Association
Hispanic National Bar Association
Nassau County Bar Association
Puerto Rican Bar Association

Awards & Honors

- Rising Star, Illinois Super Lawyers Magazine, 2016-2018
- New York Super Lawyers "Rising Star" 2019 – 2024
- Fellow, Leadership Council on Legal Diversity, 2021
- Best Lawyers in America (Insurance Law) 2025

Clerkships

Illinois Circuit Court

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