








# Tristan Swanson

Partner

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Tristan Swanson’s practice focuses on policyholder insurance coverage disputes against the world’s largest insurers, defending and bringing claims on behalf of contractors and developers, and ensuring that people get the benefit of their bargain from their real estate contracts. Tristan also helps prevent these disputes and he frequently advises clients relative to their policies, their contracts/ transactions, and their operations. Tristan’s litigation work has recovered tens of millions of dollars for his clients and his transactional work ensures that the necessity for these recoveries are avoided in the first place.

Tristan prides himself on his ability to help clients reach successful outcomes by precisely tailoring strategies for each client’s unique situation; he is not a one-size-fits-all practitioner. He has frequently been able to settle disputes at their earliest stages by cutting to the chase, comprehensively providing a risk analysis, and deploying the appropriate leverage to get the job done. Tristan’s clients are not professional litigants—they are companies and individuals who want to make the best decisions relative to their dispute(s) and find ways to avoid the dispute next time.

With regard to COVID-19 business income loss coverage, Tristan is a sought-after speaker and addressed the topic five times in 2020 alone. He currently represents many of Seattle’s best known restaurant groups relative to their COVID-19 business income loss claims. If your company is interested in pursuing a claim for COVID-19 business income loss, please feel free to contact Tristan for a policy review.

## Professional Activities

- Washington State Bar Association, member
  - Construction Law Section
- Associated General Contractors of Washington, Future Leaders Forum, member
- Risk Insurance Management Society, member
- University of Washington School of Law, Moot Court Honor Board, advisory member

## Education

J.D., University of Washington School of Law, 2009

- President, Moot Court Honor Board, 2008-2009

B.A., The Evergreen State College, 2003

## Bar Admissions

Washington, 2009

## Court Admissions

U.S. District Court, Western District of Washington

U.S. District Court, Eastern District of Washington

U.S. Court of Appeals for the Ninth Circuit

## Civic Activities

- Downtown Seattle YMCA, Board of Managers, former member
- Queen Anne Little League, coach

## Representative Experience

### Construction

- Achieved an advantageous settlement for two Washington contractors in multistate litigation arising from the construction of the Apple “Spaceship” campus.
- Obtained a high-six-figure payment on a Miller Act payment bond claim without filing suit.
- Assisted a site-work contractor in foreclosing on a six-figure mechanic’s lien against a prominent Washington developer.
- Helped to resolve multiple lawsuits brought by and against contractors resulting from public works contracts.

### Insurance Coverage

- Helped an Anchorage hotel developer recover hundreds of thousands of dollars from a builder’s risk insurance policy following a fire-suppression system water event.
- Assisted a downtown Seattle hotel in recovering six-figure mitigation costs from an insurance company following a sewer line loss event.
- Represented a subcontractor in a seven-figure Owner Controlled Insurance Program (OCIP) claim in which the insurance company paid out the policy limit without going to court.
- Represented a developer in an OCIP claim for construction defects and water intrusion arising from the construction of several duplexes. Recovered near-policy limits.

### Real Estate

- Successfully defended a lawsuit filed by a buyer for nonperformance of a purchase and sale agreement for a commercial property. The case was dismissed, and the buyer paid attorney fees.
- Successfully represented a client in an “upset offer” legal action following the purchase of real property at a trustees’ sale.
- Successfully assisted a high-net-worth homeowner to rescind a purchase and sale agreement with a national developer.

## Publications

- “New Washington Bill Seeks to Assist Policyholders with COVID-19 Business Income Loss Claims,” Miller Nash Graham & Dunn, *The Northwest Policyholder* (Mar. 2020)
- “Insurance Recovery for Losses Tied to COVID-19,” *Daily Journal of Commerce* (Mar. 2020)
- “Insurance Recovery for COVID-19 Losses,” Miller Nash Graham & Dunn, *The Northwest Policyholder* (Mar. 2020)
- “Contractors Face New Risks With Early Design,” *Daily Journal of Commerce* (Apr. 2015)

## Presentations

- “Understanding Insurance Coverage Issues,” HalfMoon Education, webinar (Mar. 2021)
- “Open, Close, Open, Close: How One Company Is Navigating and Working to Thrive in Unprecedented Times,” RIMS Washington, webinar (Feb. 2021)
- “15 Minute Wrap-up on Litigating and Resolving Multi-Party Construction Defect Case and Coverage Disputes,” The Seminar Group, Northwest Insurance Law, webinar (Oct. 2020)
- “Reopen Your Business with Confidence,” AssuredPartners, webinar (May 2020)

- “Insurance Coverage for COVID-19 Losses: the Policyholders’ Perspective,” Better Business Bureau Northwest + Pacific, webinar (May 2020)
- “COVID-19 Business Interruption Losses: The Policyholders’ Perspective,” Washington State Auto Dealers Association (Apr. 2020)
- “Coronavirus and Insurance Coverage,” Washington Hospitality Association (Apr. 2020)
- “Insurance Coverage Relative to COVID-19,” The Seminar Group (Apr. 2020)
- “No Coverage Does Not Necessarily Mean No Bad Faith,” American Bar Association Section of Litigation, Insurance Coverage Litigation Committee CLE Seminar (Mar. 2020)
- “Claims and Damages,” The Seminar Group, Condominiums, HOAs, and the Future of Construction Defect Claims (Dec. 2019)
- “First-Party Property Coverage and Third-Party Liability Coverage—An Overview,” The Seminar Group, Insurance Law (Nov. 2019)
- “Breakfast Roundtable: A 360° Discussion on Delegated Design,” Miller Nash Graham & Dunn (Oct. 2019)
- “How to Tell if Your Insurance Company Is Treating You Fairly,” Risk Insurance Management Society (May 2016)
- “CGL and Builder’s Risk Insurance,” Associated General Contractors, Seattle Meeting (Mar. 2015)
- “Professional Liability Insurance,” Propel Seminar (2015)
- “Additional Insurance and Contract Management,” CLG Forum (Oct. 2013)
- “Construction Insurance 101,” Lorman Education Services (Feb. 2012)

### Recognition & Honors

- Selected for inclusion as a Washington Super Lawyer—Rising Star, 2015-present

### Personal Activities

Tristan enjoys coaching his kids’ Little League teams, camping in the San Juan Islands, and reading good fiction. When his kids allow, he also enjoys going out for interesting food and wine.