








# Tristan Swanson

Partner

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**“Creativity, curiosity and passion are the cornerstones of my practice and I care deeply for my clients, their businesses, and their success. It is a privilege, and a great source of pride, to be able to take complex problems and achieve elegant and, often, simple resolutions. From bet-the-company litigation to operational or transactional advice, I treat my clients’ needs as if they were my own.”**

Tristan Swanson is a commercial litigator focused on preventing and resolving insurance coverage and construction disputes. He frequently litigates claims against the world’s largest insurers, resulting in successful outcomes valued at hundreds of millions of dollars. His subject matter expertise has made him one of the most sought-after coverage attorneys nationwide and, simultaneously, he maintains a robust, multi-state construction practice. Tristan’s litigation work results in successful recoveries and his transactional work ensures that the necessity for these recoveries is avoided in the first place.

Tristan has frequently been able to settle disputes at their earliest stages by cutting to the chase, providing accurate, comprehensive risk analyses, 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.

Tristan is regularly invited to speak on topics related to insurance coverage and construction. He is widely recognized as a thought leader on topics such as business income loss coverage, construction defect litigation, and trends and new developments in the insurance and construction industries.

## Professional Activities

- Washington State Bar Association, Member
  - Construction Law Section
- 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

- Associated General Contractors of America, Washington Chapter, Member
- Risk Insurance Management Society, Member
  - Global Chapter, Member
  - Washington Chapter, Member

### Civic Activities

- Downtown Seattle YMCA, Board of Managers, Former Member
- Queen Anne Little League, Coach

### Representative Experience

#### Insurance Coverage

- Assisted commercial policyholders in recovering tens of millions of dollars from builder's risk policies issued by Lloyd's of London syndicate insurers.
- Defended multiple national insurance brokerages against malpractice claims by proving that the coverage placed was, in fact, owed to the policyholder.
- Resolved scores of cyber liability claims on behalf of commercial policyholders.
- Obtained millions of dollars of indemnity from EPL, MGL, CGL and E&O carriers on behalf of non-profit and for-profit organizations caught up in long-tail abuse/molestation litigation.
- Resolved scores of cyber liability claims on behalf of commercial policyholders.
- Successfully litigated more than a hundred breach of duty to defend/breach of duty to settle cases.
- Ensured that hundreds of developer and contractor clients paid nothing to settle construction defect cases by forcing their Commercial General Liability carriers to pay the indemnity amounts necessary to achieve resolution.

#### 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.

### Publications

- "One-Year Limitation on Claims in Washington Are Unenforceable," Miller Nash, *From the Ground Up* (Oct. 2022)
- "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

- "Insurance Coverage for Digital Assets: Cryptocurrency, NFT Losses Under Traditional and Specialized Crypto Policies," Strafford CLE, copresenter (Dec. 2022)
- "*Tadych v. Noble Ridge* and Its Impacts on Contractual Limitations of Liability," Washington State Bar Association, 2022 Fall Real Property CLE, copresenter (Dec. 2022)

- “Top 10 Misconceptions in Washington Construction Insurance,” The Seminar Group, Northwest Insurance Law Seminar, copresenter (Oct. 2022)
- “Leveraging Claims Handling Requirements to Get Results,” Miller Nash, Insurance Webinar Series (Feb. 2022)
- “COVID Litigation,” The Seminar Group, Northwest Insurance Law Seminar (Oct. 2021)
- “Commonly Used Building Materials/Basic Engineering Concepts,” American Bar Association, Regional Forum on Construction Law (Seattle), Construction Law Essentials (Oct. 2021)
- “Understanding Insurance Coverage Issues & Minimizing Liability Exposure,” Miller Nash Graham & Dunn, webinar, moderator (May 2021)
- “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 camping in the San Juan Islands, reading good fiction and, when his kids allow, going out for interesting food and wine. While he can barely hold a golf club, he’ll never say no to pick-up basketball, soccer, table tennis or disc golf.