Cooley

Robert Jacques

Special Counsel

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Washington, DC

Insurance
Commercial Litigation
Product Compliance and Product Litigation
Business Restructuring
M&A Disputes
Cyber/Data/Privacy
Insurtech
Mergers and Acquisitions

Robert is a commercial litigator and corporate risk advisor, and leads Cooley's insurance group. As part of his policyholder practice, Robert has placed coverage for and handled more than $1 billion in claims under various types of insurance and reinsurance policies, including cyber, management liability (D&O), fiduciary liability, commercial general liability (CGL), environmental, product recall, professional liability (E&O), kidnap and ransom (K&R), property/business interruption, builders' risk, representations and warranties (R&W), and tax liability.

Robert assists clients from a range of industries – including tech, life sciences, chemical, energy, financial services, private equity, higher education, consumer products, agricultural and automotive. In addition to his insurance practice, Robert also has handled a variety of other litigation and advisory work, including administrative, bankruptcy and product-liability litigation.

Before beginning private practice, Robert clerked in the US Court of Appeals for the Fourth Circuit and the US District Court for the Southern District of Georgia and has since worked at two other major international law firms in Washington, DC. Robert holds a Certification in Risk and Information Systems Control (CRISC) and designations as a Chartered Property Casualty Underwriter (CPCU), Associate in Claims (AIC), Certified Information Privacy Professional (CIPP/US), Certified Information Privacy Manager (CIPM) and Certified Information Privacy Technologist (CIPT).

Robert's representative matters include:

Insurance

- Advised buyers or indemnified parties on claims made under representations and warranties insurance policies or otherwise with respect to their post-acquisition rights against sellers
- Advised technology companies on various types of claims under cyber insurance policies, including under media-liability and tech E&O coverages
- Advised various insureds on rights to defense coverage and to retain preferred counsel in litigation, including under policies that purport to provide an insurer the right to select counsel
- Counseled debtors and committees of unsecured creditors in high-profile bankruptcy reorganizations and liquidations, including securing tail coverage on favorable terms and developing novel insurance-related fiduciary claims

- Counseled special purpose acquisition companies on the purchase of pre- and post-merger D&O insurance
- Counseled buyers and sellers in M&A transactions on the purchase of R&W insurance
- Acted as appellate counsel for a third-party claims administrator on a professional liability claim resulting from the handling of an underlying automotive matter
- Counseled various companies on the purchase and recovery of key person life insurance
- Represented a university and summer camp concerning coverage for alleged sexual abuse by former employees
- Advised private equity companies regarding various types of insurance claims arising from investment activities and portfolio company operations
- Represented a pharmaceutical company and its captive insurer in New Jersey state court in a property/cyber coverage dispute against numerous insurers and reinsurers for a claim arising out of the NotPetya malware event*
- Represented a global investment company in a D&O coverage dispute arising from a going-private transaction*
- Represented a securities industry trade association in submission of an amicus brief to the New York Court of Appeals concerning the insurability of Securities and Exchange Commission disgorgement payments, leading to a grant of leave to appeal and a favorable reversal of the underlying judgment*
- Represented a nonlisted real estate investment trust in first-party property coverage disputes over flood and mold damage at hotels*
- Represented a nonprofit in a first-party business interruption claim resulting from flooding of its headquarters*
- Successfully resolved a first-party contamination coverage claim arising from a Listeria-related recall of frozen food products*
- Successfully resolved a claim of an international nongovernmental organization on a first-party “crisis coverage” claim resulting from the murders of an employee, client and taxi driver in Kenya*
- Successfully resolved a claim for a global procurement and distribution services company in a first-party property coverage dispute arising from a Nigerian warehouse fire*
- Represented a real estate company with D&O coverage claims arising from civil litigation with the Department of Justice (DOJ) and IRS*
- Favorably resolved a first-party property damage and business interruption claim for a major beverage company arising from unexpected disruption to its product distribution network*
- Represented a paper manufacturing company with claims under various coverages and policy programs with respect to asbestos and environmental liabilities*
- Represented an Employee Retirement Income Security Act (ERISA) benefits plan and fiduciaries to secure coverage under a fiduciary liability policy for class action litigation*
- Represented a global chemical manufacturer seeking coverage under multiple policies for odor complaints and related litigation*
- Represented court-appointed receivers and bankruptcy trustees in various matters to marshal insurance and noninsurance assets*

Product liability defense

- Advised a life sciences company regarding exposure of European entities and officers to US litigation risk
- Advised a consumer mobility company regarding product liability strategy and insurance programs
- Represented an airbag/restraint systems manufacturer in product liability litigation, consumer litigation and investigations by the National Highway Traffic Safety Administration and the DOJ*
- Obtained a complete pre-discovery dismissal of separate product liability and subrogation actions arising from a Salmonella-related recall of packaged chicken products*
- Represented a pharmaceutical company in anticoagulant product liability litigation*

Administrative actions

- Represented a for-profit university in an administrative action and federal lawsuit against the US Department of Education regarding discharges of student loans
- Defended a municipality in various legal challenges brought in administrative and judicial venues regarding changes to the operation of a local airport
- Successfully resolved a major telecommunication company's ERISA preemption challenge to determinations of the New York State Workers' Compensation Board*
- Represented a pharmaceutical manufacturer to compel the US Food and Drug Administration (FDA) to consider a new drug application*
- Represented a vaping products manufacturer in an Administrative Procedure Act challenge to FDA deeming regulations under the Family Smoking Prevention and Tobacco Control Act*

Criminal justice

- Represented a death row inmate in Texas with respect to his federal habeas petition
- Represented neuroscientists and criminologists in filing an amicus brief with the Michigan Supreme Court regarding the science of adolescent brain development as relevant to the imposition of mandatory sentences of life imprisonment without the possibility of parole, leading to a favorable decision on behalf of criminal defendants
- Advised numerous nonprofits on insurance coverage issues
- First-chaired a criminal trial in a Maryland state court, obtaining a judgment of acquittal on charges carrying a 25-year mandatory minimum sentence*
- Successfully obtained a reduced sentence of incarceration for a criminal defendant in DC federal court before then-Judge Ketanji Brown Jackson*
- Represented multiple individuals seeking to seal criminal records in DC*

** Matter handled before joining Cooley*

Clerkships

- Law clerk to Judge Henry F. Floyd of the US Court of Appeals for the Fourth Circuit (2014 – 2015)
- Law clerk to Chief Judge Lisa Godbey Wood of the US District Court for the Southern District of Georgia (2013 – 2014)
- Intern to Judge Richard W. Story of the US District Court for the Northern District of Georgia (2011)
- Intern to Chief Judge John A. Woodcock Jr. of the US District Court for the District of Maine (2010)

Publications and commentary

- Author, "Insuring a Solar Park's Performance: A Primer on Solar Photovoltaic Module Warranty Insurance," ABA Resources, March 30, 2025
- Author, "An Update in 'Greenwashing' Developments," ABA Resources, October 28, 2024
- Author, "Court Dismisses Insurer-Initiated Declaratory Action," ABA Resources, October 28, 2024
- Author, "The National Cybersecurity Strategy: A Guide for Critical Infrastructure Owners and Operators," Morgan Lewis Insight, June 23, 2023
- Author, "Viewpoint: Effective Risk Management and Insurance Procurement," Insurance Law Journal, October 14, 2022
- Commenter, "Cyber Hygiene Could Have Policyholders Awash in Litigation," Law360, August 3, 2022
- Co-author, "How Boards Can Address Insurance-Based Caremark Risk," Law360, April 21, 2022
- Author, "War and Office of Foreign Assets Control Exclusions: Insurance Policy Language Matters," Cooley Insure, March 8, 2022
- Commenter, "Pipeline Ransomware Attack Could Raise Cyber Insurance Bar," Law360, May 14, 2021
- Author, "Boiler and Machinery Insurance Can Boost Cyber Coverage," Law360, March 31, 2021
- Author, "Bipartisan Bill Would Provide Federal Safe Harbor for Insurance for the Cannabis Industry," Cooley Insure, March 23, 2021
- Author, "Medical Software and Preemption," Inside Tech Media, September 13, 2018

- Author, “Product Liability Risks for AI-Facilitated Shopping,” Inside Tech Media, August 31, 2018
- Author, “A Primer on the Ethics and Potential of Social Media in Insurance Practice,” American College of Coverage and Extracontractual Counsel, University of Michigan Law School Symposium, October 20, 2017
- Author, “Amy and Vicky’s Cause: Perils of the Federal Restitution Framework,” Georgia Law Review, Issue 45, 2011

Speaking engagements

- Speaker, “The State Versus the Insurance Industry: A Discussion of Responsibilities for Catastrophic Losses,” American Bar Association Insurance Coverage Litigation Committee CLE seminar, March 8, 2024
- Presenter, “The National Cybersecurity Strategy: What Critical Infrastructure Owners Need to Know,” Morgan Lewis webinar, May 25, 2023
- Presenter, “Risk Management & Insurance,” DC Bar Bootcamp for New Members of Nonprofit Boards, April 24, 2021
- Presenter, “A Tabletop Exercise in Responding to a Cyber Event and Maximizing Your Insurance Recovery,” Cooley webinar, April 22, 2021
- Presenter, “Advanced Topics in Product Contamination Insurance,” Trade association presentation, December 18, 2019
- Presenter, “Using Social Media Ethically,” Covington & Burling internal training, June 26, 2019

Education

University of Georgia School of Law JD, summa cum laude, Order of the Coif, Georgia Law Review, 2013

University of Georgia Terry College of Business MBA, Finance, Beta Gamma Sigma, 2013

University of Georgia ABJ, Advertising, AB, Sociology, Phi Beta Kappa, magna cum laude, with honors, 2009

Admissions & Credentials

District of Columbia

Georgia

Court Admissions

US Court of Appeals for the Fourth Circuit

US Court of Appeals for the Ninth Circuit

US Court of Appeals for the Eleventh Circuit

US District Court for the District of Columbia

US District Court for the Middle District of Georgia

US District Court for the Northern District of Georgia

US District Court for the Southern District of Georgia

Rankings & Accolades

Best Lawyers in America: Ones to Watch, Insurance Law, Washington, DC (2024 – 2025)

Memberships & Affiliations

Law360, Insurance Editorial Advisory Board, member (2021)

American Bar Association (ABA)

CPCU Society

ABA Insurance Coverage Litigation Committee, Products/Food & Drug Subcommittee, co-chair (2023 – 2025)

Chartered Property Casualty Underwriter (CPCU)

Associate in Claims (AIC)

Certification in Risk and Information Systems Control (CRISC)

Certified Information Privacy Professional/United States (CIPP/US)

Certified Information Privacy Manager (CIPM)

Certified Information Privacy Technologist (CIPT)