



In and out of court, Scott Godes is a skilled advocate, litigator and trial lawyer in matters involving insurance coverage. Co-chair of the firm's Insurance Recovery and Counseling and Data Security and Privacy Groups, Scott has helped insureds recover more than \$1 billion.

Scott is dedicated to helping corporate policyholders with insurance coverage issues. By taking on matters that are often difficult, complicated and untested – including two of the first cyberinsurance coverage cases in the country – Scott works to design a creative, optimized path to problem solving that enhances their chances of recovery. Effective, thorough and practical, Scott is valued by clients and colleagues alike for his depth and breadth of knowledge and experience in insurance law, and for finding the right solution to each client's distinct problem.

Scott regularly represents clients facing insurance coverage issues arising out of ransomware, business email compromise, cybersecurity, data breach, cyberattack, privacy and other technology-related claims. He focused on insurance coverage for cybersecurity and privacy risks in 2008, allowing him to join his long-standing interest in technology with a new area of insurance. Since that time, he has litigated some of the few court cases regarding the scope of coverage available under cyber insurance policies, as well as coverage under other insurance policies for losses due to cyberattacks, privacy events, and wire and computer frauds.

Early in his insurance coverage career, Scott served co-lead counsel in a landmark insurance coverage class action trial that spanned four months. It was the first trial of its kind leading to a decision that insurance coverage was available, without aggregate limits, for thousands of asbestos claims. In addition to that example, Scott has represented policyholders in a wide range of disputes. He often handles matters from the inception all the way through appeals. He has argued and briefed insurance coverage disputes in federal Courts of Appeals and state supreme courts.

Scott's practice often involves declaratory judgment, breach of contract

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EDUCATION

George Washington University Law School, (J.D.), with honors, 1998, managing editor of Public Contract Law Journal, member of Moot Court Board

Middlebury College, (B.A.), cum laude, 1994

BAR ADMISSIONS

District of Columbia

Massachusetts

Pennsylvania

Virginia

COURT ADMISSIONS

U.S. Federal Court of Claims

U.S. Court of Appeals for the District of Columbia Circuit

U.S. District Court for the District of Columbia

U.S. District Court for the District of Minnesota

U.S. District Court for the Western District of Michigan

U.S. District Court for the Eastern District of Virginia

U.S. District Court for the Western District of Virginia

LANGUAGES

English

PRACTICES

and bad faith insurance coverage actions, insurance-related bankruptcies and adversary actions, federal court receiverships, insurer rehabilitation actions, and commercial arbitrations. He has litigated and advised clients regarding insurance coverage for cyberattacks, data breaches and cyber security issues, business email compromises and CEO fraud, network failures, advertising injury, libel, ransomware and personal injury claims.

Scott also advises clients about the insurance coverage issues related to first party property, Telephone Consumer Protection Act (TCPA), directors and officers (D&O), securities, errors and omissions (E&O), crime and fidelity bond, general liability and consumer class action claims. He has effectively navigated complex litigation involving business interruption, extra expense, contingent business interruption and first-party property claims, as well as computer data, hardware and software claims, mass tort liabilities, flood, product liability and asbestos claims.

In addition to his insurance coverage experience inside and outside the courtroom, Scott has significant trial experience on other matters. He served as trial counsel on the issues of whether a complainant established a “domestic industry” and public interest issues in a Section 337 investigation of the Tariff Act of 1930 before the ITC. His trial and appellate experience in court and before arbitrators and administrative law judges have involved federal government contract bid protest, security clearance revocation, prime and subcontractor dispute, discovery, breach of contract and property damage, and negligence.

Moreover, Scott has represented protesters and interveners in bid protests before the U.S. Government Accountability Office (GAO), U.S. Court of Federal Claims and the Superior Court of the District of Columbia. He also has litigated disputes related to teaming agreements between federal contractors in arbitration and contract claims before the Armed Services Board of Contract Appeals (ASBCA).

Scott edits the BT Policyholder Protection blog.

Prior to joining the firm, Scott served as in-house counsel to an internet company.

Professional and Community Involvement

Co-chair, American Bar Association Cyber Risk & Data Privacy Subcommittee of the Insurance Coverage Litigation Committee

Co-chair, American Bar Association Computer Technology Subcommittee of the Insurance Coverage Litigation Committee

Honors

Zywave’s Cyber Risk Finalist, 2024

Cybersecurity Docket’s Incident Response 50, 2023

Chambers USA, 2020-2023

The Best Lawyers in America, 2017-2024



- Asbestos Liability
- Commercial General Liability
- Compliance and Monitorships
- Copyright, Trademark, and Media Liability
- Cybersecurity and Data Privacy Risks
- Data Security and Privacy
- Fidelity Bonds and Commercial Crime Policies
- First-Party Property
- Insurance Recovery and Counseling
- Internet and Technology
- Litigation
- Representations and Warranties

INDUSTRIES

Federal Contracting, Procurement and National Security

Washington, D.C., Super Lawyers, 2019-2020, 2022-2024

Cybersecurity Docket's Incident Response 30 for 2020

BTI Client Service All-Star, 2020, 2023

Acritas Star Independently Rated Lawyer

