



# Michael N. Wolgin

SHAREHOLDER

MIAMI

 305.347.6880

 305.530.0055

CONNECT

 [mwolgin@carltonfields.com](mailto:mwolgin@carltonfields.com)

 [LinkedIn](#)

## Overview

Michael Wolgin defends insurance companies and financial services institutions in complex litigation matters in federal and state courts throughout the United States. His practice includes class action defense, consumer fraud, and commercial litigation. In addition, he represents and counsels insurance companies in regulatory matters, including multistate market conduct examinations.

Michael's extensive class action and complex litigation experience includes handling matters across multiple lines of insurance (for example, life insurance, reinsurance, supplemental health insurance, travel insurance, and windstorm property insurance). He also handles matters related to Lloyd's of London insurance placement and procedure, insurance brokerage, and medical provider reimbursement under Medicare and private health insurance. His focus includes litigating matters alleging breach of contract, fraud and misrepresentation, breach of fiduciary duty, and bad faith. He routinely handles expert witness discovery and e-discovery planning and management.

In addition, Michael has a broad range of experience litigating matters involving insurer insolvency and liquidation, fraudulent transfers, trademark and copyright infringement, long-term care insurance, lender-placed insurance, computer fraud and abuse, and municipal liability and civil rights litigation.

His significant appellate experience includes representing clients in the U.S. Court of Appeals for the Fourth, Fifth, Sixth, Eighth, and Eleventh Circuits, in the Florida District Courts of Appeal, and in various other state appellate courts.

# Areas of Focus

## Practices

- Life, Annuity, and Retirement Litigation
- Appellate & Trial Support
- Financial Services Regulatory
- Litigation and Trials
- Insurance
- Class Actions

## Industries

- Life, Annuity, and Retirement Solutions
- Property & Casualty Insurance
- Insurance

## Insights

09.28.2023

New California Lapse Statute Decision Highlights the Importance of Where Insurance Policies are “Issued or Delivered”

---

09.25.2023

Texas Supreme Court Remands Case in Light of Recent Ruling That Arbitrator Must Determine Arbitrability for AAA Arbitration Agreements

---

09.05.2023

Court Confirms Arbitration Award Against Non-Signatory Intervening Party in Arbitration

---

07.21.2023

Fifth Circuit Affirms Denial of Arbitration, Rejects Arbitration Provisions in “Battle of the Forms” Between Buyer and Seller in UCC Transaction

---

07.22.2022

Court Confirms Foreign Arbitration Award, Notwithstanding Pending Action in Foreign Court Seeking Award’s Annulment

---

05.11.2022

Life Insurance Lapse Notice Class Actions Fail to Take Root: California Court Denies Certification

---

04.01.2022

Second Circuit Affirms Order Confirming Arbitration Award Finding No Partiality Related to Arbitrator's (Attenuated) Personal and Business Relations

---

03.03.2022

Fifth Circuit Dismisses Appeal of Order Denying Motion to Reopen Case, Sever Cost-Splitting Provision, and Impose Costs of Arbitration on Appellee

---

01.14.2022

Ninth Circuit Affirms Denial of Motion to Compel Arbitration Against Non-Signatory Spouse of Contracting Party

---

01.11.2022

California Decisions Kick Off Parade of Life Insurance Lapse Notice Cases

---

10.01.2021

Court Permits Munich Re to Expand Its Counterclaims Against Cedent AMIC, Following Dismissal of AMIC's Bad Faith Claims

---

08.13.2021

Third Circuit Affirms Dismissal of Petition to Confirm "Sham" Arbitration Award

---

06.11.2021

Second Circuit Affirms Denial of Vacatur of Employment Arbitration Award Due to Failure to Provide Evidence of Alleged Perjury in Arbitration Proceedings

---

05.14.2021

Eleventh Circuit Revives Labor Union's Complaint to Compel Arbitration That District Court Had Found to Be Time-Barred

---

04.23.2021

Eleventh Circuit Holds That "Notice of a Motion to Vacate" Under FAA Cannot Be Accomplished by Email Absent Express Written Consent

---

04.02.2021

Sixth Circuit Reverses District Court for Exceeding Its Authority by Ruling on Arbitrability in the Presence of an Unchallenged Delegation Clause

---

03.09.2021

Fourth Circuit Affirms Denial of Vacatur of Arbitration Award, Finding No Deprivation of a Fair Hearing or Manifest Disregard of the Law

---

12.10.2020

Ninth Circuit: Website Visit Four Years After Assent To a Contract Containing a Change-of-Terms Provision Does Not Bind Parties To New Contract Terms Addressing Arbitration

---

10.29.2020

Ninth Circuit Affirms Denial of DIRECTV's Motion To Compel Arbitration, Creating Circuit Split on Procedure for Determining Scope of Arbitration Agreements

---

10.05.2020

Fifth Circuit Affirms Significant Arbitration Award of Attorney's Fees, Clarifying the Limited Scope of Review and Ruling That the Panel Did Not Exceed Its Authority

---

09.14.2020

Court Applies "Summary-Judgment-Like" Approach To Uncontested Motions To Compel Arbitration And Stay Litigation

---

09.03.2020

Third and Eleventh Circuits Show No "Lapse" in Judgment

---

08.05.2020

Second Circuit Affirms Denial of NFL Player's Petition to Vacate Arbitration Award, Rejecting Arguments of Harm Caused by Failure to Disclose CBA-Related Documents

---

07.15.2020

Ninth Circuit Remands Order Denying Motion to Compel Arbitration That Failed to Address the Effect of Delegation Clause in Parties' Arbitration Agreement

---

07.06.2020

From COVID-19 to Defense Strategies: The Latest Class Action Trends

---

06.24.2020

Eleventh Circuit Affirms Denial of Imax Corp.'s Petition to Vacate Arbitration Tribunal Rulings That Included Awards of Nearly \$1 Million in Arbitration Costs and Attorney's Fees

---

06.03.2020

Third Circuit Affirms Denial of Motion to Compel Car Rental Class Action to Arbitration Based on Insufficiently Incorporated Arbitration Provisions

---

05.12.2020

Court Compels FMLA Employment Dispute to Arbitration, Finding That Arbitration Agreement Delegated Arbitrability to Arbitrator and Agreement Appeared Not to Be Void or Unconscionable

---

04.21.2020

Alabama Supreme Court Reverses Order Compelling Arbitration Based on Failure to Authenticate Arbitration Agreement

---

04.13.2020

Did Your Text Message or Phone Call Campaign Use an Illegal "Autodialer"?

---

03.31.2020

Third Circuit Addresses Interplay Between LMRA and FAA and Affirms Arbitration Award in Favor of Union Under Collective Bargaining Agreement

---

03.10.2020

Court Upholds Arbitration Provision Despite Allegations of Fraud in Contract's Execution

---

02.19.2020

Court Compels Arbitration of Balance Billing Dispute Under a California Health Plan, Severs Certain Unconscionable Provisions, and Rejects Class Arbitration Proceedings

---

12.26.2019

Eleventh Circuit Clarifies Standard for New York Convention's Public Policy Defense to Foreign Arbitration Awards

*HarrisMartin's Reinsurance & Arbitration Report*

---

12.17.2019

Eleventh Circuit Clarifies Standard for New York Convention's Public Policy Defense to Foreign Arbitration Awards

---

11.26.2019

Court Dismisses Reinsurance Litigation in Favor of Prior Pending Action

---

11.05.2019

Court Orders Stay of New Arbitration Over Disputed Reinsurance Billings and Compels Parties to Proceed Before a Predecessor Arbitration Panel

---

10.17.2019

Second Circuit Affirms Judgment Confirming Arbitration Award in Favor of Labor Union Involving Alleged Non-Signatory to Collective Bargaining Agreement

---

10.04.2019

Intentional Killing a Grave Mistake Under Slayer Statutes

---

09.27.2019

Employment Discrimination Claim Compelled to Arbitration Despite Arguments That "Clickwrap" Stock Incentive Agreement and Discovery Limitations Were Unconscionable

---

09.03.2019

After Reviewing the Arbitration Record, Court Enters Default Judgment Confirming Default Arbitration Award

---

08.12.2019

Applied Underwriters Overcomes Bid for Renewed Motion for Class Certification in Workers' Compensation Reinsurance Dispute

---

07.22.2019

Odyssey Reinsurance Obtains Summary Judgment in Fraudulent Transfer Case Against Owners of Agency Involved in Reinsurance Arrangement

---

07.11.2019

Life Insurer Defeats Bid to Apply Policy Lapse Statute Retroactively

---

07.03.2019

Ninth Circuit Affirms Order Denying Arbitration, Applying Precedent That State Law Does Not Overcome the New York Convention's Signatory Requirement to Compel Arbitration

---

06.13.2019

Court Finds Panel Did Not Manifestly Disregard Law When It Entered FINRA Award in Favor of Investment Firm and Advisors in Dispute over Fraud Committed by Late NFL Player's Agent

---

05.22.2019

Court Finds Arbitration Panel Did Not Exceed Powers or Manifestly Disregard the Law in Confirming Award in Dispute Over Leasing of Oil Lands

---

05.01.2019

Ninth Circuit Affirms Order Compelling Class Arbitration in Employment Dispute Involving Two Employment Agreements With Varying Arbitration Provisions

---

04.10.2019

California Appellate Court Holds U.S. Supreme Court's Epic Systems Ruling Does Not Authorize Waiver

---

08.02.2018

Rhode Island Amends Laws to Permit Voluntary Restructuring of Insurers Using Protected Cells with Commissioner Approval

---

07.31.2018

Court Orders Compliance with Arbitral Subpoenas, Deferring to the Panel's Assessment of the Value of the Requested Testimony

---

06.21.2018

Idaho, South Carolina, and Tennessee Update Credit for Reinsurance Laws

---

06.20.2018

Update On Amendments To State Captive Insurance Laws

---

01.24.2018

English High Court of Justice Orders Disclosure of Bank's Records Related to Misdirected Reinsurance Premiums

---

11.01.2017

National Flood Insurance Program Reauthorized Through December 8, 2017

---

07.20.2017

Eighth Circuit Affirms Order Compelling Arbitration, Rejecting Contract Defenses of Unconscionability and Lack of Consideration

---

07.18.2017

Texas and Wisconsin Join List of States Permitting Domestic Surplus Lines Insurance

---

06.29.2017

Montana Enacts Captive Insurance Law Impacting Reciprocal and Dormant Insurers

---

05.18.2017

Arbitrator's Pre-Iskanian Decision That Paga Claim Must Proceed on an Individual Basis Was Not a "Manifest Disregard of the Law"

---

05.16.2017

English High Court of Justice Analyzes Standards Governing Fraudulent Inducement Claims in Reinsurance Disputes

---

04.27.2017

Second Circuit Finds Arbitrator Did Not Commit a Manifest Disregard of the Law in Dispute Over Construction Work at the Whitestone Bridge

---



04.25.2017

Putative Class Action Involving a Patented Reinsurance Arrangement for Workers' Compensation Coverage Largely Survives Dismissal

---

04.06.2017

South Dakota Adopts Credit for Reinsurance Model Law

---

03.16.2017

Court Finds That Arbitration Award That Interpreted Contract "Termination" to Include Contract "Expiration" Was Not a "Manifest Disregard of the Law"

---

02.22.2017

Ninth Circuit Affirms Orders Denying Arbitration in Two Class Action Lawsuits Against Samsung

---

10.13.2016

Potential Secondary Effects of Regulatory Examinations: Evidentiary Issues and Preclusion in Parallel Litigation

---

07.08.2014

FINRA Continues Investor-Friendly Arbitration Reforms

---

05.01.2013

Mandatory Class Action Waivers Upheld

---

11.01.2012

Cedent Sues Over Absence of Required Security

---

11.01.2012

Lawyers Chastised for Ignoring Adverse Authority on Appeal

---

11.01.2012

English Court Says Expert May Testify Against Former Client

---

05.01.2012

Third Circuit Sinks (b)(2) Class for Lack of Standing

---

05.31.2010

Arbitration Roundup

---

## News

06.08.2021

U.S. Class Action Spending Reaches New High of \$2.9B; Companies Report Spike in Volume and Complexity of Matters, Survey Says

---

06.08.2021

Carlton Fields' 2021 Class Action Survey Findings Featured in Media

---

07.07.2020

U.S. Corporate Class Action Defense Spend Exceeds Projections, Survey Says

---

04.16.2019

Carlton Fields Releases Annual Class Action Survey Results

---

06.12.2018

Carlton Fields' 2018 Class Action Survey Featured in Top Business and Legal Publications

---

06.12.2018

Carlton Fields' 2018 Class Action Survey Featured in Top Business and Legal Publications

---

02.20.2017

Carlton Fields Promotes Miami Attorney Michael N. Wolgin to Shareholder

---

## Recognition

- William Reece Smith Jr. Pro Bono Award (2015)

- Recognized for excellent pro bono advocacy by Legal Services of Greater Miami (Fall 2011)

## Professional & Community Involvement

- American Bar Association

## Speaking Engagements

- "A Pandemic of Litigation - An Update of Class Action Litigation Affecting the Travel Insurance Industry," U.S. Travel Insurance Association Annual Conference (October 20, 2020)

## Credentials

### Education

- University of Miami School of Law (J.D., magna cum laude, 2007)
  - Staff Editor & Associate Editor, *Inter-American Law Review*
- Yeshiva University (B.S., magna cum laude, 2004)

### Court Admissions

- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida

### Bar Admissions

- Florida