



## Thomas F. Bush

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### Areas of Practice

Antitrust and Trade Regulation | Arbitration | Class Action Litigation | Insurance and Reinsurance | Litigation/Trial Practice

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Thomas Bush is a Partner in the Litigation and Insurance Practices of Smith, Gambrell & Russell, LLP. Mr. Bush was a Partner with Freeborn & Peters, which combined with SGR in 2023.

Mr. Bush has extensive experience in complex litigation involving antitrust, insurance and reinsurance matters, and, in particular, has been very actively involved in the representation of significant lawsuits and arbitrations for global reinsurers in disputes arising from large scale losses. He also represents and counsels insurance companies and investment firms on antitrust compliance and on competition issues arising in mergers and acquisitions.

Mr. Bush also serves as a commercial arbitrator and is listed on the American Arbitration Association's National Roster of Arbitrators.

Prior to joining Freeborn (now SGR), Mr. Bush was a Partner with Locke Lord, where he was Co-Chair of the firm's Antitrust Litigation Practice Group. He also served as a law clerk to Chief Judge Collins J. Seitz, U.S. Court of Appeals for the Third Circuit.

Mr. Bush received his A.B. from Dartmouth College and his J.D. from University of Chicago Law School, where he was a member of Law Review.

### Memberships

American Bar Association

American Arbitration Association, Panel Member

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## Representative Experience

- Defending a group of Lloyd's underwriting syndicate in an antitrust class action.
- *In re Insurance Brokerage Antitrust Litigation*, (District Court of New Jersey) Defending Alterra Capital against antitrust and RICO claims against major insurance companies and brokers, arising out of the investigations of the insurance industry by the attorney general of New York.
- Representing a large insurance company in arbitration and litigation involving property damage and business loss claims at the World Trade Center.
- Representation of leading life reinsurer in multiple arbitrations and litigation.
- Represented an international insurance company in litigation and arbitration arising out of the collapse of the world's largest aviation reinsurance pool.
- Represented several corporate executives in grand jury investigations involving possible antitrust law violations.
- In mergers and acquisitions subject to review by antitrust enforcement agencies, regular advice to parties on filing requirements and antitrust risk and representation before the agencies.
- Represented numerous global reinsurance companies in major arbitrations.

## Admissions

Illinois

United States Supreme Court

United States Courts of Appeals for the Second, Third, Sixth, Seventh, Eighth and Tenth Circuits

United States District Court for the Northern District of Illinois (including Trial Bar)

## Recognitions

*Chambers-USA Guide to America's Leading Lawyers for Business* – Insurance: Dispute Resolution: Reinsurance, Illinois, 2023 (cited in multiple years)

*Leading Lawyers: Antitrust Law; ADR Law: Commercial Litigation; Insurance, Insurance Coverage and Reinsurance Law* - 2020 (cited in multiple years)

*Who's Who Legal: Insurance & Reinsurance* (2019, cited in multiple years)

## Publications

- Author, "[Enforcement of Arbitration Subpoenas in Federal Court in the United States](#)," *Dispute Resolution Journal*<sup>®</sup>, Vol. 78 (2024).
- Author, "[Arbitration in Antitrust Cases](#)," *Lexis Practice Advisors* (2024).
- Author, "[DOJ and FTC Antitrust Investigations](#)," *Practical Law Antitrust* (2024).
- Author, "[Delegating Authority to Decide Arbitrability: The Problem with Carve-Outs](#)," *Dispute Resolution Journal*<sup>®</sup>, Vol. 77 (2023).

- Presenter, London Market Forums' Reinsurance Leaders Practice Group Seminar, "Reinsurance Impact – COVID-19 – Claims, Capacity, Claims, Client Retention," (March 4, 2021).
- Presenter, "The Art of Designing Reinsurance Contracts and Programs," *Re Contracts Seminar, Reinsurance Association of America*, July 2016.
- Presenter, "The Current State of Antitrust Immunity for Insurance Companies," *14th Annual Half-Day Insurance and Reinsurance Seminar*, New York, June 2015.
- Author, "[Client Alert - Class Actions Against Property Insurers in the Wake of COVID-19](#)," Freeborn & Peters LLP (2020)
- Author, "[Client Alert - Reinsurance Implications of Politically Expanded COVID-19 Coverage](#)," Freeborn & Peters LLP (2020).
- Author, "[Client Alert - Collaboration Among Insurers on Responses to COVID-19](#)," Freeborn & Peters LLP (2020).
- "Antitrust Compliance Audits," *Antitrust Compliance Handbook, American Bar Association* (2018).
- "A Framework for Assessing Settlement Allocations Among Reinsurers," *ARIAS Quarterly* (2016).
- "A Broader View: An ITC Case Could Give US Domestic Firms a Powerful New Weapon," *Competition Law Insight* (2016).
- "A Response to the Arbitrators' Panel on the Code of Conduct," *ARIAS U.S. Quarterly* (2016).
- "The Handbook of Competition Enforcement Agencies - US DoJ Overview," *Global Competition Review* (2015).
- "When Do U.S. Antitrust Laws Apply To Foreign Insurers?," *Mealey's Emerging Insurance Disputes*, Vol. 19, #17 (2014).
- "The Handbook of Competition Enforcement Agencies" (2013).
- "The Handbook of Competition Enforcement Agencies" (2012).
- "Has A New York Court Exposed Reinsurers To Antitrust Liability For Collaborating On Claims?," *Mealey's Emerging Insurance Disputes* (2011).
- "The US Federal Trade Commission Attempts to Expand a Monopolist's Duty to Deal with Rivals," *Competition Law Insight* (2010).
- "Back to the Future in US Antitrust Enforcement: Refusals to Cooperate with Competitors," *Competition Law Insight* (2009).