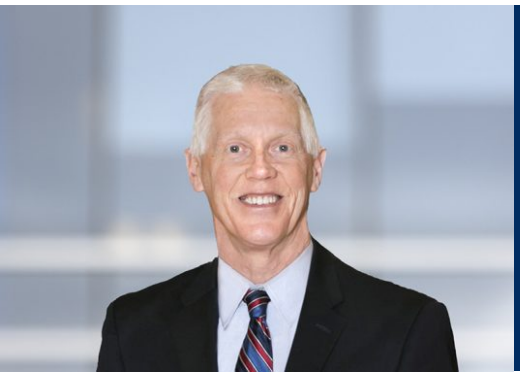

Joseph M. Hamilton

Of Counsel

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Overview

Joe concentrates his practice in life, health and disability insurance defense, ERISA, and land use litigation, including environmental litigation. He is a past member of the firm's Management Committee and the former chair of the firm's Litigation Group.

He serves as counsel for numerous life, health and disability insurers, self-insureds and third-party administrators at all levels of state and federal courts throughout Massachusetts. His representation includes the full spectrum of issues arising from both individual and group coverage, under both state and federal law, including ERISA. Joe also represents business clients in addressing litigation issues that arise in the context of land use and environmental concerns. This includes representing clients in connection with administrative appeals and enforcement actions involving the Massachusetts Department of Environmental Protection and the Environmental Protection Agency as well as actions involving private parties, including litigation related to contaminated property and regulatory compliance.

Affiliations

- American Bar Association, Life, Health and Disability Insurance Law Committee; Employee Benefits Committee
- Defense Research Institute, Life, Health and Disability Committee
- New England Claims Association
- Worcester County Bar Association, former chair, Environmental Law

Justine Colbert
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Education

Boston College Law School, JD

Boston College, BA, *magna cum laude*

Bar Admissions

Massachusetts

U.S. District Court for Connecticut

U.S. District Court for Massachusetts

U.S. Supreme Court

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the First Circuit

Related Services

Life, Health, Disability and ERISA Litigation

Litigation

Real Estate and Environmental Litigation

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Section

- Town of Northborough, past chair, Planning Board and Conservation Commission
- Higgins Armory Museum, former president and trustee
- United Way of Central Massachusetts, Board of Directors
- YMCA of Central Massachusetts, Board of Governors
- U.S. Marine Corps

Awards & Recognitions

- Included in *The Best Lawyers in America*® for Litigation – Insurance (2026, 2027)
- Named a Massachusetts "Super Lawyer" by *Boston* magazine and *Law & Politics* (2008 – 2024)

Articles & Speaking Engagements

- "ERISA Case Law Update by Mirick, O'Connell," In-House Counsel Sub-committee of the DRI Life, Health, Disability and ERISA Committee, webinar (August 31, 2023)
- "Legal Year in Review," New England Claims Association, Annual Presentation (2006 – 2023)
- "Misrepresentation in the Life, Health, and Disability Insurance Application Process: A National Survey," 3nd Edition, American Bar Association, 2022 (editor and contributing author)
- "ERISA Survey of Federal Circuits," American Bar Association, 2022 (contributing author)
- "Residual vs. Total Disability: An Old Issue Revisited," Defense Research Institute's *Life*, *Health and Disability News*, June 2019
- "The Challenge of Residual Disability Claims," Eastern Claims Conference (March 2019)
- "Hot Topics in Disability Litigation," Defense Research Institute Webinar and Seminar (March 2019)
- "Resolving Insurance Claims Disputes Before Trial," Americal Bar

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Association, 2018 (contributing author)

- "Litigating Disability Insurance Claims," American Conference Institute (2003, 2007, 2012-2018)
- "The Law of Life Insurance," Defense Research Institute, 2017 (contributing author)
- "ERISA Litigation," American Conference Institute (2014-2017)
- Mock Deposition and Mediation Workshops, International Claims Association (2015-2017)
- "Minor and Beneficiary Disputes and the Role of Interpleaders", Defense Research Institute's Life, Health, Disability and ERISA Seminar (April 2015)
- "Managing the Relationship with Insurance Agents Before and During Litigation," American Bar Association Midwinter Symposium (January 2014)
- "Life Insurance Litigation," American Conference Institute (2012 and 2013)
- "New Appleman on Insurance Law Library Edition," Matthew Bender & Company, Inc., 2013 (contributing author)
- "Appropriate Care: How Much is Enough?," Defense Research Institute's *Life, Health and Disability Newsletter*, February 2012
- "Legal and Regulatory Update," JHA Risk Forum (August 2010)
- "Imposters in the Life Insurance Application Process" American Bar Association Midwinter Symposium (January 2010)
- "Misrepresentations in the Life, Health and Disability Application Process," American Bar Association Midwinter Symposium (January 2009)
- "The Fundamentals of ERISA Benefit Litigation," MCLE, 2008 (co-author)
- ERISA Litigition," MCLE (July 2008)
- "ERISA Benefit Claims Regulations," American Bar Association Midwinter Symposium, (January 2007)
- "The Interplay between Total and Residual Disability Provisions: When 'Total' Means Total," Defense Research Institute's *Life, Health and*

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Disability Newsletter, Fall 2004

- Mirick O'Connell Life, Health & Disability Newsletter (co-editor)
- Regular contributor to the newsletters of the American Bar Association's Life Insurance Law Committee and Defense Research Institute's Life, Health and Disability Committee

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