

D. Larry Kristinik, III

Partner

Meridian
1320 Main Street
17th Floor
Columbia, SC 29201

T 803.255.9531
F 803.256.7500

larry.kristinik@nelsonmullins.com



Larry practices in the areas of business litigation, class action defense, insurance coverage and bad faith claims, defense of investor securities claims, and FINRA broker-dealer arbitrations. Larry is co-chair of the firm's insurance industry practice group and also serves as the assistant group leader of the firm's litigation group. He is the immediate past chair of the ABA Litigation Section.

Larry has been admitted *pro hac vice* in state and federal courts in Alabama, California, Georgia, Indiana, Kansas, Kentucky, Maryland, New York, North Carolina, Tennessee, Texas, Utah, Virginia, and West Virginia. He has also appeared in arbitration proceedings in seven states and D.C., and has had arbitration trials in South Carolina, North Carolina, and Massachusetts.

Experience

The following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

Complex Litigation and Class Action Defense

- Served as counsel in two multidistrict litigation proceedings (*In re Industrial Life Insurance Litigation*, MDL No. 1429 and *In re Electrical Receptacle Products Liability Litigation*, MDL No. 1595).
- Served as counsel defending class actions involving the Telephone Consumer Protection Act ("TCPA"), electrical utilities, cable television services, insurance marketing practices, consumer finance, and economic loss ("no injury") products liability claims.
- Served as lead counsel for a federal firearms licensee in consolidated wrongful death actions involving a convicted serial killer and the application of the Protection of Lawful Commerce in Arms Act (PLCAA).
- Served along with other Firm attorneys as national coordinating counsel for three different companies.

Education

University of South Carolina School of Law, JD, cum laude (1992)

- National Moot Court Team
- Member of the student editorial board of the ABA Real Property, Probate and Trust Journal
- Order of the Coif
- Order of Barristers
- Order of Wig and Robe
- Received the American Jurisprudence Award in Federal Practice

University of South Carolina, Honors College, BS, Accounting, magna cum laude (1989)

- Phi Beta Kappa
- Omicron Delta Kappa
- Mortar Board

Admissions

South Carolina

U.S. Court of Appeals for the Fourth Circuit

U.S. District Court for the District of South Carolina

Practice Areas

Life, Health, and Disability Insurance

- Represented life, health, and disability insurance companies in litigation and regulatory matters.
- Tried rescission claim to a verdict in favor of life insurance company under intent to deceive standard
- Defended bad faith claims, asserted rescission claims based on material misrepresentations, litigated beneficiary, policy administration, and dividend election issues, and brought interpleader actions in federal and state court.
- Defended long-term disability claims involving employer sponsored welfare benefits plans and governed by the Employee Retirement Income Security Act of 1974 ("ERISA").
- Experienced in defending annuity suitability claims and claims involving variable and whole life products and tax qualified products.
- Litigated slayer statute issues, claims on conditional receipts, intoxication exclusions, suicide exclusions, mental disorder limitations, and accidental death and disability claims.
- Provided advice with respect to claims investigations and decisions to pay claims.
- Defended claims for both daily benefits and reimbursement benefits under long-term care insurance policies and investigated and prosecuted fraud claims against insureds under long-term care insurance policies.
- Defended claims for benefits under limited benefit health insurance policies.
- Provided coverage analysis under CGL policies, property policies, and D&O policies.

Insurance Regulatory Experience

- Negotiated consent orders regarding licensing issues and administrative supervision.
- Advised insurers in their efforts to respond to market conduct examinations.
- Negotiated terms for reinstatement of previously revoked licenses.
- Lead trial counsel for contested case hearing seeking issuance of resident producer license before the Administrative Law Court.
- Advised clients regarding reporting obligations to Department of Insurance.
- Advised clients regarding limitations on premium rate adjustments.

FINRA Broker-Dealer Representation

- Experienced in defending broker-dealers, registered investment advisors, banks, and wealth managers against customer claims involving ponzi schemes, supervision, suitability, unauthorized trading, churning, misrepresentation, selling away, and violation of state and federal securities laws.

[Bad Faith & Extra Contractual Litigation](#)[Broker Dealers & Investment Management Litigation](#)[Life, Health, Disability & ERISA](#)[Property & Casualty Coverage](#)[Securities & Enforcement](#)

- Experienced with a variety of investment products, including variable prepaid forward contracts, unit investment trusts, variable annuities, variable life policies, mutual funds, limited partnership interests, oil and gas well interests, and stock options, as well as individual stocks and bonds.
- Represented broker-dealers, RIAs, and banks with respect to investigations by state regulatory agencies and the Financial Industry Regulatory Authority (FINRA, formerly NASD).
- Defended individual financial advisor wrongful termination claims, and claims for unvested deferred compensation, and prosecuted arbitrations to collect on promissory notes and bonus repayment agreements.
- Defended U5 defamation claims and advised broker dealers about appropriate disclosures on the U5 Form.

Telephone Consumer Protection Act (TCPA)

- Defended TCPA class actions and individual actions in Alabama, California, Georgia, Florida, Indiana, Missouri, New York, and South Carolina.
- Successfully argued on motion to dismiss the application of the non-profit tax exempt exemption to certain TCPA liability.
- Defended claims involving texting to mobile phones and calls to landlines and mobile phones, and revocation of consent.
- Briefed and argued dispositive motions based on lack of vicarious liability for conduct of lead generators.
- Provided advice on availability of insurance coverage for TCPA claims.

Recognitions

The bar rules of some states require that the standards for an attorney's inclusion in certain public accolades or recognitions be provided. When such accolades or recognitions are listed, a hyperlink is provided that leads to a description of the respective selection methodology.

- [The Best Lawyers in America®](#), Lawyer of the Year, Columbia, SC, Litigation – Securities (2022, 2026)
- [The Best Lawyers in America®](#), Commercial Litigation (2007–2026), Litigation – Securities (2021–2026)
- [AV peer review rated by Martindale Hubbell](#)

Professional Activities

- Chair, ABA Litigation Section (2024–2025)
- Chair Elect, ABA Litigation Section (2023–2024)
- Vice-Chair, ABA Litigation Section (2022–2023)
- Co-Chair of the Task Force on Racial and Economic Justice for the ABA Litigation Section (2021–2022)
- Budget Officer, ABA Litigation Section (2018–2021)
- Program Chair for the annual CLE conference of the DRI Life

Health Disability & ERISA Committee in Boston (April 2018)

- Former chair of the American Law Firm Association Insurance Law Practice Group (2011–2013)
- Frequent speaker at national conferences sponsored by DRI, ACLI, ECC, and ICA on disability and life insurance litigation
- Member, Association of Life Insurance Counsel (2011–present)
- Co-chair, Membership and Marketing Committee of the ABA Litigation Section (2017–2018)
- Member of the ABA Council for Racial and Ethnic Diversity in the Education Pipeline (2015–2017)
- Member of the Council of the ABA Litigation Section (2014–2017)
- Fellow, American Bar Foundation (2014–present)
- Managing Director for the ABA Litigation Section (2012–2013)
- Chair, Insurance Law Roundtable for the 2007 ALFA Insurance Law Practice Group Conference in New York
- Chair of Steering Committee for DRI's Life, Health, and Disability Committee (2018–2020)
- Served as a vice chair of the ABA Litigation Section Committee on Corporate Counsel (2009–2011)
- Served as co-editor of *In-House Litigator*, the quarterly journal for the Committee on Corporate Counsel (2005–2007)
- Co-chair of the 2009 ABA Litigation Section Annual Conference in Atlanta, Georgia
- Served as a co-chair of the Content Management Committee of the ABA Litigation Section (2010–2011)
- Served in the House of Delegates of the S.C. Bar (1999–2001)

Articles & Speeches

Insights

[Changes \(Maybe\) to South Carolina Life Insurance Rescission Procedure](#)- Author (March 14, 2022)

[Preserving the Attorney–Client Privilege when Communicating with Corporate Counsel, *In-House Defense Quarterly*](#)- Author (Summer 2020)

Events/Speaking Engagements

Attorney-Client Privilege for In-House Attorneys, CLE Seminar for the DRI Life, Health, Disability, and ERISA Committee - Speaker (May 2022)

Rescission of Life, Health, and Disability Coverage, Young Lawyer Bootcamp for the DRI Life, Health, Disability, and ERISA Committee - Speaker (November 2017, 2019)

Defense of Bad Faith Claims Against Life and Disability Insurers , *ALFA Insurance Law Roundtable*- Speaker (June 2017)

Advanced Issues in Rescission Litigation , *CLE Seminar for the DRI Life, Health, Disability, and ERISA Committee*- Speaker (April 2017)

Witness Preparation and the Defense of Depositions of Claims Managers and Rule 30(b)(6) Corporate Representatives , *Eastern Claims Conference*- Speaker (April 2017)

When Good Rescissions Go Bad: Advanced Issues in the Rescission of Life and Disability Policies , *Eastern Claims Conference*- Speaker (March 2016)

Preserving Attorney-Client Privilege During Disability Claim Handling , *ACI 18th Annual National Advanced Forum on Litigating Disability Insurance Claims*- Speaker (January 2016)

Best Practices for Life Insurance Interpleaders , *DRI Life Health Disability & ERISA Boot Camp*- Speaker (November 2015)

An Introduction to Defending TCPA Claims and Litigating TCPA Insurance Coverage Issues , *Insurance Law Practice Group of the American Law Firm Association*- Speaker (October 2015)

Defense of Rule 30(b)(6) Depositions by Insurance Companies in Bad Faith and ERISA Cases , *ALFA Insurance Law Roundtable*- Moderator (June 2015)

Defending Rule 30(b)(6) Depositions in Disability Benefits Cases , *ACI 17th National Forum on Litigating Disability Insurance Claims*- Speaker (January 2015)

The Life Insurance Law Update , *CLE seminar for the DRI Life, Health, Disability, and ERISA Committee*- Speaker (May 2014)

Attorney-Client Privilege for Life and Disability Insurance Claims Managers , *Eastern Claims Conference*- Speaker (February 2014)

The Defense of Disability Insurers Against Claims of Bad Faith and Extra Contractual Liability , *ACI 16th National Forum on Litigating Disability Insurance Claims*- Speaker (January 2014)

Insurance Agent Fraud and Ponzi Schemes , *American Conference Institute*- Speaker (July 2013)

Preserving the Attorney-Client Privilege when Communicating with Corporate Counsel , *Annual Meeting for the Defense Research Institute*- Speaker (October 2012)

Attorney-Client Privilege for Insurance Companies , *International Claims Association Conference*- Speaker (October 2011)

Attorney-Client Privilege During Insurance Claim Investigations , *Eastern Claims Conference*- Speaker (February 2011)

Litigation Management Roundtable , *CLE conference of the Committee on Corporate Counsel of the ABA Section of Litigation*- Moderator (February 2011)

Preserving Attorney-Client Privilege During Insurance Claim Investigations and in Bad Faith Litigation , *DRI Life, Health and Disability Conference*- Speaker (April 2010)

General Counsel Forum , *Annual CLE Conference of the ABA Section of Litigation Committee on Corporate Counsel*- Program Chair (February 2010)

Preserving the Attorney-Client Privilege for Insurance Company Legal Departments , *ALFA Insurance Law Practice Group Conference*- Moderator (2009)

ABA Section of Litigation Annual Conference , *Program Co-Chair*(2009)

Ethics for In-House Counsel: Avoiding Traps for Losing the Attorney-Client Privilege , *ALFA Insurance Law Practice Group*- Moderator (November 2008)

The Committee on Corporate Counsel of the ABA Section of Litigation , *Annual CLE Seminar, Co-Chair*- Program Co-chair (2008)

ALFA Insurance Law Practice Group Conference , *Chair of Life, Health, and Disability Program*(2007)

Periodical Editorial Board Management , *ABA Section of Litigation Leadership Conference*- Speaker (Fall 2006)

E-Discovery Best Practices for Insurance Companies , *ALFA Insurance Law Practice Group Roundtable*- Moderator (June 2005)

Class Action Defense and Multi-District Litigation , *ABA Trial Tort and Insurance Practice Section Annual Insurance CLE Conference*- Speaker (January 2004)

Class Action Defense and Multi-District Litigation , *ALFA Insurance Law Practice Group Roundtable*- Speaker (June 2003)

Arbitration Procedures and Techniques , *Mid-Year Conference of the Academy of Hospitality Industry Attorneys-*
Speaker (September 2002)