



Joseph L. Francoeur

Partner

joseph.francoeur@wilsonelser.com

New York, NY – 212.915.5638

Joe Francoeur is an experienced trial lawyer and appellate advocate who concentrates his practice on professional liability defense and federal statutory litigation. He also represents employers in discrimination claims, and handles numerous other general litigation cases. Joe is proficient in emerging issues in e-discovery, protecting clients from stinging penalties arising from failure to properly preserve electronic documents while efficiently navigating the electronic discovery age.

Joe is the national cochair of the firm's Specialty Professional Risks practice, which includes insurance agents and brokers, real estate professionals and miscellaneous professionals. Joe is also a member of the firm's Legal Malpractice team, e-Discovery Committee and Pro Bono Committee. In 2017, Joe was awarded the New York City Mayoral Service Recognition Award from Mayor Bill de Blasio in recognition of his *pro bono* efforts.

Joe has extensive ADR and trial experience at the state and federal levels. He has successfully defended class action litigations and is well-published on issues relating to discovery in state and federal cases. He also has handled appeals before state and federal appellate courts, including arguing before the Second Circuit Court of Appeals and briefing before the United States Supreme Court. Joe shares his wealth of experience as a member of the firm's National Associate Training team, providing training and oversight to the firm's newer attorneys on a national basis.

Following five multi-month secondments with various Lloyd's of London insurance syndicates, Joe has developed a unique understanding of the insurance market and an insider's view of effective claims management, defense and reserving. While in London, Joe experienced first-hand what critical steps must be taken immediately upon being given an assignment from a carrier. He learned the importance to the carriers of receiving early, substantive reporting from their counsel reflecting thorough investigation and exposure

Services

- Appellate
- Commercial Litigation
- Directors & Officers Liability
- Insurance & Reinsurance Coverage
- Immigration
- Lawyers' Liability
- National Trial Team
- Professional Liability & Services
- Securities Industry Professionals
- Specialty Professional Risks

analysis as well as recommended strategies for early resolution – lessons that continue to benefit his clients on a daily basis.

Professional Liability

In his professional liability practice, Joe has successfully defended hundreds of attorney clients and other miscellaneous professionals from claims brought under errors and omissions (E&O) policies. In addition to representing lawyers, his E&O experience extends to the defense of insurance brokers, accountants, consultants, managing agents, architects and engineers, broker-dealers and other professionals. Joe has written and presented continuing legal education seminars on the basics of legal malpractice, strategies for the defense and early resolution of legal malpractice claims.

Federal Litigation

Joe defends a large volume of federal actions alleging violations of the Fair Debt Collection Practices Act (FDCPA) and Telephone Consumer Protection Act (TCPA), guiding most to a quick and cost-effective settlement. He has made a particular niche in FDCPA and TCPA law, a burgeoning, fast-paced legal environment that strictly regulates collection conduct and limits the use of automatic dialing systems, artificial or prerecorded voice messages and mobile telephones, all of which involve rapidly changing technology and innovation in marketing techniques. High-dollar settlements of class actions filed under the FDCPA and TCPA have prompted the filing of a record number of new cases in federal courts nationwide. Joe's approach to early evaluation and resolution prevents the potential exposure in FDCPA and TCPA cases and class actions from escalating into the millions. In addition, he works to contain high-dollar settlements, aggressively defending the matters that he is unable to resolve at favorable terms.

Pro Bono Work

Joe is a member the firm's Pro Bono Committee, which seeks to expand the firm's potential in providing valuable *pro bono* services to those in need. Joe spearheaded Wilson Elser's partnering with the Safe Passage Project to assist in providing legal counsel to the thousands of unrepresented, unaccompanied immigrant children who are crossing the border into the United States every day from Central America. The program trained more than 130 Wilson Elser attorneys on the procedures and law for guardianship and immigration removal proceedings to enable the attorneys to represent children who would not otherwise have counsel.

Additionally, Joe works with non-citizen immigrants who have been victims of a crime, assisting them in coming forward to help law enforcement secure a conviction while in the process putting his clients on a path to legal status. He also has provided *pro bono* representation through the Trial Lawyers Care program, assisting persons injured during the attacks of 9/11 and seeking compensation through the 9/11 Victims Fund.

Insurance Coverage

Joe provides coverage opinions and defends coverage litigations in connection with the full range of E&O and D&O claims, and has developed particular experience in construing the limits of policy language when it runs contrary to public policy. In a recent matter of importance to the London insurance market, Joe defended the London market from a \$16 million coverage litigation claim that violated public policy. The decision before the

Appellate Court of Illinois, First Judicial District, applied New York law and affirmed the finding of the trial court that payments a policyholder makes to the federal government to “settle” criminal charges pursuant to a pretrial diversion agreement, even without a conviction or admission of liability, are uninsurable as a matter of public policy.

Education

- Hofstra University School of Law (J.D., 1998)
- Binghamton University (B.A., 1994)

Bar Admissions

- New York
- New Jersey

Court Admissions

- U.S. Court of Appeals, Second Circuit
- U.S. District Court, District of New Jersey
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, Western District of New York
- U.S. District Court, Northern District of New York

Professional Affiliations

- American Bar Association
- New York State Bar Association
- Association of the Bar of the City of New York
- DRI: The Voice of the Defense Bar
- Professional Liability Underwriters Society

Awards & Honors

- Selected for inclusion in *The Best Lawyers in America*®, 2026
- Wilson Elser’s Pro Bono Attorney of the Year, 2016