



ARIAS-U.S. 2017 Spring Conference Request for Proposals Submission Guidelines and Application

Proposal Submission Deadline: 5:00 p.m. ET on January 16, 2017

For questions or comments, contact Joyce Arawole at ARIAS-U.S. at jarawole@arias-us.org or 703.260.7515.

Overview

ARIAS-U.S. is seeking dynamic, relevant, and interesting content for the 2017 Spring Conference to be held May 3-5, 2017 at the Ritz-Carlton in Naples, Florida. The planning committee is looking for presentations on substantive insurance and reinsurance matters with great interest to companies, law firms, arbitrators and professionals within the insurance/reinsurance industry. The planning committee is also looking to avoid “talking head” presentations for the Spring Conference. We invite submissions that fit within the listed conference themes below that explore specific challenges, topics and issues in-depth and follow the conference formats listed below. Please review the details and guidelines of this RFP process thoroughly before proceeding.

Conference Themes

- **Emerging Risks** – New or evolving risks that includes technology, social, legal, or economic developments including drones, big data, predictive analytics, cyber, and nanotechnology
- **Business Practices** – Underwriting, claims handling, accounting, and actuarial, in both the property and casualty and life markets
- **Direct Insurance** – Topics to include substantive and arbitration-specific issues arising out of the direct insurance market
- **Reinsurance** – Topics include current trends in reinsurance claims or products, including alternative funding mechanisms such as insurance-linked securities and catastrophe reinsurance bonds and recent case law updates
- **Current Events** You open the NY Times or Wall Street Journal and the following headline appears: “...” The headline you come up with will serve as your session’s title. This conference theme is an opportunity to submit a proposal based on current events in the news that are relevant to insurance and reinsurance industry professionals. The proposal must answer the following questions: What is the topic you are proposing and why? What makes this current event or hot topic of interest to the conference audience? Why is it relevant? How does it impact the business of reinsurance arbitration?

Presentation Formats

Submissions should be interactive, skill-based and/or audience participative, including moderated roundtable discussions in small groups and other forms of presentation that encourage interaction and lively discussions. The planning committee will limit or eliminate completely, any traditional panel formats from this meeting if possible.

- **Conversations that Matter Roundtable Discussions** (45 – 60 minutes) – Lead a roundtable discussion on a proposed topic. Roundtables are small, informal group discussions that give attendees the opportunity to exchange information, discuss best practices, and network with others around common themes and issues. All roundtable discussions will occur at the same time and attendees will have the opportunity to choose the table topic of their choice in advance. The role of the discussion lead at each table will be to guide the discussion, providing opening comments (about 2 – 3 minutes) on the topic and

invite discussion by posing some relevant questions for the group to discuss. Discussion leads will serve as moderators during the group conversation. Each roundtable will have 8-10 attendees.

Please note that a webinar training will be offered to selected presenters on how to lead a roundtable.

- **Rapid Fire Case Presentation** (10 presentations in 30 minutes, followed by Q&A) – This fast-paced session is designed to provide an engaging platform for speakers to exchange their ideas around a specific topic and stimulate discussion among attendees. Presenters will be allotted three (3) minutes to present on the following question ***“what is the most critical or important reinsurance or insurance case within the last three years?”*** For example, *Viking Pump*. The presentation should provide a snapshot of the case using just a few illustrative (not narrative) slides within the allotted time. The planning committee will select up to 10 presenters to do 3- minute presentations, followed by 15 to 30 minutes of moderated questions and discussion. This format is ideal to explore a range of perspectives on an issue, get a broad sense of the state of the industry, or offer several different answers to a question or problem.
- **Interactive Panel Session** (45 - 60 minutes) – A fully-formed panel consists of a moderator and multiple speakers, with a well-developed topic of discussion. When submitting a fully-formed panel for consideration, you should explore the implications of the themes and have no more than four presenters to allow for the audience to engage in a thoughtful and meaningful discussion of the topic. Panelists must consider alternatives to the usual presentation/response format, such as limiting opening remarks and focusing on a moderated panel discussion using thoughtful questions posed by the moderator to the panelists to encourage a lively discussion and debate. Panelists should present an idea to the audience. One example is a point/counterpoint panel discussion on the certified question that the Second Circuit Court of Appeals has sent to the New York Court of Appeals in *Global Reins. Corp. of Am. V. Century Indem. Co. (Bellefonte issue)*. In this interactive panel session, the focus will shift from the presenter to the audience after the first 30 minutes of the session. For the remainder of the session, the moderator becomes a facilitator, inviting responses to comments and questions for the panelists and those around the room. An interactive panel session allows attendees to drive their own learning, listen to multiple perspectives on the same issue, and share experiences with individuals throughout the room. The panel moderator is expected to manage the panel development process, open the panel by framing the discussion, and moderate the discussion among the panel and Q&A portion.

Guidelines for Submission

- Proposals may be submitted for targeted member audiences (i.e. Arbitrators/Umpires, Company Representatives, and Counsel).
- Presentations will be considered based on quality of topic, introduction of new and innovative concepts, importance of the subject-matter to insurance/reinsurance arbitration, and appeal to the target audience(s).
- The lead presenter organizes the presentation and is responsible for submitting the proposal application, organizing the group session, moderating the session and leading the discussion.
- This request for proposals is open to all ARIAS-U.S. members and non-members. Interested parties may submit more than one proposal at a time.
- ARIAS-U.S. may request a submission be revised to better fit the conference agenda or combined with another presentation where appropriate.
- Submissions accepted must agree to adhere to a timeline provided by ARIAS-U.S. to submit conference materials, including PowerPoint presentations, and supplementary materials in advance of the conference.
- All individuals accepted to present in any of the presentation types must be registered by the presenter registration deadline. *Please note: no registration or payment is necessary to submit a proposal. Only those accepted will be required to register.*

- Speakers are responsible for their own travel, room, board, incidental, and registration costs.
- Completed proposal application must be submitted electronically by 5:00pm ET on **January 16, 2017** to Joyce Arawole at jarawole@arias-us.org.

ARIAS-U.S. 2017 Spring Conference Submission Application

SUBMISSION DEADLINE: 5:00 p.m. ET on January 16, 2017

Email all completed applications to Joyce Arawole at jarawole@arias-us.org

Proposal Timeline:

Proposal Submission Opens: December 19, 2016
 Proposal Submission Closes: January 16, 2017 by 5:00 p.m. ET
 Submission Status Notification: February 3, 2017
 Speaker Confirmation Deadline: February 8, 2017

Please type your responses and ensure that all fields are complete before submitting the application. All questions concerning this process should be directed to info@arias-us.org. **Note:** If your presentation includes a co-speaker or panelists, you must submit "Speaker Information" for ALL of the presenters.

CONTACT INFORMATION

1. CONTACT INFORMATION:

Please complete the contact information for the main speaker/ submitter of this proposal. This person will be notified regarding the status of the proposal submission.

Full Name:	Susan E. Mack
Title/Position:	Special Counsel, Adams and Reese LLP
Telephone Number:	904-477-6361
Email Address:	susan.mack@arlaw.com

PRESENTATION INFORMATION

1. SESSION FORMAT:

Presentations may be designed for one or more presenters in either a general session or breakout session format.

- Conversations that Matter Roundtable Discussions: 45 - 60 minutes
- Rapid Fire Case Presentation: 10 presentations in 3 minutes
- Interactive Panel Session: 45 – 60 minutes

A. Please select the presentation format for your proposed session by clicking on the gray box below:

<input type="checkbox"/>	Conversations that Matter Roundtable Discussions
<input type="checkbox"/>	Rapid Fire Case Presentation
<input checked="" type="checkbox"/>	Interactive Panel Session

B. Will this be planned as a General session or breakout?

General Session (Large conference audience up to 250): 45 - 60 minutes

Breakout Session (Small group concurrent sessions of up to 70 people in a room): 45 – 60 minutes

<input checked="" type="checkbox"/>	General Session	<input type="checkbox"/>	Breakout Session
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C. Please provide the technology that you plan on using, if any (PowerPoint, live polling, other?):

For the interactive panel presentation and audience discussion totaling 60 minutes, we will be using PowerPoint slides.

2. CONFERENCE THEMES:

We encourage proposals focused on a variety of topics that relate to the general themes provided below. **Please select a theme by clicking on the gray box below: Please note that the session topic is primarily related to claims adjudication, but that the interactive panel presentation will encompass Reinsurance Trends and Current Events topical to Reinsurance such as (a) life company settlements with state regulators for failing to locate life insurance beneficiaries; (b) the fall-out from policyholders’ litigation about escalating costs of insurance in life insurance products and annuities; and (c) whether ECO reinsurance liability payments take precedence before Errors and Omissions policy payments .**

<input type="checkbox"/>	Emerging Risks – New or evolving risks that includes technology, social, legal, or economic developments including drones, big data, predictive analytics, cyber, and nanotechnology
<input checked="" type="checkbox"/>	Business Practices – Underwriting, claims handling, accounting, and actuarial, in both the property and casualty and life markets
<input type="checkbox"/>	Direct Insurance – Topics to include substantive and arbitration-specific issues arising out of the direct insurance market
<input type="checkbox"/>	Reinsurance – Topics include current trends in reinsurance claims or products, including alternative funding mechanisms such as insurance-linked securities and catastrophe reinsurance bonds and recent case law updates
<input type="checkbox"/>	Current Events You open the NY Times or Wall Street Journal and the following headline appears: “...” The headline you come up with will serve as your session’s title

3. TARGET AUDIENCE:

Proposals may be submitted for targeted member audiences (i.e. Arbitrators/Umpires, Company Representatives, and Counsel).

Please select the target audience(s) by clicking on the gray box below:

<input checked="" type="checkbox"/>	Arbitrators / Umpires
<input checked="" type="checkbox"/>	Company Representatives
<input checked="" type="checkbox"/>	Counsel

4. SESSION TITLE:

List the presentation title as it will appear in the conference program. Please limit to 10 words or less.

Coloring Outside the Lines: The Limits of Extra-Contractual Obligations in Life and Property/Casualty Reinsurance

5. SESSION DESCRIPTION:

Please provide a brief 25-50 word description of the presentation content. Describe the session in promotional terms for the registration brochure.

One claim adjudication topic cuts across both the life and property-casualty industries-how can ceding companies collect problematic exposures under Extra-Contractual Obligations provisions? Present and former reinsurance executives and counsel will explore the commonalities and differences posed by ECO clauses in life and property-casualty reinsurance contracts. Together with audience participants, this interactive panel will take on issues that appear in reinsurance arbitrations – such as how to deal with allocation among underlying primary and excess policies and whether to cede high-profile life settlements about costs of insurance and abandoned property.

6. DETAILED SESSION DESCRIPTION:

Please provide a detailed (no more than 300 words) description of the presentation content and how you plan to engage participants.

Moderator Susan Mack will provide brief introductions of the three participants in this 60-minute interactive session (3 minutes).

Mike Steinlage will assure a common foundation of knowledge among all attendees by describing the property-casualty bases of bad faith claim exposures, as well as Extra-Contractual Obligations contract wordings that provide recovery for these claim exposures (ECO) (10 minutes). For the next 10 minutes, Mike and Susan will engage in a point/counter point discussion about property-casualty ECO issues as they arise in reinsurance arbitrations. This includes:

- Do Errors and Omission insurance policies pay first, or does ECO reinsurance coverage?
- Does the reinsurer owe 100% of expense, in the instance where ECO is owed at 80% or 90%?
- Can ECO include coverage for claimants' attorneys' fees?
- When is indemnification prohibited by law?

Moving to the life reinsurance sector, Hannover Life Re General Counsel Steve Najjar will explain how ECO treatment in life reinsurance treaties differs from that of property-casualty contracts (10 minutes). He will cover the distinctions between automatic and facultative contract treatment of this issue. Susan and Steve will then engage in a 12-minute point/counterpoint discussion about ECO issues as they arise in life reinsurance arbitrations. This would include:

- Life cedents have negotiated settlements with several states for asymmetric use of the Social Security death master file, basically, checking for annuitant deaths while not checking the same issue on life insurance. Are these exposures allocable to ECO on a treaty-by-treaty basis?
- Similarly, cedents are engaged in fights with policyholders about whether assessed and escalating “costs of insurance” (mortality and interest charges) are excessive with respect to variable annuities and other life products. Are these exposures allocable to ECO on a treaty-by-treaty basis?
- What is the tension that a life cedent and reinsurer experience when negotiating ECO clauses in proportional/ coinsurance and non-proportional/excess of loss treaties? How does this issue flow into the arbitral process?
- How should the responsible life reinsurance professional gauge whether the ECO activity attributable to a life cedent is just too much? If there are several treaties, how best can he or she get a handle on overall ECO exposure? When should the reinsurer discontinue the relationship, if ever, on this basis?

Since most of the audience is anticipated to consist of property-casualty professionals, for the remaining 15 minutes Mike and Susan will incent audience participation by kicking off a claim adjudication scenario involving failure to allocate a lump sum settlement to ECO and allocation of ECO claim liability among primary and excess/umbrella policies. Mike and Susan will focus on the audience, asking for attendees’ opinions and back-up for those opinions.

7. SESSION LEARNING OBJECTIVES:

Learning objectives are a required component of the submission process so that ARIAS-U.S. can request for continuing legal education credits.

Please state what participants can expect to learn and /or do upon completion of the session in measurable, behavioral terms. **Examples of measurable words include: state, list, describe, explain, identify, name, demonstrate, etc.** [Click here for a link to examples](#)

Please include three to five learning objectives below:

1	Explaining how Extra-Contractual Obligations clauses prompt recovery of problematic property-casualty and life claim exposures.
2	Comparing and contrasting how the purposes and applications of Extra-Contractual Obligations provisions in life reinsurance and property-casualty reinsurance differ and how they are similar.

3	Identifying and exploring which topical issues as to Extra Contractual Obligations occur most often in property-casualty reinsurance disputes and arbitrations. Examples are how to address (a) allocation of claims to underlying primary and excess policies; (b) how to handle claim expense issues; and (c) whether a claim is first allocated to an Errors and Omissions policy or a reinsurance contract.
4	Identifying and exploring which topical issues as to Extra Contractual Obligations are prominent in life reinsurance disputes and arbitrations. Examples are how to address (a) allocation between non-proportional and proportional treaties; and (b) whether it is permissible to cede regulatory settlements with states or costs attributable to “costs of insurance” litigation with policyholders.
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SPEAKER INFORMATION

8. SPEAKER BIOGRAPHY:

Speaker biographies are a required component of the submission process so that ARIAS-U.S. can request for continuing legal education credits. ***Please complete a speaker biography for each presenter. For additional speakers, please copy this page.***

A. Contact Information:

Full Name:	Susan E. Mack
Title/Position:	Special Counsel, Adams and Reese LLP
Telephone Number:	904-477-6361
Email Address:	susan.mack@arlaw.com

B. Presentation History:

Have you presented at an ARIAS-U.S. conference or seminar previously?

<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
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Has this presentation been delivered before?

<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
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If yes, when and where?

Not Applicable.

C. Please describe your familiarity with the target audience and your expertise on this topic:

As one of the founding directors of ARIAS-US and a frequent speaker at ARIAS US conferences since 2000, I am familiar with the target audience. My most recent panel presentations have been at each of the Fall 2014 Conference, the Fall 2015 Conference and the Fall 2016 Conference. In addition, I have demonstrated substantive knowledge as to the scope of the Extra-Contractual Obligations (ECO) topic. In 2000, I delivered a 70-minute presentation on the topic of ECO clauses and complex claim recovery at the Robert Strain Reinsurance Contract Wording seminars. In 2009 and 2010, I participated in panels at the ABA Tort and Insurance Practice Group Mid-Winter meetings on this topic. My 2015 Journal of Reinsurance article describing a reinsurance claims executive's view of the scope of ECO clauses is currently posted to my listing on my law firm's website. These presentations and articles drew on my experiences with this subject matter both as a property-casualty executive and life reinsurance executive.

D. Please provide a biography of (up to 150 words) as it will appear in the conference program.

Susan E. Mack serves as Special Counsel with the Jacksonville, Florida, office of Adams and Reese LLP, following her 25-year career as General Counsel and Chief Compliance Officer of both insurers and reinsurers in the life/health and property/casualty sectors of the insurance industry. Adams and Reese LLP, an AmJur 200 law firm, has 280 lawyers in seven Southern states and the District of Columbia.

Ms. Mack is a founding director of ARIAS (US). She was the first woman to ever be on the ARIAS (US) Board. Currently, she holds ARIAS (US) certifications as an umpire and arbitrator, and is also a qualified mediator. In addition to her current insurance regulatory practice, Ms. Mack accepts assignments as an arbitrator, mediator and expert witness.

Ms. Mack promotes the organization's development by her service on the ARIAS-US Ethics Committee. She is admitted to practice in Florida, California, Connecticut, North Carolina, and South Carolina.

9. SPEAKER BIOGRAPHY:

Speaker biographies are a required component of the submission process so that ARIAS-U.S. can request for continuing legal education credits. **Please complete a speaker biography for each presenter. For additional speakers, please copy this page.**

A. Contact Information:

Full Name:	Michael Steinlage, Esq.
Title/Position:	Partner – Larson King, LLP
Telephone Number:	(651) 412-6520
Email Address:	msteinlage@larsonking.com

B. Presentation History:

Have you presented at an ARIAS-U.S. conference or seminar previously?

<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
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Has this presentation been delivered before?

<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
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If yes, when and where?

Not Applicable

C. Please describe your familiarity with the target audience and your expertise on this topic:

I have represented cedents and reinsurers in more than a dozen lawsuits and reinsurance arbitrations where payment or allocation of extra-contractual settlements, judgments or costs was the primary issue, and advised clients regarding presentation and payment of ECO claims on numerous additional occasions. I have delivered presentations on the topic of reinsurance for ECO before the American Bar Association and the Brokers and Reinsurance Markets Association. With Susan Mack, I delivered different presentations on the subject of bad faith claims and ECO claims at the 2009 and 2010 Mid-Winter Meeting of ABA Tort and Insurance Practice Group. I am former chair of the ABA’s Excess, Surplus Lines and Reinsurance Committee. I have been attending ARIAS US meetings for over 15 years.

D. Please provide a biography of (up to 150 words) as it will appear in the conference program.

Michael Steinlage is a partner with Larson King, LLP, in St. Paul, Minnesota. For more than 20 years, Michael has represented insurers and reinsurers in disputes relating to insurance and reinsurance coverage for catastrophic property and business interruption losses, mass tort and class action exposures, professional and environmental liability, and extra-contractual claims in courts and arbitrations throughout the country. Michael also regularly consults with companies regarding contract formation and claim related issues. Michael is a past chair of the Excess, Surplus Lines and Reinsurance Law Committee of the American Bar Association and frequently speaks on reinsurance issues before industry organizations and trade groups, including BRMA, RIMS, CPCU, IAIR and ABA. Michael is a 1990 graduate of the University of Notre Dame, and received his JD from the William Mitchell College of Law in St. Paul.

10. SPEAKER BIOGRAPHY:

Speaker biographies are a required component of the submission process so that ARIAS-U.S. can request for continuing legal education credits. **Please complete a speaker biography for each presenter. For additional speakers, please copy this page.**

A. Contact Information:

Full Name:	Steven Najjar, Esq.
Title/Position:	Executive Vice President & General Counsel Hannover Life Reassurance Co. of America
Telephone Number:	(407) 649-2312
Email Address:	snajjar@hlramerica.com

B. Presentation History:

Have you presented at an ARIAS-U.S. conference or seminar previously?

<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
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Has this presentation been delivered before?

<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
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If yes, when and where?

C. Please describe your familiarity with the target audience and your expertise on this topic:

Extremely familiar with the legal, claims and operations peers and colleagues in attendance who will be interested in Life ExtraContractual Obligations issues. Having been on both the direct and reinsurance sides as in-house counsel, and having represented both direct and reinsurance clients as outside counsel, I am extremely familiar with the negotiation, drafting, interpretation and enforcement of ECO provisions.

D. Please provide a biography of (up to 150 words) as it will appear in the conference program.

Steven Najjar is the Executive Vice President & General Counsel for Hannover RE US. He has responsibility for all legal, regulatory and compliance activities of the Company, and is the head of Hannover Re US' Health & Special Risk business unit. He has served as President and Chief Executive Officer of Clarendon Insurance Group; Chief Compliance Officer, General Counsel and Chief Operating Officer of Universal American Corp.; and practiced law with Morris, Manning & Martin. He is an ARIAS-certified arbitrator with both L&H and P&C executive officer experience, and is the Chairman of the CEO Deputies Committee of the American Council of Life Insurers. Steve has a journalism degree from the University of Georgia and a law degree from Georgia State University. He is a former law clerk for US District Court Judge Marvin Shoob and Georgia Supreme Court Justice Leah Ward-Sears.

Thank you for completing the Call for Proposals Submission Application. Please email all completed applications to Joyce Arawole at jarawole@arias-us.org by 5:00 p.m. ET on **January 16, 2017**. All submitters will be notified no later than February 3, 2017.