

**PROPOSAL FOR A FACILITATED PANEL DISCUSSION  
AT THE MAY 2017 MEETING OF ARIAS – U.S.**

Subject: Dispute Resolution Involving U.S./Latin American Reinsurance Relationships

Format: This program would be an interactive panel discussion of about one hour, led by a moderator (Edward K. Lenci) among three to five in-house and outside counsel who are actively involved in the resolution of disputes arising from U.S./Latin American reinsurance relationships. One panelist would be Yves Hayaux-du-Tilly, of the law firm of Nader Hayaux & Goebel (Mexico City/London), who is a member of the Presidential Council of AIDA, former president of AIDA Mexico, and founder of AIDA Reinsurance and Insurance Arbitration Society ("ARIAS") - Mexico. Other panelists would be recruited from among in-house attorneys, most likely resident in the Miami area, for Latin American insurers/reinsurers. An effort would be made to ensure that the panel provides a broad representation among the regions/nations of Latin America.

Organizers/Co-Chairs:

Yves Hayaux-du-Tilly, Nader Hayaux & Goebel (see above).

Edward K. Lenci, Hinshaw & Culbertson LLP (New York City): Co-Chair of the Insurance and Reinsurance Committee of the New York State Bar Association's International Section, and a member of the International Committee of ARIAS-U.S.

Topics of Discussion:

Given the interactive format, the topics of discussion would not be "set in stone" but would nonetheless include the following discussions:

1. One discussion would examine, compare and contrast how disputes, particularly those in arbitration, arising out of U.S./Latin American reinsurance relationships have been, are, and should be resolved. It would include a discussion of the approach of national laws to arbitration of disputes as well as relevant international conventions and current trends and best practices.
2. "Where are the snows of yesteryear?": The U.S. Court of Appeals for the Second Circuit once quoted this lament from a poem by François Villon when it noted how reinsurance dispute resolution had gone from hand-shake deals to highly disputatious arbitrations and litigations. This discussion would explore practical solutions to that problem appropriate to the nations in question.

3. One challenge is that some intermediaries and underwriters are using "off the rack" arbitration clauses, many of which were drafted decades ago. This discussion would concern both best practices in the drafting of arbitration clauses that meet the contemporary realities of dispute resolution in the U.S. and in nations of Latin America and recommendations to promote arbitration within the U.S./Latin American reinsurance market.

Other Considerations:

We made a similar presentation, in a panel format, at the meeting of the New York Bar Association's International Section in Paris, France, in October 2016, and it was well received. Our Power-point displays from that presentation could be used, as necessary, to facilitate the above discussions.

Submitted by,  
Yves Hayaux-du-Tilly  
Edward K. Lenci