



## ARIAS-U.S. 2017 Fall Conference

### Request for Proposals Submission Guidelines and Application

Proposal Submission Deadline: **July 10, 5:00 p.m. ET**

For questions or comments, contact Joyce Arawole at ARIAS-U.S. at [jarawole@arias-us.org](mailto:jarawole@arias-us.org) or 703.260.7515.

#### Overview – Beyond the Traditional Reinsurance Arbitration –“Non-Traditional Disputes”

ARIAS-U.S. is seeking dynamic, relevant, and interesting content for the 2017 Fall Conference to be held November 2- 3 at the Marriott Marquis in New York. The planning committee is looking for presentations beyond the traditional reinsurance arbitration. While many reinsurance disputes involve the collection of long tail asbestos or environmental losses, at this conference, we plan to highlight other "non-traditional" disputes which can be and often are resolved through arbitration. These might include disputes involving a diverse array of products, businesses or lines, including disputes between policyholders and insurers as well as MGA, agency and/or broker disputes, workers compensation and/or life reinsurance disputes, structured finance disputes and other disputes focused on financial matters, disputes involving captives, Bermuda Form arbitrations and others.

ARIAS-U.S. is seeking submissions for 45 to 60 minute interactive presentations in a General or Breakout session format. Submissions should be interactive, skill-based and/or audience participative or other forms of presentation that encourage interaction and lively discussions. Special consideration will be given to proposals that incorporate unique presentation formats. The ARIAS-U.S. planning committee may also provide suggestions for enhancing the panel and overall conference experience for participants. The planning committee is looking to avoid “talking head” presentations for the Fall Conference and invites submissions that fit within the listed conference themes that explore specific challenges, topics and issues in-depth. Please review the details and guidelines of this RFP process thoroughly before proceeding.

#### 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, forming 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.
- Speakers are strongly encouraged to submit an article for the quarterly journal based on their presentation or related to the topic’s focus area.

- 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 5:00 pm ET on **July 10, 2017** to Joyce Arawole at [jarawole@arias-us.org](mailto:jarawole@arias-us.org).

**ARIAS-U.S. 2017 Fall Conference Submission Application**

**SUBMISSION DEADLINE: July 10, 5:00 p.m. ET**

Email all completed applications to Joyce Arawole at [jarawole@arias-us.org](mailto:jarawole@arias-us.org)

**Proposal Timeline:**

Proposal Submission Opens: June 19, 2017

Proposal Submission Closes: July 10, 2017 by 5:00 p.m. ET

Submission Status Notification: July 25, 2017

Speaker Confirmation Deadline: August 1, 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](mailto:info@arias-us.org).

**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. **Note:** If your presentation includes a co-speaker or panelists, you must submit "Speaker Information" for ALL of the presenters.

<b>Full Name:</b>	Patricia Taylor Fox
<b>Title/Position:</b>	Deputy General Counsel – Reinsurance / AIG Property Casualty
<b>Telephone Number:</b>	212-458-8267
<b>Email Address:</b>	Patricia.fox@aig.com

**PRESENTATION INFORMATION**

**1. SESSION FORMAT:**

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

- Interactive Panel Session: 45 – 60 minutes
- Alternative Format: If there is an alternative format that you would like to explore, please explain

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

<input type="checkbox"/>	Interactive Panel Session
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X	Alternative Format – Please explain: Quiz show format
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**B. Will this be planned as a general session or breakout?**

- General Session (Large conference audience up to 400): 45 - 60 minutes
- Breakout Session (Small group concurrent sessions of up to 100 people in a room): 45 – 60 minutes

X <input 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?). Please note that audiovisual requests only apply to general sessions:**

PowerPoint and live polling
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**2. CONFERENCE THEME AND FOCUS**

We encourage proposals focused on a variety of topics that relate to the general themes provided below.

The planning committee is looking for presentations beyond the traditional reinsurance arbitration. While many reinsurance disputes involve the collection of long tail asbestos or environmental losses, at this conference, we plan to highlight other "non-traditional" disputes which can be and often are resolved through arbitration. These might include disputes involving a diverse array of products, businesses or lines, including the following below. Please select topic focus by clicking on the gray box below:

<input type="checkbox"/>	Disputes between policyholders and insurers, MGA, agency and/or broker disputes
<input type="checkbox"/>	Workers compensation and/or life reinsurance disputes
<input type="checkbox"/>	Structured finance disputes and other disputes focused on financial matters
<input type="checkbox"/>	Disputes involving captives, Bermuda Form arbitrations and others
X	Other disputes – please describe: Pitfalls of privilege – Issues of attorney client privilege that critically affect how companies do business, resolve disputes and avoid disaster

The conference planning committee is interested in providing fresh and relevant content to keep conference participants engaged. Please answer briefly, the following questions below to help us understand the focus and relevance of your submission to current events and issues within the selected conference topic.

**A. What is the specific topic you are proposing and why?**

From the moment a file is opened, insurers and reinsurers face attorney-client privilege issues. Misunderstanding the privilege in day to day operations can lead to disastrous outcomes. Once a dispute is in arbitration, the arbitrators need to understand privilege issues to avoid potentially unfair outcomes and unintended consequences.

**B. What makes this topic of interest to the conference audience?**

Company side -- Insurance and reinsurance are intensely legalistic businesses. Protecting privileged information is critical for all company executives, not just those in the legal group. Executives should have a basic understanding of privilege issues – particularly those that can lead to problems.

Arbitrators – Many arbitrators are not lawyers. Even those who are may not be fully current on privilege issues. Handling those issues properly in arbitration is critical not only for the dispute at hand but to avoid unintended consequences such as a court finding that a privilege was waived in arbitration despite contrary intent of the Panel.

Counsel – Counsel will be interested in nuances and new developments regarding privilege.

C. Why is it relevant? Are there any current events or articles you can share?

A variety of recent cases makes this a hot topic for our industry – and for discussion.

For example, recent case law on the scope of the “common interest” doctrine may make it impossible for cedents to share with reinsurers privileged information such as the advice of underlying coverage counsel. This results in: (a) challenging problems for insurers and reinsurers trying to work together in good faith; and (b) possibly disastrous turning over to policyholders the advice that an insurer received from its counsel.

In other situations, reinsurance arbitrators have ordered disclosure of privileged information, making the assumption that the disclosure can be ring fenced—only to have courts ignore the assumed protection.

In other situations, company personnel make extremely harmful statements that they incorrectly believe to be privileged, e.g., because they’ve been copied to a lawyer. This and other key misunderstandings of privilege are common in the industry.

D. How does this topic impact the business of reinsurance arbitration?

Issues of privilege permeate arbitrations. Arbitrators need to be fully aware of the nuances in making decisions on claims of privilege. Moreover, arbitrators may create serious unforeseen future difficulties for the parties if they fail to appreciate the potential consequences of privilege decisions.

**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

X	Arbitrators / Umpires
X	Company Representatives
X	Counsel

**4. SESSION TITLE:**

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

## 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.

The attorney-client privilege keeps secrets.

Sometimes.

Explore the foundations of privilege, its role in our business, and recent developments that put its protections at risk.

Test your knowledge against real life problems and fellow conference goers in a lively participatory presentation.

## 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.

We will prepare a series of privilege problems set in “real-life” situations of the insurance and reinsurance business. A game show format will have the audience vote on the “final answer” to that real-life problem. Each voting “session” will be followed by a crisp discussion of the answer. Some problems will not have a single clear answer, and we will discuss the issues and alternatives.

## 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	Understand the basis of the attorney client privilege.
2	Identify the ways privilege issues arise in the course of the insurance business and in arbitration,
3	Learn how to evaluate privilege issues and improve outcomes — what's protected, what's not, and why.
4	Learn how to recognize and avoid pitfalls for arbitrators, lawyers, and parties
5	Identify and understand current significant issues in the area.

# 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:	Patricia Taylor Fox
Title/Position:	Deputy General Counsel: Reinsurance   AIG Property Casualty
Telephone Number:	212-458-8267
Email Address:	Patricia.fox@AIG.com

### B. Presentation History:

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

X	Yes	<input type="checkbox"/>	No
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Has this presentation been delivered before at a different conference or event?

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
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This proposal grows out of an ARIAS webinar that Chuck Ehrlich and I presented in April 2017 in which we reviewed some of the issues that will be noted in this presentation. This presentation is substantially different than the webinar.

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

I have participated in ARIAS conferences for many years and was co-chair of the 2016 Annual Conference. I have extensive experience with the issues to be discussed through my broad experience as an AIG senior reinsurance executive and my prior career in private practice focused on reinsurance matters.

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

Patricia Taylor Fox, Deputy General Counsel – Reinsurance, American International Group. Patricia Taylor Fox has over 15 years’ experience in the insurance and reinsurance industry. She currently serves as Deputy General Counsel in the Reinsurance Legal Division of AIG, where she is the head of the Dispute Resolution Unit. Ms. Fox has co-authored articles on evidence in arbitrations, attorney-client privilege, the common-interest privilege and developments in reinsurance law, and is a frequent speaker on issues relating to the arbitration of reinsurance disputes.

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## SPEAKER INFORMATION

**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.***

**E. Contact Information:**

Full Name:	Nick Cramb
Title/Position:	Partner – Mintz Levin
Telephone Number:	617-0348-1740
Email Address:	NCCramb@mintz.com

**F. Presentation History:**

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

	Yes	<input type="checkbox"/>	No
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Has this presentation been delivered before at a different conference or event?

	Yes	<input type="checkbox"/>	No
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**G. Please describe your familiarity with the target audience and your expertise on this topic:**

I have extensive experience with the issues to be discussed through my years in private practice focused on insurance and reinsurance matters.
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**H. Please provide a biography of (up to 150 words) as it will appear in the conference program.**

Nick Cramb is a partner at Mintz Levin, Boston, and a member in the firm’s Litigation Practice focusing on insurance and reinsurance disputes.
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Nick represents insurers, reinsurers, and insurance brokers on all matters of coverage, including, for example, the duty to defend, allocation, order of coverage, retention warranties, and bad faith. His expertise includes commercial general liability, directors and officers liability and professional liability insurance, and both facultative and treaty reinsurance.

## SPEAKER INFORMATION

### 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.***

#### I. Contact Information:

Full Name:	Charles Ehrlich
Title/Position:	
Telephone Number:	603-387-3051
Email Address:	<a href="mailto:Charles.ehrlich@gmail.com">Charles.ehrlich@gmail.com</a>

#### J. 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 at a different conference or event?

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
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This proposal grows out of an ARIAS webinar that Patricia Fox and I presented in April 2017 in which we reviewed some of the issues that will be noted in this presentation. This presentation is substantially different than the webinar.

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

I have extensive experience with the issues to be discussed through my years as a senior legal and senior claims executive of insurance companies, as well as in my prior private practice that focused on litigation. I have participated in ARIAS programs for some fifteen years, including presenting at conferences and educational events.

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

Chuck Ehrlich was a litigation partner in an AmLaw 100 firm when he joined the executive team organized to extricate Xerox Financial Services, Inc. from the property and casualty insurance business. He was responsible for resolving complex, volatile, high dollar matters as the team completed its assignment for Xerox and ultimately became part of the Fairfax Financial Holdings Limited family.

Chuck's corporate positions included: Senior Vice President & General Counsel; Senior Vice President, Claims; and Senior Vice President, Worldwide Special Counsel, as well as directorships of domestic and foreign insurance companies.

Chuck was responsible for resolution of billions of dollars in disputes, and administration of legal budgets in the tens of millions annually. His portfolio included mass tort liabilities, pollution, class actions, products liability, and complex commercial coverages. He is familiar with all aspects of the property and casualty industry.

Chuck has served as an umpire and a party arbitrator.

Thank you for completing the Call for Proposals Submission Application. Please email all completed applications to Joyce Arawole at [jarawole@arias-us.org](mailto:jarawole@arias-us.org) by 5:00 p.m. ET on **July 10, 2017**.