



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 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.

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

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.

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.

Full Name:	Catherine E. Isely
Title/Position:	Partner
Telephone Number:	312-696-4472
Email Address:	cisely@butlerrubin.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 checked="" type="checkbox"/>	Interactive Panel Session
<input type="checkbox"/>	Alternative Format – Please explain:

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

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

PowerPoint, live polling and random selector program.

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 checked="" 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
<input type="checkbox"/>	Other disputes – please describe:

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?

In a lively, interactive setting, we propose to educate attendees on recent court decisions involving petitions to vacate arbitration awards under section 10(a)(3) of the FAA for refusal to hear evidence pertinent and material to the controversy and thereby deny a party a fundamentally fair hearing. We propose this topic because evidentiary rulings can have consequences for petitions to confirm/vacate.

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

Routinely, arbitrators are confronted with evidentiary disputes at hearing. Arbitrators must rule quickly on such disputes, often without the aid of briefing and while confronted by party predictions that vacatur will follow from adverse evidentiary rulings.

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

We have seen a spate of recent decisions issued on this topic, such as the Second Circuit’s decision in *National Football League Mgmt. Council v. National Football League Players Ass’n*, 820 F.3d 527 (2d Cir. 2016). See also *Pershing LLC v. Kiebach*, Civ. Action No. 14-2549, 2017 WL 2226130 (E.D. La. May 22, 2017) (appeal pending), *Hardy Indus. Technologies, Inc. v. BJB LLC*, Case No. 1:12 CV 3097, 2016 WL 7325152 (N.D. Ohio Dec. 16, 2016), *Amerisure Mut. Ins. Co. v. Everest Reins. Co.*, 109 F. Supp.3d 969 (E.D. Mich. 2015), and *Century Indem. Co. v. AXA Belgium*, Case No. 11 Civ. 7263 (S.D.N.Y. Sept. 24, 2012). (These exemplar-only cases are attached).

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

The failure to hear evidence pertinent and material to the controversy is one of the narrow grounds for vacatur of an arbitration award. The business of reinsurance arbitrations is a calculus that includes confidence in the finality of an award, and that confidence is eroded, and costs exponentially multiplied, when awards are vacated and disputes must be re-arbitrated.

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.

The Gatekeeper: Striking the Balance in Evidentiary Disputes at Hearing

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.

Where do you strike the balance? Decide real-world evidentiary disputes through live poll voting, then compare your vote to that of a mock panel chosen randomly from ARIAS-certified arbitrators in attendance and learn how a court might consider your ruling when hearing a petition to vacate.

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.

This session will involve a hypothetical dispute between a policyholder and insurer, based on brokered business that includes cyber and reputational risk covers, and 4-6 related mock evidentiary disputes. As to each evidentiary dispute, we will: (1) summarize the dispute for the audience; (2) ask attendees to vote on whether the evidence should be admitted or excluded; (3) ask the mock arbitrators to rule whether the evidence should be admitted or excluded; and (4) compare voting results to panel decision, and advise the audience of the court decision from which the evidentiary dispute was loosely derived and how that court responded to the 9 USC 10(a)(3) challenge in the associated petition to vacate. To encourage greater diversity in mock panel participation, we propose to create a mock panel by randomly drawing – onsite and at the start of the session – three names from the pool of certified arbitrators in attendance. (Arbitrator attendees could decline to participate by opting out at registration.)

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	Identify recent court decisions involving petitions to vacate arbitration awards under section 10(a)(3) of the FAA for refusal to hear evidence pertinent and material to the controversy and thereby deny a party a fundamentally fair hearing.
2	Describe the parameters of arbitrator authority to render evidentiary rulings without running afoul of section 10(a)(3).
3	Understand the likelihood of post-award relief under section 10(a)(3) under various factual scenarios.
4	Demonstrate greater confidence in seeking/issuing evidentiary rulings in advance of and during arbitration hearings.
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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:	Robert N. Hermes
Title/Position:	Partner
Telephone Number:	312-696-4445
Email Address:	bhermes@butlerrubin.com

B. Presentation History:

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

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

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

Please refer to the speaker bio.

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

Bob Hermes specializes in complex business litigation, including insurance and reinsurance litigation and arbitration. He joined Butler Rubin in 1983 after beginning his career at Winston & Strawn. Bob has been involved in more than 30 major trials and 80 arbitrations. His practice includes disputes involving the scope and applicability of arbitration clauses, placement disclosures, claim handling, the scope and applicability of follow the settlements, allocation, surplus share reinsurance contracts, excess of loss contracts, application of ultimate net loss and net retained line clauses, accounting for premiums and losses, retrospectively rated business, pools, managing general agents, and fronting situations. Bob has extensive experience in matters related to non-products asbestos and environmental liabilities. Bob is active in ARIAS-U.S. and a member of the Forms and Procedures Committee. He has been singled out for special recognition by Chambers USA, Super Lawyers, The Best Lawyers in America and Leading Lawyers.

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:	Catherine E. Isely
Title/Position:	Partner
Telephone Number:	312-696-4472
Email Address:	cisely@butlerrubin.com

F. 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	X	No
If yes, when and where?			

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

Please refer to the speaker bio.

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

Catherine Isely is a partner with Butler Rubin and she concentrates her practice in the insurance, reinsurance and complex commercial litigation areas.

Catherine has extensive experience before courts and arbitration panels litigating the allocation of environmental and toxic tort settlements, as well as disputes related to claims handling, negligent underwriting, bad faith allegations, pool membership rights and obligations, retrospectively-rated business, commutations, retrocessional coverage, title reinsurance, direct access provisions, obligations to follow settlements, obligations to post security and interpretation of ultimate net loss, aggregate limit, definitive statement of loss, net retained lines, prompt notice, access to records, consent to settle, honorable engagement and arbitration clauses.

She has been recognized as a leading lawyer in reinsurance litigation by Chambers USA and Leading Lawyers.

Catherine has spoken on reinsurance issues for ARIAS-U.S., AIRROC, and IAIR. She is a founding member and co-host of Butler Rubin's annual Women in Reinsurance Program.

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 **July 10, 2017**.

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