

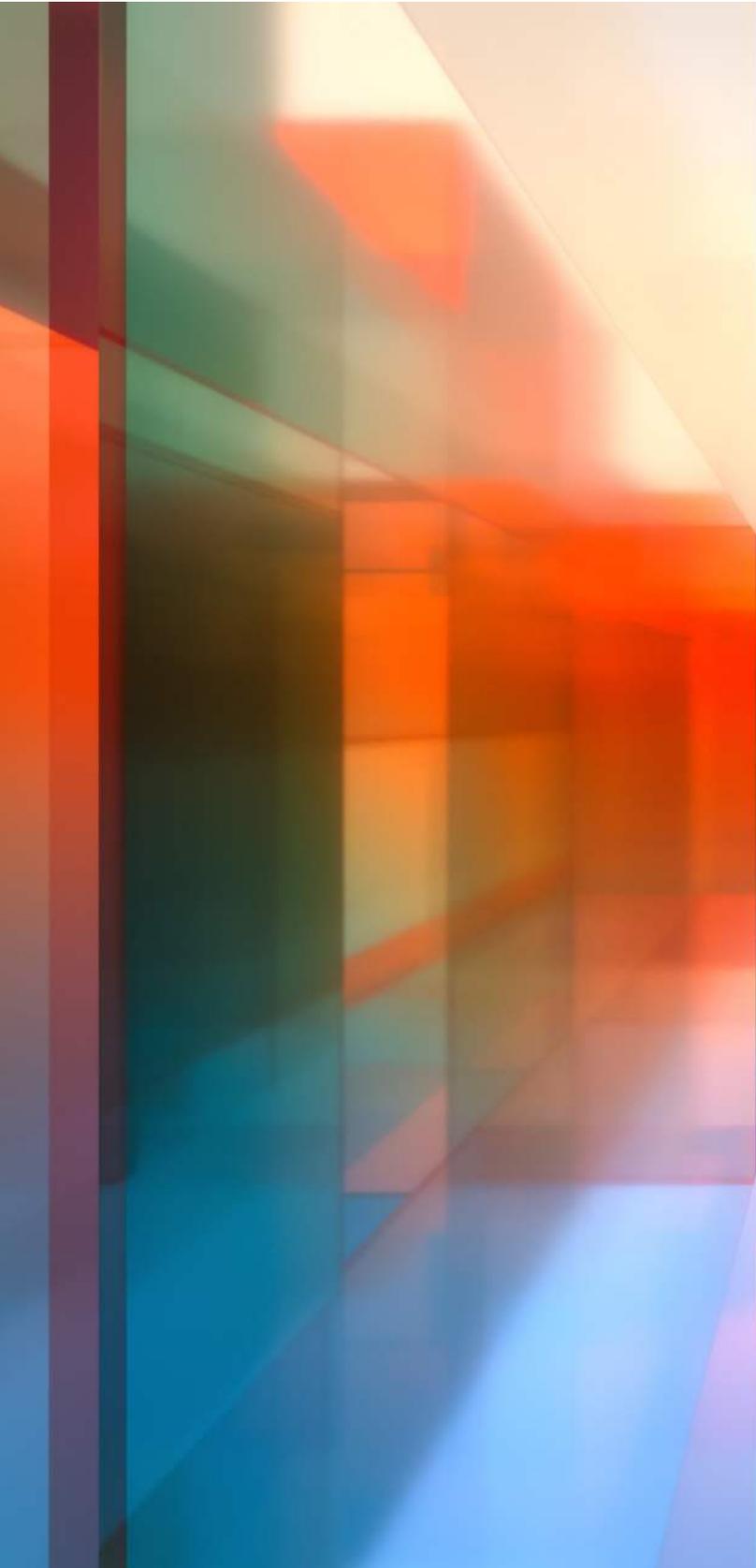


Conference Program



# **ARIAS•U.S. 2020 VIRTUAL FALL CONFERENCE**

November 5-6, 2020 | Online Everywhere



# TABLE OF CONTENTS

<b>GENERAL INFORMATION .....</b>	<b>03</b>
<b>FULL AGENDA .....</b>	<b>04</b>
<b>SPONSORS .....</b>	<b>09</b>
<b>FACULTY BIOGRAPHIES .....</b>	<b>10</b>
<b>REGISTRATION LIST .....</b>	<b>13</b>
<b>POLICY STATEMENT AND GUIDELINES ANTITRUST COMPLIANCE .....</b>	<b>17</b>



## ARIAS•U.S. 2020 VIRTUAL FALL CONFERENCE

**SESSION MATERIALS:** For conference attendees, session materials are available on the [ARIAS•U.S. website](#).

**BREAKOUT SESSION:** All participants will be assigned to virtual breakout rooms (lists will be sent out via email and the website).

**CONTINUING LEGAL EDUCATION:** Continuing legal education credits will be awarded for the State of New York and are pending for the States of Illinois and Pennsylvania. For attendance, you will be prompted on the screen to check-in throughout the event to validate your attendance. Attendees who have checked-in successfully when prompted will receive their certificate of attendance via email. The New York State CLE Board requires accurate attendance.

**OBTAINING CREDIT FOR THE VIRTUAL CONFERENCE:** You will not receive full credit for a session if you arrive late or leave the platform early. To be precise, if you are attending to receive ARIAS•U.S. certification renewal or initial certification and do not sign-in when prompted during the virtual platform, you will be considered incomplete for the attendance requirement for certification/recertification.

**OPINIONS AND COMMENTS:** Opinions and comments expressed in the enclosed materials and during the conference sessions are not necessarily those of ARIAS•U.S., the firms/companies with which the speakers are associated, or even the speakers themselves. Some arguments are made in the context of fictitious disputes to illustrate methods of handling issues; others are individual opinions about the handling of a problem. Every disagreement or issue presents circumstances that provide the context for decisions.

Finally, please note the virtual conference is conducted under the ARIAS•U.S. Antitrust Policy, which is enclosed and available in the "About ARIAS" section of the website ([www.arias-us.org](http://www.arias-us.org)).

We hope you enjoy the virtual conference!

# WEDNESDAY, NOVEMBER 4, 2020

11:00 AM - 12:00 PM

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## Women's Networking Event | Small Screen, Big Impact: Doing Business in a Virtual World

*Virtual is the new reality. That means today's leaders must become more powerful virtual communicators. In this fast-moving session, Mindset Digital CEO Debra Jasper will show you how to:*

- *create a powerful online presence that makes the right first impression*
- *stay close with clients and colleagues in this time of social distance*
- *use rapid visual storytelling to transform your client presentations, webinars and virtual meetings*
- *design for attention--so you save time and get faster responses*

*In this world of uncertainty, communicating with clarity and impact is more important than ever. This session will show you how to reimagine how you communicate and connect in a new virtual age.*

**Speaker: Debra Jasper, Mindset Digital**

1:00 PM - 4:00 PM

## Seminar | Arbitrator and Umpire Seminar

*This year's arbitrator/umpire training seminar will feature three sessions consisting of different panels of experienced industry leaders speaking on a wide range of practical issues that arise in reinsurance arbitrations.*

# THURSDAY, NOVEMBER 5, 2020

12:00 PM - 12:05 PM

*It is recommended to log in 10 minutes prior to the start of the event*

## Opening Session | Welcome & Virtual Logistics

ARIAS•U.S. Fall 2020 Virtual Conference Welcome

**Speaker: Michael A. Frantz, ARIAS•U.S. Board Chairman**  
Munich Re America

12:05 PM - 12:30 PM

## Keynote Session | Impact of the Pandemic on the Insurance Industry

*This presentation will focus on the impact of the pandemic on the insurance industry. Particular focus will be on legislative and regulatory initiatives being considered by policymakers regarding business interruption insurance and potential liability issues confronting insureds. The discussion will also cover the issue of whether Congress would consider a pandemic victim compensation fund (similar to the 9/11 victim compensation fund designed and administered after the 9/11 terrorist attacks).*

**Keynote: Kenneth R. Feinberg, Law Offices of Kenneth R. Feinberg, PC**

12:35 PM - 1:25 PM

### **General Session 1 | Managing the Consolidation of Arbitrations—Issues and Guidelines**

*During this session, the panel will explore some of the recent court decisions on arbitration consolidation and will then explore the issues involved for panels in reviewing requests for consolidation. The panel will propose a “tool kit” of guidelines for arbitrators and umpires to consider when reviewing such consolidation requests, and for managing the consolidated arbitration as it moves forward.*

**Moderator: Robert A. Whitney, Sulloway & Hollis PLLC**

**Panel: Susan E. Grondine-Dauwer, SEG-D Consulting LLC**

**Sylvia Kaminsky, ARIAS•U.S. Certified Arbitrator & Umpire**

**David Thirkill, ARIAS•U.S. Certified Arbitrator & Umpire**

1:30 PM - 2:20 PM

### **General Session 2 | Social Inflation: What Does It Mean to Cedents and Reinsurers?**

*The latest buzzword in claims is “social inflation.” This panel will discuss the meaning and origin of the social inflation concept, why it is a big issue for insurance companies, and what it means for reinsurers.*

**Moderator: Larry P. Schiffer, Attorney, Counselor, Consultant, Mediator**

**Panel: Paul Braithwaite, FTI Consulting**

**Elizabeth Geary, Transatlantic Reinsurance Co.**

**Cynthia Koehler, AIG**

2:20 PM - 2:30 PM

### **Break**

2:30 PM - 3:25 PM

### **Breakout Sessions Round 1**

*Breakout sessions will run concurrently and then repeat. Participants will have the opportunity to participate in two of the three choices.*

#### ***Breakout 1 | Exploring Dissenting Opinions by Arbitrators***

*This interactive roundtable discussion will explore several questions concerning an arbitrator’s dissenting opinion. What ethical constraints apply? Should an arbitrator dissent only on grounds that would support vacating the award? Can a draft dissent influence a panel’s final award? What consequences might flow if the dissent becomes public?*

**Moderator: Kevin J. Tierney, ARIAS•U.S. Certified Neutral Arbitrator**

**Panel: Patricia Taylor Fox, AIG**

**Michele L. Jacobson, Stroock & Stroock & Lavan LLP**

**Andrew Maneval, Chesham Consulting, LLC**

**Breakout 2 | COVID-19 Insurance Coverage Case Law Developments**  
*Even those not involved in the (re)insurance industry are aware of the avalanche of disputes between policyholders and insurers related to the COVID pandemic. This session will provide an overview of recent court decisions addressing coverage disputes arising from the pandemic and other relevant legal developments.*

**Speaker: Elizabeth Kniffen, Zelle LLP**

**Frank DeMento, Transatlantic Reinsurance Co.**

**Breakout 3 | COVID-19 Pandemic Reinsurance Issues from the Arbitrator's Perspective - What Companies and Counsel Should Know to Prepare for Potential Disputes**

*The panel will address the types of reinsurance disputes that might arise, the types of losses they might involve, and the factors that arbitrators could consider relevant to the outcomes of such disputes, as well as whether such proceedings could or should be conducted virtually.*

**Moderator: Mark S. Gurevitz, MG Re Arbitrator & Mediator**

**Services LLC & Heritage Reinsurance Company Ltd.**

**Panel: Paul Dassenko, AzuRe Advisors, Inc.**

**John Cole, Wiley Rein LLP**

**Jonathan Rosen, ARIAS•U.S. Certified Arbitrator**

**3:30 PM - 4:20 PM**

### **Breakout Sessions Round 2**

*Breakout sessions repeated.*

**4:25 PM - 5:00 PM**

### **Networking Session | Closing Networking Session**

*Attendees will break into small interactive groups to network, exchange ideas, and/or to discuss any topic of interest to the group.*

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# FRIDAY, NOVEMBER 6, 2020

8:30 AM - 9:00 AM

## ARI Talk | The Art and Science of Inclusion

*As companies deal with increasing business complexity during the global pandemic, the issues pertaining to diversity, equity and inclusion have become even more pronounced. This discussion will address the organizational design required to drive meaningful outcomes for workforce diversity to remain competitive*

**Speaker: Ivy Kusinga, Chubb**

9:05 AM - 9:30 AM

## Networking | Networking Over Coffee

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*Attendees will break into small interactive groups to network, exchange ideas, and/or discuss any topic of interest to the group.*

9:35 AM - 10:25 AM

## General Session 1 | Representations and Warranties Insurance

*The panel will discuss the basics of Representations and Warranties Insurance (RWI), the nature of coverage provided by this product, and the recent growth in the use of RWI in transactions and provide a broad overview of the types of issues that are common in claims by policyholders to the insurers under such policies (most of which have arbitration clauses). The panel will also discuss the claims process in the RWI claims investigation/adjustment and the types of arbitrators that parties may need to resolve disputed RWI claim issues.*

**Moderator: Steven J. Brodie, Carlton Fields PA**

**Panel: Jay Rittberg, Euclid Transactional, LLC**

**Anna Rozin, AIG**

**Marc Sherman, Alvarez & Marsal LLC**

10:30 AM - 11:20 AM

## General Session 2 | Cyber Snare? The Insurability of Regulatory Fines

*As cyber and privacy regulations proliferate, enterprises face significant compliance risks. Mistakes can be costly; regulators may be empowered to level staggering fines for non-compliance and even shut down information processing until compliance is achieved. Some laws also provide a private right of action for consumer lawsuits. In this panel, we will provide an overview of the regulatory landscape and discuss the different approaches taken by cyber insurers offering regulatory coverage, highlighting significant differences in the coverages provided under various cyber policies and the insurability of regulatory fines and penalties under a variety of applicable U.S. and foreign laws.*

**Moderator: Kyle Medley, Hinshaw & Culbertson LLP**

**Panel: Seth Goldberg, Transatlantic Reinsurance Co.**

**Judy Selby, Hinshaw & Culbertson LLP**

11:25 AM - 12:15 PM

## General Session | Ethics and The Roles We Play

*Professor Painter will discuss principles of conflicts of interest for lawyers, judges, and government officials drawn from the ABA Model Rules of Professional Conduct, rules of judicial conduct, and government ethics rules. He will then discuss the unique ethics rules for arbitrators and how those rules fit within a broader framework where ethics rules turn on and the specific roles assigned to decision makers and the reasonable expectations of persons affected by their decisions.*

**Speaker: Richard W. Painter, University of Minnesota Law School**

12:15 PM - 12:20 PM

## Closing Remarks

**Speaker: Steve Schwartz, ARIAS•U.S. Board President,  
Chaffetz Lindsey, LLP**

**ARIAS•U.S. Fall 2020 Conference Disclaimer:** ARIAS•U.S. is using virtual learning through video and audio communication on Freestone and Zoom platforms for the 2020 Fall Conference (Virtual Event).

In an effort to respect the intellectual rights of our faculty, we ask that all participants refrain from recording, saving, publishing, sharing, copying, posting, or transmitting any sessions in any form without prior written permission of ARIAS •U.S.. This applies to all virtual content on both Freestone and Zoom.

You acknowledge and agree that ARIAS•U.S., in its sole discretion, reserves the right to change any and all aspects of the Virtual Event, including but not limited to the content, program, speakers, sponsors, hosts, moderators, platform, and time.

You acknowledge and agree that ARIAS•U.S. reserves the right to remove you from the Virtual Event if it determines that your participation or behavior creates a disruption or hinders the Virtual Event or the participation in the Virtual Event by other attendees.

Please note that the majority of the conference speakers for the ARIAS 2020 Fall Conference have elected to give their presentations live on the day of the Virtual Event and will not pre-record their sessions. Due to the inability to pre-record most of the conference sessions, ARIAS•U.S. cannot be responsible for any technical issues that may arise in any live speaker presentations by the participants, speakers or platform. In addition, ARIAS•U.S. has been asked by the speakers to refrain from reording any of the sessions, so we will not be able to share any content following the live sessions.

If ARIAS•U.S. is prevented from carrying out its obligations as it pertains to the 2020 Fall Conference as a result of any cause beyond its control, such as the Virtual Event cannot be conducted because of acts of God, strikes, labor disputes, government requisitions, restrictions or war or apparent act of war, terrorism, disaster, civil disorder, epidemic or pandemic, curtailment or restriction on transportation facilities, or any other comparable calamity, casualty or condition (collectively a "Force Majeure"), ARIAS•U.S. shall have the right to immediately terminate the affected Virtual Event without liability and shall be relieved of its obligations to Registrant. This includes technical issues, software malfunction, or any issue with the hosting platform, live speaker presentations or attendee issues on the platform.

If the affected Virtual Event is terminated due to a Force Majeure occurrence before the first day of the Virtual Event, then ARIAS•U.S. will reschedule the affected Virtual Event, and your registration fee will be applied to the rescheduled Virtual Event.

### Financial Hardship Policy

Anyone who applies will be granted a waiver of the attendance fee. This offer is included on the registration form, which is in the announcement brochure and on the website calendar and online registration page. The text of the offer is as follows:

**Financial Hardship Policy Statement: As required by the NYS and IL Continuing Legal Education Board, if a member of the bar of New York would like to attend an ARIAS•U.S. seminar, but finds that he or she would incur a financial hardship by doing so, an application for waiver of the attendance fee may be made to the Board of Directors of ARIAS•U.S. Such application would be held in the strictest of confidence. Attorneys who qualify will receive at least a 50% reduction in the course fee(s).**

As our organization offers fee waivers to attendees experiencing economic hardship, the following is our financial aid policy, which is included in our registration forms for conferences:

There is no specific financial aid application. Fee waiver requests should be sent to Sara Meier at [smeier@arias-us.org](mailto:smeier@arias-us.org) for review and approval.

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ARIAS•U.S. is accredited by the New York State Continuing Legal Education Board as a provider of CLE training. A total of 6 NY CLE credits are available to those who attend this conference (5 general credits, 1 ethics credit.) CLE Credits for Illinois and Pennsylvania are pending.

# 2020 ARIAS•U.S. PROGRAMS

- ▶ **2020 Arbitrator and Umpire Seminar**  
**November 4, 2020**  
Online Everywhere

*Details for all events are on the  
ARIAS•U.S. website calendar.*

[www.arias-us.org](http://www.arias-us.org)



## KEYNOTE SPEAKER



**Kenneth Feinberg**

Founder & Managing Partner  
Law Office of Kenneth R. Feinberg, PC

## CONFERENCE CO-CHAIRS



**Robert DiUbaldo**

Shareholder  
Carlton Fields



**Beth Levene**

Executive Vice President,  
Chief Claims Officer  
Transatlantic Reinsurance Co.



**Eileen Sorabella**

General Counsel, Reinsurance  
Arch Capital Services

## SPEAKERS



**Paul Braithwaite**

Senior Managing Director  
FTI Consulting



**Steven Brodie**

Shareholder  
Carlton Fields



**John Cole**

Partner  
Wiley Rein



**Paul Dassenko**

Principal  
AzuRe Advisors, Inc.



**Frank DeMento**

Vice President  
Transatlantic Reinsurance Co.



**Patricia Taylor Fox**

Deputy General Counsel  
AIG



**Michael A. Frantz, J.D.**

ARIAS•U.S. Board Chairman &  
Senior Vice President, Head of Reinsurance  
Claims, Munich Re America



**Elizabeth Geary**

Chief Underwriting Officer  
Transatlantic Reinsurance Co.

## SPEAKERS



**Seth Goldberg**  
Assistant Vice President  
Transatlantic Reinsurance Co.



**Susan Grondine-Dauwer**  
Principal  
SEG-D Consulting LLC



**Mark Gurevitz**  
Principal  
MG Re Arbitrator & Mediator  
Services LLC



**Michele L. Jacobson**  
Partner  
Stroock & Stroock & Lavan LLP



**Debra Jasper**  
Founder & CEO  
Mindset Digital



**Sylvia Kaminsky**  
ARIAS•U.S. Certified  
Arbitrator & Umpire  
ARIAS•U.S.



**Elizabeth Kniffen**  
Partner  
Zelle LLP



**Cindy Koehler**  
Chief Claims Officer  
North America AIG



**Ivy Kusinga**  
Chief Culture Officer  
Chubb



**Andrew Maneval**  
President  
Chesham Consulting, LLC



**Kyle Medley**  
Partner  
Hinshaw & Culbertson LLP



**Richard W. Painter**  
Attorney at Law & Professor,  
University of Minnesota Law School

## SPEAKERS



**Jay Rittberg**  
Managing Principal  
Euclid Transactional



**Jonathan Rosen**  
ARIAS•U.S. Certified  
Arbitrator & Umpire  
ARIAS•U.S.



**Anna Rozin**  
Vice President & Underwriter  
AIG



**Larry P. Schiffer**  
Attorney, Counselor,  
Consultant, Mediator  
ARIAS•U.S.



**Judy Selby**  
Partner  
Hinshaw & Culbertson LLP



**Marc Sherman**  
Managing Director & Partner  
Alvarez & Marsal



**Steve Schwartz**  
ARIAS•U.S. Board President,  
Chaffetz Lindsey, LLP



**David Thirkill**  
Attorney, Counselor,  
Consultant, Mediator  
ARIAS•U.S.



**Kevin J. Tierney**  
ARIAS•U.S. Certified  
Neutral Arbitrator  
ARIAS•U.S.



**Robert A. Whitney**  
Member  
Sulloway & Hollis PLLC

# REGISTRATION LIST

as of October 28, 2020

First Name	Last Name	Organization Name	State/Country
Marc	Abrams	Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.	NY
Steven	Agosta	AXA XL	CT
Richard	Ahn	Transatlantic Reinsurance Co.	NY
John	Andrews	Andrews Consulting	NJ
David	Attisani	Choate, Hall & Stewart LLP	MA
Patrick	Aul	SCOR Global Life Americas	NC
Jonathan	Bank	Locke Lord LLP	CA
Nasri	Barakat	Arbitrator/Umpire	TX
Chris	Barnes	Zurich North America	NJ
Karen	Baswell	Chaffetz Lindsey LLP	NY
Robert	Bates	BatesCarey LLP	IL
David	Beebe	Munich RE	NJ
Ira	Belcove	Porter Wright Morris & Arthur LLP	IL
Peter	Bickford	Arbitrator	NY
Savannah	Billingham-Hemminger	Troutman Pepper	SC
Scott	Birrell	The Travelers Insurance Company, Inc.	CT
Gary	Blumsohn	Arch Capital Group	NJ
Timothy	Bolden	Arbitrator	TN
David	Bowers	Arbitrator & Consultant	IL
Paul	Braithwaite	FTI Consulting	NY
Chelsea	Brewer	Troutman Pepper	DC
Robert	Bruno	Robert C. Bruno, CPCU Reinsurance Consulting and Arbitration	NJ
Maggie	Burnside	Troutman Pepper LLP	DC
Thomas	Bush	Freeborn & Peters LLP	IL
Matthew	Byrne	AXA XL	CT
Michael	Carolan	Troutman Pepper LLP	DC
John	Cashin	Law Office of John R. Cashin	NY
Jennifer	Cavill	Chubb	OH
Suman	Chakraborty	Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.	NY
Pierre	Charles	Pierre CHARLES Arbitration & Mediation	France
Kathryn	Christ	Swiss Re Management (US) Corporation	NY
John	Cole	Wiley Rein LLP	MD
Martha	Conlin	Troutman Pepper LLP	IL
Thomas	Conroy	Strategic Reinsurance Consultants Int'l. LLC	CO
Timothy	Curley	Allianz Reinsurance America Inc	VA
Bina	Dagar	Ameya Consulting, LLC	NJ
Thomas	Daly	Horseshoe Insurance Advisors US LLC	CT
Paul	Dassenko	Azure Advisors, Inc.	NY
Leslie	Davis	Troutman Pepper LLP	DC
Frank	DeMento	Transatlantic Reinsurance Co.	NY
Howard	Denbin	HDDRe Strategies LLC	PA
Melissa	Deutschman	Troutman Pepper	IL
John	Diaconis	Bleakley Platt & Schmidt, LLP	NY
Gregory	DiUbaldo	AXA XL	NY

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as of October 28, 2020

First Name	Last Name	Organization Name	State/Country
G Richard	Dodge Jr	Dentons US LLP	DC
John	Dore	Sheridan Ridge Advisers LLC	IL
Jane	Downey	Clarity Concepts, Inc.	PA
Krystle	Dunn	Swiss Re Management (US) Corporation	MO
Ann	Field	Aon	IL
James	Fitzgerald	Fitzgerald Legal Consult, P.C.	CA
Daniel	FitzMaurice	Day Pitney LLP	CT
Thomas	Forsyth	Partner Reinsurance Company of the U.S.	CT
Justin	Fortescue	White and Williams LLP	PA
Patricia Taylor	Fox	AIG - American International Group, Inc.	NY
Richard	Franklin	Richard Franklin RC Franklin Consulting LLC	GA
Michael	Frantz	Munich RE	PA
Lori	Friedman	Odyssey Reinsurance Company	CT
Peter	Gentile	ARIAS US Certified Arbitrator	FL
Andrea	Giannetta	Enstar US	RI
Steven	Gilford	JAMS	IL
Sarah	Gordon	Steptoe & Johnson LLP	DC
Lawrence	Greengrass	Larry Greengrass	NY
Lloyd	Gura	Mound Cotton Wollan & Greengrass	NY
Mark	Gurevitz	MG Re Arbitrator and Mediator Services LLC	CT
Eric	Haab	Foley & Lardner LLP	IL
Robert	Hall	Hall Arbitrations	ME
Debra	Hall	Hall Arbitrations	ME
Judy	Harnadek	Resolute Management	NJ
William	Hauserman	Stones River Consulting, LLC	VT
James	Hennessey	The Hartford Steam Boiler Inspection and Insurance Company	CT
Kim	Hogrefe	Kim Dean Hogrefe, LLC	NJ
Philip	Howe	Philip M. Howe Attorney	MA
James	Hughes	Hughes Mediation & Arbitration Services, LLC	TX
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Charles	Jones	Troutman Pepper LLP	DC
Shermineh	Jones	Troutman Pepper LLP	DC
James	Jorden	Faegre Drinker Biddle LLP	DC
Lydia	Kam Lyew	REnamics LLC	CA
Sylvia	Kaminsky	Sylvia Kaminsky - Board of Directors/Arbitrator	NJ
Lisa	Keenan	Odyssey Group	CT
Tom	Kinney	Troutman Pepper Hamilton Sanders LLP	DC
Elizabeth	Kniffen	Zelle LLP	MN
Kyley	Knoerzer	Clyde & Co US LLP	NY
Michael	Knoerzer	Clyde & Co US LLP	NY
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Cynthia	Koehler	AIG - American International Group, Inc.	MA
Jeanne	Kohler	Carlton Fields	NY

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Randal	Leffelman	Munich Re	IL
Jeffrey	Leonard	Saiber LLC	NJ
Mary	Lopatto	Williams Lopatto PLLC	DC
Lori	Lovgren	Path To Resolution LLC	FL
Kassem	Lucas	Troutman Pepper LLP	PA
Susan	Mack	Adams and Reese LLP Director Emeritus, ARIAS-US	FL
Richard	Mancino	Willkie Farr & Gallagher LLP	NY
Jane	Mandigo	Swiss Re Management (US) Corporation	MO
Andrew	Maneval	Chesham Consulting, LLC	NH
Jennifer	Mangino	Arch Reinsurance Group	NJ
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Michael	Marick	Skarzynski Marick & Black LLP	IL
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Tina	Matic	Foley & Lardner LLP	WI
Kimberly	McDonnell	Chubb/Brandywine	PA
Brendan	McQuiggan	Chubb	PA
Kyle	Medley	Hinshaw & Culbertson LLP	NY
Andrew	Meerkins	Foley & Lardner LLP	WI
Mark	Megaw	Umpire/Neutral	VA
Ben	Miclette	Miclette Actuarial Consulting Inc.	AE/Canada
Roger	Moak	ARIAS-U.S. Certified Arbitrator	NY
Neal	Moglin	Foley & Lardner LLP	IL
Cecilia	Moss	Chaffetz Lindsey LLP	NY
Elizabeth	Mullins	Swiss Re Management (US) Corporation	NY
Diane	Nergaard	Eriksen Enterprise, LLC	CT
Jacqueline	Nixon-Small	Transatlantic Reinsurance Company	NY
Maureen	O'Connor	The Travelers Insurance Company, Inc.	CT
Michael	Olsan	White and Williams LLP	PA
William	O'Neill	Troutman Pepper LLP	MD
Elliot	Orol	Church Pension Group	NY
Michael	Pado	Convergence Re LLC	NJ
Lawrence	Pollack	JAMS	NY
Andrew	Poplinger	Chaffetz Lindsey LLP	NY
David	Raim	Alabama Life Re/Raim Re LLC	MD
Erik	Rasmussen	Rasmussen Advisory Services	MN
Krystal	Riebesell	Saiber LLC	NJ
Debra	Roberts	Debra Roberts & Associates, Inc.	TX
Stephen	Rogers	Stephen M Rogers LLC	CT
Jonathan	Rosen	Arbitration, Mediation and Expert Witness Services	NY
Steven	Rosenstein	AIG - American International Group, Inc.	NY
Linsey	Routledge	RenaissanceRe	NY
Jeffrey	Rubin	Odyssey Reinsurance Company	CT

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as of October 28, 2020

First Name	Last Name	Organization Name	State/Country
Daryn	Rush	White and Williams LLP	PA
Christine	Russell	Brandywine Group of Insurance & Reinsurance Companies	PA
David	Satine	Saiber LLC	NJ
Joseph	Schiavone	Saiber LLC	NJ
Larry	Schiffer	Schiffer Law & Consulting	NY
Dan	Schmidt, IV	Dispute Resolution Services Int'l.	AZ
Stacey	Schwartz	Swiss Re Management (US) Corporation	NY
Steven	Schwartz	Chaffetz Lindsey LLP	NY
Joshua	Schwartz	Chubb	PA
James	Scrimgeour	The Travelers Insurance Company, Inc.	CT
Robert	Scully	Transatlantic Reinsurance Company	NY
Daniel	Sheehan	Everest Reinsurance Company	NJ
Wesley	Sherman	Transatlantic Reinsurance Co.	NY
Marc	Sherman	Alvarez & Marsal	DC
Alex	Silverman	Carlton Fields, P.A.	NY
Frank	Slepicka	Chubb	IL
Jeffrey	Smith	Lincoln Financial Group	NC
Teresa	Snider	Porter Wright Morris & Arthur LLP	IL
David	Spector	Schiff Hardin LLP	IL
Pirmin	Stalder	LGT ILS Partners	Switzerland
Timothy	Stalker	Stalker PC	PA
Jeremy	Starr	Jeremy Starr Consulting, LLC	NY
David	Stegall	Risk Consulting & Expert Services	AL
Michael	Steinlage	Larson - King, LLP	MN
Aaron	Stern	Stern A. B. Inc.	NY
Tom	Stillman	Tom Stillman Arbitrations	IL
David	Thirkill	The Thirkill Group, Inc.	NH
Jack	Thomas	Troutman Pepper Hamilton Sanders LLP	NY
Paul	Thomson	Reassess Inc.	NY
Kevin	Tierney	Umpire and Mediator	FL
Robert	Turpin	Chubb	NJ
Nora	Valenza-Frost	Carlton Fields	NY
Jack	Vales	Dentons US LLP	NJ
Alysa	Wakin	Odyssey Reinsurance Company	CT
Jeremy	Wallis	Wallis Resolutions	NJ
Ronald	Wobbeking	Wobbeking Network	FL
Gregory	Woodworth	Woodworth Arbitration	ME

# THE ARIAS•U.S. 2020 FALL CONFERENCE AND ANNUAL MEETING WILL BE CONDUCTED UNDER THE ARIAS•U.S. ANTITRUST POLICY

## POLICY STATEMENT AND GUIDELINES CONCERNING ANTITRUST COMPLIANCE

ARIAS•U.S. is a not-for-profit corporation that promotes improvement of the insurance and reinsurance arbitration process for the international and domestic markets. ARIAS•U.S. provides initial training, continuing in-depth conferences and workshops in the skills necessary to serve effectively on an insurance/reinsurance arbitration panel. In addition, ARIAS•U.S. certifies a pool of qualified arbitrators and serves as a resource for parties involved in a dispute to find the appropriate persons to resolve the matter in a professional, knowledgeable and cost-effective manner.

ARIAS•U.S. members include representatives of insurance companies, reinsurance companies, law firms and independent contractors with experience in the field. Some of the participants in ARIAS•U.S. meetings may be in competition with one another. For this reason, ARIAS•U.S. wishes to state unequivocal support for the policy of competition served by the antitrust laws.

### The Policy of ARIAS•U.S. Requires Full Compliance with the Antitrust Laws

ARIAS • U.S. is firmly committed to free competition. In particular, ARIAS • U.S. stresses that members have and retain full and exclusive authority for making their own decisions in arbitrations or litigations in which they are involved, as well as in all of their business activities. ARIAS • U.S. does not in any way serve to facilitate agreements among competitors to coordinate their activities with respect to billing practices, collections, underwriting, or any other competitively sensitive activity of insurers or reinsurers. Rather, ARIAS•U.S. exists solely in order to provide educational and informational assistance in connection with the dispute-resolution process of arbitration or litigation.

Although the activities of ARIAS • U.S. are not intended to restrain competition in any manner, it is always possible that meetings involving competitors could be seen by some as an opportunity to engage in anti-competitive conduct. Good business judgment requires making substantial efforts to safeguard against any appearance of an antitrust violation -- both because ARIAS•U.S. has a firm commitment to the principle of free competition, and because the penalties for antitrust violations are severe. Certain violations of the Sherman Act, such as price fixing, are felony crimes for which individuals may be imprisoned or fined. In recent years, corporations have paid hundreds of millions of dollars in fines for these antitrust offenses. In addition, class actions and other treble damage claims by private parties are very expensive to litigate and can result in large judgments. Penalties might be imposed upon ARIAS • U.S., its individual and corporate members, and their individual representatives if they were adjudged to have violated the antitrust laws in connection with their ARIAS • U.S. activities. Members should not count on an antitrust immunity simply because insurance is a highly regulated industry.

It is the responsibility of every member of ARIAS•U.S. fully to comply with the antitrust laws in all ARIAS•U.S. activities. In order to assist members in recognizing situations that may raise the appearance of an antitrust problem, the meeting chair shall furnish at each meeting a copy of this Policy Statement and the following Guidelines.

### Guidelines to Ensure Antitrust Compliance

Many ARIAS•U.S. members are skilled in the legal process and may be expected to understand their responsibility under the antitrust laws. Nonetheless, it is useful to state, as a reminder, some basic guidelines that will minimize potential antitrust risk.

1. ARIAS • U.S. members may freely discuss matters that are not competitively sensitive, such as legal developments, ethical

principles, procedures, laws that affect the industry, ways to make proceedings more efficient, and technical problems involved in arbitration or litigation. It is permissible, for example, to draft sample arbitration clauses that parties may select on a voluntary basis.

2. ARIAS • U.S. meetings and activities shall not be used as an occasion to reach or attempt to reach any understanding or agreement among competitors -- whether written or oral, formal or informal, express or implied -- to coordinate their activities with regard to billing, collections, premiums, terms or conditions of contracts, territories or customers. Thus, for example, competing cedents (or competing reinsurers) should not agree with one another that they will require use of a particular arbitration clause, and especially should not agree that they will boycott parties that reject the clause.
3. The best way to guard against the appearance of such an agreement is to avoid any discussion of subjects that might raise concern as a restraint on competition. Accordingly, ARIAS • U.S. meetings and activities shall not be used as the occasion for competitors to exchange information on any competitively sensitive subjects, including the following:
  - (a) ARIAS • U.S. activities and communications shall not include discussion among competitors to coordinate their activities with respect to billing practices, collection activities, premium setting, reserves, costs, or allocation of territories or customers.
  - (b) ARIAS • U.S. members shall not use the occasion of any ARIAS • U.S. activities to discuss coordinated actions involving other competitors, suppliers or customers. Such discussions could be misconstrued as an agreement to boycott third parties. For example, if a member decides it will decline to pay certain types of billings from a customer, the member should not discuss this decision with a competitor, because a common plan on such a subject could be considered an unlawful conspiracy or boycott. Accordingly, ARIAS • U.S. members should not discuss any proposal: to coordinate policies or practices in, billings or collections; to prevent any person or business entity from gaining access to any market or customer; to prevent any business entity from obtaining insurance or reinsurance services or legal or consulting services freely in the market; or to influence the availability, terms, provisions, premiums or other aspects of any reinsurance policy or line of insurance.
4. A written agenda shall be prepared in advance for every formal ARIAS • U.S. meeting. Where practical, the agenda shall be reviewed in advance by counsel. The written agenda shall be followed throughout the meeting. Where minutes are kept, the minutes of all meetings shall be reviewed by counsel (if possible) and, after such review, shall be distributed to all members of the body holding the meeting. Approval of the minutes shall be obtained after review at the next meeting.
5. Members are expected to observe the standards of conduct stated above in all informal discussions that take place at the site of ARIAS • U.S. meetings, and in all communications concerning ARIAS • U.S. business.
6. If a member suspects that any unlawful agreements are being discussed, the member should leave the discussion immediately and should consult counsel.
7. Questions concerning these Guidelines may be directed to the Chairman of the Law Committee of ARIAS • U.S.



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