



Conference Program



# **ARIAS•U.S. 2021 VIRTUAL SPRING CONFERENCE**

May 6-7, 2021 | Online Everywhere

# TABLE OF CONTENTS

GENERAL INFORMATION .....	03
FULL AGENDA .....	04
SPONSORS .....	08
FACULTY BIOGRAPHIES .....	09
REGISTRATION LIST .....	13
POLICY STATEMENT AND GUIDELINES	
ANTITRUST COMPLIANCE .....	16



## ARIAS•U.S. 2021 VIRTUAL SPRING 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, MAY 5, 2021

5:00 PM - 6:30 PM

## Women's Networking Event

*The Women's Resource Committee will be hosting a virtual chocolate tasting, which will take you on a virtual tour that taps into each taste bud transporting you on a culinary journey of fusion flavors and delectable delights! This will also be followed by an opportunity to network with your fellow attendees after the tasting.*

Sponsored By:

CHAFFETZ  
LINDSEY

Steptoe

# THURSDAY, MAY 6, 2021

12:00 PM - 12:05 PM

## Welcome & Virtual Logistics

ARIAS•U.S. Spring 2021 Virtual Conference Welcome

Co-Chairs: Alexandra Furth, AIG

Sarah Gordon, Steptoe & Johnson LLP

Cynthia Koehler, AIG

Robert Kole, Choate Hall & Stewart LLP

12:05 PM - 12:30 PM



## Keynote

John Keogh

President & Chief Operating Officer  
Chubb Group

12:35 PM - 1:35 PM

## Virtual Arbitrations: Temporary Solution or the New Normal

*This two-part panel will look at virtual arbitrations from the perspective of the lawyers, clients, and arbitrators, with a particular focus on two issues: (a) how to effectively conduct a virtual arbitration, including best practices and common pitfalls; and (b) whether virtual arbitration proceedings will outlast the pandemic and become the new normal, either in whole or part. Whether you are a Zoom neophyte or a Skype expert, this session will have something for everyone.*

Part One Presenters: Jack Vales, Dentons US LLP (Moderator)

Andrea Giannetta, Enstar US

Erika Lopes-McLeman, Dentons US LLP

Andrew Nadolna, JAMS

Part Two Presenters: Katheleen Ehrhart, Freeborn & Peters LLP  
(Moderator)  
Peter Steffen, Freeborn & Peters LLP  
Mark Gurevitz, MG Re Arbitrator and Mediator  
Services LLC  
Katherine Billingham, DUAL Commercial LLC

1:40 PM - 2:30 PM

### **Nuclear Verdicts and Juries in a COVID and Post-COVID World**

*As the COVID crisis begins to settle and courts nationwide open, the ever-changing "new normal" continues to impact prospective juries in civil litigation. Prior to the pandemic, average verdicts were rising at an exponential rate and nuclear verdicts were increasingly common. COVID has changed the way jurors look at corporations, lawsuits and damages awards, and even who the jurors will be, but only some of these changes are likely to persist in a post-COVID world. In this presentation, Marissa Beyers, Ph.D. of Trial Behavior Consulting will explore the drivers of nuclear verdicts pre-pandemic, the impact of the COVID crisis on jurors, and the outlook civil defendants face now and in the future.*

**Presenter: Marissa Beyers, CEO & Senior Consultant,  
Trial Behavior Consulting**

**Moderator: Cynthia Koehler, AIG**

2:30 PM - 2:45 PM

### **Break**

2:45 PM - 3:35 PM

### **Breakout Sessions**

#### ***Breakout One | An Update on Complex and Emerging Risks: Revivor Claims, Opioids and PFAS***

*Staying up to date on what's new in long-tail claims and emerging risks is never easy, so this panel will try to get you where you need to be on PFAS Claims, Opioid Litigation, and Revivor Claims in just one short session.*

**Presenters: Jean-Paul Jaillet, Choate Hall & Stewart LLP  
Matthew Schroeder, Akerman LLP  
Glenn Frankel, Gen Re & ARIAS•U.S. Certified Arbitrator**

#### ***Breakout Two | Great Decision Making: Unconscious Influencers and Group Dynamics in Arbitration and Mediation***

*Unconscious biases and influencers affect decision-making in multiple ways. Because we don't recognize them, they can unwittingly alter the outcomes of the challenges we face as arbitrators, lawyers, and insurance professionals. There are group dynamics tools we can use to improve outcomes in litigation.*

**Presenters: Charles Ehrlich, ARIAS•U.S. Certified Arbitrator  
Jane Downey, Clarity Concepts, Inc.**

**Breakout Three | International Arbitrations: Updates From Europe, Bermuda, The Cayman Islands, and the U.S.**

*Arbitration is not a monolithic, one-size fits all process. This breakout session will focus on recent developments in arbitrations from around the world, highlighting not only substantive decisions but also differences in legal processes and mores. As an added bonus, if you've been restricted to the U.S. for the better part of a year, here's a chance to get a taste of Europe and the Islands.*

**Presenters: Edward Lenci, Hinshaw & Culbertson LLP  
Alexander Potts, Conyers**

**Breakout Four | Headed in the Right Direction: Diversity, Equity & Inclusion, and Ethics in the Insurance Industry**

*This session will discuss the efforts by the National Association of Insurance Commissioners and the insurance industry as a whole to address race, diversity, and inclusion in the insurance sector.*

**Presenters: Nzinga "Zing" Shaw, Marsh & McLennan Companies, Inc.  
Nikki Lewis Simon, Greenberg Traurig, P.A.  
Ron Henderson, Louisiana Department of Insurance  
Moderator: Fred Karlinsky, Greenberg Traurig, P.A.**

**3:40 PM - 4:30 PM**

**Reinsurance of COVID-19 Claims: The More Things Change, the More They Stay the Same**

*The words unprecedented, uncharted, and uncommon have repeatedly been used to describe the year that we, as individuals and as an industry, have navigated the COVID-19 crisis. This panel will evaluate the reinsurance disputes that may arise from the pandemic, including how existing precedent in the industry may guide resolution of such disputes.*

**Presenters: Jeffrey S. Burman, Fortitude Re  
Christopher Foster, HFW  
Corinne R. Kruse, Zurich North America  
Moderator: Cecilia Moss, Chaffetz Lindsey LLP**

**4:40 PM - 5:10 PM**

**Networking Session**

Sponsored By:



Coasters Sponsored By:



# FRIDAY, MAY 7, 2021

9:25 AM - 9:30 AM

**Morning Welcome | Day Two**

9:30 AM - 10:00 AM

**Networking Session**

Sponsored By:



10:00 AM - 10:05 AM



**Welcome**

A Message from Special Guest  
Congressman Jamie Raskin

10:10 AM - 11:00 AM

**Ripped From the Headlines - Insurance and Reinsurance Issues in Current Events**

*The extraordinary events of the past year that have dominated headlines have affected all of us. This panel will discuss three major recent events; mass shootings, strikes, riots & civil commotion, and the recent Southwest freeze. Topics will focus on liability and coverage issues most pressing for insurers and how claims and litigation arising out of these events may affect reinsurers.*

**Presenters:** Scott Seaman, Hinshaw & Culbertson LLP

Peter Kanaris, Hinshaw & Culbertson LLP

**Moderator:** Laura Foggan, Crowell & Moring LLP

11:00 AM - 11:15 AM

**Break**

11:20 AM - 12:20 PM

**Ethics Session | Fun With Ethics!**

*From the confines of our home offices, the Ethics Committee has been hard at work devising a session that we promise will be entertaining, make you smile, and teach you something about ethics in the process. This session will follow a game-type format, will test your knowledge of the Canons, and will provide an opportunity for networking. Also, there will be prizes.*

**Presenters:** Alysia Wakin, Odyssey Reinsurance Company

Beth Levene, Transatlantic Re

... and a Cast of Characters!

**Master of Ceremonies:** Larry Schiffer, Schiffer Law  
and Consulting, PLLC

12:20 PM - 12:25 PM

**Closing Remarks**

Steve Schwartz, Chaffetz Lindsey, LLP

# THANK YOU TO OUR SPONSORS

CHAFFETZ  
LINDSEY

Steptoe



MINTZ



# 2021

ARIAS•U.S.  
PROGRAMS

## LIVE WEBINAR

### ***Functus Officio: Exploring Exceptions to the Finality of Arbitral Awards***

Wednesday, May 12, 2021

1:00 pm – 2:15 pm ET / 12:00 pm – 1:15 pm CT

**Faculty:** Justin Fortescue, White & Williams LLP  
Marianne Bradley, White & Williams LLP

Registration  
now available!

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



# FACULTY BIOGRAPHIES

Click on photo for full speaker profile.  
For more information, [visit our website](#).

## KEYNOTE SPEAKER



**John Keogh**

President & Chief Operating Officer  
Chubb Group

## CONFERENCE CO-CHAIRS



**Alexandra Furth**

Head of Claims,  
Lexington Insurance  
AIG



**Sarah Gordon**

Partner  
Steptoe & Johnson LLP



**Cindy Koehler**

Chief Claims Officer  
for North America  
AIG



**Robert Kole**

Partner  
Choate, Hall & Stewart LLP

## SPEAKERS



**Marissa S. Beyers Ph.D.**

CEO & Senior Jury Consultant  
Trial Behavior Consulting



**Katherine Billingham**

General Counsel  
DUAL Commercial LLC



**Jeffrey Burman**

General Counsel  
Fortitude Re



**Jane Downey**

President  
Clarity Concepts Inc.



**Katheleen Ehrhart**

Partner  
Freeborn & Peters LLP



**Chuck Ehrlich**

Certified Arbitrator  
ARIAS•U.S.



**Laura Foggan**

Partner  
Crowell & Moring LLP



**Christopher Foster**

Partner  
HFW

# FACULTY BIOGRAPHIES

Click on photo for full speaker profile.  
For more information, [visit ouwr website](#).

## SPEAKERS



**Glenn Frankel**

SVP, Head of  
North America P&C Claims  
Gen Re



**Andrea Giannetta**

SVP, Group Litigation Director  
Enstar US



**Mark Gurevitz**

Principal  
MG Re Arbitrator & Mediator  
Services LLC



**Ron Henderson**

Deputy Commissioner, Office of  
Consumer Advocacy & Diversity  
Louisiana Department  
of Insurance



**J.P. Jaillet**

Litigation Partner  
Choate, Hall & Stewart LLP



**Peter Kanaris**

Partner  
Hinshaw & Culbertson LLP



**Fred Karlinsky**

Shareholder  
Greenberg Traurig LLP



**Corinne Kruse**

VP & Head of Reinsurance  
Claims and Recoveries  
Zurich America



**Edward Lenci**

Partner  
Hinshaw & Culbertson LLP



**Beth Levene**

EVP, Chief Claims Officer  
Transatlantic Re



**Nikki Lewis Simon**

Shareholder and  
Chief Diversity, Equity  
& Inclusion Officer  
Greenberg Traurig LLP



**Erika Lopes-McLeman**

Senior Managing Associate  
Dentons

# FACULTY BIOGRAPHIES

Click on photo for full speaker profile.  
For more information, [visit our website](#).

## SPEAKERS



**Cia Moss**  
Founding Partner  
Chaffetz Lindsey



**Andrew Nadolna**  
Arbitrator  
JAMS



**Alexander Potts**  
Partner  
Conyers



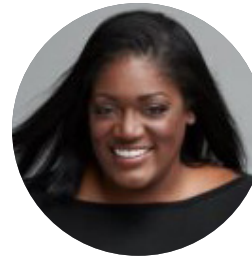
**Larry Schiffer**  
Attorney, Counselor,  
Consultant & Mediator  
Schiffer Law &  
Consulting PLLC



**Matthew Schroeder**  
Partner  
Akerman LLP



**Scott Seaman**  
Partner  
Hinshaw & Culbertson LLP



**Nzinga Shaw**  
Chief Inclusion  
& Diversity Officer  
Marsh & McLennan Companies



**Peter Steffen**  
Partner  
Freeborn & Peters LLP



**Jack Vales**  
Partner  
Dentons



**Alysa Wakin**  
Vice President  
& Claims Counsel  
Odyssey Re

**ARIAS•U.S. 2021 Spring Conference Disclaimer:** ARIAS•U.S. is using virtual learning through video and audio communication on Freestone and Zoom platforms for the 2021 Spring 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 2021 Spring Conference have selected 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 2021 Spring 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**

As required by the NYS and PA Continuing Legal Education Board, if a member of the bar of New York or Pennsylvania would like to attend an ARIAS•U.S. conference, 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).** 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.



# ATTENDEE LIST

as of April 23, 2021

First Name	Last Name	Organization	State/Country
Marc	Abrams	Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.	NY
Steven	Agosta	AXAXL	CT
John	Andrews	Andrews Consulting	NJ
David	Attisani	Choate, Hall & Stewart LLP	MA
Patrick	Aul	SCOR Global Life Americas	NC
Nasri	Barakat	II & RCS, Inc.	TX
Karen	Baswell	Chaffetz Lindsey LLP	NY
Robert	Bates	BatesCarey LLP	IL
Ira	Belcove	Porter Wright Morris & Arthur LLP	IL
Katherine	Billingham	DUAL Commercial LLC	NC
Savannah	Billingham-Hemminger	Troutman Pepper LLP	SC
Gary	Blumsohn	Arch Capital Group	NJ
Alan	Borst	Willie Borst ADR	NY
Marianne	Bradley	White and Williams LLP	PA
Chelsea	Brewer	Troutman Pepper LLP	DC
David	Brodsky	Brodsky ADR LLC	NY
Maggie	Burnside	Troutman Pepper LLP	DC
Thomas	Bush	Freeborn & Peters LLP	IL
Michael	Carolan	Troutman Pepper LLP	DC
Jennifer	Cavill	Chubb	OH
Suman	Chakraborty	Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.	NY
Kathryn	Christ	Swiss Re Management (US) Corporation	NY
John	Cole	Wiley Rein LLP	MD
Martha	Conlin	Troutman Pepper LLP	IL
Thomas	Daly	Allied World Reinsurance Management	CT
Leslie	Davis	Troutman Pepper LLP	FL
Frank	Demento	Transatlantic Reinsurance Co.	NY
Howard	Denbin	HDDRe Strategies LLC	PA
Melissa	Deutschman	Troutman Pepper LLP	IL
Rich	Dodge	Dentons US LLP	DC
James	Dolan	Enstar US	NJ
Mary Kate	Donnelly	Allstate Insurance Company	IL
John	Dore	Sheridan Ridge Advisers LLC	IL
Jane	Downey	Clarity Concepts, Inc.	PA
Benjamin	Edwards	Lincoln Financial Group	NC
Katheleen	Ehrhart	Freeborn & Peters LLP	IL
Ann	Field	Aon	IL
James	Fitzgerald	Fitzgerald Legal Consult, P.C.	CA
Laura	Foggan	Crowell & Moring LLP	DC
Mike	Foley	Choate Hall and Stewart	MA
Andrew	Foreman	Porter Wright Morris & Arthur LLP	IL
Justin	Fortescue	White and Williams LLP	PA
Christopher	Foster	HFW	UK
Bryce	Friedman	Simpson Thacher & Bartlett LLP	NY
Alexandra	Furth	AIG - American International Group, Inc.	MA
Peter	Gentile	ARIAS U.S. Certified Arbitrator	FL
Andrea	Giannetta	Enstar US	RI
Sarah	Gordon	Steptoe & Johnson LLP	DC
Jack	Gordon	Lewis Baach Kaufmann Middlemiss PLLC	DC
Lawrence	Greengrass	ARIAS U.S. Certified Arbitrator	NY

# ATTENDEE LIST

as of April 23, 2021

First Name	Last Name	Organization	State/Country
Lloyd	Gura	Mound Cotton Wollan & Greengrass LLP	NY
Mark	Gurevitz	MG Re Arbitrator and Mediator Services LLC	CT
Bill	Hager	Insurance Metrics Corporation	FL
Debra	Hall	Hall Arbitrations	ME
Robert	Hall	Hall Arbitrations	ME
Judy	Harnadek	Resolute Management .	PA
Clifford	Hendler	Crowell & Moring LLP	DC
Kim	Hogrefe	Kim Dean Hogrefe, LLC	NJ
Detlef	Huber	Aurigon Advisors AG	Germany
Mary Jo	Hudson	Squire Patton Boggs	OH
James	Hughes	Hughes Mediation & Arbitration Services, LLC	TX
David W	Ichel	X-Dispute LLC	FL
Earl	Imhoff	Verisant LLC	OH
Jean-Paul	Jaillet	Choate, Hall & Stewart LLP	MA
Charles	Jones	Troutman Pepper LLP	DC
Shermineh	Jones	Troutman Pepper LLP	DC
Lisa	Keenan	Odyssey Group	NY
Shawn	Kelly	Dentons US LLP	NJ
Thomas	Kinney	Troutman Pepper LLP	DC
Kyley	Knoerzer	Clyde & Co US LLP	NY
Eric	Kobrick	AIG - American International Group, Inc.	NY
Cynthia	Koehler	AIG - American International Group, Inc.	MA
Robert	Kole	Choate, Hall & Stewart LLP	MA
Edward	Lenci	Hinshaw & Culbertson LLP	CT
Jeffrey	Leonard	Saiber LLC	NJ
Beth	Levene	Transatlantic Reinsurance Co.	NY
Michelle	Levitt	AIG Risk Mangement	NY
Mary	Lopatto	Williams Lopatto PLLC	DC
Erika	Lopes-McLeman	Dentons US LLP	MO
Kassem	Lucas	Troutman Pepper LLP	PA
Lydia B.	Lyew	REnamics LLC	CA
Susan	Mack	Adams and Reese LLP	FL
Andrew	Maneval	Chesham Consulting	NH
Christy	Markos	Troutman Pepper LLP	CA
Fred	Marziano	CIM	NJ
Mina	Matin	Norton Rose Fulbright US LLP	NJ
Elizabeth	Mazzocco	Foley & Lardner LLP	IL
David	McLauchlan	The McLauchlan Law Group LLC	IL
Mark	Megaw	ARIAS U.S. Certified Arbitrator	VA
Seema	Misra	Arch Insurance	NJ
Cecilia	Moss	Chaffetz Lindsey LLP	NY
Elizabeth	Mullins	Swiss Re Management (US) Corporation	NY
Diane	Nergaard	Eriksen Enterprise, LLC	CT
Michael	Olsan	White and Williams LLP	PA
William	O'Neill	Troutman Pepper LLP	MD
Fred	Pinckney	Business Law & Arbitration Services, Inc.	GA
Joshua	Polster	Simpson Thacher & Bartlett LLP	NY
Andrew	Poplinger	Chaffetz Lindsey LLP	NY

# ATTENDEE LIST

as of April 23, 2021

First Name	Last Name	Organization	State/Country
Julie	Portera	Protective Life	AL
Alexander	Potts	Conyers Dill and Pearman	Cayman
David	Raim	Alabama Life Re/Raim Re LLC	MD
Carlos	Romero	Post & Romero LLC	FL
Scott	Rose	Swiss Re Management (US) Corporation	NY
Eve	Rosen	ARIAS U.S. Certified Arbitrator	FL
Zachery	Roth	White and Williams LLP	PA
Jeffrey	Rubin	Odyssey Reinsurance Company	CT
Daryn	Rush	White and Williams LLP	PA
Larry	Schiffer	Schiffer Law & Consulting PLLC	NY
Emily	Schultz	RGA Reinsurance Company	MO
Joshua	Schwartz	Chubb	PA
Stacey	Schwartz	Swiss Re Management (US) Corporation	NY
Steven	Schwartz	Chaffetz Lindsey LLP	NY
John	Shettle	Enstar US	FL
Regan	Shulman	Arch Capital Group	NJ
Troy	Shuman	Enstar	NJ
Teresa	Snider	Porter Wright Morris & Arthur LLP	IL
Peter	Steffen	Freeborn & Peters LLP	IL
David	Stegall	Risk Consulting & Expert Services	AL
Aaron	Stern	Stern A. B. Inc.	NY
David	Thirkill	The Thirkill Group	NH
Jack	Thomas	Troutman Pepper LLP	NY
Paul	Thomson	Reassess Inc.	NY
Kevin	Tierney	ARIAS US Certified Arbitrator	FL
Jack	Vales	Dentons US LLP	NJ
Pieter	Van Tol	Hogan Lovells US LLP	NY
Christopher	Verdugo	Troutman Pepper	IL
Susie	Wakefield	Shoosmiths LLP	UK
Alysa	Wakin	Odyssey Reinsurance Company	CT
Jeremy	Wallis	Wallis Resolutions	NJ
Andrew	Walsh	Walsh ADR Services	PA
W. Mark	Wigmore	Avalon Consulting, LLC	FL
James	Wrynn	ARIAS US Certified Arbitrator	NY

## 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.





AIDA Reinsurance & Insurance Arbitration Society  
7918 Jones Branch Dr., Suite 300 • McLean, VA 22102  
Phone: 703-506-3260 • Fax: 703-506-3266  
Email: [info@arias-us.org](mailto:info@arias-us.org)

# BOARD OF DIRECTORS

## CHAIRMAN

**Steve Schwartz**  
*Chaffetz Lindsey LLP  
1700 Broadway, 33rd Floor  
New York, NY 10019*

## PRESIDENT

**Cynthia R. Koehler**  
*AIG  
322 Cabot Street  
Newton, MA 02460*

## VICE PRESIDENT

**Alysa Wakin**  
*Odyssey Reinsurance Company  
300 First Stamford Place  
7th Floor  
Stamford, CT 06902*

## VICE PRESIDENT

**Marc Abrams**  
*Mintz, Levin, Cohn, Ferris, Glovsky  
and Popeo, P.C.  
666 Third Avenue  
New York, NY 10017*

## TREASURER

**Peter A. Gentile**  
*7976 Cranes Pointe Way  
West Palm Beach, FL 33412*

## Sylvia Kaminsky

*405 Park Street  
Upper Montclair, NJ 07043*

## Beth Levene

*Transatlantic Reinsurance Co.  
One Liberty Plaza  
165 Broadway, 17th Floor  
New York, NY 10006*

## Michael A. Frantz

*Munich Re America  
555 College Road East  
Princeton, NJ 08543*

## Sarah Gordon

*Steptoe & Johnson LLP  
1330 Connecticut Avenue, NW  
Washington, DC 20036*

## Joshua Schwartz

*Chubb  
436 Walnut Street  
Philadelphia, PA 19106*

## Scott Birrell

*Travelers  
1 Tower Square, 4 MS  
Hartford, CT 06183*

## CHAIRMAN EMERITUS

**T. Richard Kennedy\***

## DIRECTORS EMERITI

**Charles M. Foss**  
**Mark S. Gurevitz**  
**Charles W. Havens, III**  
**Ronald A. Jacks\***  
**Susan E. Mack**  
**Robert M. Mangino\***  
**Edmond F. Rondepierre\***  
**Daniel E. Schmidt, IV**

\*deceased

## ADMINISTRATION

## EXECUTIVE DIRECTOR AND CORPORATE SECRETARY

**Sara Meier, M.S.Ed, CAE**  
*7918 Jones Branch Dr., Suite 300  
McLean, VA 22102  
703-574-4087  
[smeier@arias-us.org](mailto:smeier@arias-us.org)*