

Conference Program



# ARIAS•U.S. 2021 FALL CONFERENCE

November 2-3, 2021 | Online Everywhere



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#### WELCOME FROM THE CO-CHAIRS

Dear Colleagues:

Welcome to the ARIASU.S. 2021 Fall Conference!

A core focus of our organization is improving the arbitration process for insurance and reinsurance disputes. All of our constituents – arbitrators, companies, and counsel – benefit from an arbitration process that is (and is perceived to be) fair, transparent, and efficient. With that in mind, we have created a program geared at better understanding what happens during the deliberative process. The sessions will provide information and alternatives on how best to position a case before a panel, and the practices that arbitrators, parties, and counsel think hinder or help the arbitral process.

We will kick off the conference with a keynote address from U.S. District Court Judge Jed S. Rakoff, one of the country's most respected jurists. After he provides his insights, we'll present panels on issues that are relevant to almost every reinsurance arbitration, including:

- How arbitrators approach deliberations,
- How and why to express ideas using visual means:
- Alternative approaches to briefing and opening and closing submissions; and
- When should arbitrators ask clarifying questions or otherwise be active participants during a hearing.

We'll also present breakout sessions aimed at more specific topics:

- Direct Insurance Arbitrations:
- Hot Topics in Life and Health Reinsurance;
- Bermuda Form Arbitrations; and
- New Arbitrator Forum.

In addition to these general and breakout sessions, you'll also hear the latest news on the explosion in ransomware cyberattacks and its impact on the industry.

Finally, the ARIAS-U.S. Ethics Committee will provide an entertaining and thought-provoking discussion of the rules and principles in the Code of Conduct and why both components of the Code should guide our behaviors.

All program materials will be provided electronically in advance.

As always, the conference will be conducted in accordance with the ARIASU.S. Antitrust Policy, which is available in the "About ARIAS" section of the website, at www.arias-us.org.

See you at the New York Hilton Midtown or online!

Sincerely.

#### Harry Cohen

Crowell & Moring LLP

#### Sylvia Kaminsky

Arbitrator/Umpire/Mediator, ARIAS•US Board of Directors

#### Joshua Schwartz

Chubb, ARIAS•US Board of Directors

#### Teresa Snider

Porter Wright Morris & Arthur LLP



**ATTIRE:** The general dress code for the conference is "business casual." This means that while speakers and panel members may be in business professional attire with a tie or suit jacket, it is not a requirement for attendees. Usually at these conferences, attendees will dress up a bit more for the evening reception.

**BADGES:** Conference badges will be issued to all attendees. Please wear your badge at all times to access all conference functions.

**SESSION MATERIALS:** For conference attendees, session materials are available on the ARIAS·U.S. website.

**VACCINATION:** All in-person attendees will be required to show proof of vaccination upon checking in at registration. Proof of vaccination includes a picture or photo link showing that you have completed your last vaccine dose at least two weeks prior to the start of the conference.

**BREAKOUT SESSION ROOM ASSIGNMENTS:** Room assignments and links for the Tuesday afternoon breakout sessions are included in the program. Please refer to the list for the assigned session room and link.

CONTINUING LEGAL EDUCATION: Continuing legal education credits will be awarded for the State of New York and Pennsylvania and are pending for Illinois. Sign-in and sign-out sheets are for attorneys who wish to receive CLE Credit. Virtual attendees will have to participate in virtual polls hosted on the platform at the beginning and end of the program. Certificates of attendance will be based solely upon these sheets. You must sign in and out each day to receive credit for each day. There will be sign in-and-out sheets on tables inside the General Session. The sign in and out sheets for the Tuesday Breakout Sessions will be on tables inside each room, and signage will be displayed clearly for each session. Make sure you sign in and out of the various sessions with the time you arrive and the time you leave in order to receive full credit. Virtual attendees at the General Sessions will also have to complete a poll at the beginning and end of each session. Certificates of attendance will be sent via email to everyone who has signed in and out. This is required by the New York State CLE Board.

**ARIAS•U.S. CERTIFICATION:** Anyone receiving credit for ARIAS•U.S. Certification does not have to sign in and out and will not be provided with a certificate of completion for the training. Participants, however must be in the training session and not in the hallways. This is a directive from the ARIAS•U.S. Board of Directors.

**OBTAINING CREDIT FOR THE CONFERENCE:** You will not receive full credit for a session if you are standing in the hallways or arrive late or leave early. The training is taking place in the session rooms; you must be inside. This is true both for CLE training and for ARIAS•U.S. Certification credit. To be clear, anyone who is attending for ARIAS•U.S. certification renewal or for initial certification and who is not in the session rooms will be considered as not completing 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 or 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 an issue. Every dispute or matter presents its own circumstances that provide the context for decisions.

Finally, please note that this conference will be conducted in accordance with the ARIAS•U.S. Antitrust Policy, which is enclosed and is also available in the About ARIAS section of the website (<u>www.arias-us.org</u>).

We hope you enjoy the conference!

## **MONDAY, NOVEMBER 1, 2021**

12:00 p.m. - 1:00 p.m. Arbitrator & Umpire Seminar Lunch

Rhinelander South

1:00 p.m. - 5:00 p.m. Arbitrator & Umpire Seminar

Murray Hill West

### **TUESDAY, NOVEMBER 2, 2021**

7:30 a.m. - 9:00 a.m. Registration

East Corridor - 2nd Floor

7:30 a.m. - 8:30 a.m. Breakfast

Rhinelander South Room

8:30 a.m. - 8:40 a.m. General Session: Welcome from the Conference Co-chairs

Sutton North, Center, and South

Speakers: Harry Cohen, Crowell & Moring LLP

Sylvia Kaminsky, ARIAS•U.S. Joshua Schwartz, Chubb

Teresa Snider, Porter Wright Morris & Arthur LLP

9:00 a.m. - 10:00 a.m. General Session 1 | Long-Term Effects of the Pandemic on

**Trial Advocacy** 

Sutton North, Center, and South

Speaker: Jed S. Rakoff, U.S. District Court Judge,

Southern District of New York

10:00 a.m. – 10:20 a.m. Morning Refreshment Break

10:20 a.m. - 11:10 a.m. General Session 2 | Gaining Deliberation Insight:

**Understanding What Really Goes On Behind the** 

**Curtain, and Why It Matters (Part I)** 

Sutton North, Center, and South

In the room where it happens: A behind-the-scenes look

at deliberations.

Moderators: Mike Robles, Crowell & Moring LLP

Kelly Tsai, Crowell & Moring LLP

Panel: Paul Dassenko, AzuRe Advisors, Inc.

Jonathan Rosen, Arbitration, Mediation and Expert

Witness Services

David Thirkill, The Thirkill Group

11:10 a.m. - 12:00 p.m

#### **General Session 3 | Visual Argument**

Sutton North, Center, and South

During this session we will hear from Jack Baughman on how to use persuasive graphics and demonstrative exhibits to win a trial.

Panel: Jack Baughman, Founder and Partner, JFB Legal, PLLC Jesse Stevenson, Impact Trial

12:00 p.m. - 12:10 p.m

#### **Announcements from the Executive Director**

Speaker: Jonathan Gilad, ARIAS. U.S.

12:10 p.m. - 2:00 p.m.

**Luncheon**Rhinelander South

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1:30 p.m. - 2:00 p.m.

#### **Networking Lounge - Open networking**

Rhinelander South

2:00 p.m. - 2:50 p.m.

#### **Breakout Session Options Round 1**

## Breakout 1 | Bermuda Form Arbitrations: Fertile or Barren Ground for ARIASU.S. Arbitrators?

A panel discussion on the perceived pool of arbitrators for Bermuda Form arbitrations, the expertise that insurance companies are looking for when appointing arbitrators, the differences between the manner in which UK Queen's Counsel and ARIAS·U.S. Arbitrators conduct arbitrations, the strategic advantages / disadvantages of appointing ARIASU.S. arbitrators, as well as arbitrators' duties of disclosure. The panelists will also touch upon the types of emerging claims which are currently being dealt with in Bermuda Form arbitrations.

Panel: Gavin Kealey QC, 7KBW

Mina Matin, Norton Rose Fulbright US LLP

David M. Raim, Raim RE, LLC Robin Saul, Arch Insurance

## Breakout 2 | Have the Time of Your Life! Hot Topics from the Life and Health Reinsurance Industry

What's accelerating the number and amounts in controversy of current life reinsurance arbitrations? This break-out session will focus on these life industry changes, as well as the substance and deliberative process of a life reinsurance arbitration hearing.

Panel: James Jorden, Faegre Drinker Biddle & Reath
Susan E. Mack, Law Offices of Susan E. Mack, P.A.
Andrew Maneval, Chesham Consulting

#### 3:00 p.m. - 3:50 p.m.

#### **Breakout Session Options Round 2**

#### Breakout 1 | A Look Behind the Curtain: Stage Directors for Newer Arbitrators

This panel and group discussion will focus on issues confronting a new Arbitrator, and suggestions on how to get selected for a panel as well as clearing conflicts and managing the assignment. What are the requirements for making disclosures of potential conflicts? What are the obligations around accepting an arbitrator vs. umpire assignment? Please join for an interactive discussion on what to expect when you are a newly appointed Arbitrator or Umpire.

Panel: Suzanne Fetter, AIG

Ann Field, Aon

Peter Gentile ARIAS•U.S.

Catherine Isely, Porter Wright Morris & Arthur LLP

Mark Megaw, ARIAS•U.S.

#### Breakout 2 | A Direct Discussion with Direct Insurance Arbitrators

Five arbitrators who serve on policyholder versus insurer direct insurance arbitrations lead a frank discussion about arbitrator neutrality, role of summary judgment, hearing participation by arbitrators and managing arbitrator deliberations.

Panel: Elaine Caprio, Caprio Consulting, LLC

Steve Gilford, JAMS

Peter A. Halprin, Pasich LLP

David Ichel, X-Dispute, LLC

Larry Pollack, JAMS

#### 3:50 p.m. - 4:15 p.m.

#### **Afternoon Refreshment Break**

2nd Floor East Corridor

#### 4:30 p.m. - 5:00 p.m.

## ARI Talk | The Explosion in Ransomware Cyber Attacks and Its Impact on the Industry

Sutton North, Center, and South

This discussion will include a history of cyber insurance, recent sensational ransom attacks, cyber coverage issues and the current state of the cyber insurance market. We will also outline potential cyber coverage conflicts and the role of reinsurance in the cyber insurance market.

Panel: Jane Marie Downey, Clarity Concepts, Inc

Mary O'Leary Dronson, March USA Inc.

5:00 p.m. - 5:30 p.m.

#### **Annual Meeting & Elections**

Sutton North, Center, and South

#### 5:30 p.m. - 7:30 p.m

#### **Networking Reception**

Mercury Suite, 3rd Floor

## **WEDNESDAY, NOVEMBER 3, 2021**

7:30 a.m. - 8:30 a.m. Breakfast

Rhinelander South

7:30 a.m. - 8:30 a.m. Committee Meetings

8:30 a.m. - 9:20 a.m General Session 4 | May It Please the Panel: Best Practices and Considerations for Counsel Submissions in Arbitration

Sutton North, Central, and South

Our panel of highly experienced arbitrators and counsel will discuss best practices and considerations for counsel submissions in arbitration. We will review potential changes to the ordinary structure for submissions in arbitration, consider practices that counsel should follow or avoid in their panel presentations, and discuss how arbitrator actions may enhance or detract from the process.

Moderator: Jack R. Vales, Dentons US

Panel: Lloyd Gura, Mound Cotton Wollan & Greengrass LLP

Robert M. Hall, Hall Arbitrations Diane Nergaard, Eriksen LLC Cia Moss, Chaffetz Lindsey LLP

9:20 a.m. - 10:10 a.m. General Session 5 | Gaining Deliberation Insight:

**Understanding What Really Goes On Behind the** 

**Curtain, and Why It Matters (Part II)** 

Sutton North, Center, and South

In the room where it happens: A behind-the-scenes look at deliberations.

Moderators: Mike Robles, Crowell & Moring LLP

Kelly Tsai, Crowell & Moring LLP

Panel: John Cole, Wiley Rein LLP Chuck Ehrlich, ARIAS•U.S.

Mark Gurevitz, MG Re Arbitrator & Mediator Services LLC

10:10 a.m. – 10:35 a.m. Morning Refreshment Break

2nd Floor - East Corridor

10:35 a.m. - 11:25 a.m

## General Session 6 | To Ask or Not to Ask, to Exclude or Admit, Expert or no Expert: Actions that Bolster (or Hinder) the Deliberative Process

Sutton North, Central, and South

A panel discussion exploring the issues involving active participation by arbitrators during the hearing. What is appropriate, and are there limits to how much an arbitrator should participate?

Panel: Susan Claflin, Claflin Consulting Services LLC

John Dore, Sheridan Ridge Advisers LLC

Charles Leasure, Stevens & Lee

Daryn Rush, O'Melveny & Myers LLP

Christine Russell, Brandywine Group

Eileen Sorabella, Arch Capital

10:35 a.m. - 11:25 a.m

## **Ethics Session | Don't Go Breaking the Rules: But What About the Principles?**

Sutton North, Center, and South

This ethics session will examine the frameworks that ARIAS·U.S. arbitrators are expected to use in examining their fitness to sit or stay on a panel. We will begin with a presentation on the distinction and import of the rules-based and principle-based elements of the ARIAS·U.S. Code of Conduct. Your ethics committee members will then use hypotheticals to explore how arbitrators should conduct a self-analysis of their conflicts, and conscious and subconscious biases as they determine whether they should sit on a panel. This session will also explore the role of parties and counsel in fostering compliance with the Code.

Panel: Mark Gurevitz, MG Re Arbitrator & Mediator Services LLC

Andrew Maneval, Chesham Consulting, LLC

Mark Megaw, ARIAS-U.S.

Stacey Schwartz,

Swiss Re Management Corp.

Teresa Snider, Porter Wright Morris & Arthur LLP

Larry Schiffer, Schiffer Law & Consulting PLLC

Alysa Wakin, Odyssey Group

12:15 p.m. - 12:20 p.m.

**Closing Remarks** 

## THANK YOU TO OUR SPONSORS



#### **BIOGRAPHIES**



**JACK BAUGHMAN** 

JFB Legal, PLLC

John F. ("Jack") Baughman is the Founder and Partner in Charge at JFB Legal. Jack brings more than 25 years of courtroom experience and is one of the leading trial lawyers of his generation. Jack has repeatedly won "bet the company" and benchmark trials for significant clients, including several worth upwards of \$1 billion. Jack prepares every case on the assumption that it will go to trial, and he is known for his willingness to do so. His rigorous attention to detail and tenacity for learning the facts to develop a robust trial strategy set him apart. His preparation and creativity provide a tremendous advantage in court and significant leverage in settlement discussions. Due to his experience and reputation, Jack is frequently retained as trial counsel, or for a significant oral argument, and he is accustomed to working with other attorneys and law firms to prepare a case.



#### SUSAN CLAFLIN

Claflin Consulting Services LLC

Susan Claflin is an experienced insurance executive, former General Counsel and attorney. She has held various legal and executive positions within the (re)insurance industry. Susan has extensive experience with asbestos, environmental, cumulative injury and major claims mediations, arbitrations and litigation. She has been involved in primary, excess, facultative and treaty insurance and reinsurance issues. Her expertise provides an excellent background for her work with Claflin Consulting Services LLC as an arbitrator, umpire, and consultant.

Susan's past executive positions include: General Counsel of the Alea, Danielson, PXRE and SPARTA companies, members of the Catalina group of insurance and reinsurance companies, Senior Vice President, General Counsel and Corporate Secretary of Direct Response Corporation and its direct to consumer insurance subsidiaries, and various executive and legal positions at Travelers Property Casualty, including General Counsel, Group General Counsel – Claims, and Executive Vice President and the head of the Special Liability Group, responsible for all of the Company's asbestos, environmental and cumulative injury claims, and the coverage litigation and reinsurance arbitrations arising out of such claims.

She was a key player in the 2002 asbestos reserve study in which the Company added significantly to its asbestos reserve in response to

the changing claim and legal environment. At the same time, she was also responsible for the Company's Liability, Property and Workers Compensation Major Case Units located throughout the country. Prior to joining Travelers, Susan was an attorney in private practice.



#### **ELAINE A. CAPRIO**

Caprio Consulting and Coaching LLC

Elaine Caprio is an ARIASU.S. certified arbitrator and qualified mediator. She is also a panelist with the American Arbitration Association National Roster of Arbitrators and Mediators. Having participated or served in approximately 20 arbitrations to date, Elaine has the distinctive background of initially handling and resolving insurance and reinsurance disputes as counsel, and then purchasing reinsurance protection, managing credit risk, and optimizing global reinsurer and broker relationships. She is a former Board Director of ARIAS·U.S.



**JOHN D. COLE** 

Wiley Rein LLP

John Cole is an attorney, insurance professional, and active ARIASU.S. Certified Arbitrator and Umpire, whose 30 years of property-casualty experience, the majority as a senior Claim and Legal executive, has concentrated in management of complex litigation and reinsurance issues. Prior to entering private practice in 2002, Mr. Cole served as Executive Vice President and Chief Claims Officer for Zurich Group, responsible for all North American claim operations for the U.S.'s third largest commercial insurer. These responsibilities included management of the group's largest claim exposures for all lines of commercial business through a dedicated Claim Division staff of approximately 3,500. During this period, Mr. Cole co-created Zurich's first Reinsurance Claim Department and jointly managed executive responsibility for Zurich's reinsurance recovery, arbitration, and dispute resolution policy.

Previously, Mr. Cole served as Senior V.P. and General Counsel of Maryland Casualty Company, including the period when Maryland was an active assuming reinsurer. This position included contract, reinsurance counseling, and regulatory duties. Subsequently, Mr. Cole was appointed Senior V.P. and Chief Claims Officer for Maryland Casualty following its acquisition by Zurich.



**PAUL DASSENKO** 

AzuRe Advisors, Inc.

Paul Dassenko is an internationally recognized leader in the field of insurance runoff, restructuring and reorganization. He began his career as a Property-Casualty Commercial Lines Underwriter. He has also been responsible for two start-ups in the insurance space, most recently Risk Transfer Underwriting, Inc. ("RTU") in 2011. RTU is a Managing General Agent serving the self-insured and captive market. During the past 24 years of his insurance career, Paul has maintained an active calendar of arbitration appointments, having been appointed in over 250 arbitrations. He is an ARIAS•U.S. Certified Arbitrator and Umpire, and is listed on the panel of ARIAS (UK) arbitrators. Paul's arbitration experience in the "center chair" includes writing decisions in the UK, Bermuda, South America (in Spanish), and the US. He has been appointed as an arbitrator in AAA, ICDR, JAMS, ICC International Court of Arbitration, LCIA, and DIPC-LCIA (Dubai) arbitrations. He's been an active member of the State Bar of California since 1979.



#### JOHN DORE

Sheridan Ridge Advisers LLC

John A. Dore has over forty-five years of experience in the property and casualty insurance and reinsurance industry. Fifteen of those years have been as president of several mid-sized insurance/reinsurance companies. In two of those assignments, he was president and CEO of two NASDAQ listed insurance holding companies, where he was involved in purchasing companies, selling companies, negotiating debt instruments and working with private equity firms. Throughout his company career, he was involved in underwriting, reinsurance placement, producer and business development and claims management.

For the last 16 years, John has been involved in arbitrations, mediations and expert witness work within the industry.

John has a BA from Yale University (1973), an MBA from the Kellogg School of Management at Northwestern University (1978) and a Certificate in Mediation from the DePaul University College of Law (2007). John is an officer and director of a property and casualty insurance company as well as a director of two life insurers.





Clarity Concepts, Inc.

Jane Downey is an internationally known Risk Management consultant and Insurance industry expert. Jane founded Clarity Concepts 25 years ago and has provided a variety of diverse, multinational organizations, with her independent Insurance and Risk Management expertise. Jane has a background in both Insurance brokerage and Risk Management. Her specialty industries include manufacturing, financial institutions, and technology risks. She has made many Risk Management reports to the C-Suite.

Clarity Concepts, also maintains a significant practice in enterprise risk consulting and expert witness engagements. Her expert witness work focuses on broker liability, claims management, risk management and risk control standards, and insurance premium and coverage disputes.



#### MARY O'LEARY DRONSON

Marsh

Mary Dronson is an accomplished leader and serves as a Senior Account Executive in Marsh Corporate group. Her responsibilities include the deployment of Marsh resources to address clients' risk management needs with tailored solutions. With her background in finance and international business, Mary understands the unique drivers and takes a holistic approach to identify and analyze exposures to various risks. This deep understanding and access to Marsh's capabilities allows her to provide the best options to protect client's balance sheet, including transferring and retention of risk in a fiscally responsible manner. Mary specializes in both domestic and global risk program design and placement for all lines of insurance.

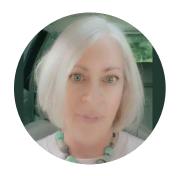
Mary joined Marsh in January of 2016. Prior to joining Marsh, Mary spent 17 years at another major broker in various roles including Global Account Executive and Director of Surety. Her career began in Finance, building the foundation as a client service partner to diverse and complex corporations.



CHUCK EHRLICH

Independent Arbitrator

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.



**SUZANNE R. FETTER** 

Leckerling, Ladwig & Leamon LLC

Suzanne R. Fetter, Owner, The Fetter Company, is a former Director and (Re)Insurance Executive responsible for creating solutions to complex insurance and reinsurance initiatives for notable companies. Suzanne has extensive experience in claim resolution and coordinating successful build-up and run-off of insurance operations. Her 20+years in the insurance industry focused on managing data from third party administrators, settling complex legal disputes and coverage matters; and creating new processes and procedures to create value for Claims operations.



**ANN FIELD** 

Aon

Ann Field is the North America Head of Client Services Operations. In her role, Field oversees over 80 Claim and Accounting Advocates, managing all premiums, claims and accounting for Aon's diverse segments and clients. Field has a diverse and extensive background in all lines of property and casualty business involving treaty and facultative reinsurance contracts dating from 1945 through 2021. Field is an ARIAS•US certified arbitrator and a licensed attorney with over twenty-five years of significant experience in reinsurance and insurance coverage issues, arbitration and litigation.

ARIASU.S. certified since 2007, Field has served as an arbitrator or umpire on more than thirty-five insurance and reinsurance arbitrations. She is also a Northwestern University trained and certified mediator.

Field served on the ARIASU.S. Board of Directors from 2011 through 2017 and is currently the Chair of the ARIAS•U.S. Women's Resource Committee. Field is a frequent speaker at various industry conferences. In 2015, 2016, and 2019 Intelligent Insurer honored Field as one of the "Top 100 Women In Reinsurance."



#### PETER GENTILE

ARIASU.S.

Peter Gentile has served the insurance and re-insurance industries for over forty years; during the last fifteen years as an ARIASU.S. Certified Umpire and Arbitrator. He has served on several arbitration panels both as an Umpire and Party Appointed Arbitrator. Mr. Gentile has also served as a litigation consultant and expert witness in a number of complex disputes involving insurers and re-insurers.

Previously, Mr. Gentile was CEO. President and CFO. of major reinsurers where his responsibilities included all aspects of underwriting, claims, contracts and financial matters. Among his areas of expertise are alternative approaches to transferring both long tail casualty and property risk, mergers and acquisitions, captives and run-off.

Mr. Gentile is a Certified Public Accountant and began his career at the accounting firm of KPMG where he was a Partner and leader of the Insurance Practice in New York. He is both Treasurer and a Member of the Board of Directors of ARIASU.S.



#### STEVEN R. GILFORD

JAMS

Steven R. Gilford, Esq.is a mediator and arbitrator in commercial, insurance and a variety of other types of disputes. He joined JAMS following 40 years of experience in litigation, insurance and negotiation of complex settlements. Chambers has described Mr. Gilford as having "a remarkable ability to focus on the points that really matter" and "[the] ability to talk to both sides in a clear and down-to-earth manner."

Mr. Gilford has handled trial and appellate litigation, domestic and international arbitrations, mediations and other forms of alternative

dispute resolution. His work has encompassed a wide range of industries and subject areas, including major contract, private equity and commercial disputes, consumer and other class actions, securities cases, technology outsourcing, defamation, trademarks, trade secrets and restrictive covenants. Mr. Gilford has also served as national and regional counsel for defense and coordination of major product liability matters.

In addition to his extensive litigation experience, Mr. Gilford is nationally recognized in the areas of insurance and reinsurance. Since joining JAMS, he has acted as an arbitrator and mediator in a broad variety of insurance and reinsurance disputes. In private practice, he represented clients in all segments of the insurance industry, including policyholders, insurers, reinsurers, captives and brokers. His experience includes virtually every area of insurance coverage, including CGL, D&O, cyber, E&O, product recall, employment practices, political risk/transactional and first-party property and business interruption. He is also experienced with litigation and proceedings relating to insurance insolvencies and in matters involving the U.S., London and Bermuda markets.



#### **LLOYD GURA**

Mound Cotton Wollan & Greengrass LLP

Lloyd A. Gura is a partner and member of the firm's Executive Committee. He has more than thirty years of experience in reinsurance, insurance, ERISA, environmental, tort, and healthcare litigation and arbitration. His practice includes complex insurance and reinsurance coverage disputes, fronting, captive and program business, subrogation, fraud, life and health claims, bad faith, property and casualty losses, directors and officers, errors and omissions, and all facets of professional liability claims, personal injury claims, premises liability, allocation disputes, insolvency issues, clergy and other forms of molestation, talc, concussion, human trafficking, advertising injury, copyright infringement, and cyber claims, Bermuda Form arbitrations, construction defect coverage, and claims involving asbestos products and non-products.

Mr. Gura has published articles in *Best's Review, Business Insurance,* New York Law Journal, CPCU Claims Quarterly, Journal of Reinsurance, and the Risk Management Newsletter regarding insurance and reinsurance issues. Mr. Gura created and chairs the annual NYC Reinsurance Conference and lectures at seminars sponsored by AIRROC, ARIASU.S., IRUA, Mealey's, American Conference Institute, the Association of the Bar of the City of New York, Reinsurance Association of America, HB Litigation Conferences, Perrin Conferences, AIG, AXA XL, Zurich, Chubb, The Hartford, R&Q, ACE,

Liberty Mutual Insurance Company, Riverstone, Swiss Re, and Gen Re, among others, on insurance and reinsurance law and practice. He has tried numerous cases in state and federal courts throughout the United States and participated in more than two hundred reinsurance/insurance arbitrations in the United States and London, UK.



#### MARK GUREVITZ

MG Re Arbitrator & Mediator Services LLC & Heritage Reinsurance Company Ltd.

Mark has served as an arbitrator and umpire in over 100 insurance and reinsurance arbitrations involving property-casualty and life business. He is also a FINRA approved arbitrator and Chairperson on their roster for securities-related matters and an American Arbitration Association neutral. He is a Director and Vice President of Heritage Reinsurance Company, Ltd. in Bermuda.

Mark was recognized as a worldwide expert in Who's Who Legal: Insurance and Reinsurance for 2019 and 2020. He is described as "an outstanding practitioner' in insurance disputes, where he brings his considerable knowledge in the area to bear on an array of complex matters."

Prior to starting his own arbitration practice, Mark was a senior lawyer and executive officer of The Hartford Financial Services Group, Inc. for over 20 years, where he served as Senior Vice President and Associate General Counsel. As The Hartford's chief reinsurance lawyer for both P&C and Life, his responsibilities included all legal oversight of ceded collections, assumed reinsurance claims, ceded contract wordings, run-off management (US and UK), Bermuda operations, reinsurance regulatory compliance and a variety of governance and structural initiatives, for both on-going and run-off operations. During his tenure, he also oversaw the company's property-casualty and employment law functions.

A frequent lecturer on reinsurance and arbitration topics, Mark is a Director Emeritus, former President and Chairman of ARIAS•U.S., was chair of the Long Range Planning Committee and co-chair of the Forms and Procedures Committee and is on the Editorial Board of the ARIAS *Quarterly* and the Ethics Committee. He was a member of the industry-wide task force which promulgated and updated the Procedures for the Resolution of U.S. Insurance and Reinsurance Disputes and a lecturer in law at the University of Connecticut Law School Masters in Insurance Law Program.



ROBERT M. HALL, ESQ.

ARIAS • U.S. Certified Arbitrator & Umpire, Hall Arbitrations

Mr. Hall spent 20 years as in-house counsel for a surplus lines insurer, a large primary insurer and lastly as senior vice president and general counsel of Munich Reinsurance America. Thereafter he became a partner at the law firm DLA Piper before opening a solo practice as an arbitrator and expert witness. He has served on nearly 200 arbitration panels and as an expert witness in state and federal courts. Mr. Hall has published over 100 articles on insurance, reinsurance, receivership and ADR issues and they can be found on his website: robertmhalladr.com. He lives in a former church on the coast of Maine with his wife Debra Hall (also an arbitrator and expert witness) and two Labradors.



**PETER A. HALPRIN** 

Pasich LLP

Peter A. Halprin is a partner in Pasich LLP's New York office. Peter represents commercial policyholders in complex insurance coverage matters with a focus on recovery strategies in relation to captive insurance, cyber crime, natural disasters, professional services, regulatory investigations, and technology disputes. Over the course of his career, Peter has arbitrated, litigated, and mediated claims involving a broad range of insurance policies and recovered hundreds of millions of dollars in insurance proceeds for policyholders.

Peter has advised clients regarding insurance coverage under an array of forms and policies including Boiler & Machinery, Builder's Risk, Commercial Crime, Cyber, Directors & Officers (D&O), Employment Practices Liability (EPL), Errors & Omissions (E&O), Fidelity, General Liability (GL), Kidnap & Ransom (KKR), Media Liability, Pollution Legal Liability (PLL/EIL), Products Liability, Property, Technology E&O, Trade Credit, and Workers' Compensation.

Peter acts as counsel for U.S. and foreign companies in domestic and international arbitrations, including both ad hoc (ARIAS, Bermuda Form, London) as well as institutional (AAA, ICC, ICDR, JAMS, LCIA) arbitration forums. He has served as both party-appointed and sole arbitrator, and is a Member of the AAA National Roster of Arbitrators.

Peter has been recognized annually by Super Lawyers as a New York Metro Rising Star for Insurance Coverage since 2013.



**DAVID W. ICHEL** 

X-Dispute LLC

David W. Ichel is an Arbitrator, Mediator and Special Master certified by ARIASU.S., CPR (International Center for Conflict Prevention and Resolution) and FedArb (Federal Arbitration, Inc.) as well as an Adjunct Professor of Law at Duke and University of Miami Law Schools, where he teaches Complex Civil Litigation. He retired as a long-time partner at Simpson Thacher & Bartlett LLP at the end of 2015 after 37 years at that firm, where he was one of the founding partners of its insurance practice and was a broad gauged litigator of large scale insurance, insurance insolvency, financial services, securities, product liability and commercial disputes of nearly every variety. He was elected to the American Law Institute in 1993, serves on the Board of Visitors of Duke Law School, which he Chaired in 2009-2015, and served as an emeritus member of the Board of Mobilization for Justice (1996-February 2018; Chair 2000-02; emeritus 2019-present). He currently serves as Chair of the Editorial Board of Judicature, the more-than-century-old publication devoted to the field of judging and an independent judiciary.



#### **CATHERINE ISLEY**

Porter Wright Morris & Arthur LLP

Catherine Isely represents parties in sophisticated commercial contracts and relationships, where high-stakes disputes regularly require a multifaceted legal strategy across court and arbitral forums. Catherine partners with local, national and global clients to develop strategies for disputes ranging from interpretation of contract wording with organization-wide impact to business torts with industry-wide implications.

Catherine received her J.D. from Northwestern Pritzker School of Law and her undergraduate degree from Duke University. She is a member of the Illinois Bar and the Trial Bar of the U.S. District Court for the Northern District of Illinois, and is admitted to practice before the U.S. Court of Appeals for the Second, Fourth and Seventh Circuits. Her legal work has been recognized by Chambers USA, Insurance: Dispute Resolution: Reinsurance, Illinois; The Legal 500 United States, Insurance (Recommended Attorney); Illinois Super Lawyers®; Leading Lawyers, Insurance, Insurance Coverage & Reinsurance Law; and Intelligent Insurer, Influential Women in Re/Insurance.

Catherine is a founding member and co-chair of Porter Wright's annual Women in Reinsurance program.



**JAMES JORDEN** 

Faegre Drinker Biddle & Reath

Jim Jorden is the Co-Chair of the Faegre Drinker Insurance Industry Group. For more than 30 years, he has represented many of the country's largest insurance companies in complex litigation and general corporate and reinsurance counseling and disputes. He previously served as the general counsel and on the Board of Directors of a multi-national insurance industry group and its life and P&C subsidiaries.

Described in the National Law Journal as a "lawyers lawyer" by one of his insurance company clients, he has been named a Client Service All-Star and one of the top "Go-To" lawyers in a BTI Survey of Fortune 1000 companies. Over the past 25 years, Jim has argued as lead counsel in class actions and related litigation in eight of the federal circuits, the United States Supreme Court, and numerous state trial and appellate courts. During that period, he has been lead trial counsel for insurance companies in more than 50 individual cases in federal and state trial courts throughout the United States.

Jim is an ARIAS qualified party-appointed arbitrator, and has served as a reinsurance arbitration umpire as well. His experience also includes providing risk counseling and regulatory advice on complex reinsurance matters. Prior to serving as an arbitrator, Jim has had substantial experience representing insurers and reinsurers as lead counsel in reinsurance disputes, including representation in contested arbitrations on behalf of both cedents and reinsurers.



#### **GAVIN KEALEY QC**

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Gavin Kealey is one of England & Wales's leading Commercial Queen's Counsel. Gavin is a Deputy High Court Judge, an Arbitrator with vast international law experience, and Head of Chambers at 7 King's Bench Walk, the UK's premier set of insurance barristers' chambers. According to Chambers & Partners, "Gavin is intellectually powerful, rigorous and fearless". He is particularly known for his court work at all levels up to the Supreme Court and his international arbitration practice.

His insurance practice extends beyond England to the US, UAE, New Zealand, Bahamas, Cayman Islands, Bermuda, France, Holland, Singapore, Italy, Norway, and Spain. He is a Fellow of the CIArb, the AIAC, a member of the LCIA and JAMS International and an ICC Arbitrator. He is particularly familiar with New York, French, Colombian and Mexican laws of contract and insurance, as well as specialist arbitrations such as Bermuda Form.





Stevens & Lee

Charles has more than 25 years of experience assisting clients with a range of complex commercial insurance and reinsurance issues, and provides strategic counsel for litigation, arbitration and regulatory challenges. His representations span various domestic and international industry players, including insurers, reinsurers, reinsurance intermediaries, insurance brokers, captive managers and reinsurance pool managers.

Charles also advises non-insurer corporate clients on risk management issues, including insurance placement, claims issues and self-insurance. Currently, he serves on the board of directors of CM Regent Insurance Company. He earned his J.D. from the University of North Carolina School of Law and a B.A. from the University of Pennsylvania.



#### **SUSAN MACK**

Law Offices of Susan E. Mack, P.A.

A co-founder of ARIASU.S. and the organization's first female director, Susan E. Mack operates her own boutique law firm in Northeast Florida. The Law Offices of Susan E. Mack, P.A. encompasses services regarding insurance and reinsurance transactions, insurance regulatory law and cybersecurity and data privacy issues. Currently, however, the bulk of Susan's time is devoted to her frequent appointments as arbitrator and umpire with respect to life, health, annuity and property/casualty insurance and reinsurance arbitration proceedings. Active as an arbitrator and umpire since 2001, Susan has been appointed as either the sole neutral arbitrator or a member of arbitration panels in over 120 proceedings to date.

Susan has been named to the Best Lawyers in America list for 2022. Since 2015, she has been accorded the AV attorney ranking from Martindale Hubbell. Immediately before opening her own firm, Susan served as a partner for Adams and Reese LLP, an AmJur 200 law firm

Prior to entering private practice, Susan enjoyed leadership roles as General Counsel, Head of Claims and Head of Contracts for property/casualty and life/health insurers and reinsurers. Additionally, she served as Senior Vice President and business leader in charge of health reinsurance for a major life reinsurer. Other significant accountabilities include acting as Chief Compliance Officer, Government Relations head, head of life insurance agency operations and head of state rate, rule and form filings. Her employment as Head Reinsurance Counsel for Aetna Life and Casualty involved being the company's principal

claims negotiator with Lloyd's of London and all U.S. reinsurers. Accordingly, she is a former executive officer of both life/health and property/casualty insurance companies and reinsurers.

Susan is best known for her career focus on reinsurance, about which she has served as an expert witness in reinsurance cases in both federal and state courts. Susan's legal and executive career spans 39 years. She is an active member of the Florida, California, Connecticut, North Carolina, and South Carolina bars. She is also admitted to practice before the federal district courts for the Northern, Middle and Southern Districts of Florida, the Northern District of California and Connecticut.

As to the life insurance industry, Susan is the former Chair of the Reinsurance Committee of the ACLI. She was the founding chair of the Life Committee of the Reinsurance Association of America. She is a current member of the Association of Life Insurance Counsel and a former Board member.

Susan now serves as chair of the Life Subcommittee of the ARIAS-US Member Services Committee. An ethics partner with her former firm of Adams and Reese LLP, she has participated as an active member of the ARIASU.S. Ethics Group for several years.



#### ANDREW MANEVAL

Chesham Consulting, LLC

Andrew Maneval is the President of Chesham Consulting, LLC, providing services as an Umpire, Arbitrator, and Mediator in the insurance/reinsurance and financial services industries; he also provides consulting and expert witness services in these fields. Andrew is accredited as an Umpire and Arbitrator by ARIASU.S., the Financial Industry Regulatory Authority (FINRA), and the Association of Insurance and Reinsurance Run-Off Companies (AIRROC). He serves as an arbitrator/umpire for the American Arbitration Association and ICDR, and is an authorized Mediator in New Hampshire state courts. He has trained various industry groups on Arbitration, Reinsurance, and Negotiations, and has frequently lectured on these topics. As an Umpire, Arbitrator, attorney, expert witness, and company manager, Andrew has been involved in hundreds of arbitrations.

Andrew worked as an attorney for thirteen years before becoming an executive with various insurance and reinsurance companies in The Hartford Financial Services Group, Inc.

He was the President, COO, and Board Chairman of First State

Insurance Company, New England Reinsurance Corp., ITT New England Management Co., Inc., and Horizon Management Group, LLC. He was responsible for winding up various run-off insurance and reinsurance businesses in the US and UK. He was a Director and Manager of the Excess Insurance Co., Ltd. and Downlands Liability Management, Ltd. Andrew was with The Hartford for sixteen years; prior to that, he had been a partner in the New York law firm of Mound, Cotton, Wollan & Greengrass, specializing in insurance and reinsurance matters. He was a co-founder of the trade association, AIRROC, and served as its first Board Chairman. Andrew also served as a charter member of the Insurance/Reinsurance Industry Dispute Resolution Task Force, and helped draft AIRROC's

**MINA MATIN** 

Norton Rose Fulbright US LLP

Ms Matin has extensive experience representing international insurers, reinsurers and captive insurance companies in litigation and arbitrations, particularly, in the US, Bermuda and UK. In light of her unique knowledge and practice of US, English and Bermuda law, Mina has particular expertise in Bermuda Form arbitrations. She has handled numerous Bermuda Form arbitrations in London and Bermuda as lead insurance coverage partner and barrister. Mina is dually qualified in the UK - she is a barrister and solicitor of England & Wales, a barrister and attorney in Bermuda and is admitted to practice in New York and California. She has been ranked in Chambers & Partners from 2017 to 2020 where a source has lauded "nothing short of amazing" "she produces astonishing work" and she has been recognized as a "real specialist on Bermuda Form work", Legal 500 US, International Arbitration, 2021 where she has also been recognized for her expertise in Bermuda Form arbitrations, Lawdragon's Global Litigation and Arbitration 500, 2021 and as a leading insurance and reinsurance practitioner in the Insurance & Reinsurance Expert Guides, 2020 to 2021.



**MARK MEGAW** 

#### Umpire

Mark is a former ARIAS Board member, an original co-chair of the ARIAS Arbitrator's Committee and member of the ARIAS Long Range Planning Committee. He currently serves on the ARIAS Ethics Committee. Mark was previously the head of assumed and ceded reinsurance disputes for the ACE Group of Companies, later known as Chubb. Prior to that role, he served as General Counsel to ACE Tempest Re Group, including ACE Tempest Life. During the 1990's, he was based in London in a business role for CIGNA Re. From 2002-2006 he was based out of Bermuda.

These days, though retired from the practice of law, Mark serves in umpire and other neutral roles in reinsurance arbitration disputes. Beyond reinsurance, Mark is an enthusiastic tennis player and runner, with the latter being his primary method of keeping pace with his three granddaughters. During the pandemic, Mark and his wife have been home-schooling two of the girls... who now know more about retrocessions than many in their pre-K peer group.



CIA MOSS
Chaffetz Lindsey LLP

A founding partner of Chaffetz Lindsey LLP, Cia Moss has litigated and arbitrated complex commercial and financial disputes, primarily in the insurance and reinsurance field, for the past 20 years. She has handled disputes arising out of property/casualty, life/health, workers' compensation carve out, finite risk, and aviation reinsurance, and her cases have covered the major areas of controversy in insurance and reinsurance, including issues of contract interpretation, number of occurrences, allocation and late notice, and claims for rescission based on fraud or fraudulent inducement. She also has substantial experience with issues arising out of the Federal Arbitration Act, including questions about the enforceability of arbitration agreements, the propriety of consolidation of arbitrations, and issues relating to enforcement of arbitral awards. Cia is an active member of the ARIAS-U.S. Law Committee and is admitted to practice in state and federal courts in New York and in the Second Circuit.



#### **DIANE NERGAARD**

#### Eriksen LLC

Diane Nergaard is a seasoned executive with extensive and diverse experience at major insurers. Having worked in all aspects of the global insurance and reinsurance industry, Diane has held a wide range of positions over the course of her career including founder, Deputy General Counsel, and at various times has overseen everything from insurance producers to bond analytics to the real estate department. She has been involved in the entire insurance company life-cycle. Within the early-stage segment, she has formed a number of de novo insurers, as well as acquired companies. In regard to the latter, Diane has also been involved in preparing insurers for IPO.

Diane's multifaceted experience includes work at both insurance and reinsurance companies, encompassing both traditional and non-traditional insurance products in both the property/casualty and life/health lines (including COLI-BOLI). She has worked with local and national counsel on asbestos, environmental, product liability and toxic tort litigation and related business strategies, played a central role in client relations management, worked with and audited producers and MGAs. She has also provided oversight for underwriting and claims (including the drafting of corporate manuals and conducted audits), set up broker-dealers and has overseen the development of business systems (both new builds and interfaces with legacy systems). Diane continues to consult to the industry and advises with regard to start-up issues, ongoing operations and regulatory matters.

Diane is a requested speaker at industry conventions and was recently appointed to the American Bar Association's Cannabis Task Force as a Vice Chair. She is a graduate with high honors of the University of Virginia, and of the Tulane University Law School. She is a member of the NY Bar and is admitted to the Second Circuit Court of Appeals.



#### **LAWRENCE W. POLLACK**

JAMS

Lawrence W. Pollack, Esq. serves as a neutral arbitrator, mediator, Special Master, and Discovery Master of complex business/commercial and insurance matters. Larry specializes in enabling, through negotiation or arbitral proceedings, the resolution of difficult disputes with significant claims among multiple parties with divergent interests.

Larry has forty years of experience that he employs at JAMS to address commercial disputes, business, partnership and joint venture dissolution actions, legal malpractice matters, product liability cases, aviation controversies, and sophisticated issues in all aspects of domestic and international insurance and reinsurance, including those relative to claims, subrogation, policy language, regulation, and business strategy.

Legal 500 has observed that Larry is described by both policyholders and their insurers as "personable and thoroughly commercial, perfect for insurance litigation." As a result, Larry is often the neutral selected by mboth policyholder and insurance counsel for dispute resolution services.

Larry joined JAMS in 2010 after 28 years in private practice, at Dewey & LeBoeuf LLP and its predecessor firms, LeBoeuf Lamb Greene & MacRae LLP, and LeBoeuf Lamb Leiby & MacRae. Larry's practice often required travel to Europe for work on cases venued in the U.S. involving parties based overseas. By virtue of that experience, Larry is now a member of the JAMS International panel, and serves as a neutral in matters with an international dimension. In 1999, Larry began a 10-year service as Co-Chairman of his firm's Litigation Department. Larry became a member of the firm's Executive Committee in 2003 and served on that committee until his retirement from the firm in 2009.



#### DAVID RAIM

Raim RE, LLC

David Raim has been involved with reinsurance matters for over 40 years. For most of that time, he acted as an outside counsel representing parties in reinsurance arbitrations and litigations. Currently, he serves as general counsel to a long time client, Alabama Life Reinsurance Company. He also is now active serving as an arbitrator and umpire in life/health and property/casualty reinsurance arbitrations

Over the years, he has handled arbitrations in many different areas, including property and casualty, life and health, catastrophe, finite risk, retrocessional issues, rescission, surety, APH, and workers' compensation claims.



#### **JED RAKOFF**

U.S. District Court, Southern District of New York

Jed S. Rakoff has served since March 1996 as a U.S. District Judge for the Southern District of New York. He frequently sits by designation on the 2nd and 9th Circuit Courts of Appeals. His most noteworthy decisions have been in the areas of securities law and criminal law. He is an Adjunct Professor at both Columbia Law School and NYU Law School, and also teaches at Berkeley Law School and the University of Virginia Law School. He has written over 170 published articles, 800 speeches, and 1800 judicial opinions, and has co-authored 5 books. He is a regular contributor to the New York Review of Books, and the author of Why The Innocent Plead Guilty and the Guilty Go Free, and Other Paradoxes of Our Broken Legal System (Farrar Straus & Giroux, 2021).

Judge Rakoff holds a B.A. degree from Swarthmore College (1964), an M.Phil. degree from Oxford University (Balliol, 1966), and a J.D. degree from Harvard Law School (1969). He clerked for Hon. Abraham L. Freedman, US Court of Appeals, 3d Circuit. From 1973-80, he served as an Assistant United States Attorney in the Southern District of New York, the last two years as Chief of Business Fraud Prosecutions. From 1980-95, he was a litigation partner at two large law firms in New York.

Judge Rakoff served on the National Commission on Forensic Science (2013-17) and as co-chair of the National Academy of Science's Committee on Eyewitness Identification. He served on the New York City Bar Association's Executive Committee and was chair of the Association's Nomination, Honors and Criminal Law Committees. He was Chair of the Second Circuit's Bankruptcy Committee, and of the Southern District of New York's Grievance Committee and Criminal Justice Advisory Board. He served on Swarthmore College's Board of Managers, on the Governance Board of the MacArthur Foundation's Project on Law and Neuroscience, and on the Committee on the Development of the 3rd Edition of the Manual on Scientific Evidence. He assisted the U.S. Government in the training of foreign judges in Azerbaijan, Bahrain, Bosnia, Dubai, Egypt, Iraq, Kuwait, Maldives, Morocco, Saudi Arabia, Tunisia, and Turkey. He is a Member of the American Academy of Arts and Sciences and the American Law Institute. He is a Judicial Fellow of the American College of Trial Lawyers and the American Board of Criminal Lawyers. He is a member of the board of the Touro Synagogue Foundation and of the William Nelson Cromwell Foundation. Among other awards, he received in 2018 the Federal Bar Council's Learned Hand Medal for Excellence in Federal Jurisprudence.

Judge Rakoff is married to Dr. Ann Rakoff, a child development specialist. They have three daughters and two grandsons. Judge Rakoff has officiated at over 70 weddings. He is the author of

numerous lyrics and humorous poems, several of which have been published. His and his wife's hobby is ballroom dancing. In 2014, Judge Rakoff was listed by Fortune Magazine as one of the World's 50 Greatest Leaders.



#### MICHAEL ROBLES

Crowell & Moring LLP

Michael K. Robles is partner in Crowell & Moring's New York office, where he concentrates his practice on matters relating to insurance and reinsurance dispute resolution. Mike has been involved in dozens of negotiations, mediations, arbitrations, and litigations involving a litany of substantive and procedural issues. Mike has been at the forefront of some of the highest profile cases involving the insurance and reinsurance industry over the past decade, including disputes relating to sexual molestation and abuse; finite reinsurance (civil and criminal); worker's compensation carve-out reinsurance; bad faith runoff practices under traditional reinsurance contracts and LPTs, stop loss, and 100 percent reinsurance agreements; and life insurance and reinsurance, including reinsurance of variable annuities and viaticals/ life settlements.



#### **JONATHAN ROSEN**

rbitration, Mediation and Expert Witness Services

Jonathan Rosen is an ARIAS certified arbitrator and umpire and is primarily engaged as an arbitrator, mediator and expert witness servicing the insurance and reinsurance industries. He is also listed on the CPR's Panel of Distinguished Neutrals. Jonathan was formerly Chief Operating Officer of The Home Insurance Company in Liquidation. Prior to Home's liquidation, Jonathan was Executive Vice President and Reinsurance Counsel of Home and Risk Enterprise Management Limited, responsible for the reinsurance operations of the Home entities as well as certain reinsurance endeavors of the Zurich group. An attorney by profession, Jonathan is admitted to the bars of New York, Massachusetts, New Hampshire and South Africa and is the holder of Bachelor of Commerce and Bachelor of Laws degrees and a Higher Diploma in Taxlaw from the University of Witwatersrand in Johannesburg, South Africa. He has depth of experience in all aspects of property/casualty insurance and reinsurance arrangements and has served on NAIC advisory committees and working groups involved in the preparation of model legislation and regulation. He has also written and spoken extensively on insurance and reinsurance related subjects. Jonathan is currently President of Cityvest Reinsurance Limited, a Bermuda licensed subsidiary of Home and an officer of

SOBC Insurance Company Limited, domiciled in Connecticut. He is a past Director and past Chairman of the Association of Insurance and Reinsurance Run-Off Companies ("AIRROC") and a past Director of the Reinsurance Mediation Institute ("REMEDI").



#### **DARYN RUSH**

O'Melveny & Myers

Daryn Rush is Senior Counsel at O'Melveny & Myers. Daryn has been counseling the insurance industry for more than twenty-five years. He represents domestic and foreign insurers and reinsurers in arbitration, mediation and litigation and has tried dozens of reinsurance arbitrations and lawsuits to final award or verdict. Daryn also has extensive experience with insurance receiverships and represents insurers, reinsurers, managing general agents, policyholders and other interested parties in domestic and foreign insolvencies and Schemes of Arrangement. He has written numerous articles on insurance and reinsurance-related issues and has spoken at many industry conferences and seminars. He is a graduate of the University of Maryland and the Georgetown University Law Center.



#### **CHRISTINE RUSSELL**

Brandywine Group

Christine Russell is the Senior Vice President of the Brandywine Group of Insurance and Reinsurance Companies' Reinsurance Operations. The Brandywine Group has responsibility for managing most of the Chubb run-off books of business. Christine is responsible for supervising and managing all aspects of the Brandywine Group's ceded and assumed claims-handling operations. This includes supervisory responsibility for all reinsurance dispute resolution, both formal and informal.

Before joining Brandywine in October 2012, Christine was an attorney in private practice for 17 years. Her practice predominantly focused on insurance and reinsurance arbitration and litigation, but she also litigated a broad array of non-insurance commercial disputes. Immediately preceding her transition to Brandywine, Christine was a partner at White and Williams LLP in Philadelphia, where her practice was exclusively focused on reinsurance disputes. Christine arbitrated or litigated, as counsel, in excess of 20 matters through full hearing or trial.

Christine has a J.D. from Widener University School of Law in Wilmington, Delaware and a B.A. from Ursinus College in Collegeville, Pennsylvania. Christine has been a speaker at various industry conferences and events on many different insurance and reinsurance topics.



**ROBIN SAUL** 

Arch Insurance

Robin Saul is the Head of Claims and Legal Counsel at Arch Insurance (Bermuda). Robin's core area of expertise is handling high value international coverage disputes, in a variety of product lines, including: energy; pharmaceutical; life science; and, professional lines. Robin has extensive experience in London arbitrations and US coverage litigation. Before joining Arch, Robin was the Head of Casualty Claims at AXA XL Bermuda. Prior to working in-house Robin was a solicitor with Clyde & Co LLP.

Robin started her insurance career in the 90s working in the excess liability broking team at Johnson & Higgins in Bermuda. Robin has completed an MBA, an LLB (Hons Law) from the London School of Economics. Robin also has both an Associate of Chartered Insurers and an Associate of Risk Management. Robin has been called to the Bar in Bermuda and has been admitted as a Solicitor in England and Wales



LARRY SCHIFFER

Schiffer Law & Consulting PLLC

Larry Schiffer recently launched Schiffer Law & Consulting PLLC, after 38 years with boutique and global law firms in NYC. He continues to practice commercial, insurance, and reinsurance litigation, arbitration, and mediation, and provides insurance and reinsurance advice and consultation on claims, coverage, contract wording, due diligence, insurance insolvency and other issues. He serves as an expert witness on New York insurance and reinsurance law and as a commercial mediator and arbitrator. He has more than 28 years' experience as a mediator for the United States District Court, Southern District of New York and the New York Supreme Court, New York County, Commercial Division. He also is a neutral hearing officer with National Arbitration and Mediation (NAM). Larry is active in legal and trade associations where he has held various leadership positions, including past chair of the ARIAS Technology Committee, a member of the Ethics Committee, and one of the drafters of the Neutral Rules. He has lectured and has been widely published on reinsurance and other insurance topics. He serves as an Expert Commentator on reinsurance for IRMI.com and co-authored the chapter on reinsurance in the New York State Bar Association's Insurance Law Practice treatise. He is the editor of the ARIAS•U.S. Quarterly, the Schiffer on Re-Insurance blog, and the owner of the Reinsurance Disputes Group on Linkedln. Larry received his J.D. from Albany Law School, where he graduated cum laude, was a member of the Albany Law Review and the Justinian Society, and is a past President of the National Alumni Association,

and received his B.A. magna cum laude from Brooklyn College of the City University of New York. He was admitted to practice in New York in 1980.



#### **STACEY SCHWARTZ**

Swiss Re

Stacey Schwartz is a senior vice president and senior reinsurance counsel with Swiss Re. As a member of Swiss Re's Global Dispute Resolution and Litigation group, Stacey has focused on counseling her clients in various complex, ceded and assumed, matters arising out of the personal accident/workers compensation carve-out, traditional life, and property and casualty markets, including the strategic management of significant reinsurance disputes and arbitrations. Before joining Swiss Re, Stacey was in-house at Kemper where she counseled the Ceded Reinsurance group on all aspects of complex ceded asbestos, environmental, mass tort and clash reinsurance loss presentations, as well as reinsurance arbitration and dispute resolution. Stacey is a member of the ARIAS Women's Resource Group and the ARIAS Ethics Committee.



#### **TERESA SNIDER**

Porter Wright Morris & Arthur LLP

Teresa Snider is a partner at Porter Wright Morris & Arthur LLP. She concentrates her practice in insurance and reinsurance arbitration, litigation, and related insolvency issues and is Co-Chair of the firm's Reinsurance Litigation and Arbitration Practice Group. She joined Butler Rubin in 1994 after a clerkship with Hon. Harry D. Leinenweber, U.S. District Court, Northern District of Illinois. Butler Rubin merged with Porter Wright Morris & Arthur LLP in February 2019. Teresa was recognized by Business Insurance as a 2017 Women to Watch, and named to Intelligent Insurer's list of the Most Influential Women in Re/Insurance 2017. In 2018, Lawdragon named Teresa one of America's Leading 500 Lawyers. Teresa was also selected by Corporate Counsel as a 2018 National Women in Law honoree.

Teresa has written for various reinsurance publications and has spoken on reinsurance issues at ARIAS·U.S., AIRROC, Mealey's/HB Litigation, IAIR, INSOL and ACI's International Forum on Run-Off and Commutations. She co-chairs Porter Wright's annual Women in Reinsurance program and she also co-chairs the Quarterly Editorial Board of ARIAS·U.S.







Impact Trial Consulting LLC

Jesse Stevenson is a Founding Partner of Impact Trial Consulting, LLC and is based in their New York City headquarters.

For nearly two decades, Jesse has been sought after by the country's top trial lawyers, legal corporations, states, and nonprofit legal organizations to assist them in the development of their visual strategy for trial.

Jesse and his team are pioneers in the age of digital trial presentation and are always looking to innovate in the legal industry.



#### **DAVID THIRKILL**

The Thirkill Group

David Thirkill spent over 45 years in the insurance and reinsurance business - concentrating in reinsurance markets underwriting (mainly property & casualty and finite reinsurance) in the London Market, Bermuda and the United States. David began his career in the London Market, firstly on a box at Lloyds and then in a professional reinsurance office based in London and Gibraltar (where he also became an officer and director of a locally based property and life insurer).

In 1979, he moved to Bermuda, where he managed and underwrote for captive organizations, returning to London as a reinsurance underwriter in 1981 before returning to Bermuda in 1985 as President and Chief Underwriter for a finite reinsurer. In 1990, David moved full time to the U.S., and provided various services to various entities, including a Florida based workers comp MGU, and then a team which formed two property insurers effectuating "take-outs" from the FRPCJUA. During 1999, he joined a leading run-off organization where he was mostly involved in significant reinsurance disputes, and was responsible for numerous large commutation transactions.

In 2005, David became a full-time arbitrator, and has been appointed in over 250 matters, as party-appointed or umpire, for insurers, ceding companies and reinsurers. David has acted as an expert witness in disputes over finite contracts and has been a mediator on many matters. His appointments have included matters in the US, UK, Bermuda and have extended beyond reinsurance disputes into insurance and non-insurance subjects.



**KELLY TSAI**Crowell & Moring LLP

Kelly H. Tsai is a senior counsel in the New York office of Crowell & Moring and a member of the firm's Insurance/Reinsurance Group. She concentrates her practice in matters relating to insurance and reinsurance dispute resolution, and has also worked with clients in conducting internal investigations and preparing a comprehensive defense and strategy in response to investigations or proceedings brought by government regulators. Kelly represents insurers and reinsurers in coverage disputes involving general liability, product liability, environmental, property, all risks, and professional liability matters with respect to underlying claims involving a variety of losses, including COVID-19, sexual abuse, loss of revenue/business income, asbestos (products and non-products), environmental damage, and toxic torts. She has handled litigations and arbitrations in both domestic and international proceedings, including before state and federal courts, administrative agencies, and a Bermuda arbitration.

Kelly graduated from the University of North Carolina at Chapel Hill with honors in 1996 (B.A. in economics and political science), where she was a member of Phi Beta Kappa. In 1999, she received her J.D., cum laude, from Cornell Law School, where she was a John M. Olin Foundation Student Scholar in Law and Economics.



JACK VALES
Dentons

Jack Vales is co-leader of Dentons' US Reinsurance practice. He represents insurers and reinsurers in complex proceedings before arbitration panels and courts. Jack also counsels insurers on business and regulatory matters, with the support of Dentons' global insurance team. Jack's capabilities and experience have won him recognition in Chambers USA, Super Lawyers and Best Lawyers in America, with Chambers USA noting that clients describe Jack as "very analytical, organized, detail-oriented and a zealous advocate." Prior to entering private practice, Jack served four years in the US Army JAG Corps, where he successfully tried several cases to verdict as a trial counsel with the Army's 10th Mountain Division.



#### **ALYSA WAKIN**

Odyssey Re

Alysa Wakin is Vice President and Claims Counsel for Odyssey Reinsurance Company where she manages the litigation and arbitration of its disputes. Prior to joining Odyssey Re, Ms. Wakin was a litigator with the firm of Wiley Rein & Fielding where she represented insurers and reinsurers in complex litigation and arbitration matters and provided advice and counsel on a wide range of insurance and reinsurance topics. Ms. Wakin first entered the world of reinsurance arbitrations in 1995 as an associate with the firm of Werner & Kennedy. Ms. Wakin previously served on the ARIAS-U.S. Education Committee and the Strategic Planning Committee and she is currently Chair of the Ethics Committee and a member of the ARIAS Board of Directors.



## THE ARIAS•U.S. 2021 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

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.

### WELCOME NEW ARIAS•U.S. MEMBERS!

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