



New York, NY
November 9-10

Conference Program



**ARIAS·U.S. 2023
FALL CONFERENCE**



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WELCOME FROM THE CO-CHAIRS

Dear Colleagues:

Welcome to the ARIAS-U.S. 2023 Fall Conference!

This year's conference offers a look back on the arbitration process and how it has changed, and a look forward at current and emerging issues that are relevant to the insurance and reinsurance industry. As always, the conference will provide a unique opportunity to learn from and interact with in-house counsel, outside counsel, arbitrators, and many other participants in the arbitration process.

We are fortunate to begin with a keynote address from Justice Barry R. Ostrager of the New York State Supreme Court, Commercial Division. Following a federal clerkship, Justice Ostrager spent his entire pre-judicial career at Simpson Thacher & Bartlett, LLP where he tried many multi-billion dollar cases to verdict and argued scores of appeals, including two successful arguments before the United States Supreme Court. Justice Ostrager was also formerly a member of ARIAS-U.S.

The conference will continue with a fireside chat between two senior reinsurance executives, Brian Snover, General Counsel, Berkshire Hathaway Reinsurance Division and Bill O'Farrell, CEO of Premia Holdings Ltd., on the current arbitration process and how it has changed over the years. The panel presentations that follow are on diverse and informative topics including:

- The evolving challenges in the reinsurance property and casualty market;
- The biggest dislikes about arbitration (and whether they are justified and can be remediated);
- The changing landscape of petitions to confirm and vacate arbitration awards; and
- An ethics discussion on curbing abuses in arbitration.

Distinguished panels will also present breakout sessions covering "all sums" losses and the London market, budgeting for arbitration, relationships with insurtech distributors, the ethical use of A.I. in insurance and reinsurance, and where to file suit when there is no arbitration clause. The conference will also feature an interactive and fun "Reinsurance Trivia" networking event called "Industry Feud: A New Way to Network."

All program materials will be provided electronically in advance.

As always, the conference will be conducted in accordance with the ARIAS-U.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!

Sincerely,

Marc Abrams
Mintz, Levin, Cohn, Ferris,
Glovsky and Popeo, P.C.

Stephen Kennedy
W.R. Berkley

Amy Kline
Saul Ewing LLP

Alysa Wakin
Odyssey Re



WELCOME TO THE 2023 ARIAS·U.S. FALL CONFERENCE!

November 9-10 | New York, NY

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.

BREAKOUT SESSION ROOM ASSIGNMENTS: Room assignments for the Thursday afternoon and Friday morning Breakout Sessions are included in the program on pages 7-12. Please refer to the list for the assigned session room. Be sure to attend your assigned session. Breakout Session Room Assignments can be located on the back of your name badge.

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. Certificates of attendance will be based upon these sheets and the attestation form that you will receive with the survey at the end of the conference. You must sign in and out for each day to receive credit for the sessions you attend. There will be sign-in and out sheets on tables inside the General Session. Certificates of attendance will be sent via email to everyone who has signed in and out and has returned the attestation form. 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 conference.

OBTAINING CREDIT FOR THE CONFERENCE: You will not receive full credit for a session if you are standing in the hallways, arrive late or leave early. The session is taking place in the session rooms; you must be inside. This is true both for CLE 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 conference 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.

We hope you enjoy the conference!

ARIAS·U.S. Fall Conference 2023 Agenda

New York, NY

Wednesday, November 8, 2023

11:45 am – 2:30 pm

Women's Resource Committee Event

Sponsored by: **CHAFFETZ** **Step toe**
LINDSEY

The Women's Resource Group will meet at 11:45 AM for a noon tour of the NY Public Library (Fifth Avenue and 42nd Street), followed by a talk by the library's General Counsel, Michele Coleman Mays. After the library event, the group will eat lunch at a nearby restaurant.

Please note that pre-registration for this event was required

12:00 pm – 1:00 pm

Arbitrator and Umpire Seminar Luncheon

Murray Hill West 2nd Floor

1:00 pm – 5:00 pm

Arbitrator and Umpire Seminar

Murray Hill West 2nd Floor

Thursday, November 9, 2023

7:00 am – 8:30 am

Registration/Breakfast

Registration: East Corridor 2nd floor
Breakfast: Rhinelander South 2nd floor

8:30 am – 8:50 am

Welcome

Sutton North Center and South 2nd Floor

9:00 am – 9:30 am

Keynote Speaker

Sutton North Center and South 2nd Floor

Justice Barry R. Ostrager, New York State Supreme Court, Commercial Division

9:35 am – 10:35 am

General Session #1: Fireside chat with Bill O'Farrell and Brian Snover on current arbitration process and how it has changed over the years

Sutton North Center and South 2nd Floor

Bill O'Farrell, Premia Holdings Ltd.
Brian Snover, Berkshire Hathaway Reinsurance Div.

Bill O'Farrell and Brian Snover are senior reinsurance executives that have been consumers of reinsurance arbitration services for more than 30 years. This fireside chat is a unique opportunity for ARIAS to hear their views on what has changed over the years, what is working today and their thoughts on how to improve the system. Expect candor, humor and bit of fireworks thrown in from these two.

10:35 am – 11:00 am

AM Refreshment Break

Sponsored by:



11:00 am – 12:00 pm

General Session #2: The Changing Landscape of Petitions to Confirm and Vacate

Sutton North Center and South 2nd Floor

Suman Chakraborty (Moderator), *Mintz*
Larry Greengrass,
Kristina Matic, *Foley*
Erika Lopes-McLeman, *Dentons*

In 2022, the Supreme Court held, in *Badgerow v. Walters*, 142 S.Ct. 1310, that the Federal Arbitration Act does not itself give federal courts jurisdiction over petitions to confirm or vacate. Instead, parties have to establish federal court jurisdiction through the usual statutory standards. This panel will include a discussion of pre-Badgerow practice and discuss the implications of *Badgerow* on industry practice going forward.

12:00 pm – 1:30 pm

Networking Luncheon

Rhinelanders South 2nd floor

Sponsored by:



MSC Ambassador Lunch: The arbitrators and assigned MSC Ambassadors will gather for a meet and greet, followed by the MSC Ambassador "taking" the arbitrator to Lunch.

1:35 pm – 2:35 pm

General Session #3: The Evolving Challenges of Reinsurance for the Property and Casualty Market

Sutton North Center and South 2nd Floor

Fred Karlinsky, *Greenberg Traurig*
Rob McKenzie, *Guy Carpenter*
Tom Smith, *Head of Global Accounts and Broker Management, PartnerRe*
Jeff Waters, *Moody's RMS*

This session will discuss how natural catastrophes and macro-economic factors are creating pressures in the global reinsurance market that are having a substantial impact on carriers and consumers in the United States.

#1 Does London market reinsurance cover U.S. "all sums" losses?

Sutton North Center and South 2nd floor

Seema Misra (Moderator), *Arch Insurance Group, Inc.*

Andrew Poplinger, *Chaffetz Lindsey LLP*

Christopher Foster, *HFW*

Robert Hall, *Hall Arbitrations*

A US ceding company pays a long-tail loss on an all-sums basis. Does its English reinsurance cover the loss? In May 2023, the Second Circuit, in *ICSOP v. Equitas*, held English law fac certs covered all-sum losses paid for long-tail environmental liabilities under the reinsured Hawaii law policy. This decision has spawned a spirited transatlantic debate. This recurring issue has significant implications for US cedents and London-market reinsurers facing traditional long-tail asbestos, environmental losses, and new perils like PFAS. This discussion/debate between Drew Poplinger (counsel for ICSOP) and Chris Foster (an English solicitor who has provided expert testimony in support of the reinsurer view), moderated by Seema Misra, will present both sides of the issue and explore related topics, including how this issue could be resolved in arbitration.

#2 Budgeting for Arbitration: Hidden Costs and Savings Opportunities

Beekman 2nd floor

Ryan Russell, *Allianz*

Timothy Curley, *Allianz*

Erin Valentine, *Chaffetz Lindsey LLP*

A panel discussion on accurately budgeting for an arbitration. Exploration into each category of cost, and areas to save money.

#3 Oh No! We Don't Have an Arbitration Clause in Our Reinsurance Contract! Where Should We File Suit?

Regent 2nd floor

Christopher P Hemphill, *Cohn Baughman*

Janine Panchok-Berry, *O'Melveny & Myers*

When reinsurance disputes arise and the contracts lack an arbitration provision, a party will typically be forced to file a lawsuit to get its dispute resolved. To hear a suit, a U.S. court must have personal jurisdiction over the parties. However, the law of personal jurisdiction changed dramatically with the U.S. Supreme Court's recent ruling in *Mallory v. Norfolk Southern Ry.*, ___ S. Ct. ___, 2023 U.S. LEXIS 2786 (U.S. 2023). This presentation will address relevant personal jurisdiction considerations in the U.S., with a particular focus on jurisdictional issues related to reinsurance disputes and the options on where to commence litigation.

#4 Break Ups with an Insurtech Distributor

Murray Hill East 2nd floor

John S. Pruitt, *Eversheds Sutherland (US) LLP*

Fred G. Marziano, *Principal, CIM, Inc.*

Jonathan Kline, *Arch Insurance Group, Inc.*

As the insurance industry engages more commonly with insurtech firms, insurers, and reinsurers may need to consider the unique character of those relationships in the process of drafting agreements with insurtechs and in planning for potential disputes. And, the disputes themselves may differ in character from those commonly addressed by the insurance/reinsurance community. Many insurtech programs are fronted, which interposes an ostensibly disinterested third party between the real parties at interest. This presentation will address some of the considerations on the front end with the agreement drafting and the back end with the potential disputes. Among other things that will be addressed are how to prepare for the breakup of the relationship, how insurtechs have a different view from traditional insurance distribution channels; how to recognize potential disputes, and unique features of the dispute itself when it involves an insurtech MGA, fronting company and reinsurer.

#5 The Ethical Use of A.I. in Insurance and Reinsurance - Strategies to Address Evolving Regulatory Challenges

Murray Hill West 2nd floor

Marc Zimmerman (Moderator), *FTI Consulting, Inc., Global Insurance Services*

Avi Gesser, *Debevoise and Plimpton LLC*

Edward Kelley, *Guy Carpenter*

Joe Knight, Senior, *FTI Consulting, Inc.*

Cynthia Shoss, *Eversheds-Sutherland (US) LLP*

Insurers and reinsurers are increasingly turning to artificial intelligence (AI)-enabled analytical models and external consumer data sources to: Enhance their risk management capabilities; Improve their decision-making; Increase operational efficiencies across core business functions; and Strengthen their overall financial performance. At the same time, regulators around the globe are intensifying their focus on governance and fairness challenges occasioned by these complex, highly innovative tools—most notably, the potential they offer for unintended bias against legislatively protected classes of people. In light of this growing regulatory focus and related consumer concerns about the ethical challenges that AI-powered applications may present, companies must have a clear plan to enable the responsible use of this rapidly advancing technology. In this one-hour presentation, FTI Consulting's Global Insurance Services and Data & Analytics teams will provide ARIAS Conference attendees with: A thoughtful understanding of current and/or pending regulatory mandates for the use of AI and external data by insurers and reinsurers; Qualitative assessment and implementation strategies for effective model and data governance and management controls; Insights regarding proven techniques to quantitatively assess and identify unintended bias; and Potential strategies on how to defend disfavored bias findings when such outcomes may be reasonably unavoidable.

3:40 pm – 4:00 pm

PM Refreshment Break

Sponsored by:



4:00 pm – 5:00 pm

Industry Feud: A New Way to Network

Sponsored by: **CHUBB®**

Presenters: Leslie Davis, Michael Robles

Brought to you by the Member Services Committee (MSC), *Industry Feud* is a networking session designed to facilitate introductions among the ARIAS membership in a new and exciting setting. All conference participants will be assigned to a team of 10 comprised of arbitrators, industry professionals, outside counsel, and consultants. After meeting your new teammates, the teams will be asked a series of questions on various topics, with the top two teams competing in a speed round to crown the inaugural *Industry Feud* Champion. Please make every effort to attend this session, as MSC has worked hard to cultivate balanced teams. If you have a conflict, please let the ARIAS staff know. Your team number is on the back of your conference badge.

5:00 pm – 5:45 pm

Annual Meeting & Elections

6:15 pm – 7:00 pm

Cocktail Reception

Mercury Ballroom 3rd floor

During this time the arbitrators and MSC Ambassadors will regroup for reassignment to maximize opportunities to meet more people at the conference, and will then enter the cocktail reception together and introduce the arbitrator to the MSC Ambassador's network.

Friday, November 10, 2023

7:00 am – 8:30 am

Registration/Breakfast - Newer Arbitrator and Mediator Breakfast

Registration: East Corridor 2nd floor

Breakfast: Rhinelander South 2nd floor

7:30 am – 8:30 am

Committee Meetings

Ethics Committee - Sutton South 2nd floor

Forms and Procedures Committee - Beekman 2nd floor

International Committee - Regent 2nd floor

Law Committee - Sutton North 2nd floor

Quarterly Editorial Board Committee - Murray Hill East 2nd floor

Technology Committee - Murray Hill West 2nd floor

8:30 am – 9:30 am

General Session #4: Pet Peeves: What Are The Biggest Complaint/Dislikes About Arbitration and Are These Complaints Justified?

Sutton North Center and South 2nd Floor

Amy Kline (Moderator)

Mark S. Gurevitz, MG Re Arb & Mediator Serv LLC

Sylvia Kaminsky

David Raim, Alabama Life Re/Raim Re

Susan Aldridge, Norton Rose Fulbright US LLP

This Panel will identify and explore what counsel and companies dislike about the arbitration process today. This will be done by soliciting views of counsel and company representatives engaged in arbitrations today and distilling these complaints into overarching themes. The second phase will be to hear from three very experienced arbitrators as to whether they believe such complaints are reasonable and why based on their experience. There could be pushback from law firm moderator and/or company representative. The third phase will be to take all actionable items and refer to the appropriate ARIAS committee to evaluate and make recommendations to address these concerns and improve the process.

9:35 am – 10:35 am

Breakout Sessions 5 Choices

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Sutton North Center and South 2nd floor

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Andrew Poplinger, Chaffetz Lindsey LLP

Christopher Foster, HFW

Robert Hall, Hall Arbitrations

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Marc Zimmerman (Moderator), FTI Consulting, Inc., Global Insurance Services
Avi Gesser, Debevoise and Plimpton LLC
Edward Kelley, Guy Carpenter
Cynthia Shoss, Eversheds Sutherland
Joe Knight, Senior, FTI Consulting, Inc.

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10:35 am – 11:00 am

AM Refreshment Break

Sponsored by:



11:00 am – 12:00 pm

General Session #5 Ethics: Do Cheaters Never Prosper? Suggestions for Curbing Abuses in Arbitration

Sutton North Center and South 2nd Floor

Dan FitzMaurice, Day Pitney LLP
Steven Schwartz, Chaffetz Lindsey LLP

The panel will discuss various ways that parties, lawyers, arbitrators, and witnesses have been accused of cheating in arbitration from fabricating arbitral agreements to improper ex parte communications to ghost-writing awards and attempting to destroy the panel (other examples too).

12:00 pm – 12:15 pm

Closing Remarks

BIOGRAPHIES



SUSAN ALDRIDGE

For 30 years, Susan has actively participated in dozens of insurance and reinsurance arbitrations, litigations and mediations on behalf of both cedants and reinsurers. Her representation of insurance companies in dispute resolution proceedings has included the following substantive areas: asbestos, environmental, and other “long tail” claims; workers’ compensation claims; construction defect claims; disability insurance business; reinsurance of “weather derivative” products; and political risk insurance (under the ICDR and ICC Rules).

Susan provides strategic counseling to clients on a range of issues involving insurance and reinsurance, including: allocation and aggregation issues with respect to numerous asbestos, silica, lead, and other “long tail” claims; including the applicability of “clash” covers; allocation and aggregation of clergy abuse claims; reporting and audit issues; and reinsurance contract wording and agency arrangements.



SUMAN CHAKRABORTY

Suman is an industry-recognized first-chair litigator with two decades of experience advocating for major insurers and reinsurers in high-value arbitrations and nationwide state and federal court litigation. Collaborative and client-focused, Suman develops dispute-resolution strategies tailored to his clients’ business objectives. He leverages his deep industry experience and knowledge to serve as both a determined litigator and a trusted advisor, helping his clients navigate and resolve the full range of risks they face.

Suman’s dispute practice confronts a broad range of issues affecting his clients in both the life and property and casualty industries. In life insurance, Suman serves as lead trial counsel to several of the largest national life insurance companies in their disputes with reinsurers. In the property and casualty field, Suman serves as lead national counsel for a third-party claims administrator and affiliated reinsurer to defend tort and contract actions relating to long-tail asbestos and environmental claims.



TIMOTHY CURLEY

Tim is the Senior Reinsurance Counsel at Allianz Reinsurance America, where he provides legal advice on a variety of ceded and assumed reinsurance issues, including arbitrated and litigated disputes, and commutations. Prior to joining Allianz in 2017, Tim represented cedents and reinsurers as a counsel in the Insurance/Reinsurance Group at Crowell & Moring, and as an associate at Chadbourne & Parke. Tim's legal career outside of reinsurance has included periods of government service at the Commercial Litigation Branch of the U.S. Department of Justice and the U.S. Navy Judge Advocate General's Corps.



DAN FITZMAURICE

Dan FitzMaurice, a partner at Day Pitney, is a lead trial attorney and trusted advisor to U.S. and international clients regarding insurance, reinsurance, and financial transactions. Clients retain Dan on disputes pending in and outside of the U.S. He has tried over fifty cases in courts and arbitrations, and has handled appeals in four U.S. Circuit Courts and the Connecticut Supreme Court. Dan is a longstanding member of ARIAS·U.S., where he served on the Board of Directors, including as Chair, and co-authored the Rules for the Resolution of U.S. Insurance and Reinsurance Disputes as well as the Streamlined Rules. He has published numerous articles and speaks frequently on issues relating to insurance, reinsurance, financial services, arbitration, and trial practice. He attended the University of Michigan (J.D.) and the University of Connecticut (B.S.) and served as a law clerk to a U.S. Circuit Judge.



CHRISTOPHER FOSTER

Chris is head of HFW's insurance and reinsurance practice. He is a solicitor advocate with nearly thirty years' experience in contentious insurance and reinsurance matters. His reinsurance experience includes abuse, 9/11, the PA spiral, pollution, various hurricanes, earthquakes and floods, asbestos, Madoff and Enron. He is presently busy for a number of major reinsureds on outwards Covid Cat claims, and in relation to Ukraine related aircraft claims.

Chris is recommended in the Legal 500 and Chambers (Band 1), and named as one of the UK's leading insurance and reinsurance lawyers in Legal Media Group Experts Guide and in Who's Who Legal.

He is the author of the arbitration chapter in the Insurance Institute of London's book, *Alternative Dispute Resolution in Practice*, and a member of the Insurance Committee of the City of London Law Society. He has been appointed as an expert on English reinsurance law in two sets of proceedings in the USA.



AVI GESSER

Mr. Gesser is a Co-Chair of the firm's Data Strategy & Security Group, specializing in cybersecurity, privacy, and artificial intelligence. He advises major corporations, including financial services, private equity, insurance, and media companies, on ransomware attacks, nation-state cyber breaches, and AI-related regulatory investigations. Gesser guides boards and senior executives on cybersecurity, AI governance, risk, and liability matters. He is the primary author of the firm's Data Blog and the creator of the Firm's Data Portal, an online tool for clients to assess and comply with cyber breach notification obligations and AI regulations. Gesser's exceptional work has earned him recognition in legal directories and trade publications, with clients praising his sophisticated legal counsel and practical expertise. In 2022, he was named an "AI Visionary" by Relativity. He previously received the Attorney General's Exceptional Service Award and the FBI Director's Award for Excellence in Criminal Investigation. Gesser holds degrees from the University of Manitoba, the University of Cambridge, and New York University.



LARRY GREENGRASS

Larry Greengrass, a respected figure in the reinsurance industry, retired in 2017 after four decades at Mound Cotton Wollan & Greengrass. His extensive career involved representing insurers, reinsurers, brokers, intermediaries and managing general agents in intricate cases. Larry's expertise extends to serving as an officer for a Bermuda-based reinsurance company, certified arbitrator by ARIAS-U.S., and accredited mediator in Federal Court. He's shared his insights on reinsurance topics at prestigious events hosted by ARIAS, RAA, Eastern Claims Conference, BRMA, AIRROC, and more, and recently joined the AIRROC Advisory Committee.

His legal practice spans diverse areas, encompassing legacy business, property/casualty, life/accident, and YRT disputes in reinsurance. Larry has tackled complex issues like first-party property coverages, financial reinsurance, life settlements, environmental disputes, insolvency, and toxic torts. With over 150 reinsurance arbitrations and litigation experience across U.S. state and federal courts, Bermuda, Cayman Islands, and the UK, Larry remains active as a reinsurance arbitrator and umpire, serving on panels addressing life and property/casualty matters.



MARK GUREVITZ

Mark Gurevitz is an accomplished arbitrator and mediator with over 130 insurance and reinsurance arbitrations in his portfolio, covering property-casualty and life insurance sectors. He's a FINRA-approved arbitrator and Chairperson for securities-related disputes and a neutral for the American Arbitration Association. Mark also serves as a Director and Vice President at Heritage Reinsurance Company, Ltd. He received international recognition as a leading expert in insurance and reinsurance law by Who's Who Legal in 2019 - 2023.

With over 20 years at The Hartford Financial Services Group, Inc. as Senior Vice President and Associate General Counsel, Mark was the key legal figure overseeing various aspects of reinsurance, ceded collections, assumed reinsurance claims, contract wordings, and more. He also handled property-casualty and employment law. Before joining The Hartford, he specialized in insurance coverage and reinsurance at White and Williams law firm in Philadelphia. He served as an Assistant District Attorney for the City of Philadelphia from 1980 to 1985. Mark is a respected lecturer on reinsurance and arbitration topics and has been involved in numerous industry committees and initiatives.



ROBERT M. HALL

Mr. Hall is an attorney with 20 years of in-house insurance company experience, most recently as General Counsel and Senior Vice President of Munich Reinsurance America. In addition, he has been a partner in the insurance and reinsurance practice group of DLA Piper and for the past twenty years has had a solo practice as a arbitrator, consultant and expert witness and has testified in state and federal courts and in reinsurance arbitrations. He is certified by ARIAS - US as an arbitrator and umpire and has formal training in mediation. He has participated in over 200 arbitrations.

Mr. Hall has extensive transactional experience in insurance and reinsurance related areas. He has been very active in regulatory matters at the state, federal and NAIC levels and has testified in Congress and in state legislatures. He has worked on various NAIC "interested persons groups" dealing with various insurance, reinsurance and receivership issues. Mr. Hall has published over 100 articles on insurance, reinsurance, receiverships and alternative dispute resolution. These articles may be viewed at his website: robertmhall.com.

Mr. Hall, and his wife Debra Hall, also a certified arbitrator, live on the rocky coast of Maine.



CHRIS HEMPHILL

Chris Hemphill is an insurance and reinsurance attorney with experience arbitrating reinsurance disputes to hearings. He also actively litigates insurance coverage disputes arising from pollution, toxic tort, construction, and transportation claims. In his free time, he writes fiction and avidly reads books such as *Salt: A World History* and *Cod: A Biography of the Fish that Changed the World*.



FRED KARLINSKY

Fred Karlinsky, a Shareholder and Co-Chair at Greenberg Traurig's Global Insurance Regulatory and Transactions Practice Group, boasts nearly three decades of experience advocating for insurers, reinsurers, and related entities. He is a recognized expert in national insurance regulatory and compliance matters, holding leadership roles in insurance trade organizations. Fred's achievements include listings in *The Best Lawyers in America*, *Super Lawyers*, *Florida Trend 500*, and *Florida Trend's "Legal Elite"* for his contributions to insurance law. *Chambers & Partners* has honored him as the top-ranking Band 1 Florida insurance lawyer, and he is regarded as a significant figure in Florida politics by *City & State Florida* and *INFLUENCE Magazine*.

Fred's profound understanding of insurance compliance is evident in his strategic involvement in Florida's insurance-related legislative initiatives. Alongside his role at Greenberg Traurig, he has served as an Adjunct Professor of Law at Florida State University College of Law since 2008. Since 2014, Fred has chaired the Florida Supreme Court Judicial Nominating Commission (JNC), a key role in appointing five of the seven current Justices of the Florida Supreme Court during his tenure.



SYLVIA KAMINSKY

Sylvia Kaminsky boasts four decades of insurance and reinsurance expertise, specializing in dispute management. She has participated in over 200 arbitration panels, serving as an umpire and party-appointed arbitrator for policyholders, insurers, and reinsurers. During 1995-1998, Kaminsky was Senior Vice President, General Counsel, and Corporate Secretary at Constitution Reinsurance Corporation and Sirius Reinsurance Corp, overseeing all legal aspects, including arbitrations and litigations. Following CRC's acquisition by Gerling Global Reinsurance Corporation, she assumed a similar role, managing claims in the runoff operation. Sylvia's private law practice experience spans 14 years, offering comprehensive legal services to domestic and foreign insurance/reinsurance companies. Since the early 2000s, she has worked as an arbitrator, umpire, mediator, and industry consultant. Kaminsky is a certified arbitrator, umpire, and mediator for ARIAS·U.S., part of the AAA Reinsurance Panel, and a member of various industry panels. She has a rich history of committee involvement, serving on the ARIAS·U.S. Board and co-chairing its law and Arbitrators committees. Sylvia Kaminsky was instrumental in securing two additional board seats for arbitrator representation.



EDWARD KELLEY

Edward Kelley, a seasoned professional with 40 years of industry experience, currently serves as a Managing Director at Guy Carpenter in New York. He graduated from The Citadel and St. John's University School of Law and commenced his reinsurance career at the American Reinsurance Company in New York. His diverse career spans roles with insurers, reinsurers, reinsurance intermediaries, and managing general agents. Edward has been actively engaged with industry bodies like NAIC and NCOIL and state and national insurance and reinsurance trade associations. He has chaired various committees and participated in advocacy initiatives, including the Covered Agreement between the US and the EU, the National Flood Insurance Program, the Terrorism Risk and Insurance Act, and the Mortgage Credit Risk Transfer. Internationally, he's represented the industry at the OECD, Insurance Europe, and IAIS. Edward Kelley's expertise includes regulatory compliance, reinsurance, and government liaison. He is licensed to practice law in New York, New Jersey, and the District of Columbia and is authorized to appear before federal courts.



AMY KLINE

Amy Kline is Co-Chair of the Insurance Industry Group at Saul Ewing LLP, a Vice-Chair of the Firm's Litigation Department and a member of the Firm's Executive Committee. Amy's practice is focused on the representation of insurers and reinsurers in complex civil litigation matters. Past and present representations include counseling and litigation concerning reinsurance coverage, life insurance and reinsurance, long term care insurance, cut-throughs and fronting programs. Amy is an Adjunct Professor of Law at Villanova University School of Law. She also speaks and writes frequently on insurance and reinsurance issues and is Co-Chair of the ARIAS Law Committee. Prior to joining Saul Ewing, Ms. Kline served as a Law Clerk to the Honorable Morton I. Greenberg of the U.S. Court of Appeals for the Third Circuit, and the Honorable James McGirr Kelly of the U.S. District Court for the Eastern District of Pennsylvania.



JONATHAN KLINE

Jonathan Kline is a Vice President and Deputy General Counsel at Arch Insurance Group Inc., where he oversees disputes and advises various business units. Mr. Kline has extensive experience with delegated authority arrangements, and counsels Arch's business units regarding MGA/MGU business. Mr. Kline joined Arch after 25 years in private law practice, where he represented insurers and reinsurers in disputes, business transactions, and regulatory matters. Mr. Kline is a graduate of Brown University and the University of Connecticut School of Law. Mr. Kline has been involved with ARIAS since 2010.



JOE KNIGHT

Joe Knight, a Senior Managing Director at FTI Consulting Forensic & Litigation Consulting in Washington, DC, specializes in designing adaptable damage models for litigation consulting, implementing business intelligence, and data mining. He has a strong background in creating data warehousing, business intelligence, and reporting solutions for healthcare companies, utilizing SQL scripts to translate complex data into actionable metrics. Joe excels in web-based business intelligence, particularly with Tableau, concentrating on clinical operations, financial reporting, and strategic planning. He's also well-versed in litigation consulting concerning healthcare claims and diagnostic laboratories, efficiently managing extensive datasets using SQL to craft flexible damages models. Knight holds a B.B.A degree in Computer Information Systems from James Madison University and is an ISACA member.



ERIKA M. LOPES-MCLEMAN

Erika M. Lopes-McLeman is a dynamic, client-focused commercial litigator who represents leading US and international companies. She is a Partner in the commercial litigation practice at Dentons.

Erika has particular expertise in insurance disputes and class actions. She represents large and small insurance carriers in complex insurance coverage litigation, bad faith actions, insurance related class actions, Department of Insurance investigations, and arbitrations. She also regularly counsels insurance carriers in connection with complex, high-value claims. Clients also seek out Erika for her appellate experience in the insurance space.

Erika is a prolific speaker on insurance law and dispute resolution topics. She co-chairs the annual Dentons Insurance Symposium, which brings together more than 200 of the Firm's insurance clients for CLE presentations on critical legal issues impacting the insurance industry. She is actively involved with insurance industry organizations, where she is sought out as an emerging thought leader, speaker, and connector.



KRISTINA MATIC

Kristina ("Tina") Matic is a partner with Foley & Lardner LLP, where she is a member of the firm's Insurance & Reinsurance Litigation Practice Group and Health Care & Life Sciences Sector. Tina is an experienced reinsurance litigator whose work focuses on complex disputes, including significant experience in life reinsurance arbitrations. She has represented clients – both ceding companies and reinsurers – in multiple reinsurance arbitration proceedings involving both facultative and treaty reinsurance. Tina has also represented clients in commercial disputes in dozens of federal courts as well as in Wisconsin state courts, including the Wisconsin Supreme Court.



FRED G. MARZIANO

Fred has been an ARIAS member since 2004, serving on the Arbitrators' Committee, Certification Committee, and Ethics sub-committee. His practical, technical, and leadership experience and success in the reinsurance and insurance industry add extraordinary value to his arbitrator and expert witness role.

Fred held executive positions as President and CEO of Gerling Global Reinsurance Corp. of America, President and Founder of Liberty Mutual's Agency Markets Division, President of Continental Insurance Company and its international claim subsidiary, Underwriting Adjusting Company, EVP and Chief Underwriting and Reinsurance Officer of Fireman's Fund Ins. Co., as well as underwriting and managerial positions throughout the U.S. for Aetna Casualty and Surety Company.

Fred has served on numerous insurance/reinsurance company boards, executive committees, and industry organizations (including the Reinsurance Association of America, the Insurance Services Office, the American Institute for CPCU, the National Council on Compensation Insurance, and the Association of California Insurance Companies).



ROB MCKENZIE

Rob is President of Sales and Segments for Guy Carpenter, North America, and is a North America executive leadership team member. Rob served as the Atlanta Branch Manager for Guy Carpenter until July of 2021, when he relocated to New York. Before that, Rob served in several sales leadership positions at Guy Carpenter, most recently in US Sales. Rob also previously led Guy Carpenter's Residual Market Practice.

Rob's reinsurance experience includes standard lines property and casualty, coastal catastrophe, workers' compensation, E&S property and casualty, and property residual markets.

Rob holds Bachelor of Science degrees in accounting and business administration from Presbyterian College and a Master of Science degree in risk management and insurance from Georgia State University. He also holds the Chartered Property Casualty Underwriter (CPCU) designation.



SEEMA A. MISRA

Seema A. Misra is SVP, Deputy General Counsel with Arch Insurance Group Inc. Ms. Misra has oversight of all litigation where Arch is a named party, including direct management of corporate, extracontractual, reinsurance, and other complex litigation. Ms. Misra is also counsel to Ceded Reinsurance at Arch. Ms. Misra has over twenty years' experience in the insurance industry, including as a partner in the Insurance and Litigation groups of Stroock & Stroock & Lavan. Ms. Misra currently serves on the Board of Directors of ARIAS-US. Ms. Misra is a graduate of Princeton University, cum laude, and the Boston University School of Law.



BILL O'FARRELL

CEO and founder of Premia Holdings Ltd., an insurance and reinsurance group focused on the legacy market. Former Chief Reinsurance of Chubb Ltd. (2003 to 2016) and former Legal Counsel and VP of Berkshire Hathaway (1993 to 2003).



JUSTICE BARRY R. OSTRAGER

Justice Barry R. Ostrager received his undergraduate degree from the City College of the City University of New York in 1968 and his J.D. degree from New York University School of Law in 1973.

Justice Ostrager was appointed to the New York Court of Claims by Governor Andrew Cuomo in June, 2015, and served as an Acting New York Supreme Court Justice assigned to the Commercial Division. In June 2017, Governor Cuomo appointed Justice Ostrager to the New York State Supreme Court, and he remains assigned to the Commercial Division. Prior to his appointment, except for a federal judicial clerkship, Justice Ostrager spent his entire pre-judicial career at Simpson Thacher & Bartlett, LLP, becoming a partner in 1980 and serving as Chair of the firm's Litigation Department from 1999-2011. As a front line trial and appellate litigator, Justice Ostrager tried many multi-billion dollar cases to verdict and argued scores of appeals, including two successful arguments before the United States Supreme Court.

Justice Ostrager is the co-author of the Handbook on Insurance Coverage Disputes, 17th Edition (Wolters Kluwer 2015); co-author of Modern Reinsurance Law and Practice, 3d Edition (Thomson Reuters 2014), and a contributing author to Business and Commercial Litigation in Federal Courts (Thomson Reuters).

Justice Ostrager is a member of The City Bar, New York County Lawyers' Association, New York State Bar Association, American Bar Association, American Law Institute, Federal Bar Council and the International Academy of Trial Lawyers.



JANINE PANCHOK-BERRY

Janine Panchok-Berry is a counsel in O'Melveny's New York office. As a Legal 500 US Rising Star, Janine has represented insurers in complex commercial litigation in federal and state court matters at every stage of litigation, guiding clients in pre-litigation through appeal. She has spoken at national conferences on insurance law, and her work has appeared in Crain's New York Business and the New York Law Journal. Prior to joining O'Melveny, Janine completed a clerkship with Chief Judge Jonathan Lippman of the New York Court of Appeals, the highest court in New York.



ANDREW POPLINGER

Drew is a Partner at Chaffetz Lindsey LLP, a disputes boutique in New York focusing on insurance/reinsurance, international arbitration, and commercial litigation. He regularly advises and represents insurance companies in reinsurance and direct coverage disputes before arbitration panels and federal and state courts. His cases have involved various property, casualty, and specialty line matters, including environmental liability, products liability, mortgage and financial products, finite risk, energy and infrastructure, Bermuda Form policies, and fronting and captive arrangements. Drew regularly writes and presents on developments in arbitration law, including as a co-author of the Chaffetz Lindsey Arbitration in the Courts Report, a quarterly publication covering recent court decisions involving arbitration. Before joining Chaffetz Lindsey, Drew clerked for the Honorable Richard K. Eaton of the United States Court of International Trade. He received his J.D. (summa cum laude) from Albany Law School.



JOHN PRUITT

With over 30 years of experience in private practice, John Pruitt is a trusted advisor to insurance companies, providing comprehensive guidance. He specializes in property/casualty and life insurance, assisting with formation, licensing, regulatory compliance, and acquisitions. Pruitt adeptly handles investigations and enforcement actions across multiple regulatory bodies, including state insurance departments, state attorneys general, SEC, and the US Department of Justice. His expertise covers various insurance issues, such as sales practices, agent conduct, reinsurance, underwriting, and governance.

Pruitt advises on insurer investments, financial examinations, and matters related to the Insurance Holding Company Act. He collaborates with colleagues in litigation and transactions to offer strategic solutions. As the Practice Group Leader for Eversheds Sutherland Global Insurance group, he leads the US team overseeing insurance industry matters at the National Association of Insurance Commissioners (NAIC) and industry trade associations. Additionally, he is a recognized thought leader in insurance regulation, monitoring emerging domestic and international regulatory developments.



DAVID RAIM

David Raim has been involved with reinsurance matters for over 40 years. He was an outside counsel representing parties in reinsurance arbitrations and litigations for most of that time. 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.



RYAN RUSSELL

12 years of Litigation experience at law firms in San Francisco In-house attorney with Fireman's Fund/Allianz for 24 years, responsible for legal work regarding disputes in Coverage, Extra-Contractual, Corporate Litigation, and Reinsurance.



STEVE SCHWARTZ

Since the early 1990s, Steve Schwartz has devoted much of his practice to insurance and reinsurance litigation and arbitration. He has handled reinsurance disputes ranging from asbestos allocation matters to disputes involving catastrophe reinsurance, insurance insolvency, spirals, MGAs, and finite risk reinsurance. In addition, Steve has handled insurance coverage litigation, as well as commercial litigation arising out of acquisitions of reinsurance companies and other corporate transactions. Steve has first-chaired numerous arbitration hearings and trials, and has been recognized by Chambers USA, Legal 500, and the International Who's Who of Insurance & Reinsurance Lawyers. A frequent writer and speaker, Steve is the author of *Reinsurance Law: An Analytic Approach*, a leading treatise published by Law Journal Press. Steve is also a board member, and past chair, of ARIAS·US.



CYNTHIA SHOSS

Cynthia Shoss is a nationally renowned advisor specializing in insurance regulatory matters, primarily focusing on transformative transactions like demutualization, mergers and acquisitions, and corporate restructurings involving senior executives and Boards of Directors. Her extensive expertise spans over 35 years, serving clients across diverse insurance sectors, including life insurance, annuities, property/casualty insurance, health insurance, workers' compensation, and reinsurance. She collaborates with Fortune 500 companies, investment bankers, actuaries, insurtech firms, and state insurance departments. Cynthia's accolades include being the first woman and second private practice lawyer to receive the Buist M. Anderson Distinguished Service Award from the Association of Life Insurance Counsel and her induction into the Tulane Law School Hall of Fame in 2018. She also contributes to her firm's Global CSR & Pro Bono Committee and Diversity & Inclusion Committee. Cynthia's background encompasses leadership roles, including Co-Chair of the firm's Global Board and Co-Head of Global Insurance, and prior experience as Managing Partner at LeBoeuf Lamb Greene & MacRae's London office and Co-Chair of the Insurance Practice Group. She has authored publications and presented at industry conferences worldwide.



THOMAS SMITH

Thomas Smith is Head of Global Accounts and Broker Management at PartnerRe.



BRIAN SNOVER

Brian Snover is the Senior Vice President and General Counsel of the Reinsurance Division of the Berkshire Hathaway Group in Stamford, Connecticut. He serves as an officer and a director of several companies in the Berkshire Hathaway Group. Mr. Snover has been with the Berkshire Hathaway Reinsurance Division since 1993.

Mr. Snover received a B.A. from Franklin & Marshall College in 1984 and a J.D. from the Albany Law School of Union University in 1987. Prior to joining Berkshire Hathaway, he was associated with the New York law firms of Simpson Thacher & Bartlett and Werner, Kennedy & French.



ERIN VALENTINE

In her 13 years at Chaffetz Lindsey, Erin has managed some of the firm's most complex matters, including coverage disputes arising out of products liability, property damage, and environmental losses / pollution. In addition, Erin has handled domestic and international arbitrations in the construction, energy, telecommunications, media, and education industries. Erin teaches international civil litigation to LLM students at Fordham Law School, is on the Executive Committee of the NYSBA's Commercial Federal Committee as the international law section co-chair, and is a member of the NYC Bar Association's Women in the Legal Profession Committee.



JEFF WATERS

Jeff Waters joined Moody's RMS in 2011 and is based in Bethlehem, PA. As part of the Product Management team, he is responsible for product management of the Moody's RMS North Atlantic Hurricane Models.

Jeff provides technical expertise and support regarding catastrophe model solutions and their applications throughout the (re)insurance industry. He also generates product requirements for future updates and releases, and helps develop the overall product strategy, messaging, thought leadership, and collateral to ensure its commercial and technical success.

Waters' background is meteorology and atmospheric science with a focus in tropical meteorology and climatology. Jeff holds a B.S. in Geography/ Meteorology from Ohio University ('09), and a M.S. in Meteorology from Penn State University ('11). He is a member of the American Meteorological Society, the International Society of Catastrophe Managers, and the U.S. Reinsurance Under 40s Group, Inc



MARC ZIMMERMAN

Marc Zimmerman, a Senior Advisor with the Global Insurance Services practice, brings over 40 years of senior leadership experience in data and analytics, investment accounting technology, and IT and business advisory roles. Before his tenure at FTI Consulting, he held a Senior Executive position at ClearPrism LLC, a consultancy partnered with FTI Consulting, specializing in insurance industry insights, M&A due diligence, and transformation. He also served as the global head of analytics propositions at Deloitte Consulting's Financial Services practice, aiding clients in developing enterprise data management and analytics strategies and evaluating InsurTech investments.

Previously, Zimmerman led Capgemini Financial Services' Business Information Management practice, establishing it as a data strategy and execution market leader. His extensive career includes senior leadership roles at Unisys Corporation, Princeton Financial Systems, and SS&C Technologies, contributing to the insurance sector's investment accounting and portfolio management technology. Zimmerman is a respected industry speaker, panelist, and co-author of papers related to the role of the Chief Data Officer in financial services. In his early career, he practiced corporate and commercial law in New Jersey.

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THE ARIAS·U.S. 2023 FALL CONFERENCE AND ANNUAL MEETING WILL BE CONDUCTED UNDER THE ARIAS·U.S. ANTITRUST POLICY

POLICY STATEMENT AND GUIDELINES CONCERNING ANTITRUST COMPLIANCE

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

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

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

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

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

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

Guidelines to Ensure Antitrust Compliance

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

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



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