

**CURRICULUM VITAE**  
**OF**  
**MITCHELL LEE LATHROP**

January 2013

**Licensed to Practice Law:**

Admitted to practice law in the following jurisdictions and courts:

- California
- New York
- District of Columbia
- U.S. Supreme Court
- U.S. Courts of Appeals for the Second, Fifth, Ninth, Tenth,  
District of Columbia and Federal Circuits
- U.S. District Courts for the Northern, Eastern, Central and Southern Districts of  
California, the Northern, Southern, Eastern and Western Districts of New York,  
the Eastern District of Michigan, the Southern District of Texas and the District of  
Columbia
- U.S. Tax Court
- U.S. Court of Appeals for the Armed Forces
- U.S. Court of International Trade
- U.S. Court of Federal Claims
- U.S. Court of Appeals for Veterans Affairs

Admitted *pro hac vice* for the handling of specific cases in Arkansas, Arizona, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Vermont, Washington, Wisconsin and West Virginia.

Certified General Courts Martial trial and defense counsel under Article 27(b) of the Uniform Code of Military Justice, 10 U.S.C. §827(b).

Accredited attorney to practice before the Department of Veterans Affairs.

**Educational Background:**

Preparatory education at The Thacher School, Ojai, California. B.Sc. in Engineering, United States Naval Academy, Annapolis, Maryland. J.D., University of Southern California Law School. Postgraduate education: Securities Law, University of Southern California Law School. Environmental Engineering, Industrial Waste Conference, Purdue University, 1988, 1989. Insurance & Reinsurance Arbitration, ARIAS-US, annual courses since 1997.

**Educational Background (cont'd):**

International Commercial Arbitration, Paris, 2005. Diplomate in International Arbitration Law, College of Law of England and Wales. Certificate in Advanced Mediation, Straus Institute for Dispute Resolution, Pepperdine University School of Law. Advanced mediation training, International Institute for Conflict Prevention and Resolution ("CPR").

**Recognitions:**

Martindale-Hubbell "A" rated in both California and New York

Listed in *The Best Lawyers in America* (2006-present)

Listed in *Super Lawyers* for both New York City and San Diego

Member, American Board of Neutrals Association

Lawyer representative to the Ninth Circuit Judicial Conference from the U.S. District Court for the Southern District of California

*Best Lawyers'* 2012 San Diego Insurance Law Lawyer of the Year

**Arbitrator and Mediator Qualifications and Appointments:**

Chartered Arbitrator

Fellow, Chartered Institute of Arbitrators (U.K.)

Distinguished Neutral, International Institute for Conflict Prevention and Resolution ("CPR")

Arbitrator, California Superior Court for San Diego County, California

Arbitrator, Japan Commercial Arbitration Association

Fellow, Australian Centre for International Commercial Arbitration

Arbitrator, Federation of Indian Chambers of Commerce and Industry

Arbitrator, Reinsurance Association of America

Arbitrator, Financial Industry Regulatory Authority ("FINRA")

Mediator, Mediators Beyond Borders

### **Arbitrator and Mediator Qualifications and Appointments (cont'd):**

Arbitrator, National Arbitration Forum

Arbitrator, International Chamber of Commerce

Arbitrator, London Court of International Arbitration

Member, The Institute for Transnational Arbitration

Certified arbitrator, Association Internationale de Droit des Assurances Reinsurance and Insurance Arbitration Society, U.S. (“ARIAS•US”)

Qualified mediator, Association Internationale de Droit des Assurances Reinsurance and Insurance Arbitration Society, U.S. (“ARIAS•US”)

Member, American Board of Neutrals Association

Member, Association Suisse de l'Arbitrage

Arbitrator, Association of Insurance and Reinsurance Run-Off Companies (“AIRROC”)

Member, Association for International Arbitration (“AIA”)

Arbitrator, Vienna International Arbitration Center

Arbitrator, Cairo Regional Centre for International Commercial Arbitration

Member, International Council for Commercial Arbitration

Arbitrator, American Arbitration Association (“AAA”) National Panel

### **Arbitrations and Mediations Conducted:**

Served as sole arbitrator, party arbitrator or counsel in over 100 mediations and arbitrations. Due to the confidential nature of mediation and arbitral proceedings, further information cannot be provided except as required by disclosure rules of the particular jurisdiction or provider organization in a specific mediation or arbitral proceeding.

## Reported Decisions:

Served as counsel in the following cases in which appellate decisions were rendered:

- (1) *County of Los Angeles v. Superior Court*, 253 Cal.App.2d 670, 62 Cal.Rptr. 435 (1967).
- (2) *Hofberg v. County of Los Angeles*, 258 Cal.App.2d 433; 65 Cal.Rptr. 759 (1968).
- (3) *Hart v. County of Los Angeles*, 260 Cal.App.2d 412, 67 Cal.Rptr. 242 (1968).
- (4) *Heyer v. Flaig*, 70 Cal.2d 223, 74 Cal.Rptr. 225, 449 P.2d 161 (1969).
- (5) *Cunningham v. Litton Industries*, 413 F.2d 887 (9th Cir. 1969).
- (6) *Snyder v. Superior Court*, 9 Cal.App.3d 579, 89 Cal.Rptr. 534 (1970).
- (7) *Sheffet v. County of Los Angeles*, 3 Cal.App.3d 720, 84 Cal.Rptr. 11 (1970), *rev. denied*.
- (8) *Nestle v. City of Santa Monica*, 6 Cal.3d 920, 101 Cal.Rptr. 568, 496 P.2d 480 (1972).
- (9) *Douglas v. Herald Examiner*, 50 Cal.App.3d 449, 123 Cal.Rptr. 683 (1975).
- (10) *In re U.S. Financial Securities Litigation*, 375 F.Supp. 1403 and 385 F.Supp. 586 (Jud.Pan.Mult.Lit. 1974); 22 F.R.Serv.2d 710 (S.D.Cal. 1975); 75 F.R.D. 702 (1977); 609 F.2d 411 (9th Cir. 1979), *cert. denied sub. nom. Gant v. Union Bank*, 446 U.S. 929, 100 S.Ct. 1866, 64 L.Ed.2d 281 (1980).
- (11) *The Pegasus Fund, Inc. v. Laraneta*, 617 F.2d 1335 (9th Cir. 1980).
- (12) *Crystal Growers Corp. v. Dobbins*, 616 F.2d 458 (10th Cir. 1980).
- (13) *Draney v. Wilson, Morton, Assaf & McElligott*, CCH Fed.Sec.Law Rptr. ¶ 97,657 [1980 Tr. Binder]; CCH Fed.Sec.Law Rptr. ¶ 98,338 [1981-82 Tr. Binder].
- (14) *Trone v. Smith*, 553 F.2d 1207 (9th Cir. 1977); *later decision*, 621 F.2d 994 (9th Cir. 1980).
- (15) *Dominguez v. Superior Court*, 139 Cal.App.3d 692, 189 Cal.Rptr. 5 (1983), *rev. denied*.

## Reported Decisions (cont'd):

- (16) *Chappel v. Wallace*, 46 U.S. 296, 103 S.Ct. 2362, 76 L.Ed.2d 586 (1983).
- (17) *Jones v. Stevenson*, 149 Cal.App.3d 560, 197 Cal.Rptr. 25 (1985).
- (18) *AIU Insurance Co. v. Superior Court*, 177 Cal.App.3d 281, 222 Cal.Rptr. 880 (1986).
- (19) *Fireman's Fund v. Ex-Cell-O Corporation*, 685 F.Supp. 621 (E.D. Mich. 1987); 702 F.Supp. 1317 (E.D. Mich. 1988).
- (20) *Liberty Mutual Ins. Co. v. Insurance Corp. of Ireland*, 693 F.Supp. 340 (W.D. Pa. 1988).
- (21) *Westinghouse v. Aetna Casualty & Surety*, 227 N.J.Super. 504, 547 A.2d 1167 (1988), *rev'd*. 233 N.J. Super. 463, 559 A.2d 435 (1989).
- (22) *Fireman's Fund Insurance Companies v. Ex-Cell-O Corp.*, 720 F.Supp. 597 (E.D. Mich. 1989).
- (23) *AIU Insurance Co. v. Superior Court (FMC Corp.)*, 51 Cal.3d 807, 274 Cal.Rptr. 820, 799 P.2d 1253 (1990).
- (24) *Calipatria Land Co. v. Lujan*, 793 F. Supp. 241 (S.D. Cal. 1990).
- (25) *Leksi, Inc. v. Federal Insurance Co.*, 736 F. Supp. 1331 (D.N.J. 1990).
- (26) *United States Fidelity & Guaranty Company v. Morrison Grain Company, Inc.*, 734 F.Supp. 437 (D. Kan. 1990), *aff'd*, 999 F.2d 489 (10th Cir. 1993).
- (27) *St. Paul Fire & Marine Ins. Co. v. McCormick & Baxter Creosoting Co.*, No. A8711-07096, Ore. Cir. Ct., Multnomah County, May 22, 1991.
- (28) *Grisham v. Maryland Casualty Co.*, No. 88-3063, W.D. Ark., February 9, 1989, *aff'd* 927 F.2d 1039 (8th Cir. 1991), *aff'd on rehrg.*, 951 F.2d:872 (8th Cir. 1991), *rehrg. and suggestion for rehrg. en banc denied*, 8th Cir., January 24, 1992, 1992 U.S. App. LEXIS 835.
- (29) *Sangamo Weston, Inc. v. National Surety Corp.*, 307 S.C. 143, 414 S.E.2d 127 (S.C. S.Ct. 1992).
- (30) *Oklahoma Publishing Co. v. Kansas City Fire and Marine Ins. Co.*, 805 F. Supp. 905 (W.D. Okla. 1992).

## Reported Decisions (cont'd):

- (31) *Fibreboard Corporation v. Puritan Insurance Co.*, No. A054898, Cal. Ct. App. (unpublished), *publication denied*, No. S030092, Cal. Supreme Ct., March 31, 1993, 1993 Cal. LEXIS 1946.
- (32) *Armstrong World Industries, Inc. v. Aetna Casualty & Surety Co.*, 35 Cal.App.4th 192, 26 Cal.Rptr.2d 35 (1993), *mod. on denial of rehrq.* December 13, 1993; *rev. granted* January 27, 1994; *trans.* October 19, 1995 to Ct. App., 1st Dist., Div. 1, with directions to vacate its decision and reconsider in light of *Montrose Chemical Corp. v. Admiral Ins. Co.*, 10 Cal. 4th 645 (1995); *later decision*, 45 Cal.App.4th 1, 52 Cal.Rptr.2d 690 (1996).
- (33) *Shell Oil Company v. Winterthur Swiss Insurance Company, et al.*, 12 Cal.App.4th 715, 15 Cal.Rptr.2d 815 (1993), *as modified*, February 22, 1993, 1993 Cal. App. LEXIS 156.
- (34) *Pacific Landmark Hotel v. Marriott Corporation*, 19 Cal.App.4th 615 (1993), *modified, rehrq. denied*, 19 Cal.App.4th 1552i, *rev. denied*, 1994 Cal. LEXIS 625 (1994).
- (35) *Aerogjet-General Corp. v. Transport Indemnity Insurance Co.*, 50 Cal.App.4th 354, 53 Cal.Rptr.2d 398 (1996); *aff'd in part, rev'd in part*, 17 Cal. 4th 38, 70 Cal. Rptr. 2d 118, 948 P.2d 909 (1997).
- (36) *Marathon Oil Co. v. A.G. Ruhrgas*, 182 F.3d 291 (5th Cir. 1999).
- (37) *Ieyoub ex rel. Louisiana v. American Tobacco Co.*, Civil Action No. CV-97-1174, U. S. District Court for the Western District of Louisiana, March 12, 1999, 1999 U.S. Dist. LEXIS 21742.
- (38) *County of Santa Clara v. United States Fidelity & Guarantee Co.*, No. 97-16759, 9th Cir., April 19, 1999, 1999 U.S. App. LEXIS 7623.
- (39) *Liggett Group, Inc. v. Affiliated FM Ins. Co.*, C.A. No. 00C-01-207 HDR, Del. Super. Ct., New Castle County, October 1, 2001, 2001 Del. Super. LEXIS 385, *aff'd sub nom. Liggett Group Inc. v. Ace Prop. & Cas. Ins. Co.*, 798 A.2d 1024 (Del. 2002).
- (40) *Consolidated Edison Company of New York, Inc. v. Allstate Ins. Co.*, 283 A.D.2d 322, 724 N.Y.S.2d 853 (2001), *leave to appeal granted*, 97 N.Y.2d 603, 760 N.E.2d 1288, 735 N.Y.S.2d 492 (2001), *aff'd*, 98 N.Y.2d 208, 774 N.E.2d 687, 746 N.Y.S.2d 622 (2002).

### Reported Decisions (cont'd):

- (41) *Hoepker v. Kruger*, 200 F.Supp.2d 340 (S.D.N.Y. 2002).
- (42) *Low v. Golden Eagle Insurance Co.*, 104 Cal.App.4th 306, 128 Cal.Rptr.2d 423 (2002).
- (43) *In re Golden Eagle Insurance Company in Liquidation (Low v. Cogan)*, No. A094144, Cal. Ct. App., November 22, 2002 (unpublished), 2002 Cal. App. Unpub. LEXIS 10830.
- (44) *Philadelphia Indemnity Ins. Co. v. Employers Ins. Co. of Wausau*, 318 F.Supp.2d 170 (SDNY 2004).
- (45) *In re: Kaiser Aluminum Corp.*, 343 B.R. 88 (D. Del. 2006).
- (46) *North Coast Women's Care Medical Group, Inc. v. Superior Court of San Diego County (Guadalupe T. Benitez)*, 137 Cal.App.4th 781, 40 Cal.Rptr.3d 636 (2006), rehrg. denied April 7, 2006, 2006 Cal. App. LEXIS 504, rev. granted, 46 Cal.Rptr.3d 605, 139 P.3d 1 (2006).
- (47) *DeMille v. Citizens Business Bank*, No. B190412, Cal. Ct. App., November 7, 2007 (unpublished), 2007 Cal. App. LEXIS 2121.
- (48) *North Coast Women's Care Medical Group, Inc. v. Superior Court of San Diego County (Guadalupe T. Benitez)*, 44 Cal.4th 1145, 81 Cal.Rptr.3d 708 (2008).
- (49) *MediVas, LLC v. Marubeni Corp.*, Case No. 10-CV-1001 W (BLM), S.D. Cal., February 28, 2011, 2011 U.S. Dist. LEXIS 19160.
- (50) *Tortona v. Shinseki*, Case No. 12-1005, Ct. App. Vet. Claims, August 7, 2012.

### Publications - Articles:

- (1) "Legal Malpractice: Plaintiffs, Limiting Statutes and *Heyer v. Flaig*," 37 Ins. Counsel J. 258 (1970).
- (2) "Legal Malpractice and Rule 10b-5 Liability: Pitfalls for the Occasional Securities Practitioner," 5 Loy.L.A.L.Rev. 449 (1972) (with William F. Rinehart).
- (3) "The Exposure of the Patent Attorney to Claims for Legal Malpractice: The New Frontier," 3 Am.Pat.L.A.J. 220 (1975).

## Publications - Articles (cont'd):

- (4) "A Lawyer's Primer for the Use of Computers in Litigation," California Continuing Education of the Bar, Annual Trial Practice Institute, December, 1986.
- (5) "Apportioning Cleanup Costs at Superfund Sites: The Cost Allocation Method," Defense Research Institute, February, 1987 (with Andrew C. Harvey).
- (6) "Coverage Issues in the Handling of Environmental Insurance Claims," monograph, February, 1987 (with Kathy P. Waring).
- (7) "An Overview of Superfund and its Impact on Commercial Transactions," California Bankers Association, Bank Counsel Seminar, April, 1987.
- (8) "Environmental Insurance Coverage," monograph, December, 1987.
- (9) "Discovery of Computer-Based Litigation Support Systems," California Continuing Education of the Bar, June, 1988.
- (10) "How Did We Get Here? An Overview of Issues Affecting Environmental Insurance Coverage," Northwest Center for Professional Education, July, 1988.
- (11) "Excess Umbrella and Reinsurance Issues in Environmental Cases," Defense Research Institute, October, 1988.
- (12) "Evaluating and Reporting Environmental Exposures for Financial Statements and Securities Law Compliance," Executive Enterprises, Inc., November, 1988 (with Frederick W. Lambert).
- (13) "Disputes Between Direct Insurers," Practising Law Institute, March, 1989 (with Kimball Ann Lane).
- (14) "Basic Environmental Insurance Law and Practice (Property and Casualty)," monograph, April, 1989.
- (15) "Environmental and Toxic Tort Claims from the Insurer's Perspective" Practising Law Institute, May, 1989.
- (16) "The Environmental Engineer as an Expert in Litigation," *Proceedings 44th Purdue Industrial Waste Conference*, (1989), reprinted in 2 *Env. Claims Jour.* 65 (1989).



## **Publications - Articles (cont'd):**

- (17) “Environmental Insurance Coverage Litigation and Issues,” California Judges' Conference, The Rutter Group, 1989.
- (18) “Attorney-Client Privilege and Attorney Work Product in the Context of Environmental Insurance Coverage Litigation,” Defense Research Institute, 1989.
- (19) “Disputes Between Direct Insurers,” Practicing Law Institute, 1990.
- (20) “Environmental Insurance Coverage Disputes from the Perspective of the Insurer,” Practicing Law Institute, 1990.
- (21) “Insuring Environmental Risks,” *Business Insurance Law and Practice*, Matthew Bender, 1990.
- (22) “Attorney-Client Privilege and Attorney Work Product Immunity in Insurance Coverage Litigation,” Defense Research Institute, 1990.
- (23) “Personal Injury and Advertising Injury Coverage in the Context of Environmental Insurance Coverage Litigation,” Defense Research Institute, August, 1991.
- (24) “Excess Insurance and Insurance Coverage Litigation,” American Bar Association, Insurance Coverage Litigation Committee, March, 1993.
- (25) “Reinsurance,” Defense Research Institute, October, 1993.
- (26) “Environmental Insurance Coverage: The Current Crisis,” HazMat West, April, 1994.
- (27) “Reinsurance and Environmental Claims,” Executive Enterprises, May, 1994.
- (28) “Are Declaratory Judgment Costs Recoverable from Reinsurers? A Supplement,” Strategic Research Institute, May, 1994.
- (29) “Where the Buck Stops, Reinsurance in 1994 and After,” Defense Research Institute, October, 1994.
- (30) “ECO/XPL: Who Pays What?,” Strategic Research Institute, January, 1995.
- (31) “What Every Lawyer Ought to Know about Reinsurance (But Too Few Do!)” San Diego County Bar Association, Insurance/Bad Faith Section, June, 1995.

## **Publications - Articles (cont'd):**

- (32) “Reinsurance Disputes: The Three Big Topics in Today's Reinsurance Industry,” Strategic Research Institute, June, 1995.
- (33) “Settlement Techniques in MGP and Environmental Insurance Coverage Cases: Thoughts from the Trenches,” Fulcrum Information Services, Inc., May, 1996
- (34) “Current Developments in Reinsurance,” Defense Research Institute, June, 1996.
- (35) “Mediating Reinsurance Insolvency Disputes,” American Bar Association Section of Business Law, June, 1996.
- (36) “Breast Implant Insurance Coverage Litigation from the Insurers’ Perspective,” Mealey's Breast Implant Litigation Conference, September, 1996.
- (37) “Tobacco-Related Litigation and the Insurance Industry: Where Will it Go?” Fulcrum Insurance Coverage for Tobacco and Tobacco-Related Litigation & Liability Conference, November, 1996.
- (38) “Insolvency and Reinsurance: The Search for Assets and the Battle for the Funds,” New York State Bar Reinsurance Litigation and Arbitration Program, November, 1996.
- (39) “Trigger of Coverage and Allocation of Losses Between Reinsurers and Cedents,” Reinsurance Association of America, Environmental Conference, January, 1997.
- (40) “Case Study - Tobacco,” Mealey's Emerging Insurance Battles Conference, February, 1997.
- (41) “Insurance Implications of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards,” Zurich Reinsurance Centre, Inc., Conference on Emerging Issues in the Professional Liability Arena, January, 1997.
- (42) “Private Cleanup Cost Recovery and Compliance with the National Contingency Plan,” *Environmental Claims Journal*, vol. 10, no. 2, pg. 59, Winter, 1998.
- (43) “Insurance Implications of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards,” 1 Jour. Ins. Coverage 30 (1998).

## **Publications - Articles (cont'd):**

- (44) "It's Only A Question of 'Zeros' and 'Ones': The Year 2000 Problem," Mealey's Emerging Insurance Battles Conference, 1998.
- (45) "It May Already Be Too Late: An Analysis of the Millennium Bug," Monograph for in-house corporate seminars, 1998.
- (46) "Tobacco-Related Litigation: How Will it Affect The Insurance Industry," National Insurance Law Review, vol. 9, no. 1, 1998, NILS Publishing Company.
- (47) "A Realistic Look at Terrorism Trials by Military Commission," November 2001, <http://news.findlaw.com/cnn/docs/terrorism/lathrop.trials.112001.pdf>.
- (48) "The Changing Face of Expert Evidence," 52 F.D.C.C. Quarterly 409 (2002).
- (49) "Current Developments in Selected Reinsurance Issues" (September 2004).
- (50) "Interim Awards and Freezing Assets," International Institute for Conflict Prevention and Resolution (January 2007)
- (51) "A Comparative Look at International Arbitral Rules and Statutes," Center for International Legal Studies (February 2007)
- (52) "Subtle Differences: A Look at Some Widely Used Arbitral Rules," International Institute for the Prevention and Resolution of Disputes (May 2007)
- (53) "Property Insurance in a Post-Katrina World," 2007 Joint International Conference, Defense Research Institute, International Association of Defense Counsel, and Federation of Defense and Corporate Counsel (May 2007)
- (54) "Court-ordered Interim Measures in Aid of the Enforceability of Pending Foreign Arbitration," Journal of the Chartered Institute of Arbitrators (July 2007)
- (55) "Special Issues with Wrap-up Insurance," Mealey's Wrap-Up Insurance Conference (June 2008)
- (56) "Climate Change and Insurance," Lexis-Nexis Matthew Bender (July 2008)
- (57) "Insurance Coverage and the World Trade Center," National Forum for Environmental and Toxic Tort Issues (September 2008)

### **Publications - Articles (cont'd):**

- (58) “Responsive Pleadings and Arbitration,” *Alternatives to Litigation*, 2010
- (59) “Widely Used Rules in International Arbitration,” *International Dispute Resolution*, Kluwer Law International, 2010
- (60) “Jurisdiction Issues in International Arbitration,” *Global Business Law Review*, 2 *Global Bus. L. Rev.* 29 (2012)
- (61) “The State of the Law: Responsive Pleading, and Motions to Compel Arbitration,” *Alternatives*, Vol. 30 (February 2012)

### **Publications - Books:**

- (1) *Computer Technology in Civil Litigation*, Bancroft-Whitney, 1990.
- (2) “Computers and the Law Office,” 54 *Am Jur Trials*, Bancroft-Whitney, 1990.
- (3) *Environmental Insurance Coverage: State Law and Regulation*, Juris Publishing, Inc., 1991-2004. No longer in print.
- (4) *Insurance Coverage for Environmental Claims*, LexisNexis Matthew Bender, 1992. Updated annually. Last update in September 2012.

### **Teaching and Lecturing:**

Lectured on various aspects of insurance and reinsurance law and arbitration for the following organizations:

- (1) American Bar Association - American Law Institute
- (2) Continuing Education of the Bar, State Bar of California
- (3) Business & Corporations Law Section, Los Angeles County Bar Association
- (4) Advanced Management Research, Inc., New York
- (5) Continuing Legal Education, State Bar of Minnesota
- (6) Loyola University of Los Angeles, School of Law (guest lecturing appearances)

**Teaching and Lecturing (cont'd):**

- (7) University of San Diego School of Law, San Diego (guest lecturing appearances)
- (8) Western State University, School of Law (guest lecturing appearances)
- (9) Practicing Law Institute, New York
- (10) Association of Business Trial Lawyers, Los Angeles
- (11) American Board of Professional Liability Attorneys
- (12) Stanford Law School, Palo Alto (guest lecturing appearances)
- (13) California Bankers Association
- (14) Executive Enterprises, Inc., New York
- (15) Northwest Center for Professional Education, Bellevue, Washington
- (16) Purdue University, School of Civil Engineering, 44th Industrial Waste Conference
- (17) Defense Research Institute
- (18) The Rutter Group, Los Angeles
- (19) California Judges' Association
- (20) Chicago Reinsurance Conference
- (21) Member, National Editorial Board, Class Action Reports, 1979-1994
- (22) Fulcrum Information Services, Inc., New York
- (23) New York State Bar Association
- (24) Mealey's Publications, Inc.
- (25) Reinsurance Association of America, Washington, DC
- (26) Zurich Reinsurance Centre, Inc., New York, NY

**Teaching and Lecturing (cont'd):**

- (27) Software Productivity Group
- (28) Glasser LegalWorks
- (29) Center for International Legal Services (“CILS”) - International Arbitration
- (30) International Institute for Conflict Prevention and Resolution (“CPR”)

**Expert Witness Engagements:**

Retained as an expert witness in the following matters. (A partial list, based upon recollection with respect to older matters.):

- (1) *In re Worldwide Church of God*, Los Angeles County Bar Association fee arbitration - Testified as to the reasonableness of attorney's fees in a litigation matter
- (2) *Previews, Inc. v. California Union Insurance Co.*, U.S.D.C., Central District of California - Testified as to the reasonableness of a law firm's fees in handling a matter involving insurance coverage litigation
- (3) *Aquachlor v. Devilbiss*, Calif. Superior Court, Fresno County - Retained as an expert on the standard of care for attorneys in handling securities transactions
- (4) *Zurich Insurance Co. v. Transamerica Insurance Co.*, Calif. Superior Court, San Diego County - Retained as an expert on insurance policy interpretation and insurance coverage
- (5) *Lavine v. Rich & Ezer*, Calif. Superior Court, Los Angeles County - Retained as an expert on the standard of care for attorneys in handling corporate and securities transactions
- (6) *Palace Management Corp. v. Palace Nightclub Corp.*, Calif. Superior Court, Los Angeles County - Retained as an expert on the standard of care and the standard of conduct for attorneys in California
- (7) *Interstate Consultants, Inc. v. American National Fire Ins. Co.*, Calif. Superior Court, Los Angeles County - Retained as an expert to render an opinion on whether a particular insurance policy provided coverage and, if so, whether the insurer had a duty to defend and/or indemnify

### Expert Witness Engagements (cont'd):

- (8) *Fireman's Fund Insurance Co. v. Younesi*, Calif. Superior Court, Los Angeles County - Retained as an expert on the standard of care and the standard of conduct for insurance-appointed defense counsel, the standard of care for claim handling, and billing practices of counsel
- (9) *Garamendi v. Daar & Newman*, Calif. Superior Court, Los Angeles County - Retained by the California Insurance Commissioner as an expert on the standard of care and the standard of conduct for attorneys in California
- (10) *Pollack v. Malat, Lans*, Calif. Superior Court, Los Angeles County - Retained by a law firm in a legal malpractice case to testify on what constitutes an attorney-client relationship and on the standard of care and the standard of conduct for attorneys in California
- (11) *McLaughlin v. Burchett*, Calif. Superior Court, Los Angeles County - Retained by the plaintiff in a legal malpractice case to testify on the standard of care for lawyers in California handling real property matters involving environmental contamination
- (12) *Williams v. Williams*, Calif. Superior Court, Los Angeles County - Testified as an expert on environmental insurance coverage and run-off insurance companies
- (13) *Acheson & Graham Mortuary, Inc. v. Northwestern National Insurance Co.*, U.S.D.C., Central District of California - Testified as an expert on the duty of a liability insurer in California to investigate claims and defend its insured, and proper claim handling procedures
- (14) *Jacobson v. Selvin, Ruben & Weiner*, Calif. Superior Court, Los Angeles County - Testified as an expert on the standard of care and the standard of conduct for attorneys in California in connection with a fee dispute
- (15) *Avery Dennison Corp. v. Aetna Casualty & Surety Co.*, Calif. Superior Court, Los Angeles County - Served as an expert witness on environmental insurance coverage and bad faith under California law on behalf of an insurer
- (16) *Blue Cross of California v. Boiler Engineers Co., Inc.*, Calif. Superior Court, Los Angeles County - Testified as an expert witness on the custom and practice of claim handling in an environmental pollution case

## Expert Witness Engagements (cont'd):

- (17) *Kaiser Aluminum & Chemical Corp. v. Fireman's Fund Ins. Co.*, Calif. Superior Court, San Francisco County - Served as an expert witness on custom and practice in the insurance industry, insurance claims handling, and bad faith under California law on behalf of an insurer
- (18) *Elan Pharmaceutical Research Corp. v. Employers Insurance of Wausau*, U.S.D.C., Northern District of Georgia, Gainesville Division - Testified as an expert on the standard of care of insurers in claim handling and the investigation requirements of insurers when presented with a claim
- (19) *Washington Schools Risk Management Pool v. American Protection Insurance Co.*, U.S.D.C., Western District of Washington - Served as an expert witness on the rights and obligations of a cedent, a reinsurer and a retrocessionaire with respect to an underlying liability case settlement
- (20) *LG Infocomm U.S.A. v. Euler American Credit Indemnity Co.*, U.S.D.C., Southern District of California - Served as an expert witness on the obligations of an accounts receivable insurer
- (21) *R. L. Alia Company v. Royal and Sun Alliance Ins. Co.*, Washington Superior Court, King County - Served as an expert witness regarding the scope of coverage provided to an additional insured
- (22) *Clarendon America Ins. Co. v. Century Surety Co.*, Calif. Superior Court, Los Angeles County - Served as an expert witness regarding custom and practice in the insurance industry, policy construction, and "other insurance" clauses
- (23) *Alta Healthcare v. Comrisk Insurance*, U.S.D.C., Central District of California - Served as an expert witness on the underwriting and placing of insurance and reinsurance for healthcare organization employees
- (24) *Rio Vista West Apartments, LLC v. Willis Insurance Services of California*, Calif. Superior Court, Orange County - Served as an expert witness regarding custom and practice in the excess and surplus lines insurance market
- (25) *Stewart Title Guaranty Co. v. Brea Hospital Properties, LLC*, U.S.D.C., Central District of California - Served as an expert witness on insurance policy interpretation and insurance industry custom and practice in a title insurance dispute



## Expert Witness Engagements (cont'd):

- (26) *Nelson v. Zurich American Insurance Co.*, U.S.D.C., District of Arizona - Served as an expert witness on the duty of an insurer to defend and indemnify its insured
- (27) *Clarendon National Insurance Co. v. Tool Touring, Inc.*, Calif. Superior Court, Los Angeles County - Serving as an expert witness on insurance policy interpretation and insurance industry custom and practice
- (28) *Taisei Construction Corporation v. Clarendon America Insurance Company*, Calif. Superior Court, San Mateo County - Served as an expert witness on insurance policy interpretation and insurance industry custom and practice
- (29) *Brea Hospital Properties v. Snell & Wilmer*, Calif. Superior Court, Orange County - Served as an expert witness on insurance policy interpretation, insurance industry custom and practice, and the standard of care required of lawyers in California
- (30) *Professional Recreation Organization, Inc. v. National Union Fire Insurance Company*, U.S.D.C., Western District of Washington - Served as an expert witness on claim handling procedures and bad faith as it relates to employment practices liability insurance
- (31) *Continental West Insurance Company v. Lexington Insurance Company*, U.S.D.C., Western District of Washington - Served as an expert witness on claim handling and coverage dispute between two liability insurers
- (32) *Rachal v. Colony Insurance Company*, Calif. Superior Court, San Diego County - Served as an expert witness on the standard of care and the standard of conduct for insurance brokers
- (33) *WG Development LLC v. Probuilders Specialty Insurance Company RRG*, Calif. Superior Court, San Diego County - Served as an expert witness on insurance policy interpretation, insurance industry custom and practice, and the standard of care for claim handlers in commercial insurance matters
- (34) *Zampi, Determan & Erickson LLP v. Baker*, Calif. Superior Court, San Diego County - Served as an expert witness on the standard of care and the standard of conduct required of attorneys in California

### **Expert Witness Engagements (cont'd):**

- (35) *Centrix Financial Liquidating Trust v. National Union Fire Insurance Company*, U.S. Bankruptcy Court for the District of Colorado - Serving as an expert witness on coverage under fidelity bonds and the standard of care for claim handlers in commercial insurance matters
- (36) *Contractors Access Program of California v. Theodora Oringer, P.C.*, Calif. Superior Court, Los Angeles County - Serving as an expert witness on the standard of care and the standard of conduct required of attorneys in California
- (37) *Contractors Access Program of California v. Majestic Capital, Ltd.*, Calif. Superior Court, San Francisco County - Serving as an expert witness on the standard of care and the standard of conduct required of attorneys in California
- (38) *Cottage Health System et al. v. Travelers Casualty and Surety Company of America*, Calif. Superior Court, Santa Barbara County - Serving as an expert witness on the standard of care and the standard of conduct required of D&O and liability insurers in California

### **Professional Memberships & Offices Held:**

- (1) American Board of Trial Advocates, 1969-Present
- (2) Judge Advocates Association, 1968-Present  
Chairman, Southern California Chapter, 1978
- (3) American Board of Neutrals Association
- (4) State Bar of California, 1966-Present  
Disciplinary Examiner, 1967-1971  
Local Administrative Committee Member,  
Disciplinary Board, 1971-1976  
Disciplinary Board Member, 1976-1978  
State Bar Court, Hearing Referee, 1978-1980; 1987-1989  
State Bar Court, Executive Committee, 1978-1988  
State Bar Court, Review Department  
Referee, 1980-1982  
State Bar Court, Assistant Presiding  
Referee and Chairman, Review Department, 1982-1985  
State Bar Court, Presiding Referee, 1985-1987

### Professional Memberships & Offices Held (cont'd):

- (5) Los Angeles County Bar Association, 1966-1979  
Chairman, Medical-Legal Relations Committee, 1971  
Member, Press-Bar Relations Committee, 1971-1973  
Delegate to the Conference of Delegates, 1972-1977
- (6) San Diego County Bar Association, 1977-Present  
Vice-President, 1985-1986  
Director of the Association, 1982-1986  
Ethics Committee, 1978-1982; Chairman, 1981 and 1982  
Federal Court Committee, 1978-1981; Chairman, 1980
- (7) American Bar Association, 1966-Present  
Committee on Officers, Directors and  
Professional Liability, Section of Torts and  
Insurance Practice, 1971-Present  
Committee on Securities Laws, Section of  
Litigation, 1977-Present  
Environmental Litigation Committee,  
Section of Litigation, 1985-Present  
Insurance Coverage Litigation Committee,  
Section of Litigation, 1987-Present  
Association of Professional Responsibility Lawyers,  
1990-Present
- (8) International Association of Defense Counsel, 1977-Present  
Legal Malpractice Committee, 1978-1984 (Vice Chairman, 1982)  
Toxic and Hazardous Substance Litigation Committee, 1984-Present  
Reinsurance Committee, 1995-Present  
Board of Editors, *Defense Counsel Journal*, 1997-Present
- (9) Federal Bar Association, 1975-Present
- (10) Bar Association of the District of Columbia, 1966-Present
- (11) Association of Business Trial Lawyers  
Los Angeles Chapter, 1975-1980  
San Diego Chapter, 1992-Present
- (12) Association of Southern California Defense Counsel, 1968-Present
- (13) Federal Bar Council (Second Circuit), 1982-Present

### **Professional Memberships & Offices Held (cont'd):**

- (14) Bar Association of the City of New York, 2007-Present
- (15) Legion Lex, University of Southern California Law School
  - Director, San Diego Chapter, 1987-1991
  - Vice President, San Diego Chapter, 1987-1989
  - President, San Diego Chapter, 1989-1990
- (16) New York Academy of Sciences, 1992-Present
- (17) San Diego Todd American Inn of Court, 1992-Present
- (18) California Insurance Commissioner's Environmental Liability Insurance Task Force, project completed and report issued in February 1994.
- (19) Fellow, Center for International Legal Studies, Salzburg, Austria, 2002-Present
- (20) Board of Editors, *Journal of Insurance Coverage*, Aspen Law & Business, 1997-Present
- (21) International Bar Association, 2005-Present
- (22) Claims & Litigation Management Alliance, 2011-Present

### **Civic and Community Activities:**

- (1) Metropolitan Opera, New York
  - Director, 1983-Present
- (2) Metropolitan Opera National Council
  - Western Regional Chairman, 1971-1981
  - Executive Committee Chairman, 1983-2010
  - President, 2010-Present
- (3) San Diego Opera, San Diego
  - Director, 1977-2002
  - President, 1986-1988
- (4) The Thacher School, Ojai, California
  - Trustee, 1974-1978
- (5) Idyllwild Arts Foundation, Idyllwild, California
  - Trustee, 2002-2004; Governor, 2004-2010

### **Civic and Community Activities (cont'd):**

- (6) Friends of the Claremont Colleges, Claremont, California  
Director, 1979-1981  
President, 1981
- (7) American Association of the Order of St. Lazarus  
Director, 1971-Present  
General Counsel, 1971-Present
- (8) International Dominican Foundation, Rome, Italy  
Advisory Board Member, 2004-Present

### **Military Service:**

On active service from 1959 to 1964. Active reserve, 1964 to 1992. Vietnam service. Armed Forces Expeditionary Medal, Vietnam Service Medal, National Defense Service Medal. Presently, Captain, Judge Advocate General's Corps, U.S. Naval Reserve (Retired).

### **Professional Employment:**

2012-Present: Independent arbitrator, mediator and litigator. Practice consists of domestic and international arbitration, mediation and litigation; insurance and reinsurance matters; environmental law; commercial, banking, securities and complex civil litigation.

2009-2012: Member, Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C., New York and San Diego. Practice consists of domestic and international arbitration and litigation; insurance and reinsurance matters; environmental law; commercial, banking, securities and complex civil litigation.

2003-2009: Partner and Of Counsel, Duane Morris LLP, New York and San Diego. Practice consisted of domestic and international arbitration and litigation; insurance and reinsurance matters; environmental law; commercial, banking, securities and complex civil litigation.

1994-2003: Partner, Luce, Forward, Hamilton & Scripps LLP, San Diego, New York, San Francisco and Los Angeles. Practice consisted of domestic and international arbitration and litigation; insurance and reinsurance matters; environmental law; commercial, banking, securities and complex civil litigation.

1986-1994: Senior partner, Adams, Duque & Hazeltine, New York, Los Angeles, San Diego and San Francisco. Member of the Executive Committee of the Firm. Firm Chairman, 1992-1993. National environmental counsel for groups of property and casualty insurance companies. Practice consisted of environmental law; insurance coverage issues; reinsurance arbitration and litigation; civil litigation involving the defense of accountants and attorneys; and complex business litigation.

**\Professional Employment (cont'd):**

1980-1986: Partner, Rogers & Wells, New York and San Diego. Partner-in-Charge, San Diego Office, 1980-1986. Practice consisted of complex civil litigation, principally involving environmental law, federal and state securities laws; and insurance and reinsurance law.

1971-1980: Partner, Macdonald, Halsted & Laybourne, Los Angeles and San Diego. Partner-in-Charge, San Diego office, 1976-1980. Practice consisted of civil litigation, principally in the areas of federal and state securities laws; complex business litigation; the defense of accountants, attorneys and officers and directors of publicly-held companies; and insurance and reinsurance arbitration and litigation.

1968-1971: Associate Attorney and subsequently Partner, Brill, Hunt, DeBuys & Burby, Los Angeles. Practice consisted of civil litigation, primarily in the areas of aviation defense, eminent domain, products liability and professional liability defense; and reinsurance arbitration and litigation.

1966-1968: Deputy County Counsel, County of Los Angeles. Practice consisted of civil litigation, primarily in the area of general liability defense. Principal clients were the Los Angeles County Sheriff's Department and Los Angeles County General Hospital.

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