

FRANK LATTAL

Nationality: American

Languages: English



Frank is an independent arbitrator and neutral, specialising in international, Construction, Insurance, Reinsurance and complex commercial disputes. Frank is a Fellow of the Chartered Institute of Arbitrators and his distinct experience in complex and significant financial disputes extends globally. He has over 36 years of dispute resolution experience comprised of 14 years of private legal practice followed by 21 years in senior executive roles at Chubb Group (formerly known as ACE Group) where he had responsibility for resolving tens of thousands of disputes around the world. Prior to joining Arbitra, Frank served as Chubb's (ACE's) worldwide Chief Claims Officer for 15 years and prior to that as the General Counsel to 2 of ACE's operating companies and prior to that as Senior Vice President of ACE Bermuda. He transitioned from Chubb in 2019 and has since acted as fulltime arbitrator.

Frank's industry and legal experience positions him with a deep understanding of commercial and insurance-related disputes. He also has a breadth of first-hand experience in many significant and complex disputes involving construction, property damage, employment-related matters, Director's & Officer's and Shareholder adversarial proceedings.

He is one of the few insurance professionals that have significant first-hand experience analysing and resolving disputes under the "Bermuda Form" having had direct and ultimate responsibility for handling Bermuda Form disputes including 19 arbitrations that were tried to award with an average amount of \$100M at stake.

Throughout his career Frank has been responsible for evaluating, formulating and executing on strategies to resolve disputes through actual trial, arbitration, mediation, and principal to principal negotiation. He has accumulated an abundance of real-life experience on the dynamics of decision making to resolve conflict and he now brings all of these perspectives to his dispute resolution practice.

Sector Expertise

- Insurance, Reinsurance & Bermuda Form
- Commercial Dispute Resolution
- Investment Treaty Disputes
- Construction, Infrastructure & Engineering

Insurance, Reinsurance & Bermuda Form

Throughout his career Frank has resolved many large and complex insurance and reinsurance coverage matters involving pharmaceuticals, railroads, aerospace, petrochemicals, automotive, construction, municipalities, colleges and universities, climate change, environmental contamination, natural catastrophes as well as a variety of mass torts including matters relating to asbestos, silica, and other latent injuries. He also has resolved coverage disputes involving employment discrimination, automobile insurance, construction defects, and construction accidents. He has a deep understanding of potential liabilities arising out of claims handling practices and alleged bad faith and issues arising out of the conduct of brokers and other intermediaries.

Frank also has detailed and practical knowledge of nearly every form of first-party and third-party insurance policy and coverage including Cyber, Supply chain, Primary and excess CGL, Professional liability Director and Officers, Employment Practices Liability, Errors and Omissions, Construction, Builder's Risk, Contract Bonds, Inland Marine, Motor Vehicle off all types, Bermuda Form, Occurrence, Claims-Made, Integrated Occurrence, Fronted and captive insurance and transactional insurance (reps and warranties).

In addition Frank has been involved in a broad array of reinsurance disputes, ranging from the validity of a single loss under a facultative certificate or reinsurance treaty, to fraud and misrepresentation claims involving the potential rescission of an entire book of business.

Commonly recurring issues, as well as many unique points of contract interpretation include: allocation, aggregation, number of occurrences, loss adjustment expenses, follow-the-fortunes/settlements, late notice, utmost good faith, claims cooperation, salvage and subrogation recoveries, inuring insurance and/or reinsurance, warranties, rescission, commutations, access to records, offset, reserving methodology and calculation disputes, reinsurance collateral, premium issues, the scope of ECO and XPL clauses, insolvency issues, and disputes involving captive-related issues, underwriting guidelines/standards, bad faith and claims handling issues.

Few professionals have had greater first-hand experience analyzing and resolving disputes under the "Bermuda Form".

Commercial Dispute Resolution

Frank has considerable experience resolving commercial and contractual claims as well construction disputes involving fidelity, crime, performance, advance payment, and surety bonds. As Chief Claims Officer for the largest publicly traded Property and Casualty Insurance company in the world for 15 years, Frank had ultimate authority for large claims of many varieties on every significant continent.

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His experience with these claims spans all the major lines of business and industries that have spawned major claim activity and litigation including pharmaceuticals, railroads, aerospace, petrochemicals, motor vehicles, construction, municipalities, nation states, colleges, and universities. His experience extends to claims arising out of natural disasters (Hurricanes, Floods, Wildfires) and disputes brought by consumers against commercial banks.

Frank has been involved in multiple consumer class actions disputes involving cyber breaches, TCPA, FDCA, and other statutory claims. He has also served first hand in securities class actions disputes, involving public and private companies, their boards of directors and their senior managers.

At Chubb, Frank also handled professional liability claims involving insurance brokers/agents, managing general agents (MGAs), and managing general underwriters (“MGUs”).

Investment Treaty Disputes

Throughout his career Frank had responsibility for evaluating and resolving many matters involving cross-border investment disputes as a result of government actions like expropriation and exchange controls, as well as political violence and instability, breach of contract, and sovereign debt defaults and restructuring. He has a solid understanding of the various dynamics and complexities that exist in cross-border financial disputes.

Experience

As Arbitrator

- Appointed as a Co-Arbitrator in a dispute between American and U.K. entities regarding excess of loss reinsurance and the release of collateral.
- Appointed as a Co-Arbitrator by a U.K. insurer in a dispute with an U.S. policyholder involving “insured v insured” issues.
- Appointed as a Co-Arbitrator by a Policyholder in a dispute involving “additional insured” issues for a large construction project.
- Appointed as a Co-Arbitrator in a reinsurance dispute between 2 entities governed by the Bermuda Arbitration Act of 1986.
- Appointed as a Co-Arbitrator in an Excess of Loss Reinsurance dispute arising out of Covid-19 claims.

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As Counsel and Claims Officer Frank had significant and ultimate responsibility for managing resolutions of thousands of claims including the following complex, high severity matters and portfolios:

- \$4B+ enterprise-wide 9/11 exposure encompassing first party property, business interruption, airport, security and aviation liability, workers compensation, accident and health, life and as well as major subrogation claims.
- Opioids – claims against manufacturers and distributors of prescription opioids for allegations of gross misrepresentation of the risks of long-term use and claims against pharmacies and doctors for failing to properly monitor orders for and overuse of those prescription drugs -- all of which allegedly contributed to the current opioid epidemic.
- Talc – Failure to warn claims against mining and manufacturers of talcum (baby) powder alleging knowledge that talc was contaminated by asbestos and could cause mesothelioma and ovarian cancer.
- Largest Marine Oil Spill in History: Claims for lost business profits and individual income losses, environmental damage, property damage, wrongful death, health and shareholder-related litigation against 5 main parties who were owners and operators of offshore drilling rig.
- Blue Cross/Blue Shield - Class action litigation brought on behalf of a class of over 100 million subscribers and more than 40 plaintiffs groups alleging that BCBS entities conspired not to compete for health insurance customers, resulting in reduced competition and lower reimbursement.
- Head Trauma – various claims and lawsuits alleging damages related to concussions¹ or other traumatic brain injuries players allegedly incurred while participating in professional and amateur organized sports leagues including NFL, NHL, FIFA, NCAA, and WWE as well as products liability claims against helmet manufacturer.
- Brazil Dam Collapse - various claims against the owners and operators of 2 mining dams that collapsed releasing 50 million cubic meters of toxic iron-ore into the surrounding district killing 19 and polluting the water supply of hundreds of thousands of residents.
- Madoff - Lawsuits by victims of alleged \$50 billion Ponzi scheme.
- Sexual Molestation and Harassment – claims against universities, religious organizations, not for profit organizations, and high-profile individuals alleging damages as a result of sexual molestation and harassment.

- Sub Prime Mortgage Litigation – Litigation and claims starting in late 2006 arising from the disruption in the market for subprime mortgage-backed securities collateralized mortgage obligations (CMOs) and collateralized debt obligations (CDOs).
- Corporate Bribery - Allegations of corruption among corporate executives who allegedly accepted bribes in return for awarding contracts to construction firms at inflated prices which when revealed sent shockwaves through the Brazilian government and economy resulting in hundreds of claims involving several large Latin American corporations and at least 11 countries.

Academic & Professional Qualifications

Career History

- 2020, Independent Arbitrator
- 1998 – 2019 Chubb Group (formerly known as ACE Group)
 - 2003 – 2019 Chief Claims Officer
 - 2001-2003 ACE Bermuda and Tempest Re, General Counsel
 - 1998 ACE Bermuda, Senior Vice President and Claims Counsel
- 1984-1998, Connell Foley & Geiser, LLP, Litigation Partner

Education

- Valparaiso University School of Law
- Bucknell University

Professional Associations & Recognitions

- Fellow of the [Chartered Institute of Arbitrators](#) (FCIArb)
- Member of the Panel of Distinguished Neutrals of the International Institute for [Conflict Prevention & Resolution](#) (CPR)
- [AIDA](#) Reinsurance & Insurance Arbitration Society - ARIAS US Certified Arbitrator
- [Financial Industry Regulatory Authority](#) (FINRA) Certified Arbitrator
- The [London Court of International Arbitration](#) (LCIA) - Member User's Council
- [International Council for Commercial Arbitration](#) (ICCA)
- [International Chamber of Commerce](#) (ICC)
- [AIDA](#) Reinsurance & Insurance Arbitration Society - ARIAS US
- International Institute for [Conflict Prevention & Resolution](#) (CPR)
- [International Association of Defense Counsel](#) (IADC)

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Publications, Articles & Thought Leadership

- Co-author: George J. Kenny & Frank Lattal, [New Jersey Insurance Law](#), ALM Media Properties (2021) (One volume treatise currently in 14th edition).
- International Association of Defense Counsel: Moderator, Insurance Coverage for COVID-19 Claims. Webinar. April, 2020
- International Association of Defense Counsel Mid-Year Meeting: Moderator, The View from the Top: A Panel Discussion of Chief Claims Officers. Pebble Beach, CA. February, 2020
- International Association of Defense Counsel Southeast Regional Meeting: Panelist, A Debate: Best Practices and Pitfalls in Mediation and Arbitration. Miami, FL. September, 2019
- Corporate Counsel College: Panelist, Trying Cases in a Rapidly Changing World. Chicago, IL. April, 2019
- Insurance Claims Symposium: Keynote Speaker. Saint Joseph's University - Philadelphia, PA. January, 2016