

FRANK LATTAL

Nationality: American

Languages: English



Frank Lattal is a leading professional in the world of commercial and civil dispute resolution. As arbitrator, and mediator Frank specialises in civil, commercial, and insurance-related disputes. Throughout his career, Frank has been responsible for evaluating, formulating, and executing on strategies to resolve complex disputes through arbitration, mediation, litigation and facilitated negotiation. He has accumulated an abundance of real-life experience on the dynamics of successful conflict dispute resolution.

For over 3 decades, Frank has sat as arbitrator and acted as counsel and corporate executive, in a wide range of commercial, tort, and insurance-related disputes arising under the laws of many common and civil law countries. Frank's unparalleled career is made up of over 14 years of private legal practice as an advocate in arbitration, mediation, negotiation and litigation, followed by 21 years as a senior corporate executive responsible for resolving legal disputes. Most recently, he served for 15 years as the Chief Claims Officer for Chubb Group, the world's largest publicly traded Property and Casualty Insurance Company. Frankl was the chief executive officer for Chubb's claim organization of over 6000 professionals operating in 54 countries that paid more than \$16 billion annually in claims adjudication. In 2019 he left Chubb to further establish his arbitrator practice.

Franks experience in international dispute resolution has been unique and substantial. He is comfortable in and knowledgeable of international jurisdictions, having lived as an American ex-patriate for much of his career. As an operating company General Counsel and then as Chief Claims Officer for Chubb, he travelled extensively to major continents and throughout the UK, Europe, Asia, Latin America, and the United States, resolving complex disputes, many with 9 figure valuations under civil and common law legal systems. Frank has first-hand experience and knowledge of different legal and conflict systems in over 54 countries including; Germany, Columbia, Canada, Mexico, France, Brazil, Italy, UK, Australia, Argentina, Dominican Republic, Seychelles, Venezuela, Vietnam, Ukraine and Africa. This responsibility provided a practical understanding of the impact of local norms on conflict resolution. His international arbitration experience includes decision making responsibility for 19 matters taken to award, each valued at \$100M or more.

Frank is as a Fellow of the Chartered Institute of Arbitrators, is a member of the CPR Panel of Distinguished Neutrals and is certified as an arbitrator by ARIAS (UK & USA) and FINRA. He is also a certified mediator. He is admitted to practice law in New York and New Jersey. He is co-author of *New Jersey Insurance Law*, a 1000-page insurance law treatise currently in 15th edition published annually since 1993 by ALM Media Partners, LLC.

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Sector Expertise

- Commercial Dispute Resolution
- Insurance, Reinsurance & Bermuda Form
- Cross Border Investment and Political Risk Disputes
- Construction, Infrastructure & Engineering
- Mediation and Dispute Adjudication Boards (DAB's)

Commercial Dispute Resolution

Frank has considerable experience resolving commercial and contractual claims as well as construction disputes involving fidelity, crime, performance, advance payment, and surety bonds.

His experience in-house spans all the major lines of business and industries that have spawned major claim activity and arbitrations 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 bought by consumers against commercial banks.

Frank has been involved in multiple consumer class actions disputes involving cyber breaches, TCPA, FDCPA, 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").

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

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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".

Cross-Border Investment and Political Risk 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.

Construction, Engineering & Infrastructure

Frank has sat as an arbitrator in large and complex construction and insurance disputes. Whilst at Ace/Chubb Frank handled many significant claims brought under insurance policies written for major construction projects around the world by owners, design professionals, general contractors, sub-contractors, and other interested parties. These claims were noticed under Builders Risk, OCIP, CCIP, Commercial & Contractor General Liability, Professional Liability and Inland Marine policies as well as under Construction Related Bonds. These claims included Construction and Design Defect, Professional Liability, Breach of Contract, Delay, Disruption, Extra Work, Surety and Performance Bonds, Political Risk, and Construction Accidents resulting in Personal Injury and Property Damage.

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Frank has recently sat as an arbitrator on a 3-member panel for claims surrounding the construction of a new landmark bridge (\$1.4bn dollar project) connecting New York and New Jersey which resulted in a hearing and a written award.

Other representative matters include:

- Millennium Tower, San Francisco
- East 51 St. Crane Collapse, New York City
- Grenfell Tower, London
- Tennessee Valley Authority Kingston Dam Collapse
- Samarco Mineração Dam Collapse, Brazil
- Athabasca Oil Sands Project, Canada
- Boeing Field Runway, Seattle

Mediation & Dispute Adjudication Boards (DAB's)

Frank is often recommended as a mediator and dispute board member as his commercial experience and approach assists parties in amicably resolving their disputes. Frank is familiar with all types of contractual contracts including FIDIC and ECT. Disputes have arisen in all corners of the world including the UK & Europe, USA, Asia and Latin America.

His experience in insurance coverage mediation is 3-fold: First, as a practicing solicitor, he represented parties in many insurance-related mediations. Second, as Chief Claims Officer for ACE/Chubb, he represented the company at many mediations that involved large, significant damages and complex insurance issues. Third, as a trained, practicing Mediator.

As a mediator, Frank is open-minded and encourages transparency and constructive discussions in order to move efficiently throughout the process. He has unparalleled views having developed first-hand experience as counsel, client, and most recently as an arbitrator and mediator.

Most recently, he assisted parties in reaching an agreement and resolving a case in a one-day mediation in New York City. The matter involved a \$44M dispute over the terms of the insurance contract that governed the contractual relationship between the two companies. The claimant alleged that the defendant had breached certain terms of the policy including failing to maintain adequate reserves and failing to conform to other conditions in the contract.

Dispute Resolution Experience

Frank has experience as an arbitrator, counsel, and Claims Officer in disputes under common law and civil law, seated around the world.

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Representative Arbitrator Appointments:

- Acting as arbitrator in several arbitrations under the Arbitration Act 1996 (UK).
- Appointed as co-arbitrator in ad hoc arbitration between a US and international company in a dispute over release of collateral.
- Appointed as co-arbitrator in ad hoc arbitration between a US cedant and international reinsurer in a dispute over ceded losses under reinsurance contract.
- Appointed as co-arbitrator in domestic arbitration over a claim for soft costs in a construction project.
- Appointed as co-arbitrator in ad hoc arbitration between a US company and a UK insurer in dispute over “additional insured” status.
- Appointed as co-arbitrator in ad hoc arbitration between Bermuda companies in dispute over ceded losses under excess of loss policy.

Franks career experience includes claims, disputes and cases involving:

Parties, Seats and Governing Law from: United States, Bermuda, Canada, United Kingdom, Ireland, Brazil, Mexico, Columbia, Australia, Japan, China and Hong Kong, Singapore, Thailand, South Korea, Western, Central and Eastern European countries.

Commercial Related Claims Experience

Germany - Claims by Investors in retail closed end funds structured as blind pool leasing companies for misrepresentation in prospectuses and bad investment advice.

Columbia – Arbitration regarding claims by Colombian borrowers alleging Colombian Bank’s calculation of UPAC was improper.

Canada

- Securities Class actions and fraud claims against Directors and Officers of Canadian multi-national professional services corporation.
- Fidelity bond claim involving \$400M+ losses incurred by Canadian bank involved in ponzi scheme.

Mexico – Fraud claims by Global bank involving loans made to in Mexican oil services company.

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France – Trial and appeal in Paris commercial court regarding Madoff-related claims against French bank .

Brazil – Advance payment and performance surety bond claims against wind powered electrical energy construction firm brought by SPV owned by large Brazilian electric utility company.

Italy – Criminal, regulatory and civil actions against Directors and Officers of Italian financial services company focused on internal controls, governance, risk management and claim reserving criteria.

United Kingdom

- Collective action and regulatory actions against retailer and its Directors and Officers arising after profit overstatement
- Claims resulting from liquidation of large UK multinational construction and utilities management corporation after FCA investigation into violations of market abuse regulations and FCA Rules.

Australia

- Claims against large Australian bank arising out of AUSTRAC proceeding in the Federal Court of Australia alleging serious and systemic non-compliance with the Anti-Money Laundering and Counter Terrorism Financing Act.
- Claims against energy and resources engineering consulting company for financial disclosure violations
- Claims arising from disclosure of bribery payments made by Australian multinational mining company to government officials in foreign country to secure rights to large mining project.
- Claims against Directors and Officers of large Australian electronics retailer alleging breach of fiduciary obligations for inventory monitoring and financial disclosure.
- Claims against public company that owned and operated diamond mine regarding breach of fiduciary duties in financial disclosures under the Corporations Act relating to alleged false and misleading statements made by the company to the Australian Securities Exchange (ASX).

Cross Border Investment and Political Risk claims:

Argentina – Several claims arising out of the severe economic meltdown and exchange controls enacted in the early 2000s.

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- Currency inconvertibility claim on a syndicated loan made by a Global commercial bank to a large Argentine corporation that was unable to convert pesos to dollars and make a payment outside of the country.
- Expropriation of funds claim by American corporation with funds on deposit in country that were frozen at the beginning of the Argentine crisis.
- Nonpayment on a loan to a sub-sovereign entity in Argentina. The devaluation of the peso resulted in the borrower being unable to make full payments on the loan as they came due.

Dominican Republic – Claims by 3 European commercial banks for a scheduled payment which was missed on an export finance loan to the Government of the Dominican Republic as the government was rescheduling its commercial bank debt as a result of an economic crisis.

Seychelles - Nonpayment claims by a Dutch bank on two separate loans which were defaulted on by the Seychelles Ministry of Finance.

Venezuela - Currency non-transfer claim involving a commercial bank's inability to transfer dividend payments outside of the country due to regulations adopted by the Central Exchange Control Authority (CADIVI).

Vietnam - Nonpayment claims by European banks relating to bankruptcy and default by a state-owned company. This company was unable to service its debt and defaulted on several loans and performance guarantees.

Ukraine - Political Violence claims by a European retailer relating to physical damage to stores located in Eastern Ukraine after they were damaged by explosives during the conflict and from looting by rebel forces.

Africa

- Nigeria - Claim by European Trading Company for non-payment of receivables due from a parastatal entity in Nigeria. This default stemmed from a change in the country's oil importation system and the failure of one of the government-owned companies to pay its outstanding receivables.
- Ethiopia - Claim by European exporter for missed scheduled payments on a loan to a state-owned company as a result of ongoing foreign exchange shortages in the country.
- Republic of Kenya - Claims by international commercial banks for defaults on scheduled payments for commercial loans to the Government.

Significant and complex insurance-related matters

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- **9/11 Claims** – Decision making responsibility for \$4B+ enterprise-wide claim 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 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.
- **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** – Claims and lawsuits alleging damages related to concussions 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** - 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 because 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 resulting in hundreds of claims involving several large Latin American corporations in at least 11 countries.

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- **Cross Border and Political Risk** - Disputes arising from government actions including expropriation and exchange controls, political violence and instability, breach of contract, and sovereign debt defaults and restructuring.
- **Directors and Officers and Mergers and Acquisitions** – Disputes involving public and private entities involving allegations of breach of fiduciary duty.
- **Employment** – Class, multiple, and individual disputes involving workplace related claims, non-compete and trade secret agreements.
- **Asbestos and Environmental** – For most of his career both in private practice and at ACE/Chubb Mr. Lattal had responsibility managing asbestos, environmental and other long tail underlying and coverage claims.

Academic & Professional Qualifications

Professional Experience

Lattal ADR: 2020-present: CEO

- Private Dispute Resolution and Consulting Practice acting as an independent neutral in international, commercial, tort, and insurance-related matters.
- Member of Arbitra International, London and Washington DC

Chubb Group (formerly ACE Group): 1998-2019

- 2018-2019: Senior Vice President, Chubb Group Claims.
- 2003-2018: Chief Claims Officer – Most senior Claim executive in company with responsibility for claim operations and adjudication for all lines of business with operations in 54 countries.
- 2001-2003: Executive Vice President and General Counsel, ACE Bermuda Insurance Ltd., and ACE Tempest Reinsurance Co.
- 1998-2001: Senior Vice President-Claims, ACE Bermuda Insurance Ltd.

Connell Foley & Geiser, LLP: 1984-1998

- Partner in private law practice focused on commercial civil litigation involving torts, asbestos and other long-term exposures, environmental law, and insurance and reinsurance coverage disputes.

Bar Admissions

- Admitted to practice law in New York and New Jersey

Education

- Bucknell University, BSBA Accounting
- Valparaiso University School of Law, JD

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- Montclair State University, MA Environmental Studies

Professional Associations & Recognitions

Professional Designations, Training, and Activities

- Fellow, Chartered Institute of Arbitrators
- Member CPR Distinguished Panel of Neutrals
- Certified Arbitrator by FINRA
- Certified Arbitrator by ARIAS - U.S.
- Trained Mediator:
 - AAA - *Mediator Essentials Skills for Facilitating Negotiated Agreements* (25 hours)
 - Straus Institute for Dispute Resolution – *Mediating the Litigated Case* (6-day program)

Professional Activities

- Vice President of Insurance, International Association of Defense Counsel (2018-2021)
- President and Chairman, ARIAS – U.S. (2009 – 2011)
- General Counsel, New York-New Jersey World Cup Host Committee (1994)
- 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)

Community/Not for Profit

- Frank is and has been a volunteer member on the Boards of several not-for-profit organizations.

Publications, Articles & Thought Leadership

- Kenny and Lattal, *New Jersey Insurance Law*, ALM Media Partners, LLC. (15th edition, 2022)
- 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

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- International Association of Defense Counsel Southeast Regional Meeting: Panellist, A Debate: Best Practices and Pitfalls in Mediation and Arbitration. Miami, FL. September 2019
- Corporate Counsel College: Panellist, Trying Cases in a Rapidly Changing World. Chicago, IL. April 2019
- Insurance Claims Symposium: Keynote Speaker. Saint Joseph's University - Philadelphia, PA. January 2016

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