

VIAC – Questionnaire for Arbitrators

1. Name: Mitchell Lee Lathrop

2. Citizenship: U.S.

3. Contact information:

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4. Current position: Arbitrator, mediator, insurance consultant & expert witness

5. Education: B.Sc., U.S. Naval Academy; J.D., University of Southern California; Diploma in International Arbitration, College of Law of England and Wales

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules? Over 300 using ICC Rules, AAA Rules (Commercial & Consumer), ICDR Rules, U.S. Federal Arbitration Act, FINRA Rules, and various state arbitration rules
- How often have you acted as Chairman? Frequently in AAA, ICDR and FINRA cases
- How often have you acted as Sole Arbitrator? Frequently in AAA, ICDR and FINRA cases
- How often have you acted as Co-Arbitrator? Very rarely
- How often have you acted as Counsel? Never since 2012
- How often have you acted in a different function (e.g. Administrative Secretary)? Never

7. Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):

(1) “Mediating Reinsurance Insolvency Disputes,” American Bar Association Section of Business Law, June, 1996.

(2) “Insolvency and Reinsurance: The Search for Assets and the Battle for the Funds,” New York State Bar Reinsurance Litigation and Arbitration Program, November, 1996.

(3) “Trigger of Coverage and Allocation of Losses Between Reinsurers and Cedents,” Reinsurance Association of America, Environmental Conference, January, 1997.

(4) “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.

(5) “Insurance Implications of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards,” 1 Jour. Ins. Coverage 30 (1998).

(6) “The Changing Face of Expert Evidence,” 52 F.D.C.C. Quarterly 409 (2002).

- (7) "Interim Awards and Freezing Assets," International Institute for Conflict Prevention and Resolution (January 2007)
- (8) "A Comparative Look at International Arbitral Rules and Statutes," Center for International Legal Studies (February 2007)
- (9) "Subtle Differences: A Look at Some Widely Used Arbitral Rules," International Institute for the Prevention and Resolution of Disputes (May 2007)
- (10) "Court-ordered Interim Measures in Aid of the Enforceability of Pending Foreign Arbitration," Journal of the Chartered Institute of Arbitrators (July 2007)
- (11) "Widely Used Rules in International Arbitration," *International Dispute Resolution*, Kluwer Law International, 2010
- (12) "Responsive Pleadings and Arbitration," *Alternatives to Litigation*, 2012
- (13) "Jurisdiction Issues in International Arbitration," 2 *Global Bus. L. Rev.* 29 (2011)
- (14) "Arbitrator Bias in the United States: A Patchwork of Decisions," 80 *Defense Counsel Journal* 146 (2013)
- (15) "Class Arbitration," *Insurance Counsel Journal* (2018)
- (16) "Brokers' Dilemma", *Insurance Journal* (2019)
- (17) "The Arbitration Legacy of Sandra Day O'Connor," Vienna International Arbitration Center (2020), with Daniela Karollus-Bruner and Kevin F. Truxillo
- (18) "Carve-outs and Injunctive Relief in Arbitration Cases," *Defense Counsel Journal* (2021)
- (19) "Unconscionable Arbitration Provisions," AAA Webinar (2022)

8. Membership in arbitral institutions / functions in arbitral institutions/organizations:

National Panel Arbitrator, American Arbitration Association ("AAA"); International Panel Arbitrator, International Centre for Dispute Resolution ("ICDR"); Distinguished Neutral, International Institute for Conflict Prevention and Resolution ("CPR"); Arbitrator, Financial Industry Regulatory Authority ("FINRA"); Arbitrator, London Court of International Arbitration ("LCIA"); Arbitrator, Japan Commercial Arbitration Association; Member, Swiss Arbitration Association; Member, International Council for Commercial Arbitration ("ICCA")

9. Languages

Mother tongue: English

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct arbitral proceedings in this language): None other than English

10. In which legal systems have you trained?

- | | | |
|---------------------------------------|--|--|
| <input type="checkbox"/> Civil Law | <input checked="" type="checkbox"/> Common Law | |
| <input type="checkbox"/> Austrian Law | <input type="checkbox"/> Hungarian Law | <input type="checkbox"/> Swiss Law |
| <input type="checkbox"/> Czech Law | <input type="checkbox"/> Polish Law | <input type="checkbox"/> Ukrainian Law |
| <input type="checkbox"/> German Law | <input type="checkbox"/> Slovakian Law | <input type="checkbox"/> European Law |

Other _____

11. What is your main jurisdiction of practice? U.S.A.

12. In which jurisdictions are you admitted to the bar? 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. Court of Appeals for the Armed Forces; U.S. Court of International Trade; U.S. Court of Federal Claims

13. Special expertise or specializations (please list a maximum of five):

- | | | | |
|--|--|--|---|
| <input type="checkbox"/> Antitrust/Unfair competition | <input type="checkbox"/> Damages | <input type="checkbox"/> Insolvency | <input type="checkbox"/> Natural resources |
| <input checked="" type="checkbox"/> Aviation | <input type="checkbox"/> Distribution | <input checked="" type="checkbox"/> Insurance | <input type="checkbox"/> Power plants |
| <input type="checkbox"/> Banking & Finance | <input type="checkbox"/> Domain name disputes | <input type="checkbox"/> Intellect. property (IP) | <input type="checkbox"/> Private Intern. Law |
| <input type="checkbox"/> Capital markets | <input type="checkbox"/> Employment | <input type="checkbox"/> Investment arbitration | <input type="checkbox"/> Public Intern. Law |
| <input type="checkbox"/> CISG | <input type="checkbox"/> Energy | <input type="checkbox"/> ISDS/Foreign inves. | <input type="checkbox"/> Real estate |
| <input checked="" type="checkbox"/> Civil fraud disputes | <input type="checkbox"/> Engineering | <input type="checkbox"/> Joint ventures | <input type="checkbox"/> Shipping |
| <input type="checkbox"/> Commercial disp. / transactions | <input type="checkbox"/> Entertainment | <input type="checkbox"/> Licensing | <input type="checkbox"/> Sports |
| <input type="checkbox"/> Commodity market | <input type="checkbox"/> Healthcare & Pharmac. | <input type="checkbox"/> Life sciences | <input type="checkbox"/> State/Public contracts |
| <input type="checkbox"/> Company/Corporate/M&A | <input type="checkbox"/> Hotel/Gastro./Tour. | <input type="checkbox"/> Maritime arbitration | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Construction | <input type="checkbox"/> Inform. technology (IT) | <input type="checkbox"/> Media | <input type="checkbox"/> Telecommunication |
| <input checked="" type="checkbox"/> Contract law | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Mining | <input type="checkbox"/> Transport |
| <input type="checkbox"/> Other _____ | | | |

14. Date of birth: 15 December 1937

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X I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

X I hereby consent that the data provided in this questionnaire may be processed for the appointment of arbitrators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general

contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information, see our privacy statement at <http://www.viac.eu>.

14 September 2022

Date