

VIAC – Questionnaire for Arbitrators

1. Name: John C. Lenzen

2. Citizenship: Maltese

3. Contact information: Arbitra

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4. Current position:

Arbitrator & Mediator

5. Education:

UNIVERSITY OF MICHIGAN, Ann Arbor, MI, USA

Stephen M. Ross School of Business

M.B.A., with High Distinction, 2002

- Emphases in Finance, Corporate Strategy & Business Economics
- Business School Scholarship
- Beta Gamma Sigma
- Graduate Independent Research Project: A Conceptual Examination of Selected Research on the "Equity Premium Puzzle" (2002)
- Graduate Independent Research Project: Risk-Linked Securities: An Industry Perspective (2002)

RUTGERS UNIVERSITY, Newark, NJ, USA

Rutgers University School of Law

J.D., 1995

- West Publishing Corporation Scholarship Prize for Writing
- Publication: Liberalizing the Concealed Carry of Handguns by Qualified Civilians: The Case for "Carry Reform," 47 Rutgers L. Rev. 1503 (1995)

RUTGERS UNIVERSITY, New Brunswick, NJ, USA

Rutgers College

B.A., 1992

- Highest Departmental Honors (Communication)

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?

20+ to Final Award, all ad hoc, mostly English 1996 Act, several Bermuda 1986 Act, and one in New York

At least 20 more that did not proceed to a Final Award

- How often have you acted as Chairman?

0

- How often have you acted as Sole Arbitrator?

2

- How often have you acted as Co-Arbitrator?

0

- How often have you acted as Counsel?

I have had conduct of 40+ arbitrations as lead in-house counsel

- How often have you acted in a different function (e.g. Administrative Secretary)?

0

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

Articles

[Oy to the Vey: The Need for More Kibitzing in Mediation](#) - March 2022

[Get There Faster: Early, Private Mediation is Always Better than the Alternatives](#) – February 2022

[To Do, or Not to Do: Mediator Views on the Merits](#) – February 2022

[Hiding in Plain Sight: Why Halliburton Could Not Have Won \(the Antecedent Coverage Arbitration\)](#) – February 2022

Speaking Engagements

American Bar Association, Litigation Section, Insurance Coverage Litigation Committee CLE Seminar (2022), "Eyes Wide Open: Arbitrator Impartiality in the Wake of Halliburton v. Chubb"

Mealey's Global Reinsurance Forum (2007), "Board of Directors: D&O Reform and the Impact on Large Tort Claims"

PLUS Bermuda Perspective Symposium (2006), "Big Claims: Representatives from Both Sides Debate the Big Claim Process with Excess Carriers"

PLUS Bermuda Perspective Symposium (2005), "The Bermuda Language Advantage: Does It Matter? Demystifying Arbitration, Choice of Law and Other Bermuda-Specific Issues with Plain-Talk Explanations About How They Work and How It Impacts Placement Decisions"

PLUS Bermuda Perspective Symposium (2004), "Claims on the Rock: Long-Standing Traditions, Fewer Regulatory Hurdles, Punitive-Damage Coverage and Everything Else that Makes the Claims Process in Bermuda Unique"

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

- Fellow, Chartered Institute of Arbitrators (FCIArb)
- Accredited Mediator, Centre for Effective Dispute Resolution (CEDR)
- Users' Council, London Court of International Arbitration (LCIA)
- Panel Member, ARIAS (UK)
- Certified Arbitrator, ARIAS U.S.
- International Bar Association
- American Bar Association
- Law Society of England and Wales
- New York State Bar Association
- State Bar of Michigan
- State Bar of Texas
- Triple Nine Society

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):

10. In which legal systems have you trained?

- Civil Law
- Common Law
- Austrian Law
- Hungarian Law
- Swiss Law
- Czech Law
- Polish Law
- Ukrainian Law
- German Law
- Slovakian Law
- European Law

Other _____

11. What is your main jurisdiction of practice?

England, United States, Bermuda

12. In which jurisdictions are you admitted to the bar?

New York
Michigan
Texas
England & Wales (Solicitor)
Supreme Court of the United States
Various United States Federal District and Circuit Courts of Appeal

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

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

14. Date of birth: 17/04/1970

VIAC offers arbitration practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate an arbitrator of their choice and so is the VIAC Board when appointing an arbitrator. These presentations do not constitute recommendations but may assist the parties in choosing an arbitrator willing to conduct proceedings according to the Vienna Rules. The fact that an arbitration practitioner appears on this list, does not authorize this person to use the title "VIAC-arbitrator".

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

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>.

Date: 06/05/2022



John C. Lenzen

Nationality: Maltese

Languages: English

John C. Lenzen is an independent international arbitrator and mediator specialising in insurance and reinsurance disputes, with a particular emphasis on the Bermuda Form and Directors & Officers coverage. John has handled some of the world's largest and most complex commercial disputes.

Prior to developing his ADR practice, John spent twenty-five years serving the insurance industry as outside counsel and in a variety of senior legal and claims roles, principally based in Bermuda. These included General Counsel to a number of insurance and reinsurance companies, General Counsel to and Head of Claims for Chubb (formerly ACE) Bermuda, and both Worldwide Head of Litigation and Chief Litigation Counsel, Global Claims to the ACE and Chubb Groups – positions he held consecutively for fifteen years.

John regularly serves as an arbitrator in international disputes, including as sole or Chair/third arbitrator, and has authored numerous Final Awards. He has also had direct and hands-on responsibility for many international and multi-jurisdictional arbitrations in Bermuda, England and the USA, the vast majority of which were disputes over at least US\$100 million. He has unparalleled experience in countless high-severity claims under commercial policies involving Casualty (Bermuda Form, Claims Made and Occurrence), D&O, E&O, Property, Political Risk, Financial Solutions (finite cover), Aviation, Satellite, Reinsurance and Retrocessions. These claims were based on massive underlying losses spanning the globe.

John was also personally responsible for strategizing, litigating, arbitrating, mediating and negotiating to their conclusions the most significant and complex claims disputes facing major insurers worldwide, including many Bermuda Form arbitrations that proceeded to Awards on the full merits and others determined on preliminary issues. As a result, he is a preeminent industry expert on the Bermuda Form and the resolution of the myriad of issues to which it gives rise. John was also personally responsible for four D&O arbitrations that proceeded to final Awards (two Side-A and two ABC), and the negotiations that resolved innumerable others.

Among other credentials, John is a Fellow of the Chartered Institute of Arbitrators, a Member of the Users' Council of the London Court of International Arbitration, an ARIAS (UK) Panel Member, an ARIAS-US Certified Neutral Arbitrator and Mediator, and a CEDR-Accredited Mediator.

Sector Expertise

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- Insurance & Reinsurance
- Bermuda Form
- Directors & Officers
- Commercial Dispute Resolution
- Mediation, Adjudication & Dispute Boards
- Political Risk

Insurance & Reinsurance, Bermuda Form, Directors & Officers

John has fairly and successfully arbitrated, mediated, negotiated and adjudicated countless high-severity claims under commercial policies including excess liability, financial lines, property, political risk, reinsurance and retrocessions, and eleven-figure losses spanning the globe. His experience includes virtually every sector of the commercial Property and Casualty market over twenty-five years.

Bermuda Form and other casualty-coverage disputes involving every industry class, and both mass torts and catastrophes, including liabilities arising from, for example:

- OxyContin and other opioid claims involving every stage of the stream of commerce, including manufacturers, distributors and retailers under a variety of coverages, and the multitude of issues to which they give rise;
- the DEEPWATER HORIZON disaster, including *Halliburton v Chubb* and the dispute with Transocean discussed in that judgment;
- innumerable pharmaceuticals, including *AstraZeneca v XL and ACE*;
- mass shootings;
- refinery, blast-furnace and fertilizer-plant explosions;
- radiant-heat plumbing;
- plastic plumbing;
- natural rubber latex gloves;
- birth control;
- breast implants;
- dust masks and respirators;
- numerous defective construction products;
- unnecessary heart-bypass surgeries and other medical malpractice;
- fraud; and
- train derailments.

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COVID-19 claims under property and other coverage forms alleging business interruption and the many coverage questions implicated by various terms and conditions.

Claims-made matters involving both casualty and financial lines, especially D&O and the securities and derivative matters that give rise to them globally.

Automobile, aerospace and other residual-value cover.

Commercial contracts, including but not limited to reinsurance and retrocessional disputes.
Patent infringement under bespoke coverage.

Environmental and other long-tail losses under traditional occurrence-based policies dating to the 1950s.

Insurance brokers' malpractice.

Lawyers' malpractice.

Accountants' malpractice.

Mediation, Adjudication & Dispute Boards

John also has extensive experience personally resolving many complex, nine-figure disputes through mediation, adjudication and principal-to-principal discussions, and successfully employing creative negotiating strategies for challenging multi-party disputes implicating up to ten figures and involving numerous counsel and perspectives, and dozens of parties. With this background, a large part of his career has been devoted to counselling executives, underwriters and claims professionals on best practices, likely outcomes and unconventional approaches to achieve exceptional resolutions.

Experience

Most Recent Representative Matters

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- US\$100 million Bermuda Form dispute involving defective radiant-heating hose installed in hundreds of expensive homes (London seat).
- US\$50 million excess Property dispute involving a “big box store” sinking into the landfill it was built upon (London seat).
- US\$100 million Bermuda Form dispute involving a first-of-its-kind birth-control device (Bermuda seat).
- US\$115 million Retrocessional dispute involving three parties to a joint, international underwriting venture (London seat).
- US\$390 million bespoke residual-value Reinsurance and Retrocessional dispute involving three parties and a massive portfolio of leased automobiles (ad hoc after the fact, New York seat).
- US\$35 million excess Property dispute involving Y2K remediation costs (London seat).
- US\$100 million Bermuda Form dispute involving defective synthetic siding installed on hundreds of homes (London seat).
- US\$25 million Side-A D&O dispute involving a “black hat” CEO’s breach of an underwriting warranty and alleged fraud (London seat).
- US\$100 million Bermuda Form dispute involving claims against a hospital for clinically unnecessary cardiac-bypass surgeries resulting in hundreds of deaths and allegations of fraud (London seat).
- US\$50 million Reinsurance dispute arising out of an underlying settlement of aerospace exposures (London seat).
- US\$25 million ABC D&O dispute over the reasonableness of an underlying settlement (London seat).
- US\$100 million Bermuda Form dispute involving certain settlements of liabilities arising from a train derailment and resulting chemical release (London seat).
- US\$20 million Side-A D&O dispute involving the settlement of alleged insider trading liabilities (London seat).
- US\$150 million Bermuda Form dispute involving massive liabilities arising from a failed impoundment (London seat).
- US\$50 million ABC D&O dispute over coverage for an underlying settlement (London seat).
- US\$100 million Bermuda Form dispute involving injuries allegedly arising from an anti-psychotic pharmaceutical (parties agreed to litigate publicly in the English Commercial Courts – *AstraZeneca v XL & ACE*).
- US\$100 million Bermuda Form dispute involving an allegedly defective diabetes pharmaceutical and an unusual underwriting endorsement (London seat).
- US\$5 million dispute under a bespoke patent-infringement contract (London seat).
- US\$100 million Bermuda Form dispute involving the settlement of alleged cementing liabilities arising out of the DEEPWATER HORIZON disaster (London seat – see *Halliburton v Chubb*).
- US\$100 million Bermuda Form dispute involving the settlement of alleged operating liabilities arising out of the DEEPWATER HORIZON disaster (London seat – *Ibid.*).

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- US\$125 million Bermuda Form dispute under two separate policies involving allegedly defective masks and respirators (both Bermuda and London seats).
- US\$200 million Bermuda Form dispute involving allegedly defective automotive safety restraints and allegations of bad faith (Bermuda seat).

Academic & Professional Qualifications

Academic

- University of Michigan, Stephen M. Ross School of Business, M.B.A. (with High Distinction and emphases in Finance, Corporate Strategy and Business Economics)
- Rutgers University, Rutgers University School of Law, J.D.
- Rutgers University, Rutgers College, B.A.

Bar Admissions

- New York
- Texas
- Michigan
- New Jersey (Resigned)
- England & Wales (Solicitor)
- Supreme Court of the United States
- Various United States Federal District and Circuit Courts of Appeal

Professional Associations & Recognitions

Affiliations

- Fellow, Chartered Institute of Arbitrators (FCIArb)
- Member, Users' Council, London Court of International Arbitration (LCIA)
- Accredited Mediator, Centre for Effective Dispute Resolution (CEDR)
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- Certified Mediator, ARIAS-US
- International Bar Association
- American Bar Association
- New York State Bar Association
- State Bar of Michigan
- State Bar of Texas
- Law Society of England and Wales
- Triple Nine Society

Publications, Articles & Thought Leadership

Articles

[*Strength in \(fewer\) numbers: the inverse relationship between the sizes of negotiating groups and their effectiveness*](#) – May 2022

[*Oy to the Vey: The Need for More Kibitzing in Mediation*](#) - March 2022

[*Get there faster: early, private mediation is always better than the alternatives*](#) – February 2022

[*To do, or not to do: mediator views on the merits*](#) – February 2022

[*Hiding in plain sight: why Halliburton could not have won \(the antecedent coverage arbitration\)*](#) – February 2022

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Directories & Client Quotes

"John is there and back before the rest of us are there."

"I am unaware of anyone in the insurance industry with a better understanding of the various iterations of the 'Bermuda Form' and the many issues that arise under them."

"Outstanding knowledge of all forms of legal liability/casualty insurance including D&O."

"Mediated solutions that are creative, elegant and practical."

"John's intellect is second to none and he is an extraordinary complex-problem solver."

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