

CURRICULUM VITAE
OF
MITCHELL LEE LATHROP

March 2016

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, 2006. Advanced arbitration training, Chartered Institute of Arbitrators, London, 2007. 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, 2011-2014

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

Certified Civil Trial Advocate, National Board of Trial Advocacy, 1982-2011

A.M. Best Recommended Insurance Expert

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 and Mediator Qualifications and Appointments (cont'd):

Arbitrator, Financial Industry Regulatory Authority (“FINRA”)

Arbitrator, National Arbitration Forum

Arbitrator, International Chamber of Commerce

Arbitrator, London Court of International Arbitration

Member, The Institute for Transnational Arbitration

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

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 (“ICCA”)

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

Arbitrator, International Centre for Dispute Resolution (“ICDR”)

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 (Eason Monroe)*, 253 Cal.App.2d 670, 62 Cal.Rptr. 435 (1967).

Reported Decisions (cont'd):

- (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) *Warrington v. Charles Pfizer and Co., Inc.*, 274 Cal. App. 2d 564, 80 Cal. Rptr. 130 (1969).
- (6) *Cunningham v. Litton Industries*, 413 F.2d 887 (9th Cir. 1969).
- (7) *Snyder v. Superior Court*, 9 Cal.App.3d 579, 89 Cal.Rptr. 534 (1970).
- (8) *Sheffet v. County of Los Angeles*, 3 Cal.App.3d 720, 84 Cal.Rptr. 11 (1970).
- (9) *Nestle v. City of Santa Monica*, 6 Cal.3d 920, 101 Cal.Rptr. 568, 496 P.2d 480 (1972).
- (10) *Douglas v. Herald Examiner*, 50 Cal.App.3d 449, 123 Cal.Rptr. 683 (1975).
- (11) *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); *later decision*, 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).
- (12) *Fabrikant v. Bache & Co.*, 609 F.2d 411 (9th Cir. 1979).
- (13) *The Pegasus Fund, Inc. v. Laraneta*, 617 F.2d 1335 (9th Cir. 1980).
- (14) *Crystal Growers Corp. v. Dobbins*, 616 F.2d 458 (10th Cir. 1980).
- (15) *Draney v. Wilson, Morton, Assaf & McElligott*, 1981 U.S. Dist. LEXIS 15819 (D. Ariz., June 19, 1981), *later decision*, 1984 U.S. Dist. LEXIS 23093 (D. Ariz., October 2, 1984).
- (16) *Trone v. Smith*, 553 F.2d 1207 (9th Cir. 1977); *later decision*, 621 F.2d 994 (9th Cir. 1980).
- (17) *Jones v. Stevenson*, 149 Cal.App. 3d 560; 197 Cal.Rptr. 25 (1983).
- (18) *Dominguez v. Superior Court*, 139 Cal.App.3d 692, 189 Cal.Rptr. 5 (1983).

Reported Decisions (cont'd):

- (19) *Chappel v. Wallace*, 46 U.S. 296, 103 S.Ct. 2362, 76 L.Ed.2d 586 (1983).
- (20) *AIU Insurance Co. v. Superior Court (OIL Insurance Limited)*, 177 Cal.App.3d 281, 222 Cal.Rptr. 880 (1986).
- (21) *In re American Principals Holdings, Inc. Securities Litigation*, 1987 U.S. Dist. LEXIS 16945 (S.D. Cal., July 9, 1987).
- (22) *Fireman's Fund v. Ex-Cell-O Corporation*, 685 F.Supp. 621 (E.D. Mich. 1987); 702 F.Supp. 1317 (E.D. Mich. 1988), *later decision*, 720 F.Supp. 597 (E.D. Mich. 1989).
- (23) *Liberty Mutual Ins. Co. v. Insurance Corp. of Ireland*, 693 F.Supp. 340 (W.D. Pa. 1988).
- (24) *Leksi, Inc. v. Federal Insurance Co.*, 129 F.R.D. 99 (D.N.J. 1989), *later decision*, 736 F. Supp. 1331 (D.N.J. 1990).
- (25) *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).
- (26) *AIU Insurance Co. v. Superior Court (FMC Corp.)*, 51 Cal.3d 807, 274 Cal.Rptr. 820, 799 P.2d 1253 (1990).
- (27) *Calipatria Land Co. v. Lujan*, 793 F. Supp. 241 (S.D. Cal. 1990).
- (28) *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).
- (29) *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*, 1992 U.S. App. LEXIS 835 (8th Cir., January 24, 1992).
- (30) *Sangamo Weston, Inc. v. National Surety Corp.*, 307 S.C. 143, 414 S.E.2d 127 (S.C. S.Ct. 1992).
- (31) *Oklahoma Publishing Co. v. Kansas City Fire and Marine Ins. Co.*, 805 F. Supp. 905 (W.D. Okla. 1992).
- (32) *Fibreboard Corporation v. Puritan Insurance Co.*, 1993 Cal. LEXIS 1946 (Cal. App. 1993) (unpublished).

Reported Decisions (cont'd):

- (33) *Armstrong World Industries, Inc. v. Aetna Casualty & Surety Co.*, 35 Cal.App.4th 192, 26 Cal.Rptr.2d 35 (1993), *mod. on denial of rehrg.* 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).
- (34) *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.
- (35) *A.Y. McDonald Industries, Inc. v. Insurance Company of North America*, 842 F. Supp. 1166 (N.D. Iowa 1993).
- (36) *Pacific Landmark Hotel v. Marriott Corporation*, 19 Cal.App.4th 615 (1993), *modified, rehrg. denied*, 19 Cal.App.4th 1552i, *rev. denied*, 1994 Cal. LEXIS 625 (1994).
- (37) *Insurance Co. of North America v. Gould, Inc.*, 1994 Ohio App. LEXIS 3360 (Ohio App., July 28, 1994).
- (38) *First State Insurance Co. v. Minnesota Mining and Manufacturing Co.*, 535 N.W.2d 684 (Minn. App. 1995).
- (39) *Ieyoub ex rel. Louisiana v. American Tobacco Co.*, 1997 U.S. Dist. LEXIS 24219 (W.D. La., September 11, 1997), *later decision*, 1999 U.S. Dist. LEXIS 21742 (W. D. La., March 12, 1999).
- (40) *Aerojet-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).
- (41) *Marathon Oil Co. v. A.G. Ruhrgas*, 182 F.3d 291 (5th Cir. 1999).
- (42) *County of Santa Clara v. United States Fidelity & Guarantee Co.*, 1999 U.S. App. LEXIS 7623 (9th Cir., April 19, 1999) (unpublished).
- (42) *Dow Corning Corp. v. Continental Casualty Co., Inc.*, 1999 Mich. App. LEXIS 2920 (Mich. App., October 12, 1999).
- (43) *Hoepker v. Kruger*, 2001 U.S. Dist. LEXIS 13043 (S.D.N.Y., August 28, 2001), *later decision*, 200 F.Supp.2d 340 (S.D.N.Y. 2002).

Reported Decisions (cont'd):

- (44) *SMI-Owen Steel Co. v. St. Paul Fire & Marine Insurance Co.*, 199 F.R.D. 209 (S.D. Tex. 2001), *later decision*, 2006 U.S. Dist. LEXIS 12232 (S.D. Tex., March 7, 2006).
- (45) *Liggett Group, Inc. v. Affiliated FM Ins. Co.*, 2001 Del. Super. LEXIS 385 (Del. Super. Ct., New Castle County, October 1, 2001), *aff'd sub nom. Liggett Group Inc. v. Ace Prop. & Cas. Ins. Co.*, 798 A.2d 1024 (Del. 2002).
- (46) *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).
- (47) *Low v. Golden Eagle Insurance Co.*, 104 Cal.App.4th 306, 128 Cal.Rptr.2d 423 (2002).
- (48) *In re Golden Eagle Insurance Company in Liquidation (Low v. Cogan)*, 2002 Cal. App. Unpub. LEXIS 10830 (Cal. App., November 22, 2002) (unpublished).
- (49) *Home Insurance Co. v. Appleton Papers, Inc.*, 2002 U.S. Dist. LEXIS 213 (S.D.N.Y., January 8, 2002).
- (50) *Philadelphia Indemnity Ins. Co. v. Employers Ins. Co. of Wausau*, 318 F.Supp.2d 170 (S.D.N.Y. 2004).
- (51) *In re: Kaiser Aluminum Corp.*, 343 B.R. 88 (D. Del. 2006).
- (52) *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), *reh'g. denied* April 7, 2006, 2006 Cal. App. LEXIS 504, *rev. granted*, 46 Cal.Rptr.3d 605, 139 P.3d 1 (2006), *later decision*, 44 Cal.4th 1145, 81 Cal.Rptr.3d 708 (2008).
- (53) *DeMille v. Citizens Business Bank*, 2007 Cal. App. LEXIS 2121 (Cal. App., November 7, 2007) (unpublished).
- (54) *MediVas, LLC v. Marubeni Corp.*, 2011 U.S. Dist. LEXIS 19160 (S.D. Cal., February 28, 2011).
- (55) *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).
- (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,” Practicing Law Institute, March, 1989 (with Kimball Ann Lane).

Publications - Articles (cont'd):

- (14) “Basic Environmental Insurance Law and Practice (Property and Casualty),” monograph, April, 1989.
- (15) “Environmental and Toxic Tort Claims from the Insurer's Perspective” Practicing 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).
- (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.

Publications - Articles (cont'd):

- (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.
- (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.

Publications - Articles (cont'd):

- (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).
- (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)

Publications - Articles (cont'd):

- (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)
- (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)
- (62) “Arbitrator Bias in the United States: A Patchwork of Decisions,” 80 *Defense Counsel Journal* 146 (2013)
- (63) “Bad Faith Pitfalls,” Claims and Litigation Management Alliance (2014)

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 2014.

Lathrop Cited in:

- (1) *University of South Carolina v. Royal Insurance Co.*, 1993 U.S. Dist. LEXIS 18961 (D.S.C., March 25, 1993).
- (2) *City of Edgerton v. General Casualty Co. of Wisconsin*, 172 Wis. 2d 518, 493 N.W.2d 768 (Wis. App. 1992), *later decision*, 184 Wis. 2d 750, 517 N.W.2d 463 (1994).
- (3) *Weyerhaeuser Co. v. Aetna Casualty and Surety Co.*, 123 Wn.2d 891, 874 P.2d 142 (1994).
- (4) *Pittston Co. v. Allianz Insurance Co.*, 905 F. Supp. 1279 (D.N.J. 1995).
- (5) *Caldo Oil Co. v. State Water Resources Control Board*, 44 Cal. App. 4th 1821, 52 Cal. Rptr. 2d 609 (1996).
- (6) *Olds-Olympic, Inc. v. Commercial Union Insurance Co.*, 129 Wn.2d 464, 918 P.2d 923 (1996).
- (7) *Weyerhaeuser Co. v. Commercial Union Insurance Co.*, 142 Wn.2d 654, 15 P.3d 115 (2000).
- (8) *California v. Continental Insurance Co.*, 169 Cal. App. 4th 1114 (2009), *later decision*, 170 Cal. App. 4th 160, 88 Cal. Rptr. 3d 288 (2009), *aff'd*, 55 Cal. 4th 186, 281 P.3d 1000, 145 Cal. Rptr. 3d 1 (2012).

Teaching and Lecturing:

Lectured on various aspects of insurance and reinsurance law, arbitration, and lawyers' professional ethics and responsibilities, 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
- (27) Software Productivity Group

Teaching and Lecturing (cont'd):

- (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 public record matters. Expert consultation and testimony, in arbitrations or matters subject to confidentiality, is omitted due to the confidential nature of those proceedings. (This is 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
- (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

Expert Witness Engagements (cont'd):

- (27) *Clarendon National Insurance Co. v. Tool Touring, Inc.*, Calif. Superior Court, Los Angeles County - Served 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) *Phoenix Insurance Co. v. Infogroup, Inc.*, U.S.D.C., Southern District of Iowa - Serving as an expert witness on the duty to mitigate and coverage under first party property policies, and as an expert witness on the standard of care of property insurers in handling claims
- (33) *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
- (34) *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
- (35) *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):

- (36) *Centrix Financial Liquidating Trust v. National Union Fire Insurance Company*, U.S. Bankruptcy Court for the District of Colorado - Served as an expert witness on coverage under fidelity bonds and the standard of care for claim handlers in commercial insurance matters
- (37) *Contractors Access Program of California v. Theodora Oringer, P.C.*, Calif. Superior Court, Los Angeles County - Served as an expert witness on the standard of care and the standard of conduct required of attorneys in California
- (38) *Contractors Access Program of California v. Majestic Capital, Ltd.*, Calif. Superior Court, San Francisco County - Served as an expert witness on the standard of care and the standard of conduct required of attorneys in California
- (39) *Cottage Health System, et al. v. Travelers Casualty and Surety Company of America*, Calif. Superior Court, Santa Barbara County - Served as an expert witness on the standard of care and the standard of conduct required of D&O and liability insurers in California
- (40) *Transportation Alliance Bank, Inc. v. BancInsure, Inc.*, U.S.D.C., District of Utah - Serving as an expert witness on coverage under financial institution bonds and the standard of care for claim handlers in bank insurance matters
- (41) *MidMountain Contractors v. American Safety Indemnity Co.*, U.S.D.C., Western District of Washington - Served as an expert on the duties and obligations of insurers in construction disputes where issues of additional insureds and indemnity are involved
- (42) *Liberty Insurance Corp. v. Southwest Traders, Inc.*, U.S.D.C., Central District of California - Served as an expert on the duties and obligations of workers' compensation insurers
- (43) *Point Center Financial, Inc. v. First American Title Insurance Co.*, Calif. Superior Court, Orange County - Served as an expert on the duties and obligations of title insurers
- (44) *State Bar v. Sione*, Calif. State Bar Court - Served as an expert on the standard of care and the standard of conduct expected of attorneys practicing in California
- (45) *Palm Desert University Village LLC v. W. L. Butler Construction, Inc.*, Calif. Superior Court, Orange County - Served as an expert on the custom and practice of insurers and the standard of care expected of insurers handling liability claims

Expert Witness Engagements (cont'd):

- (47) *Nucor Corporation v. Employers Insurance of Wausau*, U.S.D.C., District of Arizona - Served as an expert on the standard of care and standard of conduct for insurers and insureds
- (48) *Harrison v. Bankers Standard Insurance Co.*, U.S.D.C., Southern District of California - Served as an expert on the custom and practice of insurance agents and brokers in placing risks, and the standard of care expected of insurance agents and brokers
- (49) *KKH LLC v. Accardo & Aghai Insurance Services, Inc.*, Calif. Superior Court, Los Angeles County - Served as an expert on the custom and practice of insurance agents and brokers in placing risks, and the standard of care expected of insurance agents and brokers
- (50) *Stork v. Chartis Claims, Inc.*, Calif. Superior Court, Los Angeles County - Served as an expert on the custom and practice and standard of care of directors' and officers' insurers in handling claims and determining coverage under directors' and officers' policies
- (51) *Steelcase, Inc. v. Nationwide Indemnity*, U.S.D.C., Central District of California - Served as an expert on the standard of care of liability insurers
- (52) *National Continental Insurance Co. v. Anchor General Insurance Co.*, Calif. Superior Court, San Bernardino County - Served as an expert on insurance policy construction and interpretation, and the standard of care of insurers in handling liability claims
- (53) *THV Investment LLC v. Rogers*, Calif. Superior Court, Fresno County - Served as an expert on the standard of care and the standard of conduct expected of lawyers in California
- (54) *Ruiz v. Underwriters at Lloyd's, London* - Calif. Superior Court, Riverside County - Served as an expert on the standard of care expected of insurers and insurance policy interpretation
- (55) *Dryden Oaks, LLC v. County of San Diego* - Calif. Superior Court, San Diego County - Served as an expert on underwriting property insurance and the availability of coverage
- (56) *Underwriting Group Inc v. Michael Feldman Insurance Services* - Calif. Superior Court, Los Angeles County - Served as an expert on the standard of care and the standard of conduct of agents and brokers in a case involving a risk purchasing group

Expert Witness Engagements (cont'd):

- (57) *Ahmadpoor v. Farmers Insurance Group* - Calif. Superior Court, San Diego County - Serving as an expert on the standard of care and the standard of conduct of property insurers in handling claims
- (58) *Cottage Health System v. Admiral Insurance Co.* - U.S.D.C., Central District of California - Serving as an expert on the standard of care of insurers handling liability claims and the reasonableness of insurer's conduct in claim handling

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
- (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

Professional Memberships & Offices Held (cont'd):

- (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, 1977-2010
 - Environmental Litigation Committee, Section of Litigation, 1985-2010
 - 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
 - Advisory Board, San Diego Chapter (2011-2014)

- (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

- (14) Bar Association of the City of New York, 2007-Present

- (15) Legion Lex, University of Southern California Law School (today known as The William L. Todd Jr. American Inn of Court)
 - 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

Professional Memberships & Offices Held (cont'd):

- (17) California Insurance Commissioner's Environmental Liability Insurance Task Force, project completed and report issued in February 1994.
- (18) Fellow, Center for International Legal Studies, Salzburg, Austria, 2002-Present
- (19) Board of Editors, *Journal of Insurance Coverage*, Aspen Law & Business, 1997-Present
- (20) International Bar Association, 2005-Present
- (21) Claims & Litigation Management Alliance, 2011-Present
- (22) Forensic Expert Witness Association, 2012-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
- (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

Civic and Community Activities (cont'd):

- (8) International Dominican Foundation, Rome, Italy
Advisory Board Member, 2004-2011

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 expert witness in insurance, reinsurance, and lawyers' professional responsibility cases. Practice consists of domestic and international arbitration and mediation and litigation; and expert consulting and testimony in insurance, reinsurance, and lawyers' professional responsibility matters.

2009-2012: Member, Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C., New York and San Diego. Practice consisted of domestic and international arbitration and litigation; insurance, reinsurance, and lawyers' professional responsibility 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, reinsurance, and lawyers' professional responsibility 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, reinsurance, and lawyers' professional responsibility 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.

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.

Professional Employment (cont'd):

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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