

Gregory S. Arnold, Esq., J.D., LL.M (Insurance Law)
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INSURANCE, FIDELITY and SURETY EXPERT

PROFILE:

A seasoned insurance, fidelity and surety claims expert with diverse expertise and national reputation. Possesses broad claims-legal knowledge. Sensitive to the interplay between legal issues and business realities. Possesses knowledge of general accounting and construction practices and procedures. Complete knowledge of insurance, surety and reinsurance company policies and procedures for claim handling, reporting functions, and best practices. Exceptional verbal and written skills. Commitment to scholarship demonstrated by professional memberships, published legal writing, seminar attendance and presentations.

EXPERT WITNESS EXPERIENCE:

Concluded Matter as a Retained Expert:

For Plaintiff Insurer:

1. *Liberty Surplus Insurance Co. v. Seabold Construction*. Portland, Oregon 2015.
Declaratory relief action. Retained by a law firm for insurer to render an opinion as to insurance coverage and the overlapping overages between CGL insurance policies and surety performance bonds.

Concluded Matters as an Expert:

For Defendant Surety:

1. *Bank One Texas, N.A. v Bank One Texas, N.A. v. Highlands Insurance Company, Highlands Underwriters Insurance Company, Brown-Carpenter Curtainwall Systems, Inc., Brown Carpenter & Company, Dee Brown Masonry, Inc., and Carpenter Carruth & Hover*, 113th District Trial Court, Superior Court, Harris County, Texas (1997) (Trial Docket 91-23339).
Fact witness adopted as an expert to give hybrid fact/expert testimony. No deposition testimony. Did not prepare a report. Was not formally “retained” as an expert. Was “qualified” as an expert by the judge on an issue involving surety offsets on 23 bonded projects and obligations to a dual obligee lender.
2. *Xcel Masonry, Inc. v. K & B Quality Masonry, Inc., and Insurance Company of the West*, Birmingham, AL 2014.
Fact witness for ICW adopted as an expert. Hybrid fact/expert testimony. No deposition testimony. Did not prepare a report. Was not formally “retained” as an expert. Was not “qualified” as an expert by the judge. Issue was distinction between common law and statutory bond and the resulting effect upon Alabama’s Prompt Payment Statute. Educated the judge from the witness stand in response to his direct questions. Judge Robert Vance.

For Plaintiff General Contractor:

Trial Testimony

1. For plaintiff general contractor. *Global Construction, Inc. v. United States of America*, Civilian Board of Contract Appeals, Atlanta, GA March 27, 2009.
Asked to testify directly by plaintiff's attorney. Hybrid fact/expert testimony. No deposition testimony. Did not prepare a report. Was not formally "retained" as an expert. Was not "qualified" as an expert by the judge. Issue was whether contractor was properly defaulted by the Veterans Administration.

Deposition Testimony

2. *Stellar J. Corp. v. Argonaut Insurance Company, et al.*
Tacoma, WA 2014-2015.
Formally retained by plaintiff general contractor. Gave deposition testimony and prepared an expert report in contemplation of mediation.

EXPERIENCE:

- **Claims Desk, LLC, Kennewick, WA** January 2010 - Present
Expert Witness
Expert witness work on insurance, surety, fidelity and construction cases. Also, perform desk-relief, investigations, mediation attendance and other claims functions for insurance and surety companies with limited or transitional staffing. Handle contract surety claims with heavy emphasis on performance bond claims. Also handle payment; subdivision; miscellaneous and commercial surety claims; plus fidelity and financial institution bond claims. Perform due diligence reviews and other audits, including Workers' Comp. claims. Pursue cooperative involvement of CGL carriers on joint defense, recovery and indemnity. Representation of insurance companies, surety companies, contractors and banks with respect to federal Indian law and tribal law issues throughout Indian Country. www.Claims-Desk.com.
- **The Hanover Insurance Group, Inc., Worcester, MA** 2005 to 2009
Senior Bond Claims Representative
Provided expertise to staff regarding collateral, indemnity, agency, legal and other issues. Investigated, researched, analyzed and negotiated contract and commercial claims, plus fidelity claims. Researched, developed, and drafted selected portions of bonds and contracts to assist the underwriting function. Provided expertise in documenting undertakings with Indian tribes and tribal-owned corporations. Trained and mentored junior claims professionals and underwriting interns. Coordinated cooperative efforts with CGL carriers on joint defense, indemnity and recovery.
- **The Guarantee Company of North America, USA** 2003 to 2005
Southfield, MI
Bond Claims Manager
Managed the handling of contract and commercial claims and the engaging of attorneys, accountants, engineers and construction consultants. Heavy emphasis on performance and payment bond claims. Coordinated cooperative efforts with CGL carriers on joint defense, indemnity and recovery.

- **Claims Management Associates, Inc., Houston, TX** 1996 - 2003
Claims Consultant
Formed company that conducted desk-relief, investigations, mediation attendance and other claims functions for fidelity insurers and contract and commercial sureties with limited or transitional staffing. Retained, trained, managed and mentored a large staff, including attorneys; paralegals; adjusters; consultants; administrators and construction experts. Clients included Highlands; Universal Surety of America; Western Surety Company; CNA; Frontier Insurance; Capitol Indemnity; Ranger Insurance; Chatham/Mapfre; Aacon, Inc.; Mid-State Surety Corp.; and others. Predominantly subdivision, performance, payment and supply bond claims.

- **Highlands Insurance Company, Houston, TX**
1991-1996 Promoted to Assistant Vice President of Claims
1989-1990 Promoted to Assistant Secretary & Bond Claims Superintendent.
1988-1989 Bond Claims Superintendent

Directly handled world-wide program of contract (performance, payment and supply bond) and commercial surety claims. Supervised handling of fidelity claims by property adjusters countrywide. Supervised handling of probate bond claims. Cross-trained to handle and supervise property claims nationwide while running off surety claims. Conducted legal research for, and consulted with, claims staff from auto; liability; inland marine; workers' comp.; and aviation. Assisted with the panel attorney list and litigation plan. Managed a full-scale law library of treatises and case reporters. Formed and headed Special Investigations Unit/Fraud Division. Coordinated cooperative efforts with CGL carriers on joint defense, indemnity and recovery

Supervised and audited SIU function of Workers' Comp. field adjusters in branches located nationwide plus the UK. Directed the preparation of trial evidence notebooks for use by District Attorneys. Provided guidance to all levels and lines of the company in combating fraud and in subrogation efforts. Obtained restitutionary recoveries and instrumental in significant avoidance of proven fraudulent claims.

- **Great American Insurance Company**
1987-1988 Promoted to Bond Claims Manager for the Mid-West, Home Office, Cincinnati, OH.
1986-1987 Promoted to Bond Claims Manager for the West, Branch Office, Orange, CA.
1984-1986 Construction Defect Specialist and Bond Claims Trainee, Branch Office, Orange, CA.

FORMAL EDUCATION:

- ❖ **University of Connecticut, School of Law**
Master of Laws (LL.M, Insurance Law), 2009.

- ❖ **Western State College of Law**
Juris Doctorate (J.D.), 1984
(1) Law Review Editor; (2) Student Bar Association Treasurer; (3) Honors Moot Court Awards; (4) Trial Practice Course; (5) Delta Theta Phi Professional International Law Fraternity, Vice-Dean; (6) American Jurisprudence Award in Criminal Procedure; (7) Summer Term Abroad, Magdalen College of Oxford University, Oxford, England 1983; (8) Who's Who Among Students in American Universities and Colleges; and (9) Outstanding Young Men of America.

- ❖ **Union College and University**
Bachelor of Arts, *Cum Laude*, Political Science, 1980.
Departmental Honors in Political Science; Legislative Observers Internship (Legislative Aid, Senator Halpern, Insurance Committee, New York State Legislature). *Political Party Structure of Schenectady County, New York*, senior thesis, archived at Schaffer Library, Union College.

HONORS & AWARDS NOT REFERENCED ABOVE:

Eagle Scout, Boy Scouts of America (1971); AmJur High Grade Award, Criminal Procedure; CALI High Grade Award, Fidelity and Suretyship Law

TEACHING EXPERIENCE:

Guest Lecturer - Construction Law, Roger Williams University.
Guest Lecturer – Right to Counsel, Lewis & Clark School of Law
Paralegal Instructor, Santa Ana College, CA.

SPECIALTY COURSES:

Fidelity and Suretyship Law	University of Connecticut School of Law (as part of LL.M).
American Indian Law	University of Connecticut School of Law (as part of LL.M).

TREATISES, PUBLISHED ARTICLES, PAPERS, PRESENTATIONS & PANELS:

• **Treatises:**

Roger P. Sauer, Kevin J. Russell & Gregory S. Arnold, *Performance Bonds*, in 2 CONSTRUCTION LAW HANDBOOK 1303, (Richard K. Allen, Stanley A. Martin & Leah A. Rochwarg eds., 2d ed. 2009 & Supps. 2013 and 2015).

▪ **Published Law Journal Articles:**

Gregory S. Arnold, *The Doubtful Impact of an Optional Federal Charter on the Reinsurance Collateral Debate*, 43 TORT TRIAL & INS. PRAC. L.J., 79 (2008), American Bar Association.

Recent Developments in the Financial Products and Services Industry, 43 THE INTERNATIONAL LAWYER (2009), American Bar Association.

▪ **Monograph Contribution:**

CGL/BUILDER'S RISK MONOGRAPH, 2004, American Bar Association, Horowitz, Lerner, O'Connor & Olson eds.

• **Published Magazine Articles:**

Gregory S. Arnold, *Employment Law in Indian Country: Finding the Private-Action Jurisdictional Hook is Not Easy*, THE FEDERAL LAWYER, April 2015 Indian Law Issue.

Gregory S. Arnold, *Judicial Profile: Chief Judge William D. Johnson, Umatilla Tribal Court, Confederated Tribes of the Umatilla Indian Reservation, Pendleton, Oregon*, THE FEDERAL LAWYER, April 2015 Indian Law Issue.

Gregory S. Arnold, *Tribal Law and Order Act and Violence Against Women Act: Enhanced Recognition of Inherent Tribal Sovereignty Creates Greater Need for Criminal Defense Counsel in Indian Country*, THE FEDERAL LAWYER, Jan./Feb. 2014.

- ***Presented, Unpublished Papers:***

Gregory S. Arnold, *Surety's Good Faith Investigation*, Construction Management Associates Group, Inc., National Claims Conference, Chicago, IL, April 25, 1989.

Gregory S. Arnold, *Treatment of Pay-When-Paid Clauses Under Federal Law on Bonded Projects in Virginia*, The Surety Association of South Texas, San Antonio, Texas, May 17, 2000.

- ***Sole Presentations at Conferences:***

The Art of Effective Communication Among Company People, Outside Consultants and Outside Attorneys, Surety Claims Association of Los Angeles, CA, Oct. 27, 2011. PowerPoint, no paper.

- ***Panel Presentations at Conferences:***

The Bare Essentials: The ABC's of Payment Bond Claims Handling, Western States Surety Conference, Seattle, WA, April 20, 2012. Paper by Loren Podwill, Esq. Panelists Gregory S. Arnold, Jennifer Haimes, Paul Harmon & Jordan Rosenfeld. Moderated by L. Podwill.

The Art of Effective Communication Between Company People and Consultants, National Bond Claims Association, Annual Conference, Pinehurst, NC, Oct. 13, 2011.

The Good, Bad and Ugly: Lawyers, Consultants and Company People Traveling Down the Same Road, National Bond Claims Association, Annual Conference, Pinehurst, NC, Sept., 1994.

Issues and Practical Considerations for the Surety in Using Subcontractor Ratification Agreements, Seventeenth Annual Northeast Surety and Fidelity Claims Conference, Atlantic City, NJ, Sept. 21 and 22, 2006. Paper by Gregory S. Arnold & Christopher Morkan. Moderated by Matthew Horowitz.

- ***Organized and Moderated Seminars:***

Fidelity Law and Claims Handling Seminar, University of Connecticut School of Law, Insurance Law Center, Hartford, CT., February 28, 2007.

MEMBERSHIPS & INVOLVEMENT:

American Bar Association

Tort Trial & Insurance Practice Section, Fidelity & Surety Law Committee
Forum on the Construction Industry

Federal Bar Association

Member, Editorial Board of *The Federal Lawyer Magazine*, 2012-2015. Co-Chair April 2015 Indian Law Issue

Northwest Indian Bar Association

Licensed to practice law by several tribal courts in the Pacific Northwest.

P & C Adjuster's License – State of Texas

Real Estate Broker's License – Commonwealth of Massachusetts

MILITARY SERVICE:

United States Marine Corps, Legal Services Battalion.
Good Conduct Honorable Discharge.
Cold War Service Medal.