

Commercial Arbitration

When your commercial disputes are subject to arbitration, it is critical to have experienced counsel at your side. With deep understanding of the arbitration process, familiarity with the arbitrators and experience arbitrating dozens of matters through to final award, White and Williams lawyers can guide you through what may be unfamiliar territory. Those of us who have arbitrated disputes understand the differences between arbitration and litigation and know how to approach this dispute resolution process to achieve the best results for our clients.

Our lawyers have arbitrated international and domestic commercial disputes as well as insurance and reinsurance matters, including those subject to the Bermuda form. Once the arbitration is complete, we follow through to the extent motions to confirm or vacate are necessary under the Federal Arbitration Act or state equivalents.

In addition to arbitrating commercial disputes, we assist clients with drafting arbitration clauses for their contracts. Our extensive arbitration experience has given us insight into issues that may arise in the process—issues that can be minimized or avoided by including certain provisions in the arbitration clause itself.

Representative Matters

Insurance/Reinsurance

- Represented the issuer of a buyer-side M&A representation and warranty insurance policy in a complex, multi million dollar arbitration stemming from a private equity firm's acquisition of a healthcare company that allegedly misrepresented its warranted financial statements
- Represented insurance company in an arbitration under the Bermuda Arbitration Act involving a dispute over D&O coverage for a utility company's settlement of securities and derivative litigation against a bankrupt entity
- Represented insurance company in an arbitration under the Bermuda Arbitration Act involving a dispute over CGL coverage for a medical device company's settlements of lawsuits relating to the failure of the device

Practice Contacts

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Related Practices

Catastrophic/Excess Liability
China Business
Commercial Litigation
Construction and Surety
Corporate and Securities
Financial Lines
Financial Restructuring and Bankruptcy
Insurance Coverage and Bad Faith
Intellectual Property
International
Labor and Employment
Life, Health, Disability and ERISA
Reinsurance

Practice Highlights

- White and Williams has a “great working knowledge of arbitration,” Chambers USA 2017
- International and domestic capabilities

- Represented insurance company in an arbitration under the London Arbitration Act involving a dispute over CGL coverage for a major environmental catastrophe
- Represented insurance company in an arbitration under the London Arbitration Act involving a dispute over D&O coverage for a telecommunications company's settlement of a complex securities class action
- Represented a private mortgage insurer in a complex multiparty arbitration involving the issuance and the insurance of mortgage-backed securities that lost most of their value following the 2008 financial crisis
- Represented multiple ceding companies in dozens of reinsurance disputes concerning the accumulation of long tail claims pursuant to "causative agency" and similar language
- Represented a ceding company in several cases to collect reinsurance for asbestos liabilities under a clash treaty
- Represented a reinsurer, and obtained summary judgment, in a matter in which the ceding company attempted to cede extra-contractual obligations under an excess of policy limits provision
- Arbitrated several disputes involving finite risk contracts
- Arbitrated several disputes in which one of the parties was seeking rescission of the reinsurance contract
- Represented ceding companies and reinsurers against insurance companies in liquidation and confronted issues involving offsets and cut throughs

Commercial Matters

- Following receipt of a foreign arbitration award entered by the China International Economic Trade Arbitration Commission in favor of a firm client, successfully confirmed the award in the U.S. District Court for the Eastern District of New York on behalf of that client, a Chinese manufacturer
- Represented a CEO in claims against a former employer for breach of executive compensation agreement
- Represented a property owner in claims arising out of breach of a construction agreement
- Represented a physician practice group in defending claims by a withdrawing shareholder
- Represented a leading satellite service provider in AAA/ICDR international arbitration against a leading satellite manufacturer arising from defects in a satellite intended to service the Asian market
- Represented a leading satellite services provider in an ad hoc international arbitration against one of the world's leading diversified media companies over a planned direct-to-home television service in the India market
- Represented a leading European manufacturer of high end jewelry in AAA/ICDR arbitration over a dispute with a service provider
- Represented a US manufacturer in ICC arbitration arising from a dispute with its local representative over procuring a contract to supply products in the Republic of Ghana
- Advised Latin American financial institutions on arbitral claims against the Venezuelan government arising from the expropriation of assets
- Advised a Latin American entrepreneur in claims lodged in the Inter-American Commission on Human Rights over misappropriation of assets
- Advised a US manufacturer on possible claims under the Australian-United States Free Trade Agreement

- Represented a US-based manufacturer of sophisticated power plant components in an arbitration administered by the International Chamber of Commerce seated in Brussels, Belgium regarding the construction of a power plant in Greece
- Represented a US manufacturer and distributor of heating and cooling equipment in an arbitration in Hong Kong under UNCITRAL arbitration rules administered by the Hong Kong International Arbitration Centre (HKIAC) against a Korean manufacturer of component part
- Represented Chapter 7 bankruptcy trustee in a commercial arbitration against debtor's auditors for losses resulting from professional negligence and other malfeasance
- Represented healthcare industry corporation in dispute with minority shareholder who was withdrawing from corporation and challenging valuation of her stock
- Represented former chief executive officer in dispute with material handling corporation over breaches of his employment agreement
- Represented property owners in large dispute with contractors over failure to perform construction services in competent manner

Recognitions and Awards

Since 2015, White and Williams has been recognized by Chambers USA as a leading firm in Pennsylvania for its achievements and client service in the area of insurance law. The firm is described as having a "renowned practice offering expert representation to insurers and reinsurers across an impressive range of areas." Clients reported that the firm has "great working knowledge of arbitration."

News

Thomas Butler and Nicole Sullivan Join White and Williams in New York
February 27, 2017

Coverage College Celebrates Its 10th Anniversary
September 22, 2016

Erica Kerstein Joins White and Williams New York Office
July 13, 2015

Coverage College® 2014 Brings Over 600 Students Together for Eighth Annual Insurance Industry Event
October 3, 2014

Sean Mahoney Joins White and Williams Coverage Practice
May 5, 2014

Reinsurance Group Secures Confirmation of an Arbitration Award Including Grant of Attorneys' Fees and Expenses In Favor of Ceding Insurer
October 9, 2012

Coverage College 2011® Brings Over 500 Students Together for Fifth Annual Insurance Industry Event
October 6, 2011

Publications

Strike and Rank – An Alternative to the Strike and Flip Umpire Selection Process
Reinsurance Alert | March 4, 2021

Mind On His Money and His Money On His Mind: New York District Court Judge Affirms Arbitral Award Arising Out of Dispute Over Royalties Owed to Rapper Snoop Dogg
Reinsurance Alert | February 12, 2021

Parties to Private Commercial Arbitrations Held Overseas May Not Be Able to Utilize US Courts to Obtain Discovery
Commercial Litigation Alert | July 9, 2020

Recent Cases Shed Light on Enforcement of Foreign Arbitration Awards
The Legal Intelligencer | January 10, 2019

Supreme Court Rejects “Wholly Groundless” Exception to Question of Arbitrability
Reinsurance Alert | January 9, 2019

Kaepernick Case Raises Arbitrator Subpoena Power Questions
Sports Law360 | June 20, 2018

Stormy Daniels Case Raises Interesting Issues Concerning Arbitration Law
The Legal Intelligencer | May 3, 2018

US Senate Joins House in Striking Down CFPB Arbitration Rule
General Commercial Litigation Alert | October 25, 2017

Bureau of Consumer Financial Protection Issues New Arbitration Rule; U.S. House of Representatives Rejects It
General Commercial Litigation Alert | August 28, 2017

Superior Court Provides Road Map for Enforceability of Arbitration Provisions in Assisted Living Residency Agreements
Healthcare Alert | April 25, 2017

SDNY Vacates Arbitration Award for Party-Arbitrator’s Nondisclosures
Reinsurance Alert | April 6, 2017

Proposed Arbitration Limitations and the FAA: Are We Headed for a Showdown?
The Legal Intelligencer | January 17, 2017

Federal Court Enjoins CMS Ban on Pre-Dispute Arbitration Agreements in Long-Term Care Facilities
Healthcare Alert | November 7, 2016

Third Circuit Compels Arbitration of Fraud in the Inducement Claim
Reinsurance Alert | November 4, 2016

CMS Bans Pre-Dispute Arbitration Agreements for Long-Term Care Facilities
Healthcare Alert | September 30, 2016

Recent Court Challenges Could Signal a Change for Special Arbitration
The Subrogation Strategist | July 15, 2016

Arbitration Provision Against Public Policy
The Subrogation Strategist | August 21, 2015

Judicial Review of Arbitration Decisions
ARIAS Quarterly | July 1, 2015

Prehearing Motions: Toward More Efficient Arbitrations
The Legal Intelligencer | January 20, 2015

The New (Semi) Confidential Arbitration Award
AIRROC Matters | Summer 2013

Massachusetts Supreme Judicial Court Revisits Class Action Waiver Provisions in Arbitration Clauses
Commercial Litigation Alert | June 17, 2013

Recent Case Law Under The Federal Arbitration Act
Reinsurance Alert | March 9, 2012

Second Circuit Reverses District Court Holding on Evident Partiality, Confirms Arbitration Award
Reinsurance Alert | February 8, 2012

Events

Arbitration for Arbitrators: Cradle to the Grave
ARIAS Fall Conference (New York, NY) | November 1, 2017

Cases & Deals

White and Williams Team Prevails in Enforcement of Foreign Arbitration Award
June 4, 2019

Reinsurance Team Successfully Argues in the New York Supreme Court, Appellate Division - First Department
May 28, 2015

White and Williams Obtains Significant Arbitration Award on Behalf of Insurer
April 2015

Reinsurance Group Confirms Arbitration Award, Successfully Strikes Cross-Petition
September 27, 2011

Reinsurance Group Secures Federal Court Confirmation of Arbitration Award Over Opposition from London Market Reinsurers
July 28, 2011