

## Mitchell A. Orpett

Director

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TRIBLER  
ORPETT  
& MEYER P.C.



### **EDUCATION**

J.D. University of Illinois College of Law (1978)  
M.A. University of Illinois (1975)  
Certificate Exeter College, Oxford University (1974)  
B.A. University of Illinois (1974)

### **AREAS OF PRACTICE**

Reinsurance Arbitration and Litigation  
Insurance Coverage  
Product Liability  
Professional Liability  
Non-Profit Entity Defense  
Alternative Dispute Resolution  
Appeals  
Employment Law

### **REPRESENTATIVE CASES**

*In re TIG Specialty Insurance Company*, No. 10-70530 (9th Cir.) [reinsurance / privilege / arbitration law].  
*Certain Underwriters at Lloyd's v. Argonaut Ins. Co.*, 264 F.Supp.2d 926 (N.D.Cal. 2003) [reinsurance / arbitration law].  
*Robertson v. Travelers Ins. Co.*, 95 Ill.2d 441 (1983) [insurer bad faith / outrage].  
*Aetna Casualty & Surety Co. v. Chicago Ins. Co.*, 994 F.2d 1254 (7th Cir. 1993) [insurance coverage].  
*CSX Transportation, Inc. v. Lexington Ins. Co.*, 187 F.R.D. 555 (N.D.Ill. 1999) [insurance coverage / sue and labor].  
*Kane v. R.D. Werner Co.*, 275 Ill.App.3d 1035 (1st Dist. 1995) [product liability].  
*Zannini v. Reliance Insurance Co.*, 147 Ill.2d 437 (1992) [professional liability].  
*State of Ohio v. Peterson, Lowry, Rall, Barber & Ross*, 454 U.S. 895 (1981), 651 F.2d 687 (10th Cir. 1980) [securities fraud/legal malpractice].

### **ARTICLES**

"Dare to Care: 'Creeping Humanism' as the Paradigm for the Successful Defense Firm of the 21st Century," in *The Brief*, American Bar Association's Tort Trial and Insurance Practice Section  
"Reinsurance," chapter in *Law & Practice of Insurance Coverage Litigation*, Thompson-West  
"Loss of Privilege: The New Discoverability of Reinsurance Information," in *FDCC Quarterly*  
"Reinsurance of Property Risks: The Notion of 'Occurrence' in an Improbable World," Property Loss Research Bureau  
"Invitation to a Dance? The Service of Suit Clause and its Role in Reinsurance Disputes," in *Lloyd's and Equitas 2001: Essential Intelligence for U.S. Coverage Lawyers*, American Bar Association  
"The Marriage of Insurers and Defense Counsel: Renewal of Vows or Trial Separation?" in *Insurance Law: Understanding the ABCs*, Practising Law Institute  
"Allocation and Excess Insurance" in *Understanding Allocation*, Defense Research Institute  
"I'll Huff and I'll Puff and I'll Blow Your House Down or I Hear You Knocking But You Can't Come In: An Ugly American's View of the Access to Records Clause in Reinsurance Agreements," in *Reinsurance Recoveries*, Q-Dos

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"Split Babies and Empty Pockets: Developing a Philosophy for the Effective Resolution of Reinsurance Disputes," Chicago Reinsurance Conference Handbook

"Insurance Agents and Brokers," in *Suing and Defending Professionals in Illinois and Professional Liability*, Illinois Institute for Continuing Legal Education

"Discovery and Motion Practice in Declaratory Judgment Cases" in *Everything You Should Know About Declaratory Judgment Suits in Illinois*, Illinois Institute for Continuing Legal Education

"The Litigation Cost Crisis: Is There a Professional in the House?" in *The Brief*, American Bar Association's Tort Trial and Insurance Practice Section

"Defending Age Discrimination Cases," Federation of Insurance and Corporate Counsel

"Alternatives to Alternative Billing," American Bar Association

"Punitive Damages," Defense Research Institute

"Spending Less and Enjoying it More: The Role of Attorney and Client in Solving the Litigation Cost Crisis," ABA/TIPS Insurance Coverage Litigation Committee

"The Americanization of Insurance Law: Legal and Practical Issues in International Coverage Disputes," DRI and the Federation of Insurance and Corporate Counsel

"Delegating the Pen while Keeping the Ink: The Managing General Agents Act and Its Impact on Insurers and MGA's," *Reinsurance* magazine

"Controlling the Defense: The Insurer's Hollow Crown," ABA/TIPS

"Expert Testimony in Malpractice Cases," *Chicago Daily Law Bulletin*

"Beat the Clock: The New Products Liability Statute of Limitation in Illinois," *Illinois Bar Journal*

### **SPEECHES – TOPICS**

Effective Litigation Cost Management

Ethical Billing

Alternative Billing

Insurance Law and Coverage

The New Claims Made Form of Insurance

Insurer Liability for Claims Practices

Effective Handling of the Bad Faith Claim

Allocation

Lloyd's & Equitas: Essential Intelligence for U.S. Coverage Attorneys

A Manager's Guide to Analyzing the Exposure

Reinsurance Implications of Environmental Coverage Cases

Discovery and Motion Practice in Declaratory Judgment Actions

Liability of Insurance Agents and Brokers

Reflections of an Alien Insurer

Defending Age Discrimination Cases

Sexual Issues in the Workplace

Mediating Employment Cases

Use and Abuse of Objections at Trial

Use of Medical Records in Tort Litigation

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### E-Discovery and Jurisdiction

U.S. Procedures Affecting Foreign Defendants

Legal and Insurance Issues in U.S. Litigation

Demonstration of U.S. Product Liability and Insurance Coverage Trials

Managing Trials: All's Well that Ends Well or Apocalypse Now?

Negotiating and Settling Claims

Protecting the Foreign Manufacturer from U.S. Claims

Effective Use of Alternative Dispute Resolution

Obligations of the Parties to Insurance and Reinsurance Contracts

Representing the Reinsurer in Arbitration

Drafting an Effective Arbitration Clause

Improving Insurer - Defense Counsel Interaction

The Defense Attorney's Role in Insurer-Insured Conflicts

Practical Approaches to International Insurance Disputes in the U.S. and Abroad

Damages and International Tort Litigation

Insurer Conflicts of Interest

TIPS Industry Project

### **SPEECHES - AUDIENCES**

International Audiences of Lawyers, Insurance Company Executives, Barristers and Solicitors

Defense Research Institute

International Association of Defense Counsel

Illinois Institute for Continuing Legal Education

American Bar Association

International Bar Association

Federation of Insurance and Corporate Counsel

Illinois Association of Defense Trial Counsel

Illinois State Bar Association

Chicago Bar Association

Environmental Claims Managers Association

British-American Chamber of Commerce

British Academy of Experts

American Conference Institute

Association of the Bar of the City of New York

Practicing Law Institute

American Insurance Association

Excess/Surplus Lines Claims Association

Mealey's Conferences

National Business Institute

Various insurance companies

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Illinois Association of CPAs  
Louisiana Association of Defense Counsel  
Michigan Association of Defense Trial Attorneys  
Deutsch-Americanische Juristen Vereinigung (German-American Law Association)  
Rush-Presbyterian St. Luke's Medical Center  
Western Loss Association  
Chicago Conference on International Reinsurance Issues  
University of Wisconsin School of Business  
Illinois Municipal League Risk Management Association

### **PROFESSIONAL ASSOCIATIONS**

American Bar Association  
*Board of Governors (2008-2011); Audit Committee (2008-2011); House of Delegates (2005-2011); Chair, Tort and Insurance Practice Section (2000-2001); Council (1995-1998, 2005-2008); Financial Officer (1992-1995); Chair, National Institutes Committee (1989-1991); Chair, International Tort and Insurance Law and Practice Committee (1986-1987); Chair, ABA Section Officers Conference (2003-2005); Chair, Standing Committee on Continuing Education of the Bar (1998-2001); Vice Chair, Presidential Task Force on Billable Hours (2001-2003); Member, Standing Committee on Lawyers Professional Liability (2001-2004)*

Federation of Defense and Corporate Counsel

International Bar Association

Illinois Association of Defense Trial Counsel

Illinois State Bar Association  
*Chair, Task Force on Alternative Billing and Litigation Costs*

AIDA Reinsurance & Insurance Arbitration Society (ARIAS-US)

Decalogue Society of Lawyers  
*President (1987-1988); Board of Managers and Executive Officer (1979-1988)*

### **HONORS**

American Bar Association  
Andrew C. Hecker Memorial Award (2004); Spirit of Racial Justice Award (2002); TIPS Staff Counsel Committee's First "Excellence" Award

Euromoney, PLC  
"Guide to the World's Leading Insurance and Reinsurance Lawyers"

Decalogue Society of Lawyers  
Intra-Society Award of Merit (1983)

Leading Lawyers Network (Law Bulletin Publishing Company)  
Recognized as one of top 5% lawyers in Illinois

Super Lawyers (Illinois)