

HENRY T. FRENCH, JR, JD, CIPP/US

Clark Hill

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EXPERIENCE

CLARK HILL LAW, SENIOR COUNSEL 12/2022-PRESENT

Attorney in Insurance practice group, counsel clients on general and professional liability risks and claims, design effective corporate compliance programs

BIFROST LLC, OWNER 1/2020-PRESENT

Provided expert witness, arbitration, and advisory services in the areas of insurance, reinsurance, claims handling, and compliance. Notable projects: acted as Head of Legal and Claims for start-up legacy (run-off) reinsurance company; created a compliance program for a risk retention group company; testified as an industry expert in domestic lawsuits and private foreign arbitration

AXA XL, Division of AXA SA (formerly XL Catlin, XL Capital) 7/2000-12/2019

International Insurance Group/Fortune 500 company

As a senior executive with reporting lines to the General Counsel and the Audit Committee, developed and led programs in compliance, operational risk management, and litigation; guided professionals in Legal, Compliance, Underwriting, Claims, Risk Management, and Data; managed in-house lawyers, compliance professionals, claims lawyers, and data privacy officers. Enterprise Risk Management Committee member/Head of Operational Risk. Bermuda (2000-2007); US (2007-2019)

Compliance Director and Head of Compliance Integration 2000-2019

- Created the first SEC-compliant Corporate Compliance program for XL Capital Ltd, an NYSE listed corporation, and then led the program over the next 19 years with direct reporting to the Audit Committee of the Board of Directors
- Established and led financial crime, anti-corruption, and anti-fraud programs
- Oversaw and managed high risk internal and external investigations, including self-reporting to DOJ on Foreign Corrupt Practices Act corruption matter
- After AXA acquired XL, led various integration projects including Data Privacy/Data Minimization, Committee for Foreign Investment in the U.S. (CFIUS), Financial Crime/Trade Sanctions, and Corporate Insurance transition (D&O, E&O and Cyber)

General Counsel for Global Litigation 2006-2014

- Reported to Board of Directors on major litigation, large losses, group exposures
- Oversaw all major non-claims litigation against XL group companies
- Accountable for strategic litigation analysis on \$2.1 billion settlement with former subsidiary to cut off additional exposure arising from 2008 Financial Crisis
- Responsible for strategy and consistency across XL Group companies on large loss events, including 9/11, 2008 Financial Crisis, and Deepwater Horizon
- Served on the Insurance Claims Executive Board; created protocols to manage insurance bad faith litigation; reviewed and approved claims manuals; reviewed training courses for claims team on Fair Claims Settlement Practices and Claims Fraud; guided claims managers in litigating bad faith and high value cases

General Counsel for XL Winterthur International Business Unit, Head of International Legal Team, Head of Bermuda Legal Team 2000-2006

- Managed the international legal and regulatory compliance team
- Facilitated U.S. regulatory approvals for purchase of Winterthur International, helped integrate the business and implement the Sale and Purchase contract
- Oversaw large claims case reserve review with internal claims team and outside experts
- Managed litigation arising from the Winterthur acquisition, including a lawsuit in English court and a \$900 million private “baseball style” arbitration related to claims reserves
- Negotiated and documented several financial transactions involving loss portfolio transfers and adverse development reinsurance coverages
- Supported Bermuda-based underwriters (excess liability, professional liability, and property), including review of exposures and drafting endorsements

Corporate Insurance Procurement 2003-2018

- Corporate insurance team co-leader: purchased Directors & Officers, Errors & Omission, Cyber liability insurance, accountable for strategy, negotiating terms, claims management, and Board reporting

ZURICH GLOBAL ENERGY Ltd – General Counsel, Head of Claims, Bermuda 10/1997-7/2000

Chief Legal and Claims Officer for innovative global business unit of the Zurich insurance group providing insurance solutions to energy industry companies

- Member of Executive Team, collaborated on strategy, reinsurance structure, training, and interaction with broader Zurich Insurance Group
- Advised underwriters on policy issues, drafted endorsements and policy wording
- Accountable for excess liability, property, and marine claims, and direct reporting relationship to Zurich Global Chief Claims Officer
- Managed all litigation involving the business unit
- Supervised claims staff in London, Zurich, New York, and Oslo

MARSH GLOBAL BROKING LTD – Coverage and Claims Advisor, Bermuda 2/1995-10/1997

- Explained and sold to large corporate customers Bermuda market Insurance products (Excess Liability, D&O, E&O, EPL, Property) and advocated claims for customers
- On behalf of Marsh customers, negotiated with XL the “Bermuda” Excess Liability form
- Advised Marsh customers with specific endorsements and notice issues
- Also served brokers and customers of Marsh Global Broking Dublin, Ireland, office

GLEASON, MCGUIRE & SHREFFLER, Chicago, Illinois 1993-1994

- Represented primary and excess insurers in U.S. insurance coverage lawsuits
- Served as insurance company national coordinating counsel for environmental coverage lawsuits throughout the U.S.

MCCULLOUGH, CAMPBELL & LANE, Chicago, Illinois 1987-1993

- Litigation lawyer represented hospitals, physicians, and product manufacturers
- Handled product liability, professional liability, and medical malpractice claims on behalf of excess insurers, including review, evaluation, and reserving of cases; hands-on management of higher valued claims; participation in mediations; development of case strategy; understanding pertinent local laws impacting coverage and liability; and attendance at trials

PETERSON & ROSS, Chicago, Illinois 1986-1987

- Represented professional lines insurers evaluating accountants’ liability claims/lawsuits

EXPERT WITNESS EXPERIENCE AND LIVE TESTIMONY

BSM V Landmark, U.S.D.C. Kansas, ongoing

- Retained by policyholder in a first party property coverage and bad faith lawsuit to provide expert evidence on industry standards for good faith claims handling and investigation
- Provided a written report, rebuttal report, and live deposition

VT v. Underwriters, Delaware Superior Court, ongoing

- Retained by Insurers in a technology errors and omissions coverage and bad faith lawsuit to provide expert evidence on industry standards for good faith claims handling and investigation
- Provided a written report and live deposition

Confidential Private Arbitration Proceeding, London, January 2022

- Retained by Bermuda-based excess liability insurer of global petroleum conglomerate in arbitrated dispute with respect to the existence of coverage for the \$90 million settlement of personal injury class action to provide expert evidence on the role and effect of underlying insurance and self-insured retentions, the standards for reporting loss information in an application for insurance, and custom and practice in the Bermuda insurance market
- Provided a written expert report and live testimony during 7-day arbitration hearing

Expert Witness Training Course, Bond Solon, London, January 2022

- Completed “Witness Familiarisation—Arbitration (Expert Witness)” taught by top English Barristers
- Topics included: the expert’s role, use of supporting material, duty to the tribunal, and responding to cross-examination questions

Gail and Stanley Hollander v XL Re, Ltd, XL Specialty Insurance Company, XL Select Insurance Company, XL Reinsurance America, Inc., XL Insurance America, Inc., Greenwich Insurance Company, Indian Harbor Insurance Company, XL Insurance Company of New York, Inc., XL America Group, Jury Trial, California State Court, Los Angeles, May 2019

- Testified as a fact witness and corporate representative in 4-week trial of a first party property/specie insurance bad faith case with pretrial demand of \$95 million
- Also used by trial counsel as a non-retained expert on custom and practice in claims handling
- Despite pretrial demand, jury found only a technical breach of contract
- Judge awarded over \$600,000 in costs by application of cost-shifting statute
- Attorneys for Plaintiffs: Richard Friedman, Kenneth Friedman & A. Tod Hindin
- Attorneys for Defendants: Gregory MacGregor, Stephen O’Donnell & Elissa Isaacs

XL v ACE, English Arbitration, London, June 2009

- Testified as a fact witness in reinsurance dispute related to residual value guarantee insurance
- Cross-examination extended over two days

MEMBERSHIPS, CERTIFICATIONS, & ACHIEVEMENTS

- Bar Memberships: Illinois, Wisconsin (Inactive)
- Certified Information Privacy Professional (CIPP/US), IAPP
- ESG: Navigating the Board's Role, Berkeley School of Law, Graduate, September 2021
- Connecticut Insurance Dept Advisory Council on Technology, 2019-2021, invited by the CT Insurance Commissioner to assist the Department on improving its use of technology
- Global Insurance Chief Compliance Officers CCO Forum 2016-2018
- ARIAS US (Insurance and Reinsurance Arbitration Society) Certified Arbitrator
- PLUS (Professional Liability Underwriting Society) Member
- APCIA (American Property Casualty Insurance Association) Data and Trade Sanctions Working Groups 2007-2019
- Insurance Operational Risk Forum, Member, 2009-2018
- Chartered Institute of Arbitrators (CIArb) Bermuda Branch, Member, 1996-2007
- US Chamber of Commerce, Center for Capital Market Competitiveness, Member 2006-2008
- Graduate: Directors' Consortium, Wharton School of Business, 2003
- "Lion Award," Recipient Zurich Insurance Global Claims Conference 1998
- Arbitrator: Cook County IL Mandatory Arbitration Program, 1990-1994

VOLUNTEER & LEADERSHIP ACTIVITIES

- Volunteer Mediator Iowa Human Rights Commission
- My Sisters' Place, New York, Pro Bono Legal Work
- Jefferson Crossing Association, President
- Norman B. Barr Camp, Endowment Committee
- XL Hartford Office, Head Executive 2012 – 2016
- Board of Governors of Somersfield Academy, Bermuda 1997 – 2002

EDUCATION

Juris Doctor (JD) 1983-86

UNIVERSITY OF WISCONSIN LAW SCHOOL, Madison, Wisconsin

Bachelor of Arts (BA) 1979-1982

Triple major: Political Science, History, & Speech Communications

UNIVERSITY OF ILLINOIS, Urbana, Illinois

SPEECHES / PRESENTATIONS/TRAINING

- April 27, 2022, AI & NLP: The Regulatory Perspective, panel presentation with Commissioner of Insurance of Wisconsin and Deputy Commissioner of Insurance of Connecticut, InsurTech Hartford 2022 Symposium
- March 11, 2021, The Regulatory Perspective on InsurTech, InsurTech Spring Conference
- November 5, 2019, Balancing Regulation & Innovation, panel presentation with Commissioner of Insurance of Connecticut, InsurTech Hartford Symposium
- January 2019, CEU Institute: Privacy and Security Issues in Insurance, Training for AXA XL U.S. Claim Staff (my course was approved by CEU for accreditation credits)

- June 20, 2017, Conducting Effective Internal Investigations, Views from the Inside and Outside, Seventh Annual Forum on AML & OFAC Compliance for the Insurance Industry, American Conference Institute, New York, NY
- January 21, 2015, Industry Perspective on the Evolving AML, Sanctions and FCPA Regulatory and Enforcement Paradigms Governing Insurance and Reinsurance Companies, Fifth Annual Forum on AML & OFAC Compliance for the Insurance Industry, American Conference Institute, New York, NY
- January 22, 2014, Benefiting from Convergence: Streamlining your AML, Fraud Prevention, OFAC, and FCPA Programs and Leveraging Existing Resources to Increase Efficiency and Reduce Costs, AML & OFAC Compliance for the Insurance Industry, American Conference Institute, New York, NY
- April 21, 2011, The “Bermuda” Casualty Form Presentation to Intermediaries & Reinsurance Underwriters, IRU Claims Mini-session 2011, New York
- October 6, 2008, “Surviving a Recession, A Global Perspective,” BVR Legal/Mealey’s Global Reinsurance Forum, Boston, MA.
- July 11, 2007, “Toxic Tort and Environmental Litigation – Primary and Excess Claims and Coverage Issues for Companies, their Lawyers, and Insurance Carriers,” International Association of Defense Counsel Annual Conference, Bermuda
- May 2, 2006, “Exploring the Bermuda Form,” IRU Claims Workshop, Intermediaries & Reinsurance Underwriters Association, Hamilton, Bermuda
- December 1, 2005, “Effectively Working with Your Board of Directors Post-Sarbanes-Oxley and Post-WorldCom,” Mealey’s Insurance & Reinsurance Corporate Counsel Conference, Scottsdale, Arizona
- September 27, 2004, “Reinsurance Arbitrations,” American Conference Institute, New York, NY – Panel Member “What Can be done to Improve the U.S. Arbitration System?”
- November 19, 2001, “Reinsurance Coverage Issues” Attride-Stirling & Woloniecki WTC Legal Workshop, Hamilton, Bermuda (relating to the events of September 11, 2001)
- March 30, 2001, “Pathology of a Reinsurance Transaction,” Mealey’s Insurance Insolvency & Reinsurance Roundtable, Scottsdale, Arizona
- March 10, 1999, “What Steps Should Insurers and Reinsurers Consider to Minimize their Potential Year 2000 Exposure to Losses?” Lovell White Durrant Year 2000 Workshop for Insurers and Reinsurers, Hamilton, Bermuda
- October 8, 1998, “Developments in U.S. Sexual Harassment Law,” American Petroleum Institute Risk Management and Insurance Committee meeting, San Diego, California
- March 10, 1998, “Third-party Liability--Lessons from the Bermuda Market,” Eurofor Conference, Oslo, Norway
- June 22, 1998, “Covering LLEs,” Zurich Global Energy excess liability workshop, Bermuda
- June 21, 1998, “Avoiding Coverage for Losses that have Already Occurred,” Zurich Global Energy excess liability workshop, Bermuda
- July 28, 1997, “Occurrence v. Occurrence Reported policy forms,” J&H Marsh & McLennan Northeast Sales Meeting, Morristown, New Jersey
- May 13, 1997, “Employment Practices Liability--Coverage Issues,” panel presentation, XLE/Marsh & McLennan Europe seminar, Dublin, Ireland
- May 12, 1997, “XLE 004 Form Review and the Substantive Law of England and Wales,” XLE/Marsh & McLennan Europe seminar, Dublin, Ireland
- January 22, 1997, “The Perils of Relying on CGL (Comprehensive General Liability) for EPL (Employment Practices Liability),” Employment Practices Liability Insurance Seminar, Montreal, Canada
- October 9, 1996, “Policy Review and Claims Handling,” Bermuda Market seminar for North American Risk Managers and Brokers, Montreal, Canada

- May 10, 1996, "Analysis of XLE Policy Form 002," Fourth Annual Marsh & McLennan Europe Seminar, Luttrellstown Castle, Dublin, Ireland
- March 21, 1996, "The New XL and ACE General Liability Umbrella Policy Forms," Presentation to European Risk Managers, Bowring Building, London, England
- October 9, 1995, "The Bermuda Scene," Marsh & McLennan International Claims Conference, Jacksonville, Florida
- June 1994, "The City of Edgerton decision--what it means for environmental coverage cases in Wisconsin," Allstate Environmental Claims Department, South Barrington, Illinois

Numerous internal company speeches, presentations, and trainings. Annual trainings for XL Board of Directors.