



AAA Mediation.org™

## Elaine A. Caprio, Esq.

Lynnfield, Massachusetts

### Primary Areas of Expertise

Insurance  
Procurement  
Contracts  
Insurance Liquidation  
Reinsurance  
Banking

**Current Employer-Title** Caprio Consulting and Coaching LLC - President

**Professional Summary** A property & casualty insurance lawyer and former insurance company executive and insurance officer with over 34 years of experience forging resolutions to U.S. and international business disputes through negotiation, litigation, arbitration and mediation.

**Profession** Attorney, Arbitrator, Mediator, Consultant

**Work History** President, Caprio Consulting LLC, 2014 - Present; Claims and Litigation Management Advisor, CLM Advisors, 2016 -2017; Vice President and Manager of Corporate Procurement, Liberty Mutual Insurance, 2012 - 2014; Vice President and Manager, Ceded Reinsurance, 2007 - 2012; Counsel and Senior Corporate Counsel, Liberty Mutual Insurance, 1989 - 2007.

**Experience** As Founder and President of Caprio Consulting LLC, provide insurance and reinsurance consulting as well as alternative dispute resolution services. Served or serving as party appointed, umpire or sole arbitrator for 60 matters involving contract, consumer, banking and insurance and reinsurance disputes. Act as the Chief Reinsurance Officer of R&Q Reinsurance Company in Liquidation ("R&Q Re"), assisting the Commonwealth of Pennsylvania Insurance Commissioner as Statutory Liquidator in the valuation of R&Q Re proofs of claim, and with recovering and commuting ceded reinsurance. Served as a mediator for 21 consumer matters, achieving an 80% success ratio.

As Vice President and Manager of Ceded Reinsurance for Liberty Mutual, managed department of 10+ to 25 employees and operating budget up to \$2 million, saved \$100 million on reinsurance programs, standardized and improved contract wording for property and casualty reinsurance treaties and facultative certificates, and developed an internal reinsurance system which leveraged Liberty's purchasing power. Mitigated credit risk, established risk tolerance and purchased cost effective business unit and corporate reinsurance protection, including treaties, swaps and catastrophe bonds. Set group-wide reinsurance standards for reinsurer selection, concentration, collateral, reinsurance contract administration, and broker performance.

- Instituted global reinsurance intermediary management strategies, including service standard agreements, commission sharing agreements and annual broker evaluations.
- Organized successful Enterprise Risk Management data quality and catastrophe risk management strategies.
- Managed quarterly Reinsurance Credit Committee Meetings and the continuous enhancement of reinsurance security standards.

As Vice President and Manager of Corporate Procurement for Liberty Mutual, transformed a decentralized procurement, sourcing and supplier management operation. Managed department of 30+ employees and operating budget between \$2.5 to \$3 million. Evaluated and selected technology tools for use with both suppliers and purchasers to manage data, compliance and risk while creating

efficiencies and generating savings opportunities. Restructured department to better support business units, adding finance, project management, and operational, lean and legal expertise. Achieved over 200% increase in procurement savings year over year.

As Counsel and Senior Corporate Counsel for Liberty Mutual, strategically advised Liberty departments worldwide on ceded or assumed facultative, treaty and retrocessional reinsurance matters. Provided thoughtful leadership and legal advice to clients regarding credit risk, collateral quality, reinsurance contracts and reinsurance accounting issues. Handled reinsurance arbitrations, analyzed coverage issues, drafted and negotiated reinsurance-related contracts. Advised on insolvencies and schemes of arrangement.

As Counsel for Liberty Mutual, handled and resolved high exposure environmental coverage claims, litigation and reinsurance recoveries. Managed multi-million dollar products and non-products pollution, toxic tort, silica and asbestos disputes and bad faith claims; assessed litigation risk, priced exposure, developed and implemented appropriate case strategy. Drafted discovery, pleadings, dispositive motions, settlement agreements and appellate briefs; defended employee depositions; assisted with trials and mediations; actively negotiated favorable settlements. Conducted technical review and analysis of environmental claims. Evaluated and improved operational claims practices; developed and implemented claims handling training for claims professionals. Assisted underwriting with assessment of prospects and renewals; drafted general liability policy language; and provided formal claims and underwriting training.

<b>Mediator Experience</b>	Mediate consumer cases for Mediation Works Incorporated from 2018 to the present; achieving 80% success ratio. Acted as a consumer case mediator for the Woburn and Dedham Courts from 1998 to 2007.
<b>Representative Issues Handled as a Mediator</b>	Significant experience in the following areas:  Consumer Matters General Contract Disputes Property & Casualty Insurance and Reinsurance
<b>Mediator Style &amp; Process Preferences</b>	<p>I practice both the facilitative and evaluative styles of mediation. For me, no case is one size fits all. I determine from preparing for the mediation which style, or combination of styles, will maximize the potential for a possible resolution. Notwithstanding the style used, my focus is on facilitating negotiation between the parties.</p> <p>I believe that it is important for the mediator to be friendly, calm, curious, unbiased and patient so that both parties can recognize the potential that can result from mediation. Although the service I provide is to help people focus on the future, not the past, I believe it is critical that each party has a full opportunity to express their views regarding the facts and the dispute to the mediator and to the other side.</p> <p>It is the mediator's job is to ensure that everyone has the best information available. I encourage and expedite direct communication between the sides. Sometimes that involves counsel only, and other times both counsel and their clients. I do not believe that a mediator should act like a lawyer and negotiate for a party. It is the counsel's job to represent their client, and the mediator to create an environment in which counsel can do the best, most effective job of negotiating for the client.</p>
<b>Technology Proficiency</b>	Microsoft Word, Microsoft Excel, Microsoft PowerPoint, Zoom Hearings
<b>Education</b>	Suffolk University Law School (JD, cum laude-1989); Providence College (BA, magna cum laude-1986).
<b>Professional Licenses</b>	Admitted to the Bar: Massachusetts (1989); U.S. District Court: District of Massachusetts (1990); U.S. Circuit Court of Appeals: First Circuit (1990).
<b>Professional Associations</b>	ARIAS-US; Massachusetts Chapter of the National Academy of Distinguished Neutrals; Board Member for Project Green Schools.
<b>Recent Publications &amp;</b>	SELECTED SPEAKING ENGAGEMENTS:

<b>Speaking Engagements</b>	<p>ARIAS-U.S.: 2021 Education Seminar: “Mediation;” 2021 Fall Conference: “A Conversation with Insurance Arbitrators;” 2023 Education Seminar: “How Reinsurance Arbitrations Have Changed In A Post Pandemic World;” 2023 Spring Conference: “Arbitrator Disclosures: Too Restrictive? Too Lax? Just Right?”</p> <p>Massachusetts Insurance &amp; Reinsurance Bar Association: 2019 Arbitrator Roundtable with Elaine Caprio &amp; Susan Mack; 2022 Spring Symposium Moderator: “Reinsurance Hot Topics.” December 2023 Fall Symposium Moderator: The Emerging Use of A.I. in the Insurance and Legal Industry.</p> <p>Insurance Business: Women in Insurance Boston: 2021 Panel Moderator: “Beyond Mentorship.”</p>
<b>Locations Where Parties Will Not be Charged for Travel Expenses</b>	Boston, Massachusetts
<b>Mediation Rate</b>	\$4,000 Per Day
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Lynnfield, MA

The AAA’s Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA’s Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator’s resume. If you have any questions about a mediator’s experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.